

# PLANNING COMMITTEE AGENDA

**Tuesday 2nd November 2021 at 7.15pm**

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

**THIS MEETING IS OPEN TO THE PUBLIC**

*(Please note this meeting will be broadcast via the Councils YouTube Channel,  
webcast and audio recorded) [www.braintree.gov.uk](http://www.braintree.gov.uk)*

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

**Substitutes:** Councillors T Cunningham, A Hensman, D Hume, P Thorogood,  
Mrs S Wilson, Vacancy (*Substitutes who wish to observe the  
meeting will be required to do so via the Council YouTube  
Channel*).

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

Any Member who is unable to attend a meeting is able to appoint a  
Substitute. Written notice must be given to the Governance and Members  
team, no later than one hour before the start of the meeting.

A WRIGHT  
Chief Executive

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

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

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, and then Applicant/Agent.

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

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

**Substitute Members:** Only the named Substitutes on this agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

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

**Public Attendance at Meeting:** Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

### **Health and Safety/COVID:**

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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>. The meeting will also be broadcast via the Council's YouTube Channel.

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

**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 26th October 2021 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications and to agree whether the more minor 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**

<b>5a</b>	<b>App. No. 21 01896 FUL - Land at Elizabeth Lockhart Way, BRAINTREE</b>	<b>6-35</b>
<b>5b</b>	<b>App. No. 20 01239 VAR – Polly’s Field Village, Church Lane, BRAINTREE</b>	<b>36-55</b>
<b>5c</b>	<b>App. No. 20 01919 OUT – 31 Colchester Road, COGGESHALL</b>	<b>56-84</b>
<b>5d</b>	<b>App. No. 21 00365 HH – 5 Abbots Croft, The Street, STURMER</b>	<b>85-99</b>
<b>5e</b>	<b>App. No. 21 01540 FUL – Land North of Helions Road, STEEPLE BUMPSTEAD</b>	<b>100-134</b>
<b>5f</b>	<b>App. No. 21 01882 OUT – Land rear of 21 to 33 Lyons Hall Road, BRAINTREE</b>	<b>135-155</b>

## **PART B Minor Planning Applications**

There are no applications in Part B

### **6 Urgent Business - Public Session**

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

### **7 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

**Page**

### **8 Urgent Business - Private Session**

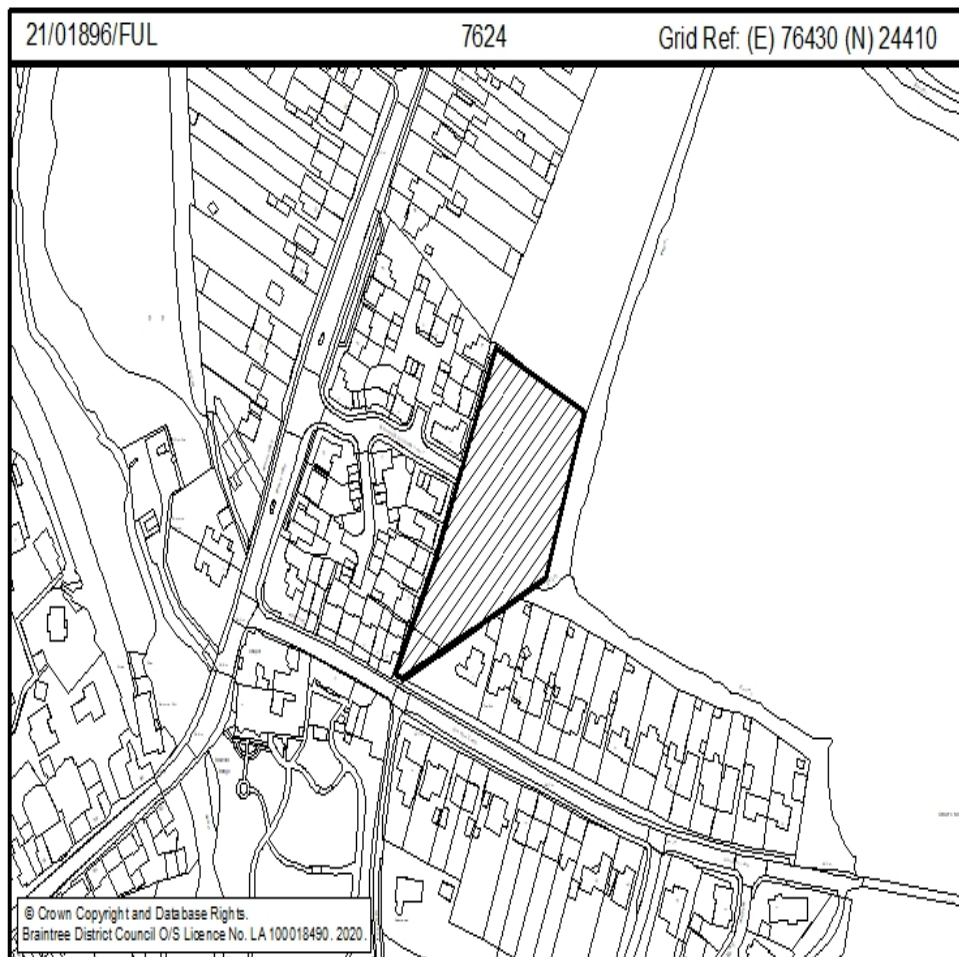
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 21/01896/FUL DATE: 10.06.21  
VALID:  
APPLICANT: Mr Sean Marten  
Stonebond Properties (Chelmsford) Ltd, C/O Strutt & Parker  
AGENT: Strutt & Parker  
Gill Cooper, Coval Hall, Chelmsford, CM1 2QF  
DESCRIPTION: Erection of 9 dwellings with access from Elizabeth Lockhart Way and associated landscaping and parking.  
LOCATION: Land At Elizabeth Lockhart Way, Braintree, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUHR8QBF LXL00>

## SITE HISTORY

04/00036/REF	Erection of new Day Nursery, play areas, car parking, construction of new vehicular access and foul and surface water drainage	Appeal Dismissed	13.01.05
03/01740/FUL	Erection of new Day Nursery, play areas, car parking, construction of new vehicular access and foul and surface water drainage	Refused then dismissed on appeal	15.06.04

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## Braintree District Local Development Framework Core Strategy 2011

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

## Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP7	Place Shaping Principles

## Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development



LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
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

#### Neighbourhood Plan

None

#### Other Material Considerations

Essex Design Guide  
Essex Parking Standards 2009

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

This application is being reported to Planning Committee in accordance with Part B of the Council's new Scheme of Delegation at the request of the Chairman and Vice-Chairman of the Committee.

This application was reported to Members at the Planning Committee meeting held on 12th October 2021. Members resolved to grant planning permission for the development, subject to conditions and informatives. At the Planning Committee, Members queried the extent of hedgerow removal that was proposed, however it has transpired post-Committee that the advice provided by Officers was incorrect and the hedgerow along the footpath was proposed for removal and replacement, contrary to the advice provided at Committee. Accordingly, the application is being reported back to Members for determination.

As a result of the above, Officers have held further discussions with the developer who has amended both the Proposed Site Plan (20/08/02 Rev C) and the Landscape Masterplan (PR219-01 Rev J) to show the retention of the existing hedgerow (with exception of two trees which are located within the hedgerow, which are still proposed for removal). This report has been updated to reflect these changes.

#### DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the east of Elizabeth Lockhart Way and to the north of Convent Lane in Braintree. It is located outside but immediately adjacent to the Town Development Boundary of Braintree.

The site is a trapezium-shaped greenfield site approximately 0.49ha in size. It is largely a maintained grassland, and is enclosed by wooden and metal

fences with shrubs and vegetation surrounding the site on 3 sides. There is a small triangular shaped concrete vehicular driveway available from the south via Convent Lane. Another vehicular entrance is made via Elizabeth Lockhart Way.

To the north of the site is another parcel of greenfield land with mature trees and vegetation, some are protected by a temporary Tree Preservation Order (TPO 8/20). There is a public footpath to the immediate east.

To the immediate west is a relatively new residential development. The residential estate in Elizabeth Lockhart Way consists of a mix of detached, semi-detached and terraced properties. To the east, beyond the footpath, are open agricultural fields. The fields form part of the Straits Mill strategic housing allocation and an outline planning application (Application Reference 18/01318/OUT) was granted planning permission with a Section 106 agreement in March 2021.

## PROPOSAL

This application seeks full planning permission for the construction of 9no. dwellings with an associated access, parking, garaging and landscaping. There would be five bungalows and four 2-storey detached dwellings. Table 1 below provides the detailed dimensions of each of the properties and the outbuildings.

Table 1: Proposed dimensions

	<b>Max. Width (m)</b>	<b>Max. Depth (m)</b>	<b>Ridge Height (m)</b>	<b>No. of Storey</b>
<b>Plot 1</b>	5.82	9.60	9.15	2
<b>Plot 2</b>	5.82	9.60	9.15	2
<b>Plot 3</b>	9.25	9.95	9.15	2
<b>Plot 4</b>	10.97	6.93	9.25	2
<b>Plot 5</b>	9.87	12.33	5.60	1
<b>Plot 6</b>	10.85	6.85	5.50	1
<b>Plot 7</b>	10.85	6.85	5.50	1
<b>Plot 8</b>	10.58	12.33	5.60	1
<b>Plot 9</b>	14.15	13.36	5.70	1
<b>Detached garage</b>	3.20	7.30	4.50	1
<b>Cycle store</b>	2.10	1.10	1.85	1

There would be two 2-bed bungalows, three 3-bed bungalows, three 3-bed detached houses and one 4-bed detached house. The proposed dwellings would have a total floorspace ranging from 71sq.m to 121sq.m. Each of the dwellings would have a private garden ranging from 98sq.m to 190sq.m. in size. The detailed floorspace breakdown and garden areas are as follows:

Table 2: Floorspace and garden areas

	Type	No. of bed	Total Floorspace (m2)	Garden Area (m2)
<b>Plot 1</b>	Detached	3	93	140
<b>Plot 2</b>	Detached	3	93	139
<b>Plot 3</b>	Detached	3	113.5	165
<b>Plot 4</b>	Detached	4	121	172
<b>Plot 5</b>	Bungalow	3	93	190
<b>Plot 6</b>	Bungalow	2	71	98
<b>Plot 7</b>	Bungalow	2	71	99
<b>Plot 8</b>	Bungalow	3	93	131
<b>Plot 9</b>	Bungalow	3	88	181

The main access would be via Elizabeth Lockhart Way. Each of the dwellings would have 2 parking bays. A total of 3 visitor parking bays would also be provided.

Materials proposed include red facing brickwork, render and clay plain roof tiles. The internal access road would be block paved in Bunt Ochre colour in 45 degrees herringbone pattern, domestic parking would be block paved in 90 degrees herringbone pattern of the same material, whilst the visitor parking would be laid with grasscrete.

## SUMMARY OF CONSULTATION RESPONSES

### BDC Ecology

No objection, subject to securing biodiversity mitigation and enhancement measures.

### BDC Environmental Health

No objection, subject to condition regarding demolition and construction hours.

### BDC Landscape Services

No objection, however requests the submission of a landscape management plan via a planning condition, along with other landscape related conditions.

### BDC Waste Services

No objection following revisions made to the Proposed Refuse Collection Plan.

#### ECC Archaeological Advice

No objection, subject to conditions on archaeological evaluation.

#### ECC Fire and Rescue

No objection, access for fire service purposes is considered acceptable, more detailed observations on access and facilities for the fire service will be considered Building Regulation consultation stage.

#### ECC Highways

No objection, suggests conditions regarding the submission of a Construction Management Plan, residential travel packs for new residents and no planting within 2m from the Public Right of Way.

#### ECC Historic Buildings Consultant

No objection subject to condition on materials.

#### ECC SuDS

No response received at the time of writing.

#### Anglian Water

No comments as the proposal is not a major proposals of 10 dwellings or more.

#### Ramblers Association

No comments received.

#### Natural England

No comments.

#### PARISH / TOWN COUNCIL

N/A

#### REPRESENTATIONS

A total of 6 public representations have been received, all objecting to the proposal. The main concerns are listed below:

- Existing traffic and parking problems, the development would worsen the situation, causing harm to all road users and unacceptable impact on the local amenity.

- Elizabeth Lockhart Way is too narrow for services and emergency vehicles.
- Access not fit for construction traffic.
- Parking restriction will force all parked cars onto nearby areas like Broad Road.
- 2 parking spaces are insufficient for large houses with multiple cars.
- The housing requirement is met by the recent approved development at Straits Mill.
- No affordable homes/contribution.
- Loss of open space/greenspace/wildlife corridor/green buffer treasured by the local residents with a detrimental effect to the landscape and a threat to wildlife.
- Not meeting minimum separation distance between plots as well as to neighbouring properties.
- Overlooking issue and imposing on the privacy of existing residents.
- Disturbance to existing local residents.
- No flood risk assessment.
- No noise and vibration assessment.
- No wildlife assessment.
- No Construction Method Statement.
- No Party Wall Agreement.
- No public consultation prior to submission.
- Not addressing public comments during application.
- Too high density.
- Destruction to the hedge along the public footpath.
- 1.1m high hedge is not sufficient to protect the privacy of footpath users.
- No clear provision for pedestrian and cyclists.
- No provision for open space and recreation.
- No evidence of securing 10% renewable energy.
- Proposed swales will cause subsidence and affect the stability of nearby properties.

## REPORT

### National Planning Policy Framework (NPPF)

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

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

proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

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

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

### The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011) and the Braintree District Shared Strategic Section 1 Local Plan (2021).

The application site is located outside of a designated town boundary and as such is located on land identified 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 Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is proposed for allocation for residential development in the Section 2 Plan. The proposed development therefore represents a

departure from the adopted Development Plan but conforms to the Section 2 Plan, in particular with Policy LPP1.

### 5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

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

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

### SITE ASSESSMENT

#### Location and Access to Services and Facilities

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social

and economic. These roles should not be considered in isolation, because they are mutually dependent.

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

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

### Design, Appearance and Layout

The surrounding residential area consists of a mix of terraced, semi-detached, and detached dwellings that are predominantly of 1 to 2.5-storey in height. The dwellings are of modest footprint and traditional proportions, providing a rhythmic scale and visual appearance to Broad Road, Elizabeth Lockhart Way and the nearby built environment. This creates a strong sense of place that is locally distinctive.

The proposed development would introduce 9 market dwellings onto the site. The proposed density is about 18 dwelling per hectare, given its location on the edge of town boundary, this is considered acceptable. The proposed dwelling footprint, height, individual plot size are considered to be generally in line with those in the immediate neighbourhood.

The design principle has been based on the local vernacular and continues the traditional theme, following the character of the adjacent housing estate at Elizabeth Lockhart Way. In response to the initial consultation responses, the applicant has amended the scheme to revise Plot 3, 4, 8 and 9 and altered the landscaping and boundary proposal. The proposed appearance and materials are also similar to those in the local area.

In addition, the Strategic Housing Market Assessment (SHMA, 2015) identifies that the District would require 75.72% of market dwellings to be 2 to 3 bedrooms properties. The proposed scheme would provide two 2-bed bungalows and six 3-bed properties, totaling about 89% of the development. Although slightly higher than the SHMA figures, it would help to contribute towards the District's identified housing need and therefore weighs in favour in the planning balance.

The proposal complies with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.



### Impact on Heritage Assets

Due to the location of the site, there would be a negligible visual impact on designated heritage assets resulting from the development.

The residential estate at Elizabeth Lockhart Way was constructed within the last 10 years and has established architectural vernacular by using a variety of traditional materials including bricks, render, slate, clay tile and timber sash windows. The continued use of this architectural pallet in the proposed development would be an appropriate approach to the distinctive local character.

The landscaping and boundary treatment drawing indicates that much of the existing hedgerows will be maintained and enhanced, particularly to the north and northeast of the site, visible in the approach along the public footpath from the northeast. The hedgerow along the south eastern boundary would be opened up and replaced with a low hedge and estate fencing. The layout includes an open green area to the south of the site, reducing the density of the development to the south. The overuse of close-board fencing has been avoided as this is generally reserved for garden plot boundaries. The ECC Historic Buildings Consultant raised no objection to the proposal, subject to a condition on materials.

It is therefore concluded that the application would have a neutral impact on the character and appearance of the Conservation Area and that the development would result in no harm to this designated heritage asset. Furthermore, it is not considered that the proposal would be harmful to the setting of the adjacent listed buildings.

The proposal therefore complies with the NPPF, Policies RLP95 and RLP100 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP56 of the Section 2 Plan.

### Impact on Residential Amenity

Each of the dwellings would have a minimum gross internal floorspace that complies with the requirement of the Nationally Described Space Standards (2015). The proposed dwellings would be provided with sufficient private amenity space to meet the standards of the Essex Design Guide. Each of the habitable rooms are served with at least one window to allow for natural ventilation and access to natural daylight.

A minimum separation distance of 10m between opposing house-fronts is achieved between the proposed dwellings and the existing dwellings to the immediate west, which is in line with the requirement of Essex Design Guide to allow for adequate daylight in interiors.

Plot 1 is at least 15m away from those properties at Elizabeth Lockhart Way. The two proposed west-facing windows on the first floor are only serving the

en-suite facility and bathroom. It is therefore unlikely that these would impact upon the privacy of existing residents. However, to protect the privacy of the adjacent occupants, and in the interests of the amenity of future users, the first floor west-facing windows of Plot 1, 2 and 4 are required to be obscurely glazed by way of a condition.

There is no back-to-back relationship between the proposed 2-storey dwellings with other 2 to 2.5-storey residence in the surrounding area. Therefore, the 25m building separation distance, as required by the Essex Design Guide, does not apply in this case.

In view of the single storey nature of proposed bungalows and the provision of 1.8m high closed-boarded fencing as boundary treatments, there would not be any unacceptable overlooking issues into the private amenity area of those residence along Convent Lane.

The side elevation of Plot 5, and the front elevation of Plot 4, are east-facing towards the strategic site. Based on the indicative layout of the strategic site, and the fact that the existing hedge along the shared boundary would be retained, the respective elevations would be over 10m away from the shared boundary line. Therefore, it is unlikely that there would be any direct overlooking issues arising with future residential properties on the strategic site.

The proposed 2-storey detached dwellings at Plots 1 to 4 are set back at least 15m from the northern site boundary line. It would allow a certain degree of protection to the privacy and amenity level of future users of these plots, even if residential development is coming forward on the site to the immediate north as part of the emerging housing allocation in the Section 2 Plan. Any future development proposal would need to take into account the design and layout of any adjoining consented scheme(s).

It is therefore considered that an acceptable level of amenity would be provided to future occupiers of the development and that the proposal would not have a detrimental impact upon the living conditions of existing neighbouring properties.

### Highway Issues

Each of the proposed properties would be served by 2 parking spaces meeting the minimum bay size or internal garage measurement, therefore the residential parking provision is in line with the requirement of the Essex Parking Standards (2009). Secure cycle parking spaces are provided either in the garage or in the rear garden and therefore are acceptable.

The proposed site layout plan shows that 3 visitor parking spaces would be provided, which also satisfies the adopted requirement.

The proposal would take the vehicular access point via Elizabeth Lockhart Way. A 6m wide shared surface carriageway would be provided, narrowing to

4.8m in the southern section to serve Plots 8 and 9. A 1.2m wide footpath link would be provided to link up to Convent Lane via the existing access.

The Revised Transport Statement shows that the development would only generate about 4 to 5 trips during peak periods and therefore would have a negligible impact on the local highway network. It also indicates that each dwelling would be fitted with a standard external charging point for electric vehicles.

Residents have expressed concern about the existing traffic problems, increased vehicular traffic and access by larger vehicles such as lorries, refuse vehicles, and fire appliances.

The applicant has provided vehicle tracking plans for refuse vehicles and fire appliances. The Highway Authority raised no objection to the proposal. The access for fire appliances is also considered acceptable to Essex Fire and Rescue Service.

During the life of the application, the Refuse Collection Plan has been revised to take into account of the maximum carrying distances and turning heads for refuse vehicles, which satisfies the comments made by BDC Waste Services.

The Highways Authority have requested conditions regarding the submission and approval of a Construction Management Plan (CMP), provision of residential travel information packs for new residents and a minimum 2m set back of planting from the public footpath.

It is recommended that the conditions for a CMP and travel packs are attached to any grant of consent. The issues raised by the County Council, in relation to the hedgerow adjacent to the public footpath, are addressed below.

### Trees and Hedgerows

The site is currently bounded by trees and hedges except along the shared boundary with the properties to the immediate west. A total of 10 trees/tree groups are identified in the Arboricultural Impact Assessment. Apart from the semi-mature rowan (T8) in the southern part of the site which is classified as a Category B tree with moderate quality and value, all the remaining trees are classified as Category C trees with low quality and value.

The two groups (G3 and G4 which are hawthorn and hawthorn/Elder) along the eastern and northern boundary to the site have encroached into the site and consequently are proposed to be pruned and reduced to bring them into active management and to ensure the layout of the development can be accommodated. These 2 groups would be retained and protected during construction.

The applicant originally proposed to remove 6 trees (T8, a category B Rowan, in order to facilitate the layout of the development, and T5, T6, T7, T9 and

T10, which are located within the hedgerow adjacent to the public footpath proposed for removal).

Due to the small size of the Rowan, this tree (T8) provides a low visual impact to the surroundings, and as the tree would need to be removed to facilitate the layout of the development, there is no objection to its removal, as its loss can be mitigated.

In respect of the hedgerow adjacent to the public footpath it was originally proposed to remove and replace this hedgerow along with the 5 trees indicated above (T5, T6, T7, T9 and T10), and then maintain the new hedgerow at a height of 1.1m. The justification for this was to address the concerns being raised by the County Council, but also to improve natural surveillance to the public footpath. As indicated above, Officers have held further discussions with the developer, post-Committee, and it has been agreed that the hedgerow adjacent to the public footpath should be retained, along with the above trees, with the exception of T6 (which is poor quality), and T7 (which would be located within close proximity to Plot 9) which are proposed to be removed. Consequently, the developer has amended both the Proposed Site Plan (20/08/02 Rev C) and the Landscape Masterplan (PR219-01 Rev J) to reflect this change. As a consequence of this change, T6, T7 and T8, are the only trees now proposed for removal in order to facilitate the layout of the development.

A condition requiring details for future management/maintenance of this hedgerow is recommended, which would enable further discussions to take place and ensure measures are in place to prevent encroachment onto the public footpath, and to establish if parts of the hedgerow can be reduced in height, whilst not compromising the hedgerow in terms of its visual appearance or the contribution it makes to biodiversity.

A total of 12 new trees are proposed along the new access road and near the turning heads as shown on the proposed Landscape Master Plan, which would mitigate the proposed tree loss on the site (T6, T7 and T8) and enhance the appearance of the development.

The Council's Landscape Officer has not raised any objection to the application. Conditions are required to comply with the submitted Arboricultural Impact Assessment, to provide a watering and maintenance regime of the landscaping scheme, and to implement the landscaping and boundary treatment as shown on the Landscape Masterplan prior to occupation, in the interests of the visual amenities of the area. An additional condition, as indicated above, to require details for the management/maintenance of the hedgerow adjacent to the public footpath are also recommended.

### Ecology

The applicant has submitted a Preliminary Ecological Appraisal in support of the application.

The Council's Ecologist is satisfied that sufficient ecological information has been submitted to enable the application to be determined.

The report provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. A condition is suggested with regards to Biodiversity Enhancement Strategy.

#### Flood Risk and Surface Water Drainage

The site is located within Flood Zone 1 and is less than 1ha in size. It is not identified to be at risk of surface water flooding. Therefore, a flood risk assessment is not required.

