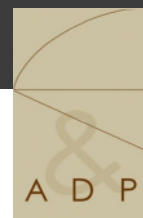


Planning Statement

**‘Permission in Principle’ for a residential
development of two dwellings**

Land at Broomhills Chase, Little Burstead



Contents

1. Introduction	1
The Permission in Principle Process	1
2. Site Context	2
The Site	2
3. Planning Considerations	5
Principle of Development	5
Character and Appearance	8
Transport and Highways	10
Flooding	11
Habitats Development	11
4. Planning Balance	13
Appendix A - PINS Ref: APP/V1505/W/3249059	14

1. Introduction

- 1.1. This 'Permission in Principle' application has been submitted on behalf of Mrs M. Moulton-Miller and Mrs T. Ketteringham in support of a proposal to establish the principle of developing two dwellings on land at Broomhills Chase, Little Burstead.

The Permission in Principle Process

- 1.2. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017, and the PPG are explicitly clear that the 'Permission in Principle' application process has two stages. The first stage of permission in principle stage establishes whether a site is suitable '*in principle*' and the second 'technical details consent' stage is when the detailed development proposals are assessed.
- 1.3. Paragraph 012 Reference ID: 58-012-20180615 of the PPG states:

What matters are within the scope of a decision on whether to grant permission in principle?

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

- 1.4. Only 'in principle' matters should be considered by this application. Any other matters such as design and technical details should be considered at Stage 2.

2. Site Context

The Site

- 2.1. The application site extends to approximately 0.3 ha and comprises an area of unused land along Broomhills Chase. The land contains a number of outbuildings and sheds, and has been used historically for the storage of vehicles, including caravans, tractors and old cars.
- 2.2. The site is surrounded by residential properties on all sides. It is opposite The Cottage and Valkyrie to the north, The Pines to the east, The Glen to the south, and Milverton, Belmont and Acacia to the west.



Image 1: The site currently contains a number of objects on site, including caravans and other old vehicles.



Image 2: The site contains various structures and sheds on site.



Image 3: The site is located adjacent to The Pines. The roof of this property is clearly evident from the application site.



Image 4: The land comprises an unused parcel between existing residential properties along Broomhills Chase.



Image 5: The residential outbuildings of Belmont are clearly visible from the application site.



Image 6: The residential outbuilding at The Glen is clearly visible from the application site.



View 7: Google Earth (2019) image of the site in the wider context of Broomhills Chase. The site forms undeveloped land within an otherwise established residential area.

3. Planning Considerations

- 3.1. This proposed scheme seeks permission in principle for the erection of two dwellings on land at Broomhills Chase, Little Burstead. The detailed planning considerations are set out below, taking into account the planning requirements in the National Planning Policy Framework, the Basildon District Local Plan (adopted 2007) and, where relevant, the emerging draft Local Plan.

Principle of Development

- 3.2. The site is identified as falling within the Green Belt on the adopted Basildon Local Plan Proposals Map 1998.
- 3.3. Paragraph 145 of the NPPF states that new buildings in the Green Belt are considered inappropriate, however a number of exceptions are cited in this paragraph and apply in this case. Specifically, Part (e) of this paragraph explains that limited infilling in the villages can be deemed an exception.
- 3.4. In this case, the application site is in between Milverton and The Pines and has a frontage of just 50 metres between these residential boundaries. It is also surrounded by residential properties on all sides. It is opposite The Cottage and Valkyrie to the north, The Pines to the East, The Glen to the south, and Milverton, Belmont and Acacia to the west.
- 3.5. It was confirmed within a recent appeal decision (PINS Ref: APP/V1505/W/3249059, see Appendix A) that Broomhills Chase forms part of the village settlement of Little Burstead and that consequently, Paragraph 145(e) of the NPPF is engaged. The Planning Inspector cited the following documents or characteristics, which he gave weight to, when making his judgement:

- Broomhills Chase forms a character area within village of Little Burstead.
- Broomhills Chase is solely accessed from Laindon Common Road, through Little Burstead.
- The Council's Urban Characterisation Design Review (2015) identifies Little Burstead as a village. The Plotlands study included in the Council's supporting evidence for the emerging Local Plan identifies Broomhills Chase as within the settlement.
- Little Burstead includes a pub and church which are features of a traditional village settlement.
- The ONS sub division report identifies the inter-related functional relationship between the different areas of the plotlands and Little Burstead.