According to Essex County Council's database, the majority of the site falls within Critical Drainage Areas which will be prioritised for any improvement. The application is supported by a Surface and Foul Water Drainage Strategy. Essex County Council as Lead Local Flood Authority has not raised objection to the proposal.

The proposed drainage strategy would include an infiltration basin and an attenuation basin located to the western part of the site. The attenuation basin would discharge surface water to the infiltration basin at a restricted rate. Run-off from the private road would pass through permeable paving prior to infiltrating into the underlying soils.

#### Contamination and Noise

No land contamination issues have been identified. The applicant has provided a Phase 1 Land Contamination Report and demonstrate that a Phase 2 Report is not required.

No unacceptable adverse noise impact has been identified and a Noise Report is not required.

#### Construction Activity

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

While it is accepted that the development of the site will have some impact upon neighbouring residential amenity in the short term, these impacts are time limited and the CMP condition will ensure these impacts are mitigated as far as possible.

## Archaeology

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

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

A desk top assessment has been submitted which indicates the site has moderate potential for Roman and medieval remains due to the proximity to the Roman road and medieval settlement at Bradford Street, the site lies close to a watercourse and historic crossing point.

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

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

## Habitat Regulations Assessment (HRA / RAMS)

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

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

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

Any residential development for a net gain of one or more new dwellings located within the Zone of Influence must mitigate its impact on the areas of

Protected Essex coastline. The proposed scheme will be required to make a financial contribution of £127.30 per dwelling towards the mitigation strategy.

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

### Affordable Housing

The application site area, at 0.49ha, and the number of houses proposed (9), falls below the threshold set out within Policy CS2 of the Core Strategy, which requires the provision of affordable housing where there is a threshold of 15 dwellings or 0.5ha in the urban areas comprising Braintree and Bocking, Witham and Halstead. As such, no affordable housing is required to be provided in this case.

### PLANNING BALANCE AND CONCLUSION

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

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing

policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.



In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. 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).

### **Summary of Adverse Impacts**

The adverse impacts and the weight that should be accorded to these factors are set out below:

#### **Conflict with the Development Plan**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside.

The application site is located outside but adjoining the town development boundary, in a sustainable location within one of the District's three main towns. It would therefore be in line with the strategy set out in the Section 1 Local Plan. Moreover, the site is proposed to be allocated as one of the housing sites in the Section 2 Plan, although limited weight could be afforded to the allocation as the Section 2 Plan has not been adopted yet. Given the

above context, limited weight is therefore attached to this conflict with the Development Plan.

## **Summary of Public Benefits**

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

### Delivery of Market Housing

The development would facilitate the provision of 9no. new dwellings, comprising 89% of 2 to 3-bed properties. No affordable housing would be provided. As the SHMA (2015) has identified that there is a significant need for 2 to 3-bed market dwellings in the District, the proposal would contribute to meeting the identified housing needs. This is afforded moderate weight, given the scale of the development.

### Economic and Social Benefits

The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. This is afforded moderate weight, given the scale of the development.

### Location and Access to Services and Facilities

Given the site is near the edge of the town development boundary and the proximity to the public right of way and bus stop within walking distance, future residents are provided with alternative sustainable modes of transport and therefore it would reduce the need to travel by private cars to access services and facilities. This benefit is afforded moderate weight, given the scale of the development.

### Biodiversity Net Gain

The proposal would provide bat boxes and swift boxes as part of the biodiversity enhancement measures. Together with the condition to require Biodiversity Enhancement Strategy, it would allow for a 10% biodiversity net gain as compared to the existing situation. This benefit is afforded moderate weight, given the scale of development.

## **Summary of Neutral Factors**

### Loss of Trees

Three trees are proposed to be removed, however the two hedgerow groups, to the north and east of the site, and the hedgerow adjacent to the public footpath are proposed to be retained. Replacement tree planting is proposed within the development, which would mitigate the loss of the existing trees.

### Character and Appearance of the Area

It is recognised that the proposed development would be highly visible and would alter the existing greenfield character of the site. Given the planning consent to the adjoining Straits Mill development, the proposal would not insert an unchecked domestic sprawl onto the wider countryside, but rather provide a transitional approach between the urban area and the forthcoming strategic housing scheme.

It is considered that the proposed development would have a scale, appearance and layout that are compatible to the adjoining residential estate of Elizabeth Lockhart Way. It is therefore considered that the proposed development would have a neutral impact upon the character and appearance of the area.

### Heritage Asset(s)

The application would have a neutral impact on the character and appearance of the Conservation Area as it would result in no harm to this designated heritage asset. There would also be no impact upon nearby Listed Buildings.

### Archaeology

Subject to conditions on archaeology evaluation, the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording, therefore there would be a neutral impact.

### Highways

The development would not generate an unacceptable level of traffic flow nor impose safety issues upon other highway users. Therefore it is considered to have neutral weight.

### HRA

The associated recreational disturbance impacts on European designated sites has been mitigated through the upfront financial payment and therefore is considered to have neutral weight.

### **Planning Balance**

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: 20/08/01	
Proposed Plans	Plan Ref: 20/08/03	
Proposed Plans	Plan Ref: 20/08/06	
Proposed Plans	Plan Ref: 20/08/07	
Proposed Plans	Plan Ref: 20/08/09	
Height Parameters Plan	Plan Ref: 20/08/16	
Proposed Plans	Plan Ref: 20/08/05	Version: A
Proposed Plans	Plan Ref: 20/08/04	Version: A
Proposed Plans	Plan Ref: 20/08/08	Version: A
Proposed Sections	Plan Ref: 20/08/10	Version: A
Amenity Space Details	Plan Ref: 20/08/11	Version: B
Car park plan	Plan Ref: 20/08/12	Version: A
Ownership Plan	Plan Ref: 20/08/13	Version: B
Refuse Information	Plan Ref: 20/08/14	Version: B
Landscape Masterplan	Plan Ref: PR219-01	Version: J
Proposed Site Plan	Plan Ref: 20/08/02	Version: C
Other	Plan Ref: Tree Protection Plan - SHA 1166 TPP	
Other	Plan Ref: Arboricultural Impact Assessment (AIA) - SHA 1166 A                      Version: Rev A 21.10.2021	

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

### Reason

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

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

### Reason

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

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

Reason

In the interests of preserving archaeological deposits of historical and cultural interest for future generations.

- 4 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the written scheme of investigation.

Reason

In the interests of preserving archaeological deposits of historical and cultural interest for future generations.

- 5 The applicant will submit to the Local Planning Authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

In the interests of preserving archaeological deposits of historical and cultural interest for future generations.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of any security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area, to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies February 2011.

- 7 No above ground development shall commence, until samples and an illustrated schedule of the types and colour of the materials to be used in the external finishes, doors and windows, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

#### Reason

To ensure an appropriate choice of materials to harmonise with the character of the surrounding development and having regard to the setting of the Conservation Area.

- 8 Prior to the implementation of the landscaping scheme hereby approved, a watering and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with these details. The approved landscaping scheme shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

#### Reason

In the interests of the visual amenities of the area including preserving local landscape character.

- 9 No occupation of the development shall take place until the Developer responsible has provided and implemented of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

#### Reason

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

- 10 Prior to first occupation of the development hereby permitted, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

#### Reason

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

- 11 All ecological mitigation measures and/or works shall be carried out in accordance with the details and timetables contained in the Preliminary Ecological Appraisal (SES, June 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 12 Prior to the first occupation of the development hereby permitted, the measures detailed in the Surface & foul water drainage strategy by SWECO dated 25 May 2021 shall be implemented in full. The measures, as implemented, shall be retained as such thereafter.

Reason

To ensure the appropriate management of surface and foul water drainage in the locality so as to minimize risks of flooding to the site and surroundings.

- 13 The development shall not be occupied until the car parking area and parking spaces indicated on the approved plans have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be used solely for the benefits of the occupants of the dwelling of which forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

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

- 14 The external surfaces and finishes of the development hereby permitted shall be constructed using the materials listed within the Design and Access Statement reference 20/08/15 dated May 2021, and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure the development is of a design and appearance commensurate with the site and surroundings, in accordance with the details of the application as approved.

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 16 The development hereby approved shall only be carried out in accordance with the recommendations with the Arboricultural Impact Assessment prepare by Sharon Hosegood Associates dated April 2021 Rev A 21.10.21 (Reference SHA 1166 A).

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 17 The first floor window(s) on the west-facing elevation of Plots 1, 2 and 4 shall be glazed with obscure glass and shall be so maintained at all times.

Reason

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

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

Reason

To ensure proper planning control over the development hereby permitted in the interests of protecting the visual amenities of the area as well as living conditions of both future and existing residential occupiers.

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

Reason

To avoid the excessive raising or lowering of any building hereby



permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy.

- 20 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

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

#### Reason

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

- 21 Development shall only be implemented in accordance with the approved Tree Protection Plan (Reference SHA 1166 TPP). Works to trees and hedgerows shall only be carried out in strict accordance with the approved Arboricultural Impact Assessment Report, dated April 2021 Rev A 21.10.21 (Reference SHA 1166 A).

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

**Reason**

In order to protect the existing trees and hedgerows on the site that are proposed for retention, during the construction period.

- 22 No above ground development shall commence until a management and maintenance strategy, including timescales for implementation, for the hedgerow adjacent to the public footpath, as shown on Drawing No. 20/08/02 Rev C, has been submitted to and approved in writing by the local planning authority. The approved strategy shall thereafter be adhered to.

**Reason**

In order to ensure that the hedgerow adjacent to the public footpath is retained and suitably managed and maintained in the future, in the interest of amenity and biodiversity.

**INFORMATION TO APPLICANT**

- 1 The applicant should refer to the advice of Essex County Fire and Rescue Service given in their consultation responses dated 24 June 2021 and 8 July 2021.

- 2 A professional archaeological contractor should undertake any archaeological investigation. An archaeological brief detailing the requirements can be produced from Place Services of Essex County Council. The applicant should take into account its financial implications.

- 3 The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing Anglian Water infrastructure maps on Digdat. Please see the website for further information: <https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of the Anglian Water assets, permission will be required. Please see the website for further information: <https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

- 4 The applicant should refer to the advice of Essex Highways Authority given in their consultation response dated 8 July 2021.

- 5 The developer is requested to be mindful of the concerns raised by local residents in respect of vehicular access to the site, particularly during the

construction period, and the need to carefully manage deliveries and parking in order that Elizabeth Lockhart Way is kept free for use by vehicular traffic and any disruption to local residents is minimised as far as possible.

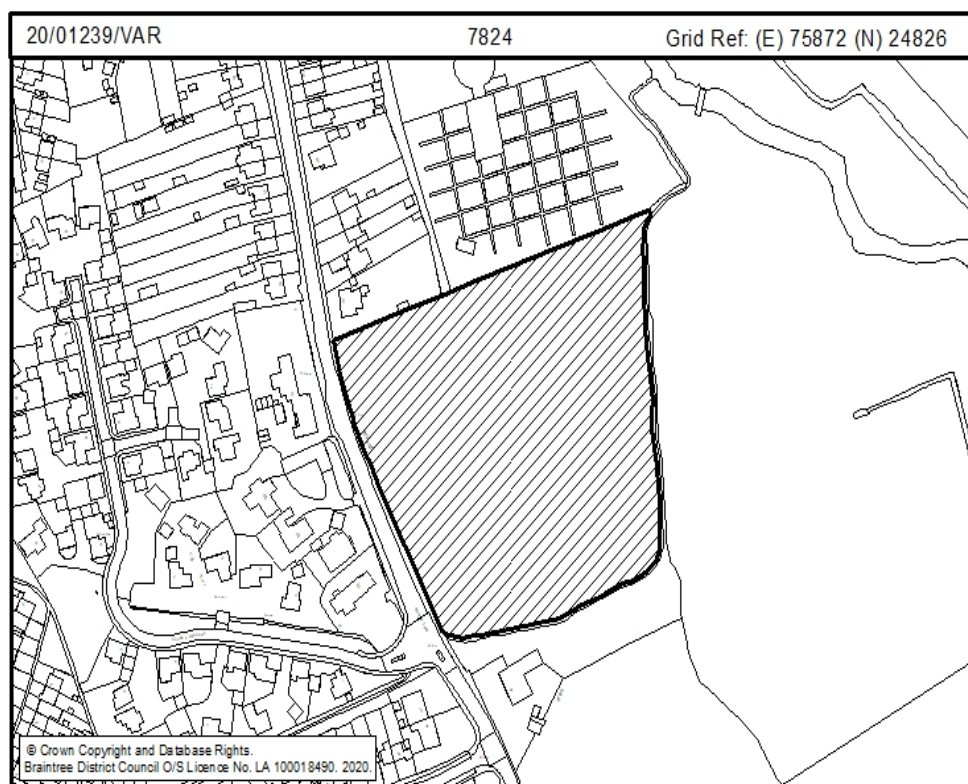
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART A

## AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01239/VAR DATE: 29.07.20  
VALID:  
APPLICANT: David Summersgill  
Abbeyfield Braintree & Bocking Society Ltd, Wickham  
House, 338-340 Coggeshall Road, Braintree, CM7 9EH  
AGENT: Nicol Thomas  
Wendy Griffin, Suite 108, Fort Dunlop, Fort Parkway,  
Birmingham, B24 9FD  
DESCRIPTION: Variation of Condition 2 (approved plans) following grant of  
planning permission 17/02026/VAR granted 19/01/2018 to  
vary planning permission 15/01584/FUL for Abbeyfield  
retirement living 'Extra Care' proposal for 100 no.  
apartments with associated communal facilities including  
hall, gym, bistro, craft, IT/Library, hair & beauty salon,  
cinema room, meeting spaces and garden conservatory  
lounge set within landscaped courtyards. Variation would  
allow revision of site boundary, layout and elevational  
changes.  
LOCATION: Polly's Field Village, Church Lane, Braintree, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QE8HQQBF FU800>

## SITE HISTORY

15/01584/FUL	Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards.	Granted with S106 Agreement	22.08.16
17/01562/DAC	Application for approval of details reserved by condition no. 18 of approved application 15/01584/FUL	Granted	28.09.17
17/01988/DAC	Application for approval of details reserved by condition nos. 19 and 20 of approved application 15/01584/FUL	Granted	23.01.18
17/02026/VAR	Variation of Condition 2 (approved plans) following grant of planning permission 15/01584/FUL - Due to the project challenges, a number of changes are required, please see the "List of Required Changes" document and the drawings on website for full details.	Granted with S106 Agreement	19.01.18
17/02262/DAC	Application for approval of details reserved by condition nos. 8, 11, 13 & 14 of approved application 15/01584/FUL	Granted	12.03.18
18/00223/DAC	Application for approval of details reserved by condition no. 24 of approved application 15/01584/FUL	Granted	22.03.18
18/00344/DAC	Application for approval of	Granted	12.03.18

18/00701/DAC	details reserved by condition no. 5 of approved application 17/02026/VAR. Application for approval of details reserved by condition no. 23 of approved application 15/01584/FUL and condition no. 22 of approved application 17/02026/VAR	Granted	29.06.18
18/00749/DAC	Application for approval of details reserved by condition no. 3 of approved application 17/02026/VAR (15/01584/FUL)	Granted	04.07.18
20/00984/NMA	Non-Material Amendment to permission 17/02026/VAR granted 19.01.2018 for: Variation of Condition 2 (approved plans) following grant of planning permission 15/01584/FUL - Due to the project challenges, a number of changes are required, please see the "List of Required Changes" document and the drawings on website for full details. Amendment would allow:- Revision of boundary to reflect boundary on site of neighbouring property and minor elevation changes due to design development.	Withdrawn	16.07.20
20/01238/DAC	Application for approval of details reserved by condition 7, 9 and 12 of approved application 17/02026/VAR (15/01584/FUL)	Granted	18.01.21
21/02521/DAC	Application for approval of details reserved by condition 20 (Lighting Details) of approved application 17/02026/VAR.	Granted	08.09.21
21/02555/DAC	Application for approval of details as reserved by condition 5 of approved application 17/02026/VAR	Granted	08.09.21

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP82	Sites of Special Scientific Interest
RLP84	Protected Species
RLP90	Layout and Design of Development

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS2 Affordable Housing  
CS5 The Countryside  
CS8 Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1 Development Boundaries  
LPP33 Affordable Housing  
LPP34 Affordable Housing in the Countryside  
LPP35 Specialist Housing  
LPP50 Built and Historic Environment  
LPP55 Layout and Design of Development  
LPP60 Heritage Assets and their Settings  
LPP68 Protected Species, Priority Spaces and Priority Habitat

Neighbourhood Plan

None

Other Material Considerations

Affordable Housing Supplementary Planning Document (2006)  
Essex Design Guide for Mixed Use and Residential Areas (2005)  
Essex Design Guide Urban Place Supplement (2007)  
External Lighting Supplementary Document  
Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the eastern side of Church Lane between the residential properties of No.76 and No.110. The site is currently under construction and is fenced off. There is a small tribute wrapped around the



eastern and southern site boundaries, linking to River Blackwater to the further east.

The site is highest at its northwest corner and the ground levels fall gently to the east and south by approximately 6.3m and 4.8m respectively. Beyond the site to the east is open countryside which abuts the River Blackwater.

Church Lane presents a relatively eclectic collection of properties, both semi-detached and detached in form and of varying designs. The street has a strong character of linear form, with dwellings fronting onto Church Lane. Immediately to the north of the site is a detached bungalow at No.110 Church Lane. To the south of the site is a detached house at No.76 Church Lane.

The site is located within close proximity to several Grade II listed buildings at No.23 (Hill Malthouse) and No.125 Church Lane (Resting Seat House) directly opposite the site, and No.120 Church Lane (The White Cottage) to the further north.

## PROPOSAL

In 2016, Application Reference 15/01584/FUL was granted subject to a Section 106 legal agreement for 100 units extra care retirement apartments with associated communal facilities.

In 2017, the applicant sought to vary this original permission via Application No. 17/02026/VAR which was granted permission in 2018. A schedule of changes to the project included omission of roof lights, a garden room and the 2-storey element over the community hub being reduced to single storey. Permission was granted and the development was commenced following discharge of relevant pre-commencement conditions.

This current application seeks to vary the 2018 permission. It was originally purported to be a variation to allow a revision of the site boundary, layout and elevational changes. The overall composition of changes includes:

Slight reduction of site boundary in the north-western part to reflect the actual 'on-site' boundaries.

Raising the ridge height of the northern part of the principal building by 1 metre, including parapets to roof design.

- Altering the width of the buildings proposed due to brick dimensions.
- Insertion of solar PV panels on the roof of the southern part of the principal building.
- Insertion of a new circular greenhouse with a flat roof glazed link to the rear of the principle building.
- Revisions to the hard and soft landscaping, including circulation around the building for residents and fire appliances, removal of water fountain features, trellis, pergolas and stone features.

- Revisions to the parking areas to provide a wider landscape strip with the northern neighbouring property.
- Changes to doors and windows.
- All retaining wall extended in length.
- Addition of 3 refuse collection areas.
- Fascias to be rationalised to be white in general and black over the balconies.

The applicant states the changes are mainly related to boundary disputes, to tally with drawings, manufacturer's specifications, construction methods, and to comply with the Building Regulations and Fire Authority requirements.

## SUMMARY OF CONSULTATION RESPONSES

### BDC Ecology

No objection subject to condition on implementation of lighting as per submitted details.

### BDC Environmental Health

No response received.

### BDC Landscape Services

The applicant's attention is drawn to the hedgerow H5 on the road frontage which shows the suggested specification in the schedule of planting on the LHS of the drawing but there is still an incorrect spec box on the drawing that refers to a hornbeam hedge at 4 plants/lm not a mixture of holly and hornbeam at 5 plants/lm.

The tree planting along the frontage will provide a good level of amenity but does rely heavily on two species which could make it vulnerable to tree losses if either become more vulnerable to disease in future years. The northern boundary treatment has also been adjusted, so no further comment.

The more ornamental spaces within the garden ground should provide an attractive setting for the residents but given the loss of the pergola and the other walks, there is a decline in quality of the amenity space within the scheme and the LPA would be expecting the provision of a suitable sheltered seating space that residents can use as a more tranquil environment for quiet relaxation.

### ECC Highways

No response received.

### ECC Historic Buildings Consultant

No objection.

### ECC SuDS

No objection.

### Essex Fire and Rescue Service

No objection. Access for fire service purposes is considered acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5.

### PARISH / TOWN COUNCIL

N/A.

### REPRESENTATIONS

12 representations were received making the following objections:

- Development getting larger in height and length.
- Landscaping on northern boundary lost to parking.
- Out of context with neighbouring properties and dominant.
- Grass roof on rear building gone so won't blend in.
- Loss of landscaping.
- Building in the wrong place, closer to neighbours, as building plans were faulty; boundaries have not changed.
- Breach of planning control and outstanding planning conditions.
- Work carries on without waiting for approval of submitted plans.
- Confusing plans and information.
- Significant imposition on neighbours and street scene.
- Carbuncle on rural area.
- Reduction in wildlife corridor.
- Increase in height affects the listed building known as Resting Seat House.
- 4m high lighting proposals are excessive and alternate lighting on sensor operation or timers should be used.

### REPORT

#### Principle of Development

The principles of development for the proposed care home has been established in the previous planning permission granted in 2016. This application was subsequently varied under Application Reference 17/02026/VAR. This application seeks to vary Application Reference 17/02026/VAR which was granted planning permission in 2018.

The development is largely completed on the application site. Construction works have been ongoing despite a resolution on the application not having first been obtained. The current variation application was partially

retrospective in nature at the time of its submission, but numerous other changes during the lifetime of the application have been built-out by the developer such that the whole application is now retrospective.

Whilst regrettable that the development has pushed ahead without a proper permission in place, Officers are however reminded that proposals should be determined in accordance with the Development Plan. This application should be assessed on whether the variations proposed are acceptable with regards to planning policies, when compared to the varied design of the development that was granted in 2018 under Application Reference 17/02026/VAR.

### Design, Appearance and Layout

There have been alterations to the width and length of the principal buildings because of the building materials not being properly dimensioned at the time of the original permission. The footprint of the main frontage building has therefore increased, albeit this is marginal and does not bring the development appreciably closer to any of the site boundaries.

The main difference from a street scene perspective is the raising of the ridge height across the main frontage of the northern section of the principal building by 1 metre and the adding of parapet walls to other elements of roof. The changes are said by the applicant to be principally structural and to accord with Building Regulations requirement, as well as to match the original approved height of the gables in 2018 permission under Application Reference 17/02026/VAR.

The care home, as approved in 2016 and as varied in 2018, was a large and expansive building development in its own right, especially when juxtaposed against the nearby domestic-scale properties. Whilst this does not in itself justify the 1m roof height increase, the additional ridge height sought in this current application must be assessed in the context of the whole building and its originally planned dominant appearance in the street scene.

In response to the representations, the applicant has provided and revised the planning support statement summarising the main modifications being sought and a roof analysis to explain how the alternatives have been considered in relation to the ridge height and roof arrangement.

Officers consider that, given the context and circumstances of the proposed development, including its setback from the highway (about 20m) and from neighbouring residential properties (the distances for which do not appreciably reduce through the marginal footprint increase reported above), the variation sought would not result in a building significantly more imposing than that originally approved. The proposed 1m increase in ridge height would allow the whole complex to maintain a uniform 45 degree roof pitch, which would be more aesthetically pleasing. This is also in line with the requirement of Essex Design Guide (2005) that buildings should be roofed at 50 degree pitch. Given the size of the overall building, the increase in ridge height would not be highly noticeable at eye-level from the public realm. The increase in ridge height

would not adversely affect the overall character or appearance of the building or the surrounding area, and would not pose significant visual harm upon the amenities of nearby residents.

Reference has been made by objectors to an appeal decision in Bures where a ridge height increase of 0.92m was found not to be within the tolerances of an original permission. It is however pertinent that the referenced appeal was an enforcement related appeal and the Inspector in that case was reviewing whether the development as built was within the tolerances of an extant permission. In the case of Polly's Field, the applicant is applying for the ridge height increase and therefore is not comparable in merit to the cited appeal decision.

The addition of a circular greenhouse in a southern position on the site, attached via a corridor to the rear of the main frontage building, is an inconsequential change as far as the street scene is concerned. It would not appear obtrusive or incongruous in views from the surrounding area. The applicant has reduced the size and height of the greenhouse and the link. The revised greenhouse is of a modest height and design, appropriate to the setting.

The loss of or insertion of roof lights, solar PV panels and windows, combined with other alterations to the facades of the proposed development, have minimal visual impact on the street scene or neighbouring occupiers. They have a cumulative effect on the character and appearance of the building, but Officers consider these changes are minor in nature and unlikely to noticeably alter the overall impression of the buildings on site from the public realm.

On this basis, if the proposed development was carried out in accordance with the details sought by this variation application, it would not have an adverse effect on the character or appearance of the area. The proposal would comply with, and meet the design expectations of, the aforementioned policies of the Development Plan.

### Landscaping

A number of changes are proposed that, from a landscape perspective, have little visual consequence to views into and out of the site. Such changes include different tree species, re-orientation or extension of hard surfaced footpaths and circulation routes and removal of furniture.

There are two major changes proposed.

The first is the loss of landscaping at the northeast corner where a reinforced surface would be laid to support a fire engine gaining access around to the eastern side of the curved building. The sweep of the access would create a narrow strip between the edge of the access and the eastern site boundary. The need to revise the landscaping proposal to cater for a fire access to the curved shaped building was accepted under Application Reference 18/00701/DAC.

The applicant currently proposes to re-align the fire access to meet the fire safety specifications and to replace the blocked paved access into reinforced Ecogrid grass. The proposed fire access would appear 'laid to lawn' and thus have a less urbanised effect as compared to the previously agreed block paving. It is also noted that 2 adjoining curved fixed seating are also removed from the fire access. These structures should not be provided in close proximity of access as it could be an obstruction and hence there is no objection in this instance.

The second is that the northern section of hedgerow along Church Lane has been removed partly due to the need to provide the required visibility as requested by ECC Highways under s. 278 provision. Officers noted some time ago that the removal has already taken place than the extent that is required and agreed, exposing the development visually and starkly in the highway and Officers also recognise that the original hedgerow is regarded as de-functioning and any replacement hedgerow planted would take some years to mature.

Following the consultation, the applicant has revised the proposed roadside hedgerow H5 to be a mixture of holly and hornbeam at 5 plants to the metre as a double staggered row to improve biodiversity and provide an evergreen component through the winter months. The Council's Landscape Team has not raised objection to the scheme and it is considered that the proposals would mitigate the loss of the hedgerow as far as possible. However, given the loss of the pergola and other walks, it is considered that a provision of a suitable sheltered seating space is required for residents to use as a more tranquil environment for quiet relaxation. The applicant has subsequently revised the landscaping plan to re-introduce a pergola.

Overall, it is considered that the proposed variations sought in this application would have a neutral effect on the character, appearance and landscape qualities of the locality.

### Visual Impact

The number of incremental changes and alterations to the design, layout and landscaping scheme for the development (having already been undertaken from a construction perspective) have a cumulative visual impact on the area. The increased height and the loss of the hedgerow to the frontage in particular, without landscape mitigation to date, have made the development stark. Nonetheless, the frontage building itself has not significantly or substantially changed from its original approved design or layout. In addition, landscaping for the whole site, if undertaken in accordance with the approved plans, would provide visual relief from the development as was originally intended or envisaged in the 2016 permission.

On balance, Officers consider that the visual impact of development, with mitigation in place, would not be materially greater than that already

approved. On this basis, the proposal would comply with the Development Plan.

### Impact on Heritage Assets

Officers have noted objections raised about impacts upon the Grade II listed Resting Seat House directly opposite from the entrance to the application site, and are aware of Grade II listed Hill Malt House, which sits in a similar position. However, the impacts on these heritage assets from a planning perspective were largely considered as part of the original 2015 planning application and subsequently deemed acceptable to the extent planning permission was granted.

Therefore, in this instance, the Historic Buildings Consultant has reviewed the drawing revisions for this application and raises no objection. Officers have no reason to find against the advisor on this matter, thus concluding that there would not be any harm (for clarity, not even any 'less than substantial harm' as referred to the NPPF) to heritage assets as a result of the proposed variations.

### Impact on Neighbour Amenity

As reported above, the proposed development would be physically closer to neighbouring occupiers, but only by an amount akin to a brick. Such change, whilst understandably frustrating for nearby residents given that the development has not been carried out in accordance with the approved plans, would not result in a perceptible effect on the living conditions of the neighbours. Given the distances between the flanks of the proposed development and the neighbouring properties, the minor variation in footprint and in the ridge height, would not give rise to any increased harms from overshadowing or overbearing. With no additional windows serving habitable rooms facing north or south by way of this variation, there is no increased risk of overlooking either.

Whilst boundary disputes are not for the planning regime to consider, it is relevant that landscaping proposals have changed for the northern site boundary adjoining No.110 Church Lane. The revisions to the site boundary have resulted in a narrowing of the originally intended landscape strip, although revisions to the car park in the current proposal have provided space for a hornbeam hedgerow combined with specimen conifers (Monterey cypress/*Cupressus macro*) to be planted. This tree species, if unmaintained, could grow up to 5m in height. Officers consider such boundary planting, in the position shown on the landscape plan, would provide visual relief from the development but not at the expense of a loss of light or outlook to the neighbouring occupier.

As compared to the approved Landscape Proposal under Application Reference 18/00701/DAC, the total number of trees to be planted would be reduced from 285 to 208, but the hedges will be increased from 3,661 to 4,171.

The northern landscape buffer ranging from about 2.4m to 6m in depth, combined with the distance between the flank of No.110 from the shared site boundary, would also assist in reducing any car-related disturbance and noise upon the amenities of that same occupier.

For these reasons, it is considered the variations sought would not harmfully impact upon the living conditions of nearby residents, in accordance with the Development Plan expectations.

### Highway Issues

The proposal would alter the layout of some elements of the parking spaces provided within the site, although the overall quantum remains consistent between this current scheme and the earlier permission. A total of 70 parking spaces including 9 accessible parking spaces for blue badge holders would be provided. The visibility splays are shown on the landscape plan to be sufficient for the speed of the road and to be kept clear of visual obstruction, which underpins the landscape strategy for the road frontage.

The Highway Authority has not raised any objection to the revisions as proposed.

### Conditions

The 2016 permission was granted subject to a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), as well as a suite of planning conditions.

In terms of the Section 106, this secured payments to open space and contributions towards affordable housing. Whilst the 2017 application was permitted with a 'tie-in' clause linking that permission to the Section 106, Officers consider it is pertinent and relevant to bind the current application to the terms of the original Section 106 (since the development and the site boundary have changed considerably since that time). In this regard, should permission be granted, the applicant will be required to enter into a Deed of Variation process to formally amend the original Section 106 and substitute those details and plan relevant to the current application.

With regards to the planning conditions, the Applicant has made submissions in respect of the 2016 and 2018 permissions, achieving discharges of all pre-commencement and pre-occupation conditions.

When determining a Section 73 application, the LPA can vary or add to the conditions attached to the planning permission, and are not confined to considering only the condition in respect of which the Section 73 application is made. The assessment of each of the conditions attached to approval of 17/02026/VAR is discussed below.

The following conditions remain valid:



- Condition 2 (In accordance with approved plans);
- Condition 4 (Permitted use of the site/buildings);
- Condition 6 (Construction hours);
- Condition 7 (Mitigation measures of Flood Risk Assessment and Drainage Strategy);
- Condition 10 (Yearly logs/record of surface water drainage system maintenance);
- Condition 15 (No unbound materials);
- Condition 16 (No discharge of surface water onto highway);
- Condition 21 (No burning).

Officers suggest the following conditions to be varied to reflect the fact that details/plan/strategy was submitted and approved by the LPA, and it is important for the applicant to implement and follow the terms of the agreed strategy:

- Condition 3 (Materials) – no objection to the proposed fascia colours which was not clearly specified previously, other materials shall be in accordance with the details agreed under Application No. 18/00749/DAC;
- Condition 8 (Scheme to minimise risk of offsite flooding during Construction works) – no objection received from ECC SuDs on the current changes, scheme to be implemented in accordance with details agreed under Application No. 17/02262/DAC and;
- Condition 9 (Maintenance Plan of surface water drainage system) – Details agreed under Application No. 20/01238/DAC;
- Condition 11 (Construction Method Statement) – Details agreed under Application No. 17/02262/DAC;
- Condition 12 (Pedestrian refuse island crossing) – Details agreed under Application No. 20/01238/DAC;
- Condition 13 (Provision of vehicular access) – constructed but need to be maintained as per original permission;
- Condition 14 (Provision of visibility splays) – provided but need to be maintained as per original permission;
- Condition 17 (Provision of car parking and vehicle turning areas prior to occupation) – Drawing Number requires update to reflect the latest parking provision as shown on the Proposed Site Block Plan;
- Condition 18 (Badger survey) – completed but mitigation/compensation works are required to be carried out according to the agreed details under Application No. 17/01988/DAC;
- Condition 19 (Noise Mitigation Measures) – details agreed under Application No. 17/01988/DAC and required to be implemented according to the agreed details;
- Condition 20 (Internal and External Lighting) – internal lighting details agreed under Application No. 21/02521/DAC. Revised external lighting details covering the proposed changes are included as part of this application which are acceptable to the Council's Ecology Officer. Require to be varied to implement and retain as per the agreed details;

- Condition 22 (Hard and Soft Landscaping) – details agreed under Application No. 18/00701/DAC. Revised details covering the proposed changes are included as part of this application, which are acceptable to the Council's Landscape Team. Require to be varied to implement and retain as per the submitted details;
- Condition 23 (Tree Protection Plan) – details agreed under Application No. 18/00223/DAC, apart from the northern roadside hedge being removed, all other details required to be implemented and retained throughout the construction process;
- Condition 24 (Compliance with details of Application No. 17/01562/DAC) – to reflect its relation to the details of agreed Wildlife Protection Plan and Mitigation Strategy (As required by Condition 18 of the original permission of 15/01584/FUL) for the avoidance of doubt.

As the development has commenced, Condition 1 on time limit for commencement and Condition 5 on archaeological evaluation no longer apply. The remaining conditions will be re-numbered accordingly.

### PLANNING BALANCE AND CONCLUSION

This variation application is retrospective in nature and has, understandably, caused much angst in the community for which Officers sympathise. It is however apparent to Officers that the various changes proposed in the application would not give rise to detrimental harm to the existing residents, to the landscape, or to the character of the area. Even if Officers were to have concluded that harm existed in some respects, the benefits of completing the development and implementing an effective landscape scheme would be compelling enough to outweigh any such harms.

For this reason, Officers recommend that, subject to the completion of a Deed of Variation modifying the Section 106 legal obligations pertinent to this development site and development, planning permission is granted for the this variation application, subject to the suite of relevant conditions.

### RECOMMENDATION

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

### APPROVED PLANS

Proposed Elevations	Plan Ref: B5402(PL)10	Version: C
Proposed Elevations	Plan Ref: B5402(PL)11	Version: C
Proposed Elevations	Plan Ref: B5402(PL)14	Version: D
Proposed Elevations	Plan Ref: B5402(PL)15	Version: D
Boundary Treatment	Plan Ref: TNA-460_10	
Proposed Elevations	Plan Ref: B5402(PL)06	Version: G

Proposed Elevations	Plan Ref: B5402(PL)07	Version: H
Proposed Elevations	Plan Ref: B5402(PL)09	Version: E
Proposed Elevations	Plan Ref: B5402 (PL)12	Version: F
Landscaping	Plan Ref: TNA_460_02	Version: D
Proposed Block Plan	Plan Ref: B5402(PL)02	Version: G
Proposed Floor Plan	Plan Ref: B5402(PL)03	Version: G
Proposed Ground Floor	Plan Ref: B5402(PL)04	Version: G
Proposed 1st Floor Plan	Plan Ref: B5402(PL)05	Version: G
Proposed Elevations	Plan Ref: B5402(PL)13	Version: E

- 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.

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

Reason

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

- 3 The development hereby permitted shall only be used for extra care retirement living and for no other purpose, including any use otherwise permitted within Class C2 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason

In order for the Local Planning Authority to control the use of the site and for any other use proposed to be duly considered against applicable planning policy.

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

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

Reason

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

- 5 The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy Rev. B produced

by BSP Consulting, dated March 2016.

The mitigation measures as contained within the above mentioned Flood Risk Assessment and Drainage Strategy shall be implemented in full prior to the first occupation of the development and thereafter retained in the approved form.

Reason

In order to prevent flooding by ensuring satisfactory storage/disposal of surface water from the site.

- 6 The scheme to minimise risk of offsite flooding during construction works shall be implemented in accordance with the details as agreed within Application No. 17/02262/DAC.

Reason

To ensure flood risk is not increased elsewhere by development during construction.

- 7 The Maintenance Plan of surface water drainage system shall be carried out on site in perpetuity in accordance with the details as agreed within Application No. 20/01238/DAC, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

- 8 The person(s) and/or organisation responsible for the maintenance of the surface water drainage system as identified in the Maintenance Plan required by Condition 7 above, shall produce yearly logs/records in perpetuity of the maintenance of the surface water drainage system in accordance with the approved Maintenance Plan. The yearly logs/records of maintenance shall be available for inspection to the Coal Planning Authority upon request.

Reason

To ensure the surface water drainage systems are maintained, such they continue to function as intended to ensure mitigation against flood risk.

- 9 The Construction Method Statement shall be adhered to throughout the construction period for the development, in accordance to the details agreed within Application No. 17/02262/DAC.

Reason

In the interests of the amenity of residents of the locality and in order to minimise nuisance caused by pollution in the interest of residential amenity.

- 10 The pedestrian refuse island crossing shall be implemented and retained on site in accordance to the details agreed within Application No. 20/01238/DAC.

Reason

To ensure pedestrian accessibility to/from the site and to accord with the Highway Authority's Development Management Policies (2011).

- 11 The vehicular access shall be constructed and retained as per the agreed details as shown on Drawing No. 1380-04 (attached to the Transport Assessment Addendum) of the original Application No. 15/01584/FUL .

Reason

In the interests of highways safety.

- 12 The vehicular access of the above Condition 11 shall be provided with a clear ground visibility splay with dimensions of 2.4m by 43m to the north and 2.4m by 43m to the south as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

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

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

Reason

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

- 14 There shall be no discharge of surface water onto the highway.

Reason

To prevent hazards caused by flowing water or ice on the highway.

- 15 No flat/apartment shall be occupied before the car parking and vehicle turning areas as shown on Drawing No. B5402 (PL) 02 Rev. G has been laid out and constructed in its entirety and made available for use. Thereafter the said car parking and vehicle turning areas shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

Reason

To enable the Local Planning Authority to secure satisfactory provision for the parking and turning of vehicles in the interests of highway safety.

- 16 The mitigation/compensation works in relation to the Badgers Survey shall

be carried out in accordance with the details as agreed within Application No. 17/01988/DAC.

Reason

To safeguard and protect protected species that could be present on the site and to ensure all impacts resulting from development are taking into account and mitigated.

- 17 The noise mitigation measures for the apartments fronting Church Lane shall be adhered to in accordance with the details as agreed within Application No. 17/01988/DAC.

Reason

In the interests of residential amenity.

- 18 The lighting scheme for the site shall be installed, maintained and operated in accordance with the details as agreed within Application 21/02521/DAC) and as illustrated within the revised External Lighting 3D document (produced by EASILUME dated 18 October 2021).

Reason

In the interests of visual and residential amenity and to prevent external lighting adversely affecting the ecological value of the site and surrounding area.

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

Reason

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

- 20 The hard and soft landscaping scheme shall be carried out on site in accordance with the approved drawings/specifications. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

The monitoring details of the agreed landscaping shall be undertaken on site and implemented until such time as the landscaping has been carried out in accordance with the approved drawings/specifications, or any other scheme as may be agreed in writing by the Local Planning Authority.

Reason

To ensure enhancement of the development in the interests of visual and residential amenity and to ensure the landscaping is undertaken appropriately to ensure longevity.

- 21 The Tree Protection Plan shall be implemented on site and retained throughout the construction process in accordance with the details as agreed within Application No. 18/00223/DAC.

Reason

To ensure the protection and retention of existing/remaining trees and hedges.

- 22 The Wildlife Protection Plan and Mitigation Strategy shall be undertaken on site for the duration of the construction of the development, in accordance with the details agreed within Application No. 17/01562/DAC. Any amendment to the Wildlife Protection Plan and Mitigation Strategy shall be approved in writing by the Local Planning Authority prior to implementation of any such amendment.

Reason

To protect features of recognised nature conservation importance.

INFORMATION TO APPLICANT

1 The applicant should refer to the advice given by Essex County Council Development and Flood Risk Officer dated 30th September 2021.

2 The applicant should refer to the advice given by Essex Fire and Rescue Service dated 10th November 2020 and 6th September 2021.

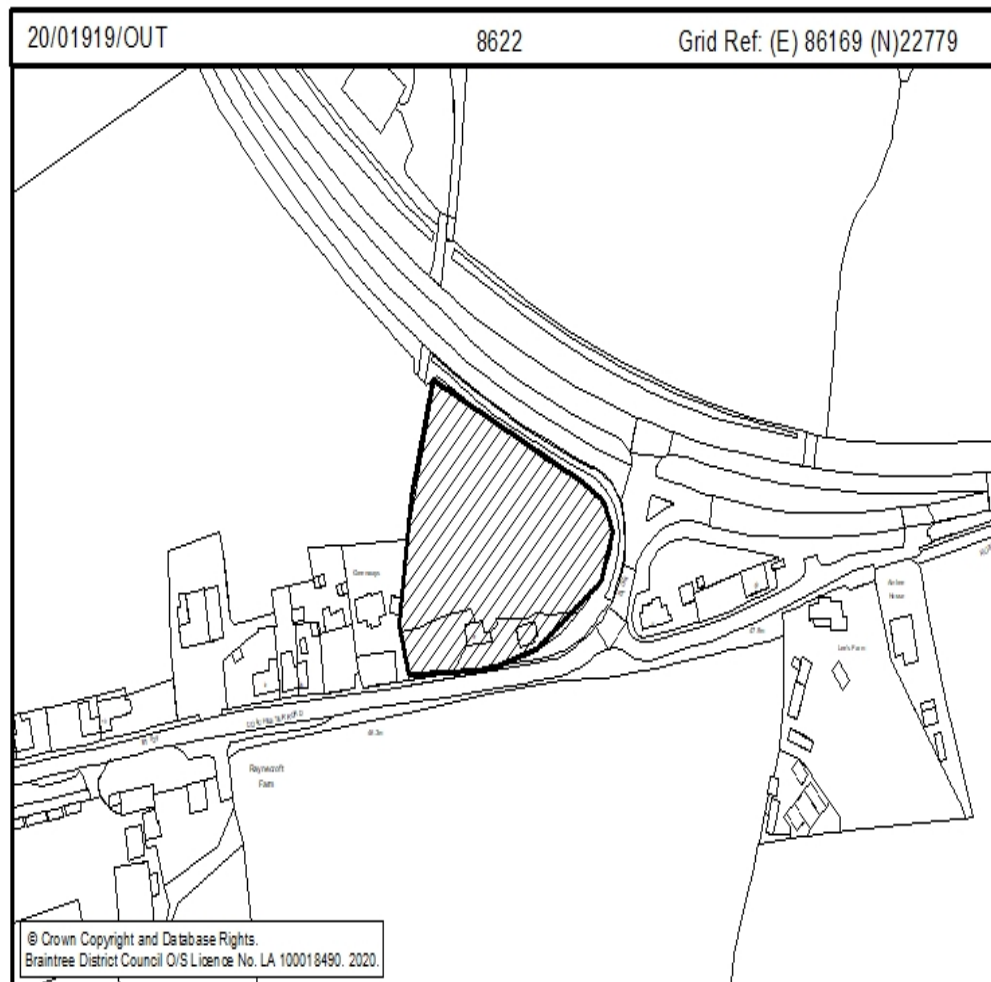
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01919/OUT  
DATE VALID: 30.11.20  
APPLICANT: Mr & Mrs Day  
31, Colchester Road, Coggeshall, CO6 1RR  
AGENT: Pomery Planning Consultants Ltd  
Mr Robert Pomery, Pappus House, Tollgate West,  
Stanway, Colchester, CO3 8AQ  
DESCRIPTION: Outline application with (appearance and landscaping reserved) for the erection of 9no. dwellings.  
LOCATION: 31 Colchester Road, Coggeshall, Essex, CO6 1RR

For more information about this Application please contact:  
Timothy Havers on:- 01376 551414 Ext. 2526  
or by e-mail to: [timothy.havers@braintree.gov.uk](mailto:timothy.havers@braintree.gov.uk)





The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJZFLABFHRI00>

### SITE HISTORY

96/00658/FUL	Erection of double garage	Granted	24.07.96
19/00866/HH	Proposed two storey rear extension & single storey side extension	Withdrawn	04.07.19
19/02100/OUT	Outline planning application (with appearance and landscaping reserved) for the erection of 9 No. dwellings	Withdrawn	04.02.20

### POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

## Braintree District Local Development Framework Core Strategy 2011

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

## Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

## Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

## Coggeshall Neighbourhood Plan 2015 – 2033

Policy 1	Meeting the Housing Need
Policy 6	Protecting and Enhancing Green and Blue Infrastructure and the Natural Environment
Policy 11	Preventing Pollution
Policy 12	Managing Flood Risk and Drought Mitigation
Policy 13	Protecting and Enhancing Our Heritage
Policy 14	Design Management
Policy 16	Transport and Accessibility
Policy 17	Infrastructure and Developer Contributions
Policy 18	Recreational Disturbance Avoidance and Mitigation Strategy

## Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document  
Essex Design Guide  
External Lighting Supplementary Planning Document  
Essex Parking Standards Design and Good Practice 2009  
Coggeshall Village Design Guide

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation, at the request of the Chairman and Vice-Chairman of the Planning Committee.

## NOTATION

The application site is located outside the Coggeshall Village Envelope as designated in the Adopted Local Plan.

The application site is not proposed for allocation for residential development in the Draft Local Plan nor has it been allocated for development in the Adopted Coggeshall Neighbourhood Plan.

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

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located outside the Village Envelope of Coggeshall and sits in the countryside. It abuts a site which has planning permission for a residential development of 300 dwellings and will therefore, in the future, abut the eastern edge of Coggeshall Village.

The site measures approximately 0.7 hectares and consists of an existing detached dwelling and its curtilage which encompasses a garden and a paddock to the rear. Topographically it is relatively level.

The site is bounded to the north by the A120 and to the south and east by Colchester Road, being located at the point where these two roads intersect. To the west lie existing dwellings located along Colchester Road and agricultural land which is the subject of the outline planning permission described above.

Vehicular access to the site is taken from Colchester Road where an 'in and out' access serves the existing dwelling. Further to the east, a more informal access serves the paddock area.