3.6. Paragraph 8 of the Inspector's Report specifically stated:

I am satisfied that when taken together the other sources of information submitted by the appellant, provide support that the site lies within a village settlement. For these reasons I am satisfied that the plotlands at Broomhills Chase form part of Little Burstead, which is a small village.

3.7. It can therefore be concluded that the application site falls within a village for the purposes of Paragraph 145(e) of the NPPF.

3.8. The NPPF does not specify what is meant by 'limited infilling', however, the application site occupies open land that lies adjacent to residential properties on all sides.

3.9. The Council's own evidence is also relevant in considering what could be deemed limited infilling in this area. The 'Basildon Borough Plotland Study 2017: June 2017 Update' is of

particular relevance in the consideration of this application. Broomhills Chase is identified within this document as a plotland area and is described on page 24 as follows:

This plotland area sits to the south of Laindon Common Road. It is in a rural part of the borough to the north of Basildon within Little Burstead. It is well screened from view from the wider landscape by vegetation. Access to this plotland area is via Broomhills Chase. Broomhills Chase within the plotland is made up to a passable standard, but it does not benefit from footpaths or street lighting. There are a number of residential dwellings located within the plotland, with the normal assemblage of outbuildings such as garages and sheds. The dwellings are all relatively modern bungalows or bungalow chalets and are set out along Broomhills Chase. Plots are generally tidy and well kept, and some have front gardens.

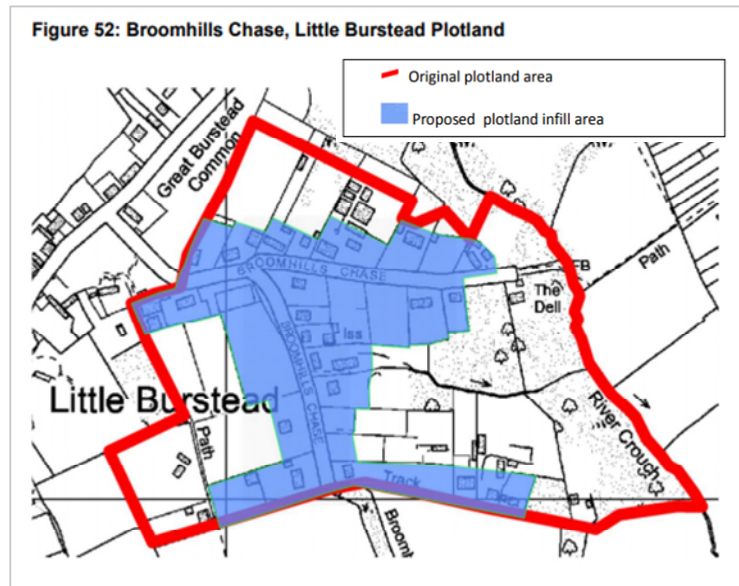
- 3.10. On Page 25, under the title 'Capacity for Housing', the following assessment was made in respect to development at Broomhills Chase.

... there are a number plots that have been promoted for development within this remaining plotland area, which sit adjacent to existing development and would potentially be acceptable if developed to a similar scale to the development which already exists. These plots have the potential to deliver up to eight new homes.

Recommendations

Broomhills Chase Plotland is a relatively large plotland area. There are paddocks, part of a LoWS and residential backland situated mainly on the outer edge of the plotland which should remain undeveloped and be removed from the plotland within the emerging Local Plan. Due to its size, some limited development should be permitted on infill plots within this plotland. Infill development should face onto the existing roads and should be in the form of bungalows or bungalow chalets.

3.11. Figure 52, within Appendix A of the 'Basildon Borough Plotland Study 2017: June 2017 Update' sets out the Council's proposed 'Plotland Infill Areas' within Broomhills Chase.



3.12. As is evident from this plan, the application site is located within an area identified as being suitable for infill development.

The application site is located within an area identified as being suitable for infill development.

3.13. The proposed development of 2x dwellings at the application site can be therefore be considered limited infill development in line with Paragraph 145(e) of the NPPF.

Character and Appearance

3.14. This application does not contain any detailed or indicative design as this would be assessed at the technical details consent stage. However, site context has some relevance in the consideration of this application.