## PROPOSAL

The applicant seeks outline planning permission for 9 dwellings with appearance and landscaping as reserved matters and access, layout and scale submitted for approval.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the

Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The applicant has, in addition to the site location plan submitted detailed layout plans (which include a site access) in addition to some illustrative street elevations and an illustrative sectional drawing.

The application is also supported by a number of documents which include:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Air Quality Assessment
- Land Contamination Assessment
- Noise Assessment
- Speed Survey

### SUMMARY OF CONSULTATION RESPONSES

Two public/statutory consultations were completed, the second following revisions to the original scheme. Responses are summarised below.

#### Essex Police Architectural Liaison Officer

No objection to revised scheme. Would like this development to seek to secure a Secured by Design Award.

#### Essex Fire and Rescue

Have made the following comments:

Access – is acceptable provided that the arrangements are in accordance with Building Regulations. The following matters therefore need to be addressed:

- The surface of the access road should be capable of sustaining a load of 18 tonnes for pumping appliances
- Changes of direction by bends should accommodate a turning circle of 17.8m and a sweep circle of 19.0m
- The overall width of the access path should not be less than 3.7m
- Openings or gateways should not be less than 3.1m
- Headroom should not be less than 3.7m
- Where any changes of levels are involved, as in the case of a kerb, they should be ramped, or have a kerb height not exceeding 90mm

Building Regulations – it is the responsibility of anyone carrying out building work to comply with the requirements of the Building Regulations.

Water Supplies – the applicant is reminded that additional water supplies for fire fighting may be necessary for this development.

Sprinkler Systems – are strongly recommended even when not required under Building Regulations.

### Natural England

The application site falls within the identified Zone of Influence of the European Designated Sites located on the Essex Coast and scoped in to the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS). The LPA must therefore undertake a Habitat Regulations Assessment to ensure that the necessary mitigation is secured.

### ECC Flood and Water Management

Objection.

The outfall diameter for the scheme is shown to be 47mm. It is the LLFA's requirement that the outfall diameter is no smaller than 50mm unless there is significant sediment and debris removal to reduce the risk of blockage. The outfall diameter should also be shown to be in line with Anglian Water requirements, which has been known to be roughly 65mm and it is unlikely that they will accept 47mm.

Rainwater reuse should be shown to be being utilised as much as possible. This is in line with the Essex SuDS Design Guide 2020.

ECC Flood and Water Management also raised the following advisory comments:

- The basin should have a sediment forebay or similar to ensure that its storage capacity is not reduced over time. This can be conditioned.
- Infiltration testing will be conditioned to confirm its viability on site. If necessary the scheme may have to be updated.
- Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively.

### Anglian Water

Foul water – Coggeshall Water Recycling Centre currently does not have capacity for the foul drainage from this development. Anglian Water are obliged to create capacity for developments with planning permission and would do so if permission were granted.

The sewerage system has capacity for the development.

The Surface Water Strategy submitted is unacceptable because it does not demonstrate that the SUDs hierarchy has been followed. Infiltration and discharging to a watercourse should be used where achievable before

connecting to the public surface water sewer. A planning condition relating to this hierarchy of options is therefore required.

#### ECC Archaeology

No objection subject to standard conditions requiring full archaeological evaluation.

The development would affect a site of archaeological interest. The site lies on the edge of the historic settlement of Coggeshall which originated as a medieval market town. There is also evidence of a Roman Settlement at Coggeshall with a likely Roman Road running close to the site's southern boundary.

Enclosures and activity from the pre-historic, Iron Age and Roman period have been identified on the adjacent site. A concentration of pre-historic activity is also likely to extend into the site.

#### ECC Highways

No objection subject to a conditions requiring a Construction Management Plan to be submitted for approval; the provision of the site access and a requirement for Residential Travel Information Packs.

#### BDC Ecology

No objection. Sufficient Ecological information has been submitted. A Habitat Regulations Assessment must be undertaken and a financial contribution secured to mitigate the impact of the development on the Blackwater Estuary SPA and Ramsar site and the Essex Estuaries SAC in accordance with the Council's adopted Essex Recreational Avoidance and Mitigation Strategy.

Planning conditions relating to the following are required:

- Protection of Badgers on construction sites
- Wildlife friendly lighting scheme
- Biodiversity enhancement strategy

#### ECC Historic Buildings Consultant

No objection from a built heritage perspective.

No.31 is marked on the first edition OS map and has a symmetrical, classical appearance, rendered with a central doorway and sliding sash windows across the building. Limited information has been provided about the property by the applicant, including whether or not it could be considered a non-designated heritage asset. A more thorough heritage statement would be beneficial.

In relation to the original scheme (*included as some commentary is still relevant*):

The proposed development to the rear of the retained house and positioning of plots 1-4 is at odds with the locality and linear development of the road. The proposed layout is inappropriate and number of units is excessive for the site, failing to respond to local distinctiveness. The proposed houses fronting the street follow the curve of the road as it is now, further emphasising the disruption to Stane Street caused by the creation of the A120, whilst the creation of new dwellings to the rear will remove No.31s relatively rural, open setting, enclosing it within a housing estate.

I am aware of the existing permission 17/02246/OUT, for the creation of 300 dwellings to the north of the application site, which will dramatically enlarge the eastern edge of Coggeshall. However, each application must be assessed on its own merit, and this current application fails to respond to local character and distinctiveness. Section 127 of the NPPF should be considered by the local authority when determining this application.

In relation to the revised scheme:

The reduction in units will have a lesser impact upon the setting of No.31 Colchester Road and no harm is anticipated to the setting of Lees Farm.

#### Highways England

No objection. The application is of a size, scale and nature where there is unlikely to be a severe impact on the strategic road network.

#### BDC Environmental Health

#### **Noise**

A number of queries are raised in relation to the Applicants Noise Report.

It would be appropriate to wrap the Noise Bund around the north-west of the site to improve protection. The changing elevations of the A120 should be considered when assessing noise protection offered by the Bund as the bund may not be as effective as predicted, particularly at first floor level.

The noise report lacks some clarity as to the noise levels that are relied upon to predict the attenuation required of the building envelope and the resultant external garden levels.

A number of detailed technical queries are also raised in relation to the existing noise data collection methodology and calculations.

A thermal comfort assessment is required to be submitted where there is reliance on closed windows for attenuating noise.



If permission is granted, conditions relating to noise mitigation measures and ventilation/cooling of properties would be required.

## **Contamination**

There is a Landmark Assessment submitted in respect of contaminated land. However this is not a risk assessment taking account of the proposed future use of the site or the existing use/condition of the land which would require a walkover of the site. Previous land uses/adjacent uses are noted which may result in contamination.

If permission is granted detailed conditions relating to contamination would be required. Conditions relating to a Construction Management Plan/control of construction would also be required.

## **BDC Waste**

The private road will need to be built to an adoptable standard and maintained as such. BDC will require a written indemnity stating that BDC will not be accountable for repairs to damages as a result of BDC using the private road to carry out waste and recycling collections.

## **BDC Landscape**

Objection to originally proposed scheme. The development layout relies almost exclusively on the screening from the existing vegetation adjacent to the A120 around the road junction. In the absence of an Arboricultural Impact Assessment (AIA) and accurate topographical survey showing the extent of the canopies and likely root protection areas for the boundary vegetation it is unclear how much the existing trees and shrubs would need to be cut back to install a sound attenuation wall and how much damage this would involve within the root protection area for this boundary planting.

The current mix of the existing vegetation on this boundary also lacks an evergreen component so the screening over the winter period will be limited. It is also considered that a buffer planting strip of the extent shown will do little to soften the visual impact of the acoustic wall for the adjacent properties.

An AIA prepared in the context of an accurately mapped line for the attenuation wall (and an installation specification) is required to evaluate whether the space allowed is feasible and whether a suitable Tree Protection Plan will be effective in limiting the damage from construction of the acoustic wall.

## **BDC Housing**

The site area is 0.7ha which exceeds the 0.5ha major development threshold and consequently triggers the need for affordable housing. Adopted Core Strategy Policy CS2 requires 40% affordable provision on site in rural areas

where a site area exceeds 0.5ha. For a 9 unit scheme this equates to 3.6 affordable homes.

Details concerning the mix of affordable dwellings would be the subject of reserved matters. However, the affordable housing unit and tenure mix set out in the below Table would be appropriate to address identified need.

	Affordable Rent
2 bedroom 4 person house	1
3 bedroom 5 person house	2
TOTAL	3

Additional requirements that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy
- Accessibility requirement for all affordable homes accessed at ground level to meet Building Regulations Part M Cat (2)
- Affordable homes should be compatible with Nationally Described Space Standards

#### PARISH / TOWN COUNCIL

##### Coggeshall Parish Council

Objection. The Parish Council have assessed the application against the Neighbourhood Plan and submitted detailed comments which are summarised below. No response was received in relation to the re-consultation following the revised scheme.

#### **Policy 1 (Meeting the Housing Need)**

The site is not allocated and is located outside the development boundary. The approval of development on adjacent land does not imply that permission should be granted for this site.

The proposed density is too high for an edge of the settlement location and does not represent a transition between the built-up area and the surrounding countryside. The allocated site, Cook Field, has a lower density and is located closer to the village centre.

The Neighbourhood Plan Housing Strategy demonstrates that the Parish is meeting its housing targets for the plan period and the proposed 15 units are surplus to housing need.

No proposals have been made to address affordable housing or the inclusion of renewable and low carbon energy technology.

### **Policy 7 (Protecting and Enhancing Green & Blue infrastructure and the Natural Environment)**

Landscaping is proposed only in the context of mitigating the impacts of noise from the A120 and views onto the site from the A120 and is by retention only of the existing hedge line, not enhancement.

Green & blue infrastructure links have not been considered. The opportunity to increase existing infrastructure has not been taken including emphasising the role of the SUDs basin.

### **Policy 12 (Preventing Pollution)**

The impact of noise pollution (from the A120) on the future residents would be mitigated with a 3.3m high acoustic fence. The completed Tey Road site mitigated this with a development of single-story housing, the adjacent Colchester Road development has a larger acoustic mound and tree planting.

The density of the current proposal reduces opportunities for landscape mounding and large-scale tree planting to reduce both noise pollution and air pollution.

Coggeshall Water Treatment works is “at capacity” and needs upgrading before any new homes can be connected.

### **Policy 13 (Managing Flood Risk & Drought Prevention)**

Greater detailing around proposed SUDs basin is required to ensure that it would become a feature and a natural asset and not simply an unmaintained hole in the ground.

The scheme should also seek to address additional technologies and natural solutions to both retain water and infiltrate it back into the ground, and recycle grey water within new homes.

### **Policies 15 & 16 (Design & The Coggeshall Design Guide)**

The Applicant should refer to the above policies and the Coggeshall Design Guide.

The high density of the site does not reflect the existing scale of the adjacent development nor the edge of settlement location. The homes to the rear of the site feel crowded, as such the internal hard urban street scape with no room for tree planting does not create a soft edge of centre character which is reflected in the character of existing neighbouring homes within larger gardens.

Opportunities for self-build plots could be incorporated.

Landscape and architectural appearance are reserved matters, however the current scheme does not represent ambitious or interesting architectural design which would relate to Coggeshall. Reducing carbon emissions is not addressed. Dense, small plots will lead to gardens backing directly onto the acoustic fence.

The proposed development site represents a 'green lung', which provides visually accessible open space when turning off the A120 and driving or walking into Coggeshall. The loss of the adjacent land to development makes it even more important in this regard.

### **Policy P17 Transport & Accessibility**

The new access road for this site is in a potentially dangerous location.

The site is on the very edge of the village and poorly connected to the centre by footpaths/cycleways.

Pedestrian connectivity with the adjacent development site should be addressed.

### **REPRESENTATIONS**

No representations have been received.

### **REPORT**

#### **Principle of Development**

#### **National Planning Policy Framework (NPPF) 2021**

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 60 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 74 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 Adopted Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), the Braintree District Shared Strategic Section 1 Local Plan (2021) and for this location the Coggeshall Neighbourhood Plan.

The application site sits outside the defined Village Envelope of Coggeshall. The application is therefore a departure from the Adopted Local Plan and the principle of development is contrary to Policy RLP2 of the Adopted Local Plan which states that new development will be confined to areas with Town Development Boundaries and Village Envelopes and to Policy CS5 of the Core Strategy which seeks to limit development outside such boundaries to uses appropriate to the countryside.

The Council can currently demonstrate a 5 year housing land supply and as such, applications such as this must be considered against the 'flat' or untitled planning balance.

It is therefore necessary to assess the flat planning balance, weighing any adverse impacts of granting planning permission against any benefits of the proposal.

#### The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the District Council's emerging Local Plan. The Village Envelope is proposed to be amended to encompass the adjacent development site, meaning that the current

application site would then sit adjacent to but still outside the revised development boundary.

The proposed development is therefore contrary to the emerging Section 2 Plan, in particular to Policy LPP1 of the Section 2 Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The emerging Local Plan as a whole is at an advanced stage with Section 1 being adopted and Section 2 awaiting modifications from Inspectors following which a modifications consultation will be undertaken.

As such full weight can be given to Section 1, and moderate weight can be given to Section 2.

### The Coggeshall Neighbourhood Plan

The Neighbourhood Plan was adopted in August 2021 and now forms part of the Development Plan. Full weight is therefore given to its policies.

Specifically with regard to Neighbourhood Plan policies which seek to restrict the supply of housing, the NPPF provides detailed guidance at Paragraph 14 to cover the scenario where the District Council's housing policies are deemed out of date but an adopted Neighbourhood Plan is in place. Whilst the Council can currently demonstrate a 5 year housing land supply the below provides a useful assessment of the likely outcome of the tilted planning balance and is relevant to the application of the flat balance.

In this tilted balance scenario (i.e. where there is no 5 year housing land supply), provided that the following 4 criteria are met then the planning balance for planning applications which involve the provision of housing and conflict with policies in a Neighbourhood Plan is likely to fall against the granting of permission with the adverse impacts significantly and demonstrably outweighing the benefits. The 4 criteria are:

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

Officers consider that all 4 criteria are met and that even if Braintree District Council could not demonstrate a 5 year housing land supply the planning balance would be likely to fall against the proposal on the above basis. Given

that a 5 year supply can be demonstrated, this only serves to strengthen this position.

### 5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

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

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission were tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

### SITE ASSESSMENT

#### Location and Access to Services and Facilities

The application site is located outside the Village Envelope of Coggeshall and would remain so following the proposed revision to the Village Envelope to encompass the adjacent development site.

In terms of the wider context, Coggeshall is identified in the Core Strategy as a key service village, one of six within the District. Key service villages sit below main towns but above other villages within the District's settlement hierarchy and are defined in the Core Strategy as *'large villages with a good level of services, including primary schools, primary healthcare facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*.

The designation of Coggeshall as a key service village has been carried forward into the Section 2 Plan along with 4 other existing key service villages. The settlement hierarchy is also altered and expanded from 'towns; key service villages and other villages' to 'towns; key service villages; second tier villages and third tier villages'.

It is therefore accepted that at the strategic level, the village of Coggeshall is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding areas, in common with the other identified key service villages and that this designation is carried forwards into the new Local Plan.

However, the application site would not benefit from any direct pedestrian or cycle links to the adjacent development site. It is also noteworthy that whilst the adjacent site, which is of a much larger scale, has areas which are significantly closer to the village's facilities, this current site in its entirety sits on the very outer edge of the village. A link to the existing footway along Colchester Road would be provided and this would allow future residents to cut through the adjacent development (once completed) if they so wished, but only via Colchester Road.

In terms of distances, the co-op is located approximately 870m from the site's proposed access. To the village centre (Market Street) the distance is approximately 1.2km

There is a bus stop approximately 300m to the east on the A120 and another stop on Colne Road which could be accessed through the adjacent future development but at over 900m distance.

Overall, whilst the physical location of the application site is not considered to be unsustainable, it lacks the better pedestrian connections of the adjacent development site to both the village facilities and to existing bus stops and as a whole is located in its totality beyond what will be the very outer edge of the Village.

#### Design, Appearance, Layout and Scale

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require a high standard of design and layout in all developments. Policy 14 of the Neighbourhood Plan states that development should 'contribute positively to the character, setting and appearance of the surrounding area' be



of an appropriate scale and size and 'ensure that that the design and detail reflects and responds positively to the scale, design, density, layout and historic character of existing development in the surrounding area'.

At the national level, the NPPF is also clear in its assertion (Paragraph 126) that 'good design is a key aspect of sustainable development' and that (Paragraph 130) developments should 'function well and add to the overall quality of the area...are sympathetic to local character and history ....establish or maintain a strong sense of place'.

The current application is an outline application but seeks approval for access, layout and scale. Appearance and landscaping would remain as reserved matters. In addition to a Site Location Plan, the applicant has submitted a Development Layout Plan which shows the site access and proposed layout. Scale is specified as being 2 storey for all dwellings.

The applicant proposes 9 detached dwellings. Three of these would front onto Colchester Road, in an approximate continuation of the existing building line created by the applicant's existing dwelling. Five dwellings would sit at the rear of the site, being orientated toward the A120 and being accessed by a private driveway which would run parallel to the A120. The ninth dwelling would sit in the heart of the site and would face into its centre. A detached double garage to serve the applicant's existing dwelling is also proposed.

The existing site consists of a single detached house located within its own curtilage, which includes a grassed paddock to the rear. The site has a markedly rural character and plays an important role acting as the gateway to Coggeshall and providing the passer bys first experience of entering the village, constituting the first built form on the northern side of Colchester Road. The rural character of the plot is distinctive and eases the transition between town and countryside in this respect. This would not be altered by the building out of the major development site to the north-west, which would not be as visible or prominent in this regard.

The applicant's existing single storey timber clad slate roofed outbuilding, also prominent within the street scene, assists in this transition appearing relatively agricultural in its nature and being the first built form experienced visually prior to the main dwellinghouse. The land opposite the plot is expansive, flat agricultural land over which the applicants house looks and which adds to the rural setting and character of the street scene, the earliest built form of the main village on that side of the road being experienced some way further down (westwards) along Colchester Road.

The applicant proposes to erect 3 new dwellinghouses along the Colchester Road frontage, also demolishing the existing outbuilding in the process. The erection of these dwellings would substantially alter the character of the street scene in this locality, with the loss of the existing outbuilding compounding matters. The result would be a much more abrupt transition from countryside to town, with the applicant's rural plot being transformed into a much harder urban frontage, with the 3 new dwellings sitting adjacent to the existing

dwelling and creating an almost continuous frontage of built form. This would not be in keeping with the character of the area, upon which it would have a direct and significant detrimental impact. The development in depth would further compound this, creating a greater perception of urbanisation and resulting in the total loss of the existing paddock which plays an important function in maintaining the existing character of both the applicants plot and the wider street scene.

In terms of the detail of the layout, garden sizes are generally compliant with the Essex Design Guide as are the majority of the back to back distances. However, the back to back distance between Plots 3 and 4 is approximately 17.5m which is well below the required 25m and is unacceptable in terms of loss of privacy to future occupiers.

The dwelling mix, although not specifically detailed, is evidently based upon larger units. It is clear that the scheme proposes no 1 or 2 bed units which again is considered unacceptable.

Finally, the outlook for new occupants of the rearmost five dwellings would be straight onto the proposed 4m high noise bund at a distance of only 10m. This does not represent good design and layout, nor could it be said to constitute high quality place making.

Overall, the proposed design and layout is considered to be of a poor quality in a number of areas and the impact of the proposal on the character and appearance of the locality is considered to be detrimental to the point where planning permission should be refused.

### Landscape

Policy CS8 of the Core Strategy states that *'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'*. Policy LPP71 of the Section 2 Plan also states that development must be suitable for its landscape context.

The Council's Landscape Officer reviewed the application in its original form and raised concerns in relation to the impact upon the existing hedge along the site's eastern boundary, in terms of its potential loss due to the construction of the originally proposed acoustic fence. The revised proposal relies instead on a noise bund. Although the applicant has not submitted an Arboricultural Assessment, the proposed drawings show that it is likely that the bund could be constructed and the existing site boundary hedge retained intact provided that a planning condition requiring details of root protection measures was used.

In terms of wider landscape impact, provided that the above was the case, it is not considered in pure landscape terms that the proposal would cause such a degree of harm that it should be refused on a landscape basis.

## Ecology

Policy RLP80 of the Adopted Local Plan requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Section 2 Plan encourages landowners to retain, maintain and plant native trees, hedges and woodlands. Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact upon protected species. Policy LPP68 of the Section 2 Plan also requires the impact of new development upon protected species to be considered.

The site consists of a domestic dwelling and its curtilage which includes a grass paddock. The Council's Ecology Officer has reviewed the application and has advised that the garage/outbuilding is unlikely to house bats and that the ecological implications of the proposal can be accurately predicted. No objection is raised on ecological grounds, subject to conditions requiring biodiversity enhancement measures for the site. Conditions relating to wildlife friendly lighting for the development and a precautionary condition for the protection of badgers on construction sites would also be required.

## Habitat Regulations Assessment (HRA / RAMS)

The application site lies within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area and Ramsar site and the Essex Estuaries SAC. It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of this site.

An Appropriate Assessment has been completed in accordance with Natural England's standard guidance and for a development of this size a financial contribution only is required towards off site mitigation measures at the protected sites and in accordance with the Councils adopted Habitat Regulations SPD. In accordance with the Council's standard procedures the applicant made the required payment at the planning application submission stage. For applications which are refused planning permission these payments are refunded if no appeal is lodged within 6 months or if an appeal is lodged and subsequently dismissed.

## Highways and Transport

The applicant seeks outline permission with some matters reserved. Detailed permission is sought for access. The scheme is not of a size where a Transport Statement is required, however the applicant has submitted a speed survey to inform the acceptability of the proposed visibility splays.

ECC Highways have reviewed the application and have no objection on highway grounds, subject to a number of conditions relating to the provision of a Construction Management Plan; the details of the provision of the site access and a requirement for Residential Travel Information Packs.

Overall it is not therefore considered that the proposal would be unacceptable in terms of the proposed access or traffic generation from the development.

#### Impact upon Existing Neighbour Amenity

Site layout is for consideration as a detailed matter. There is one existing neighbouring dwelling to the west of the site, however none of the new dwellings would be in close proximity to this nor would they be orientated in such a way that they would result in an unacceptable degree of overlooking or loss of amenity. To the east, the nearest existing dwellings would be located on the opposite side of Colchester Road and would remain unaffected by the proposal in terms of their amenity.

Detailed planning permission has also been granted for the land to the north-west of the application site. However the distance between and orientation of the proposed dwellings for each site would ensure that neighbour impact was acceptable.

#### Heritage

The application site contains no listed buildings and is not located within or adjacent to a Conservation Area. The Council's Historic Buildings Consultant has assessed the application and raises no objection from a built heritage perspective although it is noted that a more thorough Heritage Statement would be beneficial as opposed to a Design and Access Statement. A number of general design and layout/street scene/setting concerns were identified in relation to the originally proposed scheme.

In relation to the revised scheme the Historic Buildings Consultant states the following:

*The reduction in units will have a lesser impact upon the setting of No.31 Colchester Road and no harm is anticipated to the setting of Lees Farm (a listed building located some distance to the east of the site).*

Overall, although a number of general concerns were raised by the Historic Buildings Consultant no specific heritage harm was identified and it is not considered that there are any heritage grounds for refusal of planning permission.

#### Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to standard conditions requiring full archaeological evaluation.

## Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of their application which has been reviewed by ECC as the Lead Local Flood Authority. The proposed Drainage Scheme would utilise a SUDs attenuation basin from which surface run off water would be released into an adjacent public sewer.

ECC have objected on the following grounds:

- 1) The outfall diameter for the scheme is shown to be 47mm. It is the LLFA's requirement that the outfall diameter is no smaller than 50mm unless there is significant sediment and debris removal to reduce the risk of blockage. The outfall diameter should also be shown to be in line with Anglian Water requirements, which has been known to be roughly 65mm and it is unlikely that they will accept 47mm.*
- 2) Rainwater reuse should be shown to be being utilised as much as possible. This is in line with the Essex SuDS Design Guide 2020.*

They also submitted a number of advisory comments:

*The basin should have a sediment forebay or similar to ensure that its storage capacity is not reduced over time. This can be conditioned.*

*Infiltration testing will be conditioned to confirm its viability on site. If necessary the scheme may have to be updated.*

*We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively.*

Overall, it is not therefore considered that the applicant has demonstrated that an acceptable and sustainable Surface Water Drainage Scheme could be provided for the site.

Foul water from the development is also intended to be discharged to an existing adjacent public sewer. Anglian Water have been consulted and have no objection to this element of the scheme although they also state that the proposal to discharge surface water into a public sewer is unacceptable and that no evidence has been submitted to justify this as being necessary as opposed to using infiltration.

## Agricultural Land

Paragraph 174 of the NPPF states that Local Planning Authorities should recognise the wider benefits from natural capital and ecosystem services including the economic and other benefits from best and most versatile

agricultural land. The application site includes a small paddock area (approximately 1.2 acres in size) of land which is highly likely to be classed as best and most versatile, based on the Agricultural Land Classification Report for the adjacent development site and indeed falls within such an area according to the Council's District Wide classification maps.

The loss of just over an acre of such land, whilst a comparatively small area, does weigh against the proposal in the planning balance.

### PLANNING BALANCE AND CONCLUSION

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

Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1, SP3 and SP7 of the Section 1 Plan, Policies RLP2, RLP69; RLP70, RLP71 and RLP90 of the Adopted Local Plan, Policy CS5 of the Core Strategy, Policies 1, 12 and 14 of the Coggeshall Neighbourhood Plan, and Policies LPP1, LPP55, LPP78 and LPP80 of the Section 2 Plan.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role. Policy 1 of the Coggeshall Neighbourhood Plan identifies the housing need and housing sites for the Neighbourhood Plan Area. All 3 policies are recently adopted, consistent with the NPPF and can be given full weight.

With regard to Policy RLP2 of the Adopted Local Plan, whilst it's primary purpose is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight. Policy LPP1 of the Section 2 Plan reiterates the above. Given the status of the Section 2 Plan (which is now at modifications stage following initial examination) it is considered this draft policy can be attributed moderate weight.

Policy SP7 of the Section 1 Plan requires new developments to meet high standards of urban and architectural design and to respond positively to local character and context to preserve and enhance the quality of existing place and their environs. Policy RLP90 of the Adopted Local Plan seeks to ensure that developments recognise and reflect local distinctiveness in terms of scale, density, height and massing and that their layout is in harmony with the character and appearance of the surrounding area. All of these factors go to the heart of good urban design, which is a significant consideration as set out within Section 12 (Achieving Well-designed Places) of the NPPF. Moreover, the 2021 NPPF has introduced a significant emphasis on 'beautiful design' including references in Paragraphs 8b, 73c, 125, 126, and 128. This change therefore not only seeks to secure good design but also seeks to raise the overall standard of a development in conjunction with a number of other new policy additions such as the requirement for tree lined streets. As such, it is considered that RLP90 is not out-of-date and can be given full weight. Policy LPP55 of the Section 2 Plan also reiterates many of the above points set out

in Policy RLP90 of the Adopted Local Plan and the NPPF and can be attributed moderate weight.

Policy 14 of the Coggeshall Neighbourhood Plan requires development to contribute positively to the character, setting and appearance of the surrounding area, be of a scale and size which reflects the rural character and requires new development to respond positively to the scale, design, density, layout and historic character of existing development in the area. This accords with the NPPF as set out above and this policy is given full weight.

Policies RLP69, RLP70, and RLP71 of the Adopted Local Plan address the need to ensure new developments utilise sustainable urban drainage systems, achieve appropriate sewerage connections and incorporate water efficiency measures. This accords with the NPPF and these policies are given full weight. Policies 78 and 80 of the Section 2 Plan require similar and are given moderate weight. Policy 12 of the recently adopted Coggeshall Neighbourhood Plan also requires the same and is given full weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent, and in many cases fully consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. 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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being);
- an environmental objective (to protect and enhance our natural, built and historic environment; including making effective use of land, improving



biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

## **Summary of Adverse Impacts**

The adverse impacts and the weight that should be accorded to these factors are set out below:

### Conflict with the Adopted and the Emerging Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. It would also conflict with Policy 1 of the recently adopted Coggeshall Neighbourhood Plan which again requires development to be located within the Development Boundary. Significant weight is attached to these conflicts.

### Design, Layout and Impact on the Surrounding Street Scene

The development would conflict with Policy SP7 of the Section 1 Plan and Policy RLP90 of the Adopted Local Plan which require developments to be in harmony with the character and appearance of the surrounding area and of a high standard of design and layout and Policy 14 of the Coggeshall Neighbourhood Plan which requires development to contribute positively to the character, setting and appearance of the area. Significant weight is given to these conflicts. Policy LPP55 of the Section 2 Plan reiterates many of the same requirements and the conflict with this policy is given moderate weight.

### Sustainable Urban Drainage Systems

The development would also conflict with Policies RLP69 and RLP70 of the Adopted Local Plan, Policy 12 of the Neighbourhood Plan, and Policies LPP78 and LPP80 of the Section 2 Plan which require new developments to utilise sustainable urban drainage systems, achieve appropriate sewerage connections and incorporate water efficiency measures. Significant weight is given to the identified conflict with the above adopted policies and moderate weight to the conflict with the two draft policies.

### Conflict with the NPPF

The development would also conflict with the NPPF in terms of its overarching objective to secure sustainable development, but in particular would conflict

with Paragraphs 126 and 130 which state that ‘good design is a key aspect of sustainable development’ and that developments should ‘function well and add to the overall quality of the area...are sympathetic to local character and history ....establish or maintain a strong sense of place’.

It is considered that significant weight should be given to this conflict and that the proposal does not constitute sustainable development when considered against the policies of the Framework as a whole.

Limited weight is given to the loss of best and most versatile agricultural land contrary to Paragraph 174 of the NPPF.

### **Summary of Public Benefits**

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

#### Delivery of Market and Affordable Housing

The development would facilitate the provision of 9 new dwellings, comprising 6 market dwellings and 3 affordable dwellings. This is afforded moderate weight, given the small scale of the development and the fact that the District is currently meeting its housing need.

#### Location and Access to Services and Facilities

The site is located adjacent to Coggeshall, a Key Service Village. Moderate weight is given to this however the site is located some distance from the village centre (1.2km) and its associated facilities and no footpath or cycle links are provided into the adjacent development site. As such its physical connectivity is not particularly strong although the closest bus stop is within 300m.

#### Economic and Social Benefits

The proposal would deliver limited economic benefits during the construction period and economic and social benefits following occupation of the development in terms of bringing new residents to the area. However, the scheme is of a small size and limited weight only is given to these benefits.

#### Section 106 Obligations

The scheme would trigger the need for affordable housing which has been addressed above and would be secured by way of a Section 106 Agreement. The Section 106 Agreement would also need to secure the long term maintenance of the SUDs area and acoustic bund/landscaping on the site although this is not given any weight in the planning balance as it would have no real wider benefit.

## Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal are clearly outweighed by the harms, including the harm arising from the conflict with the Development Plan, such that planning permission should be refused in line with the Development Plan.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application REFUSED for the following reasons:-

- 1        The proposed development would be located in the countryside outside of the Coggeshall Village Envelope and would substantially alter the character of the street scene in this locality, resulting in a much more abrupt transition from countryside to urban environment, with the applicant's distinctively rural plot being transformed into a much harder urban frontage. This would not be in keeping with the established character of the area, upon which it would have a direct and significant detrimental impact. The development in depth would further compound this, creating a greater perception of urbanisation and resulting in the total loss of the existing paddock which plays an important function in maintaining the existing rural character of the applicants plot, the wider street scene and the rural to urban transition upon entering Coggeshall.

Internally, the design and layout of the scheme would result in an unacceptable level of amenity for future occupiers, both in terms of back to back distances between Plots 3 and 4 and the outlook from the rearmost 5 dwellings onto the proposed noise bund. This does not represent good design and layout, nor could it be said to constitute high quality place making.

The dwelling mix, although not specifically detailed, is evidently based upon larger units. It is clear that the scheme proposes no 1 or 2 bed units which again is considered unacceptable as it would not provide an appropriate mix of unit sizes.

As such the proposal is contrary to the NPPF, Policy SP7 of the Shared Strategic Section 1 Local Plan 2021, Policy CS5 of the Core Strategy 2011, Policies RLP2 and RLP90 of the Local Plan Review 2005, and Policies 1 and 14 of the Coggeshall Neighbourhood Plan.

- 2 The details of the proposed Sustainable Urban Drainage Strategy are not considered to be acceptable as they would fail to ensure that adequate arrangements are in place to address surface water flooding issues. The proposal is therefore contrary to Policies RLP69 and RLP70 of the Local Plan Review 2005, and Policy 12 of the Coggeshall Neighbourhood Plan.
- 3 The proposed development would trigger the requirement for:
- The delivery of 40% affordable housing on site; and
  - The maintenance of the SUDs area; acoustic bund and associated landscaping by a management company
- These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2 and CS8 of the Core Strategy, Policies RLP80 and RLP81 of the Local Plan Review 2005, and Policy 9 of the Coggeshall Neighbourhood Plan.

### SUBMITTED PLANS

Section	Plan Ref: OC185 SS-01	
Street elevation	Plan Ref: OC185 ST-01	
Site Layout	Plan Ref: OC185-OP2-PL02	Version: 00
Site Layout	Plan Ref: OC185-PL-03 rev A	
Location Plan	Plan Ref: OC185-PL-01 Rev 00	

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

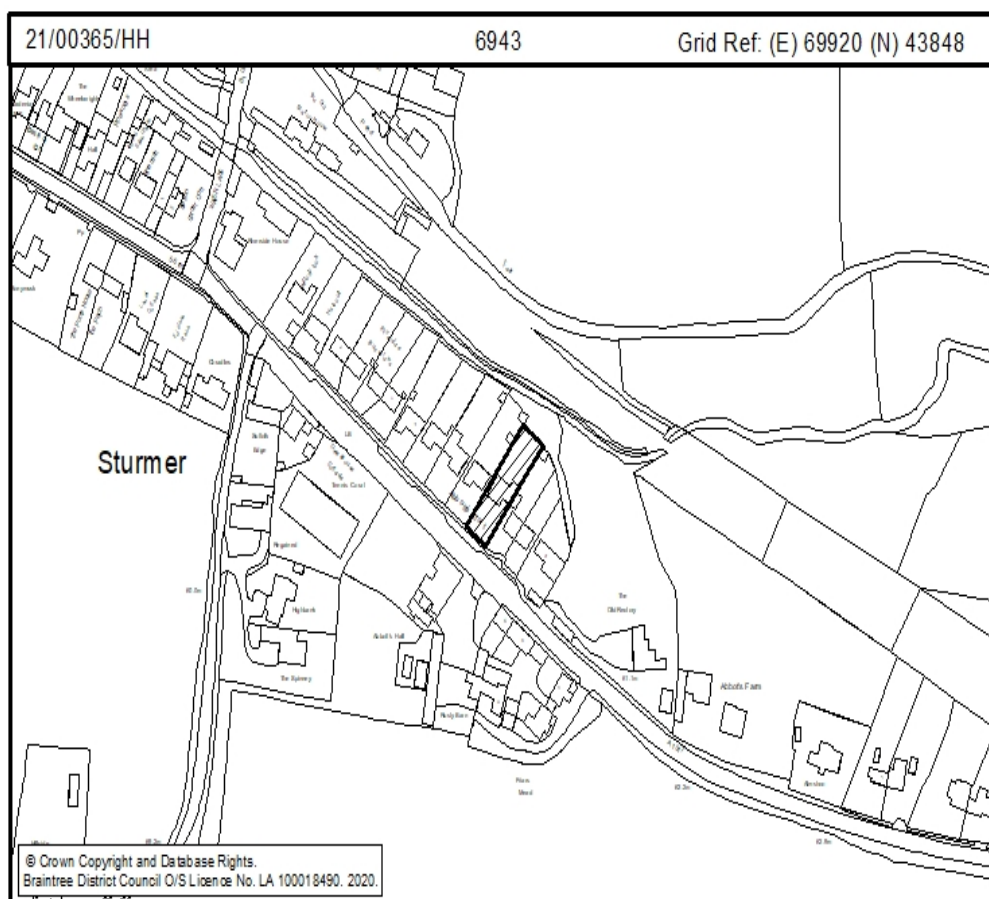
AGENDA ITEM NUMBER 5d

APPLICATION NO: 21/00365/HH  
DATE VALID: 03.02.21  
APPLICANT: Mr Robert James  
5 Abbots Croft, The Street, Sturmer, CB9 7XL  
AGENT: Paul Mitchell + Co  
Mr Paul Mitchell, Saling House , Woods Close, Sturmer, CB9 7ZH  
DESCRIPTION: Retrospective planning application to retain Annex in the rear garden. Removal of the entrance canopy and open side lean-to store. Landscaping/tree planting. Provision of an extra car parking space at the front.  
LOCATION: 5 Abbots Croft, The Street, Sturmer, Essex, CB9 7XL

For more information about this Application please contact:

Jack Street on:- 01376 551414 Ext. 2515

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNY6INBFJ8X00>

## SITE HISTORY

20/00650/PLD	The provision of a mobile home within the curtilage of the dwelling for use as additional accommodation by family members.	Granted	01.06.20
20/01310/HH	Erection of single storey outbuilding	Refused	12.11.20

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP65	External Lighting
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
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## Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

## Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

## Neighbourhood Plan

N/A

## Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager due to the level of public interest in the application.

The application was previously due to be reported to Planning Committee on 6th July 2021, however it was withdrawn from the agenda prior to the meeting with the agreement of the Chair of the Planning Committee, in order to address flood risk issues.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the Sturmer village envelope as defined by the Adopted Local Plan. The structure proposed for retention is situated within the rear garden space associated with 5 Abbots Croft, a detached residential dwellinghouse.

5 Abbots Croft is set within a collection of dwellings on the northern side of the street. Although a variance of different housing stock is observable in this location, the dwelling closely resembles the forms of Nos. 2, 3 and 8 Abbots Croft. These dwellings feature a gabled roof facing onto the roadway with side dormer windows at first floor level. 5 Abbots Croft appears to benefit from a pronounced side addition, which ties into a porch at ground floor level. The eaves of the property are faced in white boarding.

The application concerns the rear garden space of the property. The site plans indicate that the conclusions of each garden are organised into a stepped arrangement when observed from east to west. The garden of 5 Abbots Croft adjoins a vacant area of woodland understood to be under the ownership of the occupant of The Old Rectory. It is also understood that a small strip of land was purchased by the owner of 5 Abbots Croft from the owner of The Old Rectory, which runs at a right angle from the rear boundary of 6 Abbots Croft. Adjacent to the area of neighbouring woodland is a small watercourse.

The structure subject to this application is situated within the rearmost section of the garden space. Officers note that the structure has been subject to an extensive planning history, which shall be summarised below.

The site was subject to an application for a Lawful Development Certificate for the provision of a mobile home within the curtilage of the dwelling. A Lawful Development Certificate was issued on 01.06.2020 based on the information provided at the time of determination.

Following the issuing of the Lawful Development Certificate, it was brought to the attention of the Council that the structure a) did not represent what was



deemed lawful under Application Reference 20/00650/PLD, and b) did not constitute a caravan/mobile home. Following receipt of this information, a planning enforcement enquiry was undertaken. Subsequently, a site visit was carried out and findings were deliberated.

The Council reached the opinion that the structure built did not represent that deemed lawful by Application Reference 20/00650/PLD, and did not constitute a mobile home unit with regards to the definitions outlined in the Caravan Sites and Control of Development Act 1960, and the Caravan Sites Act 1968. Construction continued throughout this process. It was recommended that planning permission would be required to control the structure subject to this assessment.

The subsequent planning application, (Application Reference 20/01310/HH), was considered and ultimately refused on 12.11.2020. Officers held the view that the structure was not ancillary to the main dwelling as the facilities indicated were considered excessive based on the information provided at the time. Combined with the highly domesticated appearance by way of an added porch and side canopy projection, the structure was considered tantamount to the creation of a new dwelling.

Given the secondary enlargements, the proposed building did not demonstrate the expected appearance of an ancillary outbuilding and thus, by reason of its size, siting, bulk and design, was considered to result in an unacceptable form of development. The side extension to the core building of the structure ensured that it spanned the width of the plot, and thus the proportions of the building were considered excessive and contrary to policy.

Furthermore, no screening of the structure was proposed, which created a dominating presence when viewed from neighbouring gardens. As such, the structure read its entirety was considered unneighbourly.

Pre-application advice was subsequently sought following the refusal of Application Reference 20/01310/HH, which has informed the proposals put forth in this application.

## PROPOSAL

The proposal seeks to retain the annexe structure to the rear of the garden, though indicates that the side addition and front porch addition would be removed from the building. As such, the application is for the retention of the core building.

This building measures 8.630 metres in width and 5.640 metres in length, and thus assumes a rectangular form. It is noted that the gardens of properties in this area slope downwards toward the rear given the local topography. The ground has been levelled at the application site, where the structure measures a total height of 3.350 metres from the ground level in this position to the apex formed by the structure's ridge. This measurement of height is formed of an

eaves height of 2.650 metres, with the remainder forming the pitched roof. The roof is gable ended on either flank.

The structure subject for retention, that is the core building minus secondary additions to the side and front, is set in excess of 2 metres from the side boundaries on either side. The structure is set along the rear boundary.

With regards to materials, cedar boarding is used to face the eaves whereas cedar tiles cover the roof. The structure includes external lighting, but these are limited in their luminance and are primarily down-lighters. Windows inserted into the structure are indicated to be uPVC.

The applicant states that the structure is ancillary to the host dwelling, and will be occupied by a dependant relative. It is understood that this occupation has been ongoing since the completion of the structure's construction.

Internally, the structure is formed of three separate rooms; a living area, a shower room and a bedroom. Officers do not contest the internal layout of the structure, or the facilities demonstrated on the revised plans (Drawing No. 1247/01 Rev D). The kitchen facilities indicated on these plans are akin to a kitchenette, and Officers have observed during site visits to the property the presence of a sink, fridge and microwave. No domestic appliances such as an oven or washing machine are present, and these are supplied in the main dwelling.

The proposal includes the provision of a hedge on the west flank of the structure, in an attempt to limit the impact on the adjoining neighbour. Further landscaping is proposed in the rear garden space.

The application also proposed the facilitation of an additional parking space in front of the dwelling, adjacent to the existing parking spaces.

## SUMMARY OF CONSULTATION RESPONSES

### Environment Agency

Due to resource pressures, the Environment Agency (EA) is no longer notifying Local Planning Authorities as to whether an application meets with the publically available Flood Risk Standing Advice. Notwithstanding this, Officers were still able to discuss the application with the EA given the circumstances. It was noted that the river nearby is non-tidal in the application, and as such a permit would not be required for the works.

Officers will therefore need to assess the submitted Flood Risk Assessment alongside the EA Flood Risk Standing Advice which is addressed in this report.

### BDC Environmental Health

Consulted to provide an opinion on the issues regarding external lighting, however no response was received within the designated consultation period.

## PARISH / TOWN COUNCIL

### Sturmer Parish Council

Sturmer Parish Council raised objection to the application for the following reasons:

1. Too large and overbearing development for the site and the neighbours.
2. Proposed use has changed from the original application.
3. Does not seem to have undergone any formal inspection process.

## REPRESENTATIONS

A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. Representations toward the application were received as follows: three in support, thirteen in objection (sixteen when including three additional accompanying photos), and one general comment. It is noted that comments were received from individual properties on multiple occasions. Relevant planning matters are summarised below.

### Support

- The proposed structure is not overly large.
- The application suits the particular needs of the applicant's family.
- Similar structures are noted in the wider area.
- The structure is on a lower elevation than any of the existing properties.
- No impact on sunlight.
- Light pollution not considered an issue arising from this development.

### Objection

- The structure is incongruent with the surrounding area.
- Concern raised that the building is not 2 metres from the property boundary.
- The structure is overly large for the site.
- Loss of privacy.
- Discrepancy with the front vehicle turning area not shown on plans.
- Has not been subject to a Building Control inspection.
- Contest the use of the building.
- Detriment to wildlife in the area.
- Flood risk.
- Hedge would not alleviate impact on neighbouring amenities.
- Discrepancy with the rear boundary shown on plans; the rear wall of the structure should be shown as 1.35 metres from the rear boundary.
- Detrimental to visual amenity of neighbouring properties.

Though the comments will be addressed in the body of the report, Officers note that several representations have drawn attention to the mode through which this application has been received. Although it is a retrospective application, the planning history as outlined in the 'Description of the Site and Site Context' section clarifies why such an application has been required.

### General Comment

- The proposed landscaping and tree planting in the rear garden space should be appropriately placed as to not overhang into neighbouring gardens.

## REPORT

### Principle of Development

The application site is located within the Sturmer village envelope as defined in the Adopted Local Plan. The application is supported in principle in accordance with Policies RLP3 and RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Section 2 Plan, though subject to criteria on design, amenity and other material considerations. Policy RLP90 of the Adopted Local Plan and Policies LPP38 and LPP55 of the Section 2 Plan outline acceptable design and appearance criteria for developments proposed.

The principle of an annexe associated with a dwelling within a development boundary is acceptable in principle. It is noted that additional living accommodation such as the provision of additional bedrooms or sleeping quarters within an outbuilding in the curtilage of a dwelling is not considered an 'incidental use' when applied against the provisions of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This therefore implies that such a use for a new building should be controlled by a planning application.

The policies relevant to the determination of this case do not provide any explicit reference as to the provision of an outbuilding for uses ancillary to the host dwelling. Policy RLP18 of the Adopted Local Plan, whilst not directly applicable, does allude to the fundamental expectation of a proposed annexe as follows:

*"Proposals for self-contained annexes, or the conversion of outbuildings, to existing dwellings, to meet the needs of dependent relatives, will be permitted subject to meeting the above criteria and, ensuring a condition or obligation to ensure that it will remain solely as ancillary accommodation, to be occupied in association with the main dwelling."*

In essence, there is an expectation that an annexe displays a functional and physical relationship with the main dwelling and its dependency on the main dwelling should be legible. This is to ensure applications do not create an additional planning unit within the curtilage of an existing dwelling, which could

amount to inappropriate backland development, contrary to Policy RLP3 of the Adopted Local Plan.

The proposed structure would provide an additional bedroom, a living area and a shower room/bathroom facility to be used by the occupier of the structure. Though kitchen facilities are indicated, these are limited to a sink and fridge, with small countertop kitchen appliances such as a microwave and kettle for limited meal preparation. No major domestic appliances, such as an oven or washing machine, are present indicating that primary meal and washing facilities are provided in the house.

In this case, Officers are satisfied that the annexe would be occupied by a dependant relative, and as such, there would be a clear functional ancillary link to the main dwelling. Further, the proposed structure would be sited within the curtilage of the dwelling with a shared area of decking and garden space between the two, and thus a visual relationship is read. The level of accommodation proposed is also considered to be commensurate with an annexe. The occupation of the annexe can also be controlled by way of a suitable planning condition.