3.15. Section 12 of the NPPF relates to achieving well-designed places and states that planning decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and layout. Policy BAS BE12(i) of the of the Basildon Local Plan Saved Policies Document has a similar policy requirement as it seeks to ensure that new development does not cause harm to the character of the surrounding area, including the streetscene.

- 3.16. Policy GB4 of the emerging 'Basildon Borough Revised Publication Local Plan 2014 – 2034' considers residential infill development in the Green Belt. This emerging policy states that infill development must meet the criteria in the following table.

Emerging Policy GB4: Green Belt Residential Infill Development	The Application Site (Commentary)
<p>a. The proposed development plot must be located between existing dwellings on an existing road frontage, or on a corner plot. The development however should not front and directly access onto the Borough's primary route network</p>	<p>The proposed dwellings will be located between the existing dwellings 'The Pines' and 'Milverton'. It is also surrounded by residential dwellings on all sides.</p>
<p>b. The plot size must have a frontage which is of a similar average width as surrounding residential development; The dwelling(s) must be low-rise in height, such as bungalows and chalets, which harmonise with the building heights predominant in the area</p>	<p>The site has a width of approximately 50 metres, with the resulting plots having a width of approximately 25 metres each. This width is comparable to that found in the surrounding area which varies between 20 metres and 40 metres.</p> <p>The proposed dwellings will be either bungalows or chalets, subject to discussion with the Council at the technical consent stage.</p>
<p>c. The dwelling(s) must be set within the site, and must have circulation space around it comparable to adjoining properties;</p>	<p>The indicative ground figure plan shows how the dwellings can be set back and maintain sufficient circulation space around it, comparable to the neighbouring houses.</p>
<p>d. The dwelling(s) must be constructed on a similar building line (formed by the front main walls of existing dwellings) and be of a similar scale, form and proportion to those adjacent;</p>	<p>The indicative ground figure plan shows how the dwellings can follow the existing building line and be of a similar scale, form and proportion to the neighbouring houses.</p>
<p>e. The dwelling(s) must reflect the materials, design features and architectural style predominant in the area;</p>	<p>The design will be subject to discussions with the Council at the technical consent stage.</p>

<p>f. The development of the site must not involve the removal of significant existing tree coverage;</p>	<p>The application site comprises open land that is laid to grass. The existing perimeter landscaping can be retained. There will consequently be no significant removal of existing tree coverage.</p>
<p>g. The development must incorporate appropriate boundary treatments and soft landscaping;</p>	<p>The site contains a strong landscape boundary to the north, south and west.</p>
<p>h. Subdivision of plots may occur where the resulting plots would meet criteria a-g of this policy</p>	<p>Matters a to g have been discussed above.</p>

3.17. Being within an established plotland location, there are a number of development parameters that would guide the proposals at the technical details consent stage. The indicative figure ground plans that are submitted with this application give an indication of how the proposals can assimilate into the surrounding context and streetscene. These have been informed by the Council’s existing and emerging infill policies.

3.18. A scheme of just two dwellings would not result in any demonstratable harm to the character and appearance of this area and could be achieved within the policy parameters of BAS BE12 and emerging Policy GB4.

Transport and Highways

3.19. Paragraph 109 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 residual cumulative impacts on the road network would be severe. Clearly, this scheme of two dwellings cannot be considered to cause a severe impact on road capacity.

Flooding

- 3.20. The site is located in flood zone 1 and therefore has a very low probability of flooding.

Habitats Development

- 3.21. Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 states that 'permission in principle' must not be granted for development which is habitats development. This is defined as development which is likely to have a significant effect on a qualifying European site. The application site does may fall within the 'Zone of Influence' for a number of SPAs and as such the LPA is required to undertake an 'Appropriate Assessment', through the planning process to assess the impacts of the proposed scheme.
- 3.22. In consideration of whether an LPA can grant 'permission in principle' to sites that have been subject to a habitats assessment, paragraph 005 (Reference ID: 58-005-20190315) of the NPPG states:

This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle).

- 3.23. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (the Essex Coast RAMS) aims to deliver the mitigation necessary to avoid significant adverse effects from 'in-combination' impacts of residential development that is anticipated across

Essex, thus protecting the habitats sites on the Essex coast from adverse effect on site integrity. All new residential developments within the evidenced 'Zone of Influence' where there is a net increase in dwelling numbers are included in the Essex Coast RAMS.

- 3.24. The Essex Coast RAMS per dwelling tariff for new dwellings in the 'Zone of Influence' will fund the mitigation measures set out in the strategy. With regard to the quantum required per dwelling, paragraph 8.8 of the Essex Coast RAMS states:

The total cost for calculation per dwelling tariff is based on the total number of dwellings identified in each Local Plan which have not received Full/Reserved matters consent i.e. any houses already consented having come forward early, are not included in this calculation. This figure is therefore £8,916,448 divided by 72,907 which means the recommended tariff is £122.30 rounded to nearest pence.

- 3.25. The applicant will commit to making the appropriate payment to mitigate the impact at the appropriate stage. This will ensure that the development subject to this 'permission in principle' will have no adverse effect on the integrity of the habitat sites.

4. Planning Balance

4.1 The proposed scheme seeks 'permission in principle' for two dwellings on land at Broomhills Chase, Little Burstead. This Planning Statement has demonstrated that the proposed scheme is compliant with national and local planning policy taken as a whole and would represent sustainable development as:

- The proposed dwellings would constitute limiting infilling within a village, as set out in paragraph 145(e) of the NPPF.
- The additional dwellings would make a valuable contribution to social sustainability by supporting the social and housing needs of this rural area and its communities.
- The construction of the additional dwellings would have an economic benefit as they will provide a contribution to the support of local services in the Little Burstead area and other nearby settlements. They would also generate construction jobs.

4.2 Therefore, in accordance with the presumption in favour of sustainable development in the NPPF, it is requested that planning permission is granted.

Appendix A - PINS Ref: APP/V1505/W/3249059



Appeal Decision

Site Visit made on 27 October 2020

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/V1505/W/3249059

Land between The Willows (aka Crystal Cottage) and Cranbourne, Broomhills Chase, Billericay, CM12 9TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Watts against the decision of Basildon District Council.
 - The application Ref 19/01373/OUT, dated 20 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is erection of 2 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 dwellings on land between The Willows (aka Crystal Cottage) and Cranbourne, Broomhills Chase, Billericay CM12 9TH in accordance with the terms of the application, Ref 19/01373/OUT, dated 20 September 2019, and the plans submitted with it, subject to the conditions included in the schedule to this letter.

Procedural Matters

2. The appeal is for outline planning permission and all matters are reserved.
3. The appeal has been accompanied by a Unilateral Undertaking which addresses payments required for the Essex Coast Recreation and Access Management Strategy (RAMS). I address this matter later in this decision letter.

Main Issue

4. The main issue is:
 - whether the proposed development would be inappropriate development in the Green Belt, including the effect the development would have on the openness of the Green Belt.

Reasons

5. New buildings in the Green Belt should be regarded as inappropriate unless meeting certain exceptions. Paragraph 145 of the National Planning Policy Framework (the Framework) 2019, identifies that whilst the development of new buildings in the Green Belt is regarded as 'inappropriate', exceptions to this include limited infilling in villages.

6. Broomhills Chase comprises an area of detached dwellings which were largely developed as 'plotlands' in the interwar years. The area retains an open character with relatively small properties in large plots interspersed around paddocks and fields. Although many of the original properties have been redeveloped they comprise single and two storeys and the area has a low density. Whilst the area has a distinct character, it is common for villages to include defined character areas. Access to Broomhills Chase is solely from Laindon Common Road, through Little Burstead.
7. The Council's Urban Characterisation Design Review (2015) identifies Little Burstead as a village. The Plotlands study included in the Council's supporting evidence for the emerging Local Plan identifies Broomhills Chase as within the settlement. Although this study was prepared for the emerging Local Plan, which I give only limited weight, this is an important source of evidence in its own right irrespective of the final policy outcome.
8. The appellant cites other sources of information such as the ONS¹ sub division report and contextual maps which seek to identify the functional relationship between the different areas of the plotlands and Little Burstead. Little Burstead includes a pub and church which although at some distance from the appeal site, are features of a traditional village settlement. Although the Framework does not define 'a village', I am satisfied that when taken together the other sources of information submitted by the appellant, provide support that the site lies within a village settlement. For these reasons I am satisfied that the plotlands at Broomhills Chase form part of Little Burstead, which is a small village.
9. The appeal site occupies part of a paddock beyond which are open fields. Detached residential properties lie opposite and on both sides. The Framework, does not specify what is meant by 'limited infilling' and for this reason and in the absence of evidence to the contrary provided by the Council, I am satisfied that the appeal proposal represents limited infilling in line with paragraph 145e) of the Framework.
10. For these reasons, the proposal would not be inappropriate development in the Green Belt having regard to the Framework, as it would represent limited infilling. For this reason, a consideration in respect of 'openness' is not necessary.