The principle for the annexe as proposed is therefore considered acceptable, though assessment must now be undertaken as to the design and appearance of the structure, potential impact on neighbours and highway considerations relevant to the proposal.

#### Design, Appearance and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

In addition to this, Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Section 2 Plan outline that the siting, bulk, form and materials of the extension should be compatible with the original dwelling; extensions should be subordinate to the original dwelling in terms of bulk, height and position; and that regard will be as to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings.

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

The structure due assessment is solely for that shown on the plans, that is the core building minus the side extension and front porch extension. The core

building is thus a rectangular structure measuring 8.630m x 5.640m and 3.350 metres in height. The structure is set two metres from both boundaries, and approximately 1.257 metres from the rear boundary.

The removed elements of the structure, as proposed, is considered to reduce the bulk and massing of the structure considerably, with the proposed structure no longer shown on plans to span a great width across the garden space. The structure is centred within the residential plot, retaining a sufficient degree of space on either flank and to the rear although, with reference to the latter, the adjoining land to the rear is woodland and not habitable at present.

With regards to the resultant arrangement, the position and bulk of the structure are considered consistent with regards to policy criteria. In terms of height, Officers note the slope in topography in the area, which limits the perception of the structure's height when viewed from the ground level consistent with the dwellings in this location. As such, the height of the structure is not considered inconsistent with policy criteria.

It is noted that the General Permitted Development Order 2015 allows for outbuildings of up to 4 metres in the curtilage of dwellinghouses, provided criteria outlined in Schedule 2, Part 1, Class E of the Order is accorded with. Though Officers do not wish to state the structure is permitted development, given the intended use of the structure for accommodation and given that this 4 metre height is only pursuant with the structure sited 2 metres from any boundary, it demonstrates a governmental expectation of what is reasonably allowed to constitute an outbuilding. Should the structure be moved 800mm into the garden space, an allowance of a structure measuring 4 metres would be allowed by Class E of the Order.

The structure due assessment is considerably below this allowance, and thus on balance, the built form of the building is considered consistent with both local and national design expectations. It is again stressed, however, that the structure is not considered permitted development given its intended use for accommodation; this exercise is directed toward the built form of the structure only.

Given the height, bulk and position of the structure, Officers consider the building to be subordinate to the dwelling, which is further aided by the local topography. The annexe is of a proportion consistent with expectations of how an annexe should appear and function, and no longer demonstrates a highly domesticated appearance akin to the creation of a new dwelling. The structure appears as an outbuilding ancillary to the host dwelling.

Although it is accepted that the introduction of the structure is noticeable and impacts upon the outlook of neighbouring adjoining countryside, the loss of a view or outlook is not protected by the planning system unless explicitly stated (i.e. by way of a 'Protected Vista'). There is no such protection afforded in this case, whereby this is not a matter for consideration.

The landscaping and planting proposed is considered acceptable, with no detrimental impacts noted. It is acknowledged that there is no requirement for planning permission to plant a tree or hedge, and thus Officers accept the planting can be undertaken.

With regards to the front parking space, no unacceptable impact is read in this regard. The parking space would be adjacent to an existing area of parking associated with the host dwelling, and the additional space is not considered excessive nor detrimental to the street scene or local character. It is noted that a fence obscures views of the parking area in this location from the street scene.

It is considered reasonable that conditions are applied to any grant of consent requiring the modifications to the building and the additional landscaping to be undertaken within 2 months of a permission in the interests of visual and residential amenity.

In terms of design, appearance and layout, the scheme is considered to comply with the criteria as outlined in Policies RLP3, RLP17 and RLP90 of the Adopted Local Plan, and Policies LPP1, LPP38 and LPP55 of the Section 2 Plan.

#### Impact on Neighbour Amenity

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

With the removal of the side extension from the core building, the structure would subsequently be set a considerable distance from the boundary shared with 6 Abbots Croft. Following this, it is not considered that the structure would introduce any unacceptable impacts on this particular neighbour in terms of overlooking, overshadowing, loss of light or loss of privacy.

It is noted that the structure commands a dominant presence when viewed from the rear garden space of 4 Abbots Croft. The applicant has expressed a desire to alleviate this concern by way of planting a hedge across the boundary. It is reasonable to assume that this would address concerns. However, it is also noted that the structure is set to the rearmost section of the garden spaces, and would not prejudice current and future occupiers of the neighbouring dwellings given the extent of garden spaces that does not adjoin the structure.

Given the reduction in the overall bulk and massing of the structure, and the proposed planting across the boundaries, it is not considered that the impact

on neighbouring amenity would be detrimental to the extent by which planning permission should be withheld.

### Highways Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards, which state that “prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided”. The Parking Standards suggest that a house of two bedrooms or more should demonstrate at least two off-road parking spaces.

The property can already demonstrate the parking provision required by the abovementioned policies. The introduction of a further parking space is considered acceptable, with no detrimental impacts read in terms of safety or design.

### Flood Risk

During the course of this application, it was identified that the site would be located within 20m of a river. As such, a Flood Risk Assessment would be required and was provided by the applicant on 28.08.2021.

Following submission, Officers were able to consult with the Environment Agency (EA). Due to resource pressures, Officers were informed that the EA would no longer be notifying Local Planning Authorities if an application does not meet with the Flood Risk Standing Advice published online. However, it was outlined in discussion with an EA agent that an Environmental Permit would not be required for the works as the river adjacent to the site is non-tidal in this position and thus only works within 8m would require a permit (the structure is 15m from the river). Officers were advised to assess the submitted Flood Risk Assessment against the Standing Advice.

The site is located within Flood Zone 2. The National Planning Policy Framework (2021: P.74) outlines that buildings used for dwellinghouses are considered ‘More Vulnerable’. Though the application is not for a dwellinghouse, but rather an annexe, the use would in effect be used for human habitation. As such, it is reasonable to assume the annexe as falling under the ‘More Vulnerable’ classification outlined in the NPPF. The NPPF outlines that ‘More Vulnerable’ development is appropriate within Flood Zone 2.

As a result of this classification, however, the application must accord with the ‘Standing Advice for Vulnerable Developments’.

EA Standing Advice for Vulnerable Developments recommends that ground floor levels for the development should be a minimum of whichever is higher of 300mm above the general ground level surrounding the site, 600mm above the estimated river or sea flood level.



The general ground level in the vicinity of the annex is approximately 55.70m above Ordnance Datum (AOD). Based upon the general ground levels, the finished floor levels (FFL) of the development would also need to be at least 56.00m AOD. It has been demonstrated in the Flood Risk Assessment that the development proposals identify an FFL of 56.52m AOD for the annex, which is above the minimum FFLs identified in the assessment document. In addition, this proposed FFL is at least 600mm above the flood level for both nodes and the interpolated location for the baseline 1 in 100-year, 1 in 100-year +35CC, 1 in 100-year +65CC scenarios and the undefended 1 in 100-year scenario.

In addition, the finished floor levels (FFL) of the annex would be at least 600mm above the general ground level, and it is considered that the risk of surface water flooding to the annex is low. In any event, safe refuge can be sought by the occupants to the main dwelling which is set atop an incline in the topography. As such, a reasonable evacuation procedure is in place and can be implemented in the event of a flood warning.

As such, the Flood Risk Assessment confirms that the development accords with the EA Standing Advice for Vulnerable Developments. Officers are therefore satisfied that there are no objections to the proposal in this regard.

## CONCLUSION

The reduction in the bulk, massing and width of the structure, by way of the removal of the side extension and front porch addition, would reduce the overall prominence of the building. It is considered that the structure proposed reasonably accords with relevant policy criteria, given that the siting, bulk, form, and materials of the building would be compatible with the original dwelling, and it would appear subordinate to the dwelling in terms of bulk, height and position, the latter of which is further guaranteed by the topography of the area.

The reduction in the bulk of the structure is considered to limit its prominence, and addressed concerns that the structure would be unneighbourly. It is of a sufficient distance from neighbouring boundaries, and is not of an excessive height. No unacceptable neighbouring impacts are considered to arise.

The use of the structure as an annexe for a dependant relative is considered reasonable. The annexe is considered to represent a clear functional and visual link in association with the host dwelling. The proposed additional parking space to the front of the dwelling does not introduce any detrimental impacts that would be contrary to policy.

In addition, the development is considered acceptable within Flood Zone 2. The finding evidenced in the submitted Flood Risk Assessment demonstrate the proposal accords with the EA Standing Advice for Vulnerable Developments.

The application is therefore recommended for approval, subject to a condition to ensure the occupation of the annexe is not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Abbots Croft, and shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

### RECOMMENDATION

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

### APPROVED PLANS

Location / Block Plan	Plan Ref: 1247/02	Version: C
General Plans & Elevations	Plan Ref: 1247/01	Version: D

- 1 Within 2 months of the date of this permission the building shall be modified strictly in accordance with the approved plans listed above, by way of the removal of the side canopy/lean too and the front porch and shall thereafter be retained in the approved form.

#### Reason

To ensure the development on site reflects the approved plans in the interest of the amenity afforded to the locality.

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

#### Reason

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

- 3 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Abbots Croft. It shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged red on the submitted plan(s).

#### Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

- 4 Within 2 months of the date of this permission the hedging as shown on approved plan no. 1247/01 Rev D and additional planting as shown on approved plan 1247/02 Rev C shall be planted on site and thereafter retained in the approved form.

Reason

In the interests of residential amenity.

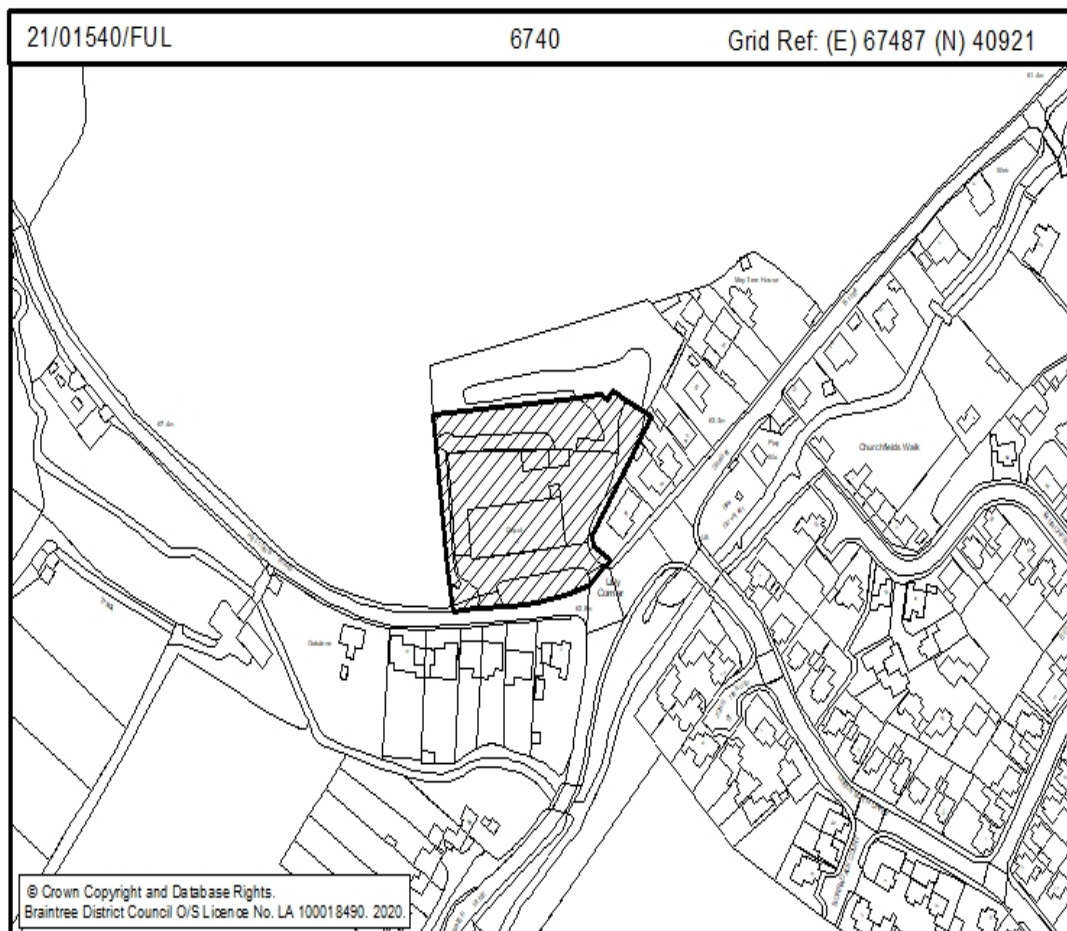
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 21/01540/FUL  
DATE VALID: 12.05.21  
APPLICANT: Mark Weatherhead & Troy Homes  
C/O Agent  
AGENT: Mr Matthew Wood  
Phase 2 Planning, 270 Avenue West, Skyline 120, Great Notley, Braintree, CM77 7AA  
DESCRIPTION: Construction of 9 No. dwellings, new access from Helions Road and associated development.  
LOCATION: Land North Of Helions Road, Steeple Bumpstead, Essex, CB9 7DU

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](mailto:melanie.corbishley@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QT01RXBFLAE00>

## SITE HISTORY

20/00078/NONDET	Application for approval of reserved matters following outline approval 16/01525/OUT - Application for approval of Reserved Matters for 'Access', 'Appearance', 'Landscaping', 'Layout' and 'Scale' - redevelopment of an agricultural machinery depot to residential development of 9no. three bedroom dwellings with associated works	Appeal Dismissed	18.01.21
16/01525/OUT	Application for outline planning permission with all matters reserved - redevelopment of an agricultural machinery depot to residential development of 9no. three bedroom dwellings with associated works	Granted	12.01.17
19/02258/REM	Application for approval of reserved matters following outline approval 16/01525/OUT - Application for approval of Reserved Matters for 'Access', 'Appearance', 'Landscaping', 'Layout' and 'Scale' - redevelopment of an agricultural machinery depot to residential development of 9no. three bedroom dwellings with associated works		24.08.20

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows

RLP90	Layout and Design of Development
RLP106	Archaeological Excavation and Monitoring

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

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

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

#### Neighbourhood Plan

None

#### Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part B of the Council's new Scheme of Delegation, at the request of the Chairman and Vice-Chairman of the Planning Committee.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is the Mark Weatherhead agricultural depot, located to the northern side of Helions Road within Steeple Bumpstead. The existing building and some of the land to the rear is located within the Village Envelope. A small portion of the site lies outside the Village Envelope. An area of land to the north of the site, marked blue on the site location plan, lies beyond the village Envelope in the countryside.

The Environment Agency has previously confirmed that the site lies within Flood Zone 1. The site is not identified for a specific use within the Adopted Local Plan.

The site currently comprises a detached building and a large hardstanding to the rear used for storage. The site has two vehicular accesses off Helions Road. The site is at an elevated position relative to the level of the highway.

To the rear of the site (land shown behind Plots 6-9 of the proposed layout) the land level increases abruptly.

The site is adjacent to residential properties on Water Lane and opposite residential properties on Helions Road.

## PROPOSAL

This application is seeking full planning permission for the erection 9no. detached dwellings.

The proposed access to the site would be located to the south of the site and would be opposite No.3 and No.5 Helions Road. An existing secondary access close to No.34 Water Lane would be closed up. The proposed block plan indicates that an existing pedestrian footway would be extended from the front of No.34 Water Lane to the east, along the front of the application site. The main access road, shown to be a shared surface, heads north and then turns to the east to serve Plots 7, 8 and 9. A private drive is shown to the frontage of the site to serve Plots 1 and 2.

The proposed layout of the site shows that three properties would lie along the frontage of the site. As the access road enters the site, three further detached dwellings are shown to the west. Where the road turns to the east, two detached houses are shown and at the end of the main access there is a further detached dwelling, Plot 9.



In terms of scale, all of the dwellings are two storey, apart from Plot 9 which is a bungalow. A landscaping plan has been submitted as part of the proposals and indicates new planting across the site.

## SUMMARY OF CONSULTATION RESPONSES

### BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

### BDC Waste Services

The revised site layout detailed is sufficient to enable waste and recycling collection vehicles to turn.

### ECC Archaeology

The site lies to the south of the historic settlement of Steeple Bumpstead. Recent excavation along Water Lane has revealed Roman settlement and activity including the discovery of well-preserved cremation vessels. The postulated Roman road lies to the north of the site however no evidence has yet been found for the road. The site lies close to a watercourse and potential Roman road and cemetery site and it is likely that further evidence for Roman settlement may be preserved within the area of proposed development. The site is covered by an existing building and appears to have been levelled over much of its extent, however this new application extends beyond the area of levelling where disturbance may have been minimal. The less disturbed areas of the site will need to be evaluated to determine the potential for the survival of archaeological remains associated with the Roman occupation and medieval settlement at Steeple Bumpstead. A number of conditions are requested.

### ECC Highways

All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority. From a highway and transportation perspective, providing the development is carried out in accordance with submitted drawing 200.01 site layout, the impact of the proposal is acceptable to the Highway Authority and request conditions regarding the submission of a construction traffic management plan, the provision of a priority junction and visibility splays, an extension to

the existing footway along part of the front of the site and the provision of residential travel information packs for all new dwellings.

#### BDC Environmental Health

No objection and recommend conditions regarding hours of work, no burning, the submission of dust and mud management scheme, piling and contamination.

#### Essex Fire and Rescue

Following a review of these documents, the nearest existing statutory fire hydrant, No.79/82 shown on the enclosed plan, is considered to be within a reasonable distance of the proposed development and therefore additional fire hydrant provisions are not considered a requirement.

#### Dedham Vale and Stour Valley Project

The site is located with the settlement boundary of Steeple Bumpstead on a brownfield site. The AONB team has no objection in principle to this site being developed for residential development. A well designed residential scheme at this edge of village location could deliver enhancements within the Project Area. The site also lies with the Upper Stour Section of the Stour Valley Project Area which is recognised as a sensitive rural landscape (ref para 8.27 Braintree Local Plan Section 2). The AONB team has no concerns to raise regarding the proposed layout of the scheme.

If the LPA is minded to approve the scheme carefully designed landscaping will be necessary to provide screening between the proposed development and existing properties particularly where the risk of overlooking is greater. The materials proposed for use in the different house types reflects the types of materials used in other buildings in the village and is considered appropriate.

The AONB team is broadly supportive of the soft landscape proposals as shown in Drawing 19/084-04 for the site. We welcome that a line of trees is to be planted along the western boundary of the site which backs onto open countryside. Once established this would help ensure that the new development did not result in an abrupt settlement edge when approaching the village from the west. It would also help ensure that the settlement integrated well into the Project Area. The drawing proposes a new native hedge between Plots 1 and 9 and numbers 30-34 Water Lane which is welcome. This alone may not provide sufficient screening between the proposed and existing dwellings therefore we recommend that consideration is given to including a few small trees such as Crab Apple or Hawthorn along this boundary as well as the proposed hedging.

We also request that consideration is given to strengthening planting along the northern boundaries of the site given the sensitive edge of settlement position within the village and within the Project Area. Planting denser native

tree/shrub belts along this boundary, would when mature, enhance the landscape setting of the new development while also retaining the rural character to north of the village. The soft landscape proposals should be amended to reflect these points to ensure that they support the objectives of the supporting text of Policy LPP 70 (para 8.27) in the Braintree Publication Local Plan Section 2 which recognises the sensitivity of the Project Area and the need for development to conserve and enhance it. It would also support paragraphs 3.2.4 of the Dedham Vale AONB and Stour Valley Management Plan 2016-2021 which is supportive of new development that sits well with historic patterns of settlements and the objective of paragraph 3.2.6 that is supportive of development that conserves and enhances the AONB and Project Area.

#### Environment Agency

We have reviewed the GeoSmart Information report of September 2016 (ref: 65319R1) which highlights previously potentially contaminative uses and identifies a risk to the controlled water receptors. We agree with the recommendation of an intrusive site investigation to quantify this risk. We have also reviewed the Building Design Consultants Surface water drainage strategy plan of November 2019 (ref: 19094-CL-1000 P4) which indicates that permeable paving and surface water soakaways are to be used. We have no objection to this method of surface water disposal but the location of the soakaway may be influenced by the results of the site investigation with respect to and contamination identified.

This site is located above Secondary A and Principal Aquifers (Sand & Gravel, and Chalk respectively) and the application overlies a Source Protection Zone 3 (SPZ3) WFD groundwater body, and is also in a WFD drinking water protected area. The application area is also adjacent to Bumpstead Brook, a main river. The site is considered to be of high environmental sensitivity. The historic and future use could present potential pollutant linkages to controlled waters. Consideration for the risk posed by surface water drainage and foundations will need to be undertaken.

Conditions regarding contamination remediation and surface water drainage are requested.

#### BDC Landscape Services

No comments received.

## Anglian Water

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sq.m or greater.

## PARISH / TOWN COUNCIL

### Steeple Bumpstead Parish Council

The Parish Council state that they will not object as it is keen to have and support the development, however, it is noted that the option is not the preferred option of the Parish Council or the developers. The design now pushes the development further outside of the village envelope, the properties are now larger properties, 3 & 4 bed, there are some 3 storey houses, which we don't have in the village and are concerned it is not in keeping with the village vista - that said, the overall heights may be in line with the surrounding properties. Also, the use of yellow bricks is not in keeping with the village.

## ECC Suds

Initially a holding objection was submitted by ECC Suds, however during the life of the application additional information has been supplied by the applicant and ECC Suds raise no objection and suggest a number of conditions regarding surface water drainage.

## REPRESENTATIONS

Four representations received from three properties, making the following comments:

- The site lies in Flood Zone 3 and no response regarding flooding has been received from the Environment Agency.
- The LPA should take into account the serious flooding in the local area in Oct 2001 and June 2007, and the re-modelling of the Bumpstead Brook has been delayed due to the pandemic.
- New development along Water lane will exacerbate the flooding situation.
- Objection to the new entrance to the site which would result in light pollution for the properties on the opposite side of the road.
- Concern about the removal of asbestos and other industrial contaminants from the site.
- Concern about on street car parking, including delivery vehicles.
- Urge that the 30mph restrictions are extended up to No,13 Helions Road.
- Properties at the front of the site will overshadow and dominate the properties opposite and would result in a loss of privacy into the front bedroom and bathroom.
- The new access could be dangerous.

- The new houses do not follow the building line of the existing building on the site. The dwellings will have a high visual impact and contribute to the loss of the character of the village.

## REPORT

### Background

The principle of developing this site for residential purposes had been established through the grant of outline planning permission (Application Reference 16/01525/OUT). An indicative layout plan, that was not approved, indicated that one of the dwellings would be located outside the Village Envelope.

Application Reference 19/02258/REM sought to approve the reserved matters (access, appearance, scale, layout and landscaping) and this was reported to Planning Committee in September 2020 with a recommendation to refuse. Members however were not able to determine the application, as an appeal against non-determination was made by the applicant. The appeal was dismissed in January 2021, and the decision letter is appended to this Committee Report.

The main issues for the appeal were:

- The living conditions of existing and future occupiers; and,
- The character and appearance of the area.

The Inspector concluded the following on the first issue:

*‘The development proposed would create unacceptable relationships between the proposed houses and proposed and existing houses, with overlooking between proposed houses and poor outlook from the existing properties at Nos 32 and 34 Water Lane. This would result in unacceptable living conditions for existing and future occupiers, contrary to Policy CS9 of the Braintree Core Strategy 2011 (the CS) and Policies RLP3 and RLP90 of the Braintree Local Plan 2005 (the LP). Taken together, these policies require that development result in no undue or unacceptable impact on the amenity of any nearby residential properties’.*

The Inspector goes on to state the following regarding the second issue (character and appearance of the area):

*‘There is an eclectic mix of two-storey and single-storey dwellings of various styles and external finishes in the near vicinity. Despite this mix, the houses on plots 1, 2 and 4 would appear monotonous in the street scene due to their size, prominent siting and plain brick finish.*

*In addition, the houses on plots 3 and 5 would present blank side elevations to the main site access from Helions Road, which would result in a poor overall appearance at the site entrance. Alterations to these details could materially affect the overall appearance of the development, and the*

*relationships between houses within it. Accordingly, it would not be appropriate to require submission of revised details by a condition even if the appeal were to be allowed, as it would potentially prejudice the interests of interested parties.*

*The development would therefore result in unacceptable harm to the character and appearance of the area, contrary to the requirements of Policies RLP3 and RLP90 of the LP, and Policy CS9 of the CS. These policies require, amongst other things, a high standard of layout and design in all developments and that developments shall be in harmony with the character and appearance of the surrounding area’.*

The Inspector concludes in the planning balance with:

*‘While the benefits resulting from the appeal proposal would be significant, it would result in unacceptable harm to the living conditions of existing and future occupiers and harm to the character and appearance of the area. That harm would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole’.*

#### Principle of Development

#### National Planning Policy Framework (NPPF)

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

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

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

The NPPF underlines the Government’s objective of significantly boosting the supply of homes. In this regard, paragraph 60 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 4 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

### The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

Most of the application site lies within the Village Envelope of Steeple Bumpstead, and a small portion lies outside.

Policy RLP3 of the Adopted Local Plan states that within village envelopes and town development boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can be take place without material detriment to the existing character of the settlement.

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

### 5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan.

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

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission were tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

The principle of developing this site for residential has been established through the grant of outline planning permission (Application Reference 16/01525/OUT). An indicative layout plan, that was not approved, indicated that one of the dwellings would be located outside the Village Envelope.

## SITE ASSESSMENT

### Access to Services and Facilities

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

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Steeple Bumpstead is an 'other village' within the settlement hierarchy within the



adopted Core Strategy. The Section 2 Plan classes the village as 'second tier'. Second Tier villages are described as: '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 Villages. Development of a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village'.

It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development (such as helping the District Council meet demand for housing supply and the provision of Affordable Housing) that are outweighed by any identified adverse impacts of the proposed development.

The population of Steeple Bumpstead is 1,627 (Census 2011) living in 666 households. This proposal would deliver a further 9 dwellings. It is not disputed that the village is served by a range of facilities. As a village, Steeple Bumpstead benefits from a doctor's surgery, pre-school, primary school, petrol station which also has a post office and general store, two public houses, two churches and a small business centre.

The majority of the application site lies inside the Village Boundary of Steeple Bumpstead.

To conclude, in terms of the settlement hierarchy in both the adopted Development Plan and that emerging, the site would be considered a sustainable location for residential development. This must be a factor in the overall planning balance which is concluded below.

#### Design and appearance and Impact on Neighbour Amenity

Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The National Design Guide *'illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice'*. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

Policies RLP3 and 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 Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The NPPF states that planning decisions should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. This is replicated in Policy RLP90 of the Adopted Local Plan.

Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.

The wider street scene of Water Lane is mixed with a variety of house types and designs which was highlighted by the Planning Inspector. Following the dismissed appeal, the layout and design of the properties has changed significantly. In particular Officers consider that there now is a varied design of dwellings across the site. This variety comes from a mixed pallet of materials, different roof designs, porch details and the inclusion of small dormers windows for three of the two storey houses, to allow for the creation of a second floor of accommodation. The current proposals are considered to be significantly different to the scheme dismissed at appeal. Overall the design and layout of the small development is now considered acceptable and would be an appropriate addition to the existing street scene of Water Lane and Helions Road. Officers are content that the current proposals are acceptable and sufficiently overcome the Council's and Planning Inspector's previous concerns.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with three bedroom dwellings should be provided with 100sq.m or more. All of the plots have gardens that meet the 100sq.m minimum requirement of the Essex Design Guide.

It is considered necessary to impose a condition to remove permitted development rights for further extension to ensure that these gardens are retained for future occupiers and to also ensure that suitable relationships between the new properties and existing properties along Water Lane are maintained.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009. Each property is provided with two parking spaces each, one of which is contained within an integral garage. All of these garages have internal dimensions of 7m by 3m, which complies with standards. To ensure

that these garage spaces are retained for this parking purpose, a suitably worded condition is recommended.

The 2009 adopted Standards also require 1 visitor space per 4 dwellings and in this case, 3 visitor spaces are provided within the site. The proposal therefore complies with the policies and standards outlined above.

As set out above, the Inspector concluded that the previous scheme due to its scale and layout, would have resulted in poor neighbour relationships between the new dwellings and these existing dwellings on Water Lane. The layout now proposed significantly alters the centre of the site where the gardens for Plots 1 and 2, now back onto the gardens for Plots 7 and 8, rather than their fronts. The back to back distance between these four dwellings is 25m which Officers considered to be acceptable in terms of privacy and outlook.

With regards the relationships with the existing properties on Water Lane, No.32 and No.34 are both bungalows and Plot 9 has now been altered to a single storey bungalow from a two storey house in the dismissed appeal. There is a levels change between the two existing bungalows and Plot 9, however the change is not significant enough for the resulting relationship to be unacceptable between them.

Given the significant changes now proposed, Officers are content that the current proposals are acceptable and sufficiently overcome the Council's and Planning Inspector's previous concerns.

#### Access and Highway Considerations

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe.

Having regard to the National Planning Policy Framework, particularly Paragraph 109, the Highway Authority has reviewed the planning application against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity. They raise no objections to the scheme in highway terms.

Conditions requiring the submission of a construction traffic management plan, the construction of a priority junction, the 2m wide footway along the site frontage to link to the existing footway to the north east and the provision of residential travel information packs for the new occupiers are requested. These conditions are as part of the approval below.

#### Flood Risk

The Environment Agency (EA) had confirmed that the site lies in Flood Zone 1, as per the previous application (Application Reference 19/02258/REM).

Officers are aware that the flood modelling for this specific area is due to be updated, however there have been delays in the work due to the pandemic. Once this work is completed, the flood zone clarification may well change for the site, however for the determination of this application the site lies in Flood Zone 1. As such, a specific Flood Risk Assessment was not required.

The proposals indicate that the levels of part of the site will be altered to accommodate the dwellings. As part of the application submissions drawing 19094—L-1001 rev P4 is provided and indicates the finished external works levels. At the entrance of the site, there is no change on the ground level, moving 6 metres into the site the level drops by 79cm and then increases by 25cm.

Concerns have been raised by some residents that that the re-development of this site will result in increased surface water flooding in the area. The Local Lead Flood Authority (LLFA) initially submitted a holding objection with regards surface water drainage, however during the life of the application additional information has been supplied by the applicant such to satisfy the LLFA. A number of conditions regarding surface water drainage for recommended to be attached to any grant of consent.

### Trees and Landscaping

The NPPF states in Paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment recognising the intrinsic character and a beauty of the countryside.

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

Policy RLP80 of the Adopted Local Plan states that new development should not be detrimental to the distinctive landscape features and development that would not successfully integrate in to the local landscape will not be permitted. This sentiment is reiterated in Policy LPP71 of the Section 2 Plan.

The application is supported by an arboricultural impact assessment and method statement (AIA) prepared by Corsican Associates dated 30.4.2021. The report sets out that the site contains 22 trees and 4 small groups of trees, which are all classified as C category trees. The majority of the trees lie along the eastern boundary of the site and the north east corner of the site.

Drawing 19/084-02 rev 3 within the submitted AIA indicates that trees T1, T2, T3 (outside of site), T4, T5, T21 and T22 will be retained and that the remaining trees and groups will have to be removed to accommodate the development, however these trees are of low quality or young trees with a stem diameter below 150mm. Drawing 19/084-04 rev 3 indicates that the four

trees to be retained will be suitably protected during the construction phase of the development.

Officers acknowledge that it is necessary to remove fifteen low quality individual trees and four low quality groups of trees in order to achieve the proposed development. The tree removals required in order to achieve the successful construction of the proposed development, will be mitigated through the inclusion of more suitable and sustainable species choice as detailed in the site landscape proposals.

Officers acknowledge the comments of the AONB team, particularly in relation to the soft landscaping proposed. It has been requested that the planting along the northern elevation is strengthened due to its edge of settlement location and location with the Project Area. A landscaping plan has been submitted in support of the application and shows new planting across the site. A native mix hedge is shown along the road frontage in front of Plots 1, 2 and 3, along with a number of specimen trees. Further native hedging is shown through the site along with a number of new trees within the development.

Despite the comments from the AONB team, Officers are satisfied with the landscaping proposed and do not consider that additional planting is required to make the scheme acceptable. A condition is suggested requiring this landscaping scheme to be carried out, that work is carried out in accordance with the AIA and that an irrigation and maintenance regime to be submitted.

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

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

The application site subject of this planning application is located outside of the updated Zones of Influence and therefore no appropriate assessment or contribution is required in this case.

#### Archaeology

The Essex Historic Environment (HER) Record shows that the proposed development lies within an area of potential for below ground archaeological remains. Recent excavations at the adjacent site have revealed Roman activity which may extend into the proposed development area, of high significance was the recovery of a well preserved Roman burial deposit within the area. The potential for further remains associated with settlement or burial activity is high.

A condition requiring an archaeological evaluation of the site is recommended to be attached to any grant of consent.

## PLANNING BALANCE AND CONCLUSION

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

Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1, SP3 and SP7 of the Section 1 Plan, Policies RLP2, RLP3 and RLP90 of the Adopted Local Plan, and Policy CS5 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Policy SP7 of the Section 1 Plan sets out place shaping principles and states that all new development must meet high standards of urban and architectural design. One of the criteria relates to protecting amenity of existing and future residents and users and another relates to responding positively to local character and context to preserve and enhance the quality of existing places and their environs.

As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. None are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential development within village envelopes and town development boundaries, where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

Policy RLP90 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments, large and small. One of the criteria states that development should not have an unacceptable impact upon neighbouring amenity. It is considered that the policy is consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given full weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

The adverse impacts and the weight that should be accorded to these factors are set out below:

#### Conflict with the Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as a small portion of the development lies outside of defined development boundaries and within the countryside. Weight is given to the conflict with Policy RLP2, however only moderate weight is given to this



Policy. In this instance limited weight is given to the conflict with Policy CS5 of the Core Strategy given little harm would arise to the countryside as a result of the development.

It should also be noted that the site has previously benefited from outline planning permission for up to 9no. residential properties, which although no longer extant, remains a material consideration.

#### Conflict with the Section 2 Plan

The proposed development would conflict with Policy LPP1 of the Section 2 Plan as a small proportion of the site lies outside the defined development boundaries and within the countryside. Moderate weight can be attributed to the conflict with these policies.

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

#### Delivery of Market and Affordable Housing

The proposal would result in nine market dwellings and this is afforded moderate weight.

#### Economic and Social Benefits

The proposal would deliver economic benefits during the construction period and economic and social benefits following the occupation of the dwelling, in supporting local facilities. Due to the proposal being for nine dwellings, this is afforded moderate weight.

#### Street Scene Enhancements

An environmental benefit would be created by the re-development of the site for residential purposes and the removal of the large commercial building and hardstanding.

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

#### RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

#### APPROVED PLANS

Landscape Masterplan	Plan Ref: 19/084-04	Version: 5
Location Plan	Plan Ref: 001.02	
Drainage Details	Plan Ref: 19094-CL-1000 P4	
Highway Plan	Plan Ref: 19094-CL-1001 P4	
Car park plan	Plan Ref: 201.00	
Waste Management Strategy	Plan Ref: 203.00	
Proposed Plans	Plan Ref: 205.00	
Proposed Plans	Plan Ref: 206.00	
Proposed Plans	Plan Ref: 207.00	
Proposed Plans	Plan Ref: 208.00	
Proposed Plans	Plan Ref: 209.00	
Proposed Plans	Plan Ref: 210.00	
Proposed Plans	Plan Ref: 211.00	
Proposed Plans	Plan Ref: 212.00	
Proposed Plans	Plan Ref: 213.00	
Proposed Plans	Plan Ref: 214.00	
Arboricultural Report	Plan Ref: CA19/085 (30.4.21)	Version: 3
Habitat Survey Plan	Plan Ref: Preliminary Ecological Assessment- Green Shoots Ecology /	Version: June 2021
Proposed Site Plan	Plan Ref: 200.01	
Tree Plan	Plan Ref: 19/084-02	Version: 3
Tree Plan	Plan Ref: 19/084-03	Version: 3
Tree Plan	Plan Ref: 19/084-04	Version: 3

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

#### Reason

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

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

#### Reason

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

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

authority.

Reason

To ensure that the new properties retain sufficient garden areas and in order to protect the amenities and privacy of adjoining occupiers.

- 4 No above ground development shall commence until samples and a schedule of the types and colour of the materials to be used in the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 5 No above ground development shall commence until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels outside of the site, and in particular No.34 Water Lane, have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy.

- 6 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Green Shoots Ecology, June 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECow,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 7 Prior to the occupation of the development hereby approved a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason

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

- 8 No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason

The site may be of archaeological interest.

- 9 No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason

The site may be of archaeological interest.

- 10 The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest.

- 11 No development shall commence until a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved construction traffic management plan.

Reason

To protect highway efficiency of movement and in the interests of highway safety.

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

a) A priority junction off Helions Road as shown in principle on submitted drawing 19094-CL-101-P4, to provide access to the proposal site.

Junction shall include but not be limited to a 5.5 metre wide carriageway, 2no. 2 metre wide footways, 2no. 10.5 metre kerbed radii with dropped kerbs/tactile paving and a 43 x 2.4 x 43 metre visibility splay

b) A 2 metre wide footway along the proposal site frontage to link with existing footway to the north east

c) Residential Travel Information Packs

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 13 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

To protect and prevent the pollution of the water environment.

- 14 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect and prevent the pollution of the water environment and in the interests of residential amenity.

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 16 A dust and mud control management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and once approved, shall be adhered to throughout the construction process. It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.

Reason

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

- 17 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and

Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

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

- 18 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

In the interests of visual amenity.

- 19 No above ground development shall commence until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason

In the interests of visual amenity.

- 20 The scheme of landscaping hereby approved, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

- 21 Prior to the implementation of the landscaping scheme pursuant to Condition 20, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the irrigation and maintenance of the landscaping scheme shall be carried

out in accordance with these details.

Reason

To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 22 The garage(s) / car parking space(s) shall be kept available for the parking of motor vehicles at all times. The garage(s) / car parking space(s) shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 23 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- The applicants have not provided documents showing verification of the suitability of infiltration although they state that the tests were done using BRE 365 testing methodology.
- Provide calculations that all SUDS features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provide final modelling and calculations for all areas of the drainage system. Attenuation storage and pipe network should be modelled with critical 1yr, 30r and 100 plus 40percent climate change allowance. Attenuation storage should not flood in any event. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- Demonstrate the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Drainage layout of the proposed drainage network should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, tank cover and invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation tank during 100year plus 40percent CC allowance.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.



The approved scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

Reason

To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 25 Prior to occupation of the development, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall also be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

Reason

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

- 27 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Corsican Associates dated 30.4.2021. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

### INFORMATION TO APPLICANT

- 1 The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate  
Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works  
All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)  
The layout as submitted would not be considered for adoption by the Highway Authority  
All highway related details should be agreed with the Highway Authority
- 2 The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate  
Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works  
All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)  
The layout as submitted would not be considered for adoption by the Highway Authority  
All highway related details should be agreed with the Highway Authority
- 3 We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER



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## Appeal Decision

Site visit made on 14 December 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

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Appeal Ref: APP/Z1510/W/20/3258211

4 Helions Road, Steeple Bumpstead CB9 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Troy Homes Ltd and Mark Weatherhead against Braintree District Council.
  - The application Ref 19/02258/REM, dated 11 December 2019, sought approval of details pursuant to condition No 1 of a planning permission Ref 16/01525/OUT granted on 12 January 2017.
  - **The development proposed is described as "Reserved Matters sought in respect of access, appearance, landscaping, layout and scale. The outline planning application was NOT an EIA application."**
  - The details for which approval is sought are: Access, appearance, landscaping, layout and scale.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. **Both parties have referred to the Council's emerging Local Plan, which has** been submitted for examination. The emerging plan has been subject to extensive modifications which are under review by the examining Inspector. There is no timescale for adoption of the emerging plan, and therefore its policies attract very limited weight in the determination of this appeal.

### Background and Main Issues

3. The planning application was not determined by the Council prior to the appellant lodging this appeal. However, the Council had prepared a committee **report detailing officers' recommendation for the application, which was that it** be refused due to the relationship between dwellings and the design of the development proposed.
4. The main issues are therefore the effect of the appeal proposal on:
  - The living conditions of existing and future occupiers; and,
  - The character and appearance of the area.

## Reasons

### *Living Conditions*

5. The proposed house on plot 9 would be significantly closer to the boundary with the neighbouring bungalows at Nos 32 and 34 Water Lane than any part of the existing building on site. This proposed house would be a two-storey house presenting a wide elevation and gabled roof slope towards the shared **boundaries with Nos 32 and 34 at approximately seven metres' distance**. The proposed house would be a prominent and dominant feature in the outlook from the neighbouring properties, and harmful to the living conditions of these existing occupiers, although as the only first-floor window facing these properties would be to a stairwell no unacceptable loss of privacy would result.
6. The site rises from the Helions Road boundary, and the houses towards the rear of the development would be significantly higher than those towards the front. The houses on plots 7 and 8 would lie to the rear of plots 1, 2 and 3 and would overlook their rear gardens from a higher elevation. While there would be some separation as a result of the access road passing between the plots, the greater height would allow views into the rear gardens of plots 1, 2 and 3 resulting in poor levels of privacy for the occupiers of those properties. In addition, the first-floor front windows to the house on plot 5 would overlook the rear garden to the house on plot 3, further contributing to the low levels of privacy for the occupiers of that property. One first-floor window to the house on plot 9 would face towards the rear garden of plot 1, but this would be at a greater distance than between plots 3 and 5 and would not result in an **unacceptable additional harm to the living conditions of that property's** occupiers.
7. Site topography and retained landscaping would diminish the usable garden space for some of the proposed houses. In particular, plots 4-6 would have significant level changes within their rear gardens and the rear garden to plot 6 would also be dominated by the retained trees. However, this would be offset by the provision of communal open space at the rear of the site, overlooking the open fields beyond.
8. The communal space would be substantially higher than the gardens of the proposed houses, and there would be potential for plots 7 and 8 to be overlooked from this land. However, subject to appropriate landscaping and boundary treatments enough separation distance could be maintained to provide an acceptable level of privacy for the occupiers of these plots from the users of the communal land. As access to the land would only be available by passing the proposed houses rather than from the fields or neighbouring properties, the proposed layout would not result in unacceptably insecure boundaries for future occupiers.
9. The outlook from the front windows of the houses on plots 7 and 8 would be onto the rear boundaries of plots 1, 2 and 3 as well as a visitor parking area. This would be an unattractive outlook, but could be addressed by a revised parking and landscaping layout if the appeal were allowed.
10. The outlook from the house on plot 5 would be partially onto the side wall of the house on plot 3, while the house on plot 9 would face the house on plot 8 at an angle. Relationships like these are not uncommon between houses, and they would not result in unacceptable outlooks for future occupiers.

11. The proposed layout has been the subject of extensive negotiations between the appellants and the Council, and there are constraints on the site layout arising from its topography. The layout of the development is in line with that approved at outline stage, but as layout is a reserved matter this is not binding on any reserved matters application.
12. The development proposed would create unacceptable relationships between the proposed houses and proposed and existing houses, with overlooking between proposed houses and poor outlook from the existing properties at Nos 32 and 34 Water Lane. This would result in unacceptable living conditions for existing and future occupiers, contrary to Policy CS9 of the Braintree Core Strategy 2011 (the CS) and Policies RLP3 and RLP90 of the Braintree Local Plan 2005 (the LP). Taken together, these policies require that development result in no undue or unacceptable impact on the amenity of any nearby residential properties.

#### *Character and Appearance*

13. There is an eclectic mix of two-storey and single-storey dwellings of various styles and external finishes in the near vicinity. Despite this mix, the houses on plots 1, 2 and 4 would appear monotonous in the street scene due to their size, prominent siting and plain brick finish.
14. In addition, the houses on plots 3 and 5 would present blank side elevations to the main site access from Helions Road, which would result in a poor overall appearance at the site entrance. Alterations to these details could materially affect the overall appearance of the development, and the relationships between houses within it. Accordingly, it would not be appropriate to require submission of revised details by a condition even if the appeal were to be allowed, as it would potentially prejudice the interests of interested parties.
15. The development would therefore result in unacceptable harm to the character and appearance of the area, contrary to the requirements of Policies RLP3 and RLP90 of the LP, and Policy CS9 of the CS. These policies require, amongst other things, a high standard of layout and design in all developments and that developments shall be in harmony with the character and appearance of the surrounding area.

#### *Planning Balance*

16. There would be unacceptable harm to the living conditions of both future and existing occupiers from the appeal proposal due to overlooking and harm to the outlook from existing dwellings. In addition, there would be harm to the character and appearance of the area arising from the detailed design and external materials of the house. These would amount to substantial cumulative harm arising from the development proposed.
17. This would be contrary to the requirements of Policies RLP3 and RLP90 of the LP, and Policy CS9 of the CS. Taken together these policies require the highest possible standards of design and layout in all new development, including that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Policies RLP3 and RLP90 contain language specifically referring to neighbour amenities, and as such are the most important policies for the determination of this appeal.

18. It is not in dispute that the Council cannot demonstrate a five year supply of housing land. Where this is the case, paragraph 11 of the National Planning Policy Framework (the Framework) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This does not, however, change the statutory status of the development plan as the starting point for decision making.
19. Policies RLP3 and RLP90 of the LP collectively seek to ensure a high standard of development, including that no unacceptable impact to the amenities of nearby residential properties would result. Policy CS9 of the CS seeks the highest possible standards of design and layout in all new development. These policies are consistent with the aims of the Framework, and accordingly full weight is attributed to the conflict with them.
20. The development proposed would deliver nine new houses, which attracts **significant weight given the shortfall in the Council's housing land supply and the Government's objective of significantly boosting the supply of homes**. The site is available for development and could be built out quickly.
21. The outline permission has expired. However, the acceptability of the principle of residential development has been established and this would still attract significant weight in the determination of any future application for the site. The expiry of the outline permission therefore attracts very limited weight in the determination of this appeal.
22. While the benefits resulting from the appeal proposal would be significant, it would result in unacceptable harm to the living conditions of existing and future occupiers and harm to the character and appearance of the area. That harm would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

#### Conclusion

23. For the reasons set out above, the appeal fails.

*M Chalk*

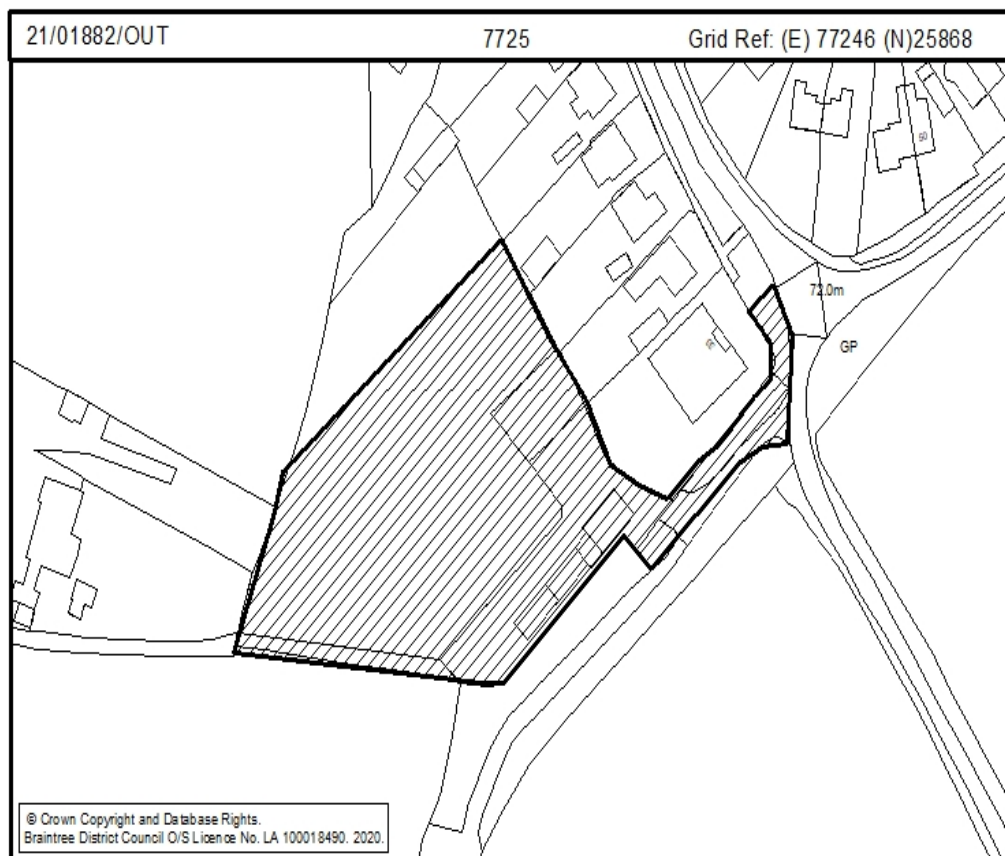
INSPECTOR

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 21/01882/OUT      DATE: 24.06.21  
VALID:  
APPLICANT: Mr & Mrs Christopher & Ashlea Webster  
Saxton 4x4 Limited, C/O Phase 2 Planning Limited, 270  
Avenue West, Skyline 120, Great Notley, CM7 7AA  
AGENT: Phase 2 Planning Ltd  
Mr Lindsay Trevillian, 270 Avenue West, Great Notley,  
CM77 7AA  
DESCRIPTION: Outline planning permission with all matters reserved apart  
from access, for the demolition of existing buildings and the  
construction of 6 No. dwelling houses.  
LOCATION: Land Rear Of 21 To 33, Lyons Hall Road, Braintree, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUH843BFLWY00>

## SITE HISTORY

94/00792/FUL	Erection of two stables	Granted	05.08.94
11/01482/FUL	One and a half storey front, side and rear extension	Granted	09.12.11
12/00313/FUL	Erection of a five bedroom chalet bungalow	Granted	30.04.12
14/00402/AGR	Application for prior notification of agricultural building - building for storage of agricultural machinery	Withdrawn	14.04.14
14/00528/FUL	Replacement of asbestos nissan hut with timber storage barn and extension of existing stable block	Granted	13.06.14
18/01878/FUL	Single storey side extension	Granted	03.01.19
19/01165/HH	Single storey side extension	Refused	29.08.19
94/00792/FUL	Erection of two stables	Granted	05.08.94
12/01417/AGR	Erection of cart lodge and storage barn	Planning Permission Required	19.11.12
14/00402/AGR	Application for prior notification of agricultural building - building for storage of agricultural machinery	Withdrawn	14.04.14
14/00528/FUL	Replacement of asbestos nissan hut with timber storage barn and extension of existing stable block	Granted	13.06.14
21/00314/OUT	Outline planning permission with all matters reserved apart from access, for the demolition of existing buildings and the construction of 6 No. dwelling houses.	Refused	29.04.21

## POLICY CONSIDERATIONS

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



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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

## Braintree District Local Development Framework Core Strategy 2011

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

## Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

## Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

## Neighbourhood Plan

None

## Other Material Considerations

Affordable Housing Supplementary Planning Document (2006)  
Essex Coast RAMS Supplementary Planning Document (2020)  
Essex Design Guide for Mixed Use and Residential Areas (2005)  
External Artificial Lighting Supplementary Document (2009)  
Open Space Supplementary Planning Document (2009)  
Parking Standards – Design and Good Practice (2009)  
Urban Place Supplement Guidance (2007)

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part B of the Council's new Scheme of Delegation, at the request of the Chairman and Vice-Chairman of the Committee.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located on the southern side of Lyons Hall Road, to the rear of the properties Nos.27 to 33. The majority of the site falls outside of the development boundary and is therefore located in the countryside. It mainly consists of an existing ménage and an open undeveloped site laid to grass, except for the eastern part of the site whereon there are two single storey structures used for storage of both building and construction materials. The structures have been extended beyond the permitted extent as granted under Application Reference 14/00528/FUL.

To the east and south are open agricultural fields, whilst the settlement of High Garrett sits to the west, predominantly following the A131 corridor.

## PROPOSAL

The application seeks outline planning permission for 6no. residential units. Access is to be considered at the outline stage with the matters of layout, appearance, scale and landscaping being reserved matters for future consideration. Existing buildings on the site would be demolished.

Access is proposed to be taken from Lyons Hall Road down the southern flank of No.33, using a carriageway known as Thistley Green Road. A 6 metre wide shared surface would be laid with block paving up to the main highway, with a 1.5 metre wide footpath provided, connecting the front of the application site around to the existing public footway on Lyons Hall Road.

## SUMMARY OF CONSULTATION RESPONSES

### BDC Ecology

No objection subject to conditions for a wildlife friendly lighting scheme and biodiversity enhancement measures.

### BDC Environmental Health

No response received.

### BDC Landscape Services

No response received.

### BDC Waste Services

The access road must be built to accommodate the waste and recycling collection vehicles, and must be adopted highway, or built to a standard equivalent to adopted highway. Braintree District Council would require written indemnity to state that it will not incur cost for damages caused to the driveway/access road, as a result of using it to carry out waste and recycling collections.

### ECC Archaeology

Recommend that archaeological evaluation conditions are attached to any planning permission requiring investigations prior to commencement of development.

### ECC Highways

No response received. No objection was raised to the previous similar application (Application Reference 21/00314/OUT), subject to conditions.

### Essex Fire and Rescue

No objection, access will be considered satisfactory provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 15 tonnes. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

### PARISH / TOWN COUNCIL

N/A.

### REPRESENTATIONS

A total of 17 representations have been received, all objecting to the proposal. The main concerns are listed below:

- Existing breach of planning control as the size of the store has been increased as compared to previous approval.
- Similar proposal to the previous refused application, apart from a slightly smaller area.
- Did not fully address all the previous refusal reasons nor address the fundamental issue of outside development boundaries.
- More intense development with smaller site.
- Will leave the remaining parcel of land without access, thereby creating windfall site to be developed eventually.
- Outside town boundary/on a greenfield site.

- Loss of privacy/overlooking issues to existing single storey properties along Lyons Hall Road.
- Increased noise levels.
- Nuisance and disturbance to the locals during construction.
- Insufficient services and facilities in High Garrett.
- Bus services are not regular enough/ no genuine alternative transport mode.
- High likelihood for new residents to travel into town.
- There are existing traffic problems and the development will worsen the situation.
- 2 parking spaces per house are insufficient and will lead to more on-street parking.
- Another scheme (Application No. 17/01304/OUT) with up to 25 dwellings was allowed on appeal nearby, which is altering the nature of this village.
- Visibility issues and there will be danger for walkers, cyclists and horse-rider using the byway.
- No mention of the required financial contribution to Highways Authority as required in previous application.
- May link with the other development at the site of the former nursery in Broad Road (Application No. 19/02162/OUT - withdrawn) and creating a rat run.
- Various sites already earmarked for development.
- Setting a precedence case/ once the vehicular access is provided, may induce further development on the remaining/adjacent greenfield.
- High Garrett is losing its village identity and rural character, becoming a subsidiary of Braintree.
- Green space outside development boundaries should be protected for mental and physical health of residents, in particular during the pandemic.
- Will disturb biodiversity/wildlife and habitats of bats, deer, squirrels and barn owls.
- No biodiversity net gain proposed.
- Untidy and unsightly boundary hedge, blocking light and views to the sky.
- Existing public sewer already requires pumping solution to hand waste from 33 Lyons Hall Road, would not be sufficient to handle those from additional properties.
- Increased flood risk.
- Outline format is insufficient to assess how the neighbours are going to be affected.
- Indicative details carries no weight in reserved matter/ final appearance of the development may not be the same as what submitted at this stage.
- Misleading information to indicate the withdrawn application.
- Back land development.
- Not in line with the linear development pattern of Lyons Hall Road/not in keeping with the character of the local area.
- No provision of affordable housing nor to help with local housing needs.
- Mainly personal benefits which do not outweigh the significant harms raised.
- Deliberately avoiding the catch for affordable housing contribution by reducing to 0.49ha.
- Floodlight will impose light pollution to neighbours and wildlife.

- Only small portion is developed land/ does not constitute efficient or effective reuse of previously developed land.
- Planning benefits are likely to be minimal and would not tip the balance in favour of any additional investment in local facilities.
- Not sustainable development.
- Large 2-storey dwellings are inappropriate in the area.
- The Council has secured an increased 5 year housing land supply, therefore there is no need for more developments bordering the development boundaries.
- No robust evidence to challenge the Council's 5 year housing land supply.

## REPORT

### Principle of Development

#### National Planning Policy Framework (NPPF) 2021

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 60 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 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

### The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011) and the Braintree District Shared Strategic Section 1 Local Plan (2021).

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

The application site is not proposed for allocation for development in the Section 2 Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

### 5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

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

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission were tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

The strategy set out in the emerging 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 Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

Policy LPP44 of the Section 2 Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

The majority of the site falls within an area where policies of rural restraint apply. In such instances, the countryside would be protected from development and permission would only be granted for those proposals that comply with or are acceptable in a rural locality under other policies (i.e. for agriculture, forestry, affordable housing). The proposal is for 6 market dwellings and thus would not qualify for an exception to the rural restraint policies. It would therefore constitute an unjustified intrusion into the countryside.



Officers accept that the ménage and the buildings in the eastern part of the site constitute previously developed land. However, only a small portion of the site is considered to be previously developed. Only a small proportion of the footprint for the proposed dwelling in Plot 6 would overlap that footprint to be demolished from an existing building; therefore, the proposal sprawls onto undeveloped and open areas of countryside land.

In addition, it is clear that the site is currently used for commercial storage of building and construction materials, and an unauthorised extension was undertaken to accommodate the storage. Officers therefore could not agree that the site is under-utilised. The applicant has not provided any other supporting information to demonstrate why the existing structures could not be re-used for commercial or community uses prior to demolition. It is considered the proposal does not constitute the efficient or effective reuse of previously developed land in these circumstances.

The application site is located outside but adjoining the town development boundary, in a sustainable location given that Braintree is one of the District's three main towns. A garage and a public house are situated about 1km to the north along A131. Whilst High Garrett itself does not contain all the services and facilities, there are good bus services connecting to the central areas of Braintree and Bocking for shops, clinics, schools and other facilities. The site is only about 400m walking distance to the bus stops with hourly services to Braintree and Bocking where the main facilities are services are situated. Unlike other sites within High Garrett, it is considered that this application site would have good access to public transport and as such there are opportunities for the future residents not to be reliant upon private means of transport. Subject to other measure to encourage the use of sustainable transport choices including widening of the footway and the Resident Travel Packs, the scheme would be compliant with Policy CS7 in this regard.

However, with the site and development in an area not allocated or intended for housing growth, the principal of residential development in this location is not supported. This weighs against the proposal in the overall planning balance. The planning balance is concluded below.

#### Design, Appearance and Layout

Paragraph 126 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 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure

development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

Policy SP7 of the Section 1 Plan sets out place shaping principles, including responding positively to local character and context to preserve and enhance of existing places and their environs.

Policy LPP55 of the Section 2 Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

High Garrett is a settlement formed with a strong and distinctive linear pattern of development, with houses lining the A131 and Lyons Hall Road. Dwellings typically are set forward within their respective plots, leaving deep rectangular-shaped rear gardens. Bungalows are the predominant house type on the southern side of Lyons Hall Road, whilst 2 storey dwellings are on the northern side and fronting the A131 to the west.

Whilst there is no uniformity in the appearance of these surrounding dwellings, there is a regularity to their architectural style and layout, with simple roof forms and projections. In stark contrast the proposed development would form a small enclave of houses sitting behind the linear form of the local built environment, representing a backland development that does not integrate visually or socially with the existing settlement. It is an alien form of development that goes against the grain of the prevailing built environment and therefore appears incongruous as a result.

Whilst the matters of layout and scale are 'reserved', the proposal on the indicative plans show wide dwellings on squat plots and a multitude of roof pitches and forms across the development, which goes against the prevailing appearance of development in the area. Although as compared to the previous refused scheme, the indicative size of the proposed dwellings have been reduced, they are still considered to be larger than the surrounding existing residences.

The proposal would not reinforce local distinctiveness and would not meet criteria (i), (iv) and (v) of Policy RLP90 of the Adopted Local Plan, failing to meet the clear expectations of the Development Plan. The location and proposed form of the development, with the associated height and bulk of 2 storey dwellings together with domestic paraphernalia, would also erode the openness of the countryside, urbanising an open field and harmfully affecting the appearance of the local area.

The Strategic Housing Marketing Assessment 2015 (SHMA) identifies that the District requires 75.72% of market dwellings to be 2 to 3 bedroom properties. The submitted planning statement indicates that the final housing mix will reflect the Council's standards. As housing mix could not be considered as part of scale or layout, a condition to control the housing mix to meet the identified housing needs will need to be attached, should approval be given to the outline planning application.

Landscaping is a reserved matter, however the Planning Statement informs that all existing trees and hedgerows along the site boundaries would be retained. The landscaping scheme would look to enhance this where required.

For the reasons given above, the proposal, albeit indicative, is not a suitable form of development for the District and is therefore considered to be contrary to the abovementioned policies.

#### Impact on Neighbour Amenities

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is reiterated in Policy LPP55 of the Section 2 Plan.

As shown on the indicative layout plan, each of the proposed houses would be provided with 2 parking spaces and with a garden over 100sq.m, which would be in excess of the requirements of the Essex Design Guide and therefore providing an acceptable amount of amenity space for the future residents.

The gardens for Plots 1 and 2 share a boundary with No. 27-33 Lyons Hall Road. Paragraph 7.59 of the Planning Statement confirms that the proposed detached dwellings are intended to be 2 storeys in height. Nonetheless, the rear elevations of the proposed dwellings are shown to be over 18m away from the shared boundary and over 48m 'back-to-back' distance with the existing properties. The proposal is therefore in line with the requirement of Essex Design Guide and subject to detailed design at reserved matters stage, the proposal is not considered to give rise to unacceptable level of overlooking, overbearing or overshadowing.

The proposed masterplan shows that a layout could come forward without unacceptable loss of amenity to neighbouring residential properties, satisfying the abovementioned policies.

#### Highway Issues

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential residual cumulative impacts on the road network would be severe.

The application proposes that access is considered at the outline stage. The proposed access into the site would be via the junction of Thistley Green Road, Lyons Hall Road and Willoughby's Lane. Thistley Green Road is a public right of way, heading in a south-westerly direction. The proposal would involve upgrading the width and surface of a small section of this road to 4.8m wide and block paving (as opposed to current loose stone finish), with the

provision of a 1.5m wide footway on the northern side of Thistley Green Road. The public right of way beyond the site entrance would be retained as it is.

Residents have raised concerns regarding traffic conditions in the local area, including the width of the existing road network, on-street parking and the nature of the bend on Willoughby's Lane. The perception is that the increase in vehicles from the development would exacerbate the current problems.

The applicant has submitted further information to demonstrate that the visibility splays at the exit of Thistley Green Road onto Lyons Hall Road are achievable. The same visibility arrangement was considered acceptable by ECC Highways under the previous application (Application Reference 21/00314/OUT), subject to conditions requiring the submission of a Construction Management Plan, widening works of Lyons Hall Road and a footway, as well as maintaining the public right of way free and unobstructed at all times. On this basis, the proposed access is therefore considered to be acceptable, as it has previously been demonstrated to the satisfaction of the Highway Authority that the access is safe and would not cause a hazard to highway safety.

It is acknowledged that this 'shared' relationship does exist at present with both motorists and footpath users only able to use the carriageway of Thistley Green Road. Although the level of use would likely increase with residential development, as would the speed of vehicles on an improved road surface, an appropriate use of material for the shared surface would slow down the speed. It is not considered that this would be to a significant or unacceptable degree. The proposed access arrangements are therefore considered acceptable in this regard.

### Ecology

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 District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

These sentiments are reiterated in Policies LPP68 and LPP70 of the Draft Section 2 Plan.

The Ecology Officer has reviewed the information and raises no objection to the scheme, on the basis that mitigations can be secured appropriately through conditions and implemented accordingly. Measures in respect of nesting birds and biodiversity enhancements were also suggested to be

secured by condition. In light of these comments, and that satisfactory mitigation for protected species could be achieved, the proposal is considered acceptable in this regard.

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

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

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

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

Any residential development for a net gain of one or more new dwellings located within the Zone of Influence must mitigate its impact on the areas of Protected Essex coastline. The proposed scheme will be required to make a financial contribution of £127.30 per dwelling towards the mitigation strategy.

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

#### Construction Activity

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

#### Affordable Housing

The application site area, at 0.49ha, and the number of houses proposed (6), falls below the threshold set out within Policy CS2 of the Core Strategy, which requires the provision of affordable housing where there is a threshold of 15 dwellings or 0.5ha in the urban areas comprising Braintree and Bocking, Witham and Halstead. As such, no affordable housing is required to be provided in this case.

## Archaeology

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

The Essex Historic Environment (HER) Record shows that the proposed development lies along a historic route along which sporadic settlement is depicted on the Chapman and Andre maps and so predates 1777. To the south is the hamlet of Thistley Green. Further south an ancient trackway from Bocking Church Street towards Halstead and Stisted follows the line of Thistley Green Road and survives as a hollow way south of this, thought to date from the 13th century or earlier. The site of Lyons is located to the east further along Lyons Hall road which is a protected lane at this point, the existing house is a Grade II listed building dating to the 17th century and is likely medieval in origin. To the north east is the medieval moated site of Willoughbys Farm, the farmhouse dates to the 15th century and is a listed building.

The proposed development lies within a fairly well preserved medieval landscape and the potential for further remains associated with medieval settlement and activity to survive within the proposed development area are high. In addition, Broad Road follows the line of a major Roman road. The proposed development has potential to disturb or destroy archaeological remains associated with medieval or earlier activity.

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

## PLANNING BALANCE AND CONCLUSION

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

Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land

Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1, SP2, SP3 and SP7 of the Section 1 Plan, Policies RLP2, RLP80 and RLP90 of the adopted Local Plan Review and Policy CS5, CS7 and CS8 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP2 of the Section 1 Plan secures the mitigation measures in accordance with the Recreational disturbance Avoidance and Mitigation Strategy. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Policy SP7 of the Section 1 Plan relates to place shaping principles and states that all new development must meet high standards of urban design and architectural design. It specifically references that development should protect and enhance assets of historical or natural value.

As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that all 4 policies are consistent with the NPPF and can be afforded full weight. None of them are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight.

The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

Policy RLP80 of the Adopted Local Plan requires that new development must successfully integrate into the local landscape and that proposals that fail to do so will not be permitted. Policy CS8 of the Core Strategy is a wide ranging policy concerning the natural environment and biodiversity. Amongst other things the policy requires that consideration is given to landscape impact. It states that development must have regard to the character of the landscape and its sensitivity to change and, where development is permitted, it will need to enhance the locally distinctive character of the landscape in a manner that accords with the Landscape Character Assessment for the area. The underlying objectives of Policies RLP80 and CS8 are to protect the landscape character and amenity of the countryside and require a decision maker to consider the established landscape character and its sensitivity to change and are considered to both be consistent with paragraph 174(b) of the NPPF and are not considered to be out of date and can be given significant weight.

Policy RLP90 of the Adopted Local Plan seeks a high standard of layout and design in all development. This echoes with the latest requirement of the NPPF for high quality design and beautiful development that reflect and/or enhance the local character, and therefore is not considered to be out of date and can be given significant weight.

Policy CS7 of the Core Strategy promotes accessibility for all, and in particular states that future development will be provided in accessible locations to reduce the need to travel, an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts



of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. 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).

### **Summary of Adverse Impacts**

The adverse impacts and the weight that should be accorded to these factors are set out below:

#### Conflict with the Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. Significant weight is given to this conflict.

### Conflict with the Section 2 Plan

The proposed development would conflict with Policy LPP1 of the Section 2 Plan as it proposes development outside the defined development boundaries and within the countryside. As the Section 2 Plan has not been formally adopted, therefore moderate weight can be afforded to this conflict.

### Harm to the Character and Appearance of the Area and Local Landscape

The proposal would fail to reinforce local distinctiveness, appearing incongruous and discordant with the character and appearance of the local area and within the local landscape, and out of keeping with the pattern of existing development in the area. This weighs against the proposal and is afforded moderate weight.

### **Summary of Public Benefits**

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

#### Delivery of Market and Affordable Housing

The proposal is for 6 market dwellings and no affordable housing would be provided. In view of the scale of development proposed, the contribution to meet local housing needs would only be afforded limited weight.

#### Economic and Social Benefits

The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. In view of the scale of development proposed, this is afforded limited weight.

#### Biodiversity Net Gain

Although no biodiversity net gain has been included as part of the outline submission, an approval condition would be imposed to secure a 10% biodiversity net gain as required by the NPPF. Given the scale of the development proposed, it would only be afforded limited weight.

### **Summary of Neutral Factors**

There is no identified harm in terms of amenity level, highway impacts, ecological impacts or recreational impacts on designated sites at the outline stage. Subject to careful design and consideration at reserved matters stage, these matters are considered neutral in the planning balance.

## **Planning Balance**

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal are significantly outweighed by the harms, including the harm arising from the conflict with the Development Plan, such that planning permission should be refused in line with the Development Plan.

## **RECOMMENDATION**

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

- 1        The proposed development would, by reason of its location, design and nature, fail to reinforce local distinctiveness of the built environment and represents a stark visual intrusion into the local landscape which would be out of keeping with the prevailing character, appearance and pattern of existing development in the area. It represents a departure from Development Plan policies without reasonable justification. When considering the planning balance having regard to the requirements of the NPPF as a whole, the adverse impacts of granting permission would outweigh the benefits. The proposal would be contrary to the NPPF, Policies RLP2, RLP80 and RLP90 of the Adopted Local Plan (2005), Policies CS5 and CS8 of the Core Strategy (2011), and Policies SP1, SP3 and SP7 of the Shared Strategic Section 1 Local Plan (2021).

## **SUBMITTED PLANS**

Location Plan	Plan Ref: 01	Version: D
Block Plan	Plan Ref: 02	Version: D
Topographical Survey	Plan Ref: 03	Version: D
Proposed Site Plan	Plan Ref: 04	Version: D

**CHRISTOPHER PAGGI**  
**PLANNING DEVELOPMENT MANAGER**