Essex Coast Recreation and Mitigation Strategy

11. In 2018, the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage². This responsibility now falls to me within this appeal.
12. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of European sites either alone or in combination with other plans or projects.
13. The site falls within the 13 kilometre 'Zone of Influence' for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS). This site qualifies as

¹ Office for National Statistics

² People Over Wind and Peter Sweetman v Collite Teoranta ECJ (2018) C-323/17

being internationally important for wintering birds, wildfowl and wading birds including little terns, bitterns and brent geese. The Essex Coast includes the Essex Coast Natura 2000 and includes several Special Protection Areas which include the Colne, Blackwater, Stour and Orwell estuaries. The latter of these is a designated Ramsar site. There is a further Denge SPA and Ramsar and the Essex estuaries Special Area of Conservation.

14. These sites are used for public recreation and there is no dispute between the parties that it cannot be ruled out that the proposal, when considered alone or in combination with other schemes, would have likely significant effects on the aforementioned qualifying features of the Special Protection Area (SPA)s due to the increased recreational use.
15. After carefully reviewing the evidence I agree that this would be the case and therefore it is incumbent upon me to undertake an Appropriate Assessment. As part of this process, I may consider any conditions or other restrictions which could secure mitigation of this harm, and which would therefore allow development to proceed in the knowledge that the conservation objectives of this site would not be compromised.
16. Natural England and the Council have indicated that there is an agreed strategic solution to mitigate the effects of the proposal, in the form of the RAMS. This strategy requires financial contributions from developments and allocates detailed and costed infrastructure and non-infrastructure projects to proposals dependent on their scale and location.
17. The main parties agree that the mitigation can be delivered via the appellant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (the Act). The appellant has supplied a completed Unilateral Undertaking agreement with all requisite signatories upon it which addresses the additional 2 dwellings which the new scheme includes.
18. The Undertaking, submitted with the appeal, through the provision of financial contributions, would therefore serve to mitigate the recreational impacts arising from the proposal.
19. On this basis, I am able to conclude that the required mitigation would be properly secured and that the proposals would not have an adverse effect on the identified SAC either alone or in combination with other projects.

Interested parties

20. I have considered the representations from interested parties objecting to the scheme. The proposal is not inappropriate development as it represents limited infilling in a village which is an exception under paragraph 145 of the Framework.

Conclusions

21. For the above reasons and having regard to all other matters I hereby allow this appeal.

Conditions

22. I have included conditions relating to the submission of reserved matters and the relevant time limits associated with their submission and the

commencement of development. I have also included a condition specifying the relevant plan for reasons of certainty.

23. I have included a condition in respect of land contamination and if found the need for remediation work. I have not included a condition restricting permitted development of the dwellings hereby permitted, suggested by the Council, as the 2 plots are large and the extension or alteration of a building, as allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015, could be controlled by the conditions included in the Order without adversely impacting on the character and appearance of the area or the living conditions of surrounding occupiers.
24. Other conditions seek to provide biodiversity enhancements in line with the submitted ecology survey and allow access through the site for local wildlife given the site's location close to the edge of this village settlement and close to Little Burstead Woods Local Wildlife site. Importantly, I have included a Construction Environmental Management Plan to ensure that construction activities are sensitive to the surroundings of this site.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall take place no later than 2 years from the date of approval of the last reserved matters to be approved.
- 2) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans 'Site Location Plan' insofar as this plan concerns matters that are not reserved for later consideration.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.
- 6) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological survey and Assessment (Essex Mammal Surveys, September 2019), 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 onsite ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details. They shall also include precautionary mitigation for mammals and appropriate site lighting for bats and other nocturnal species.

- 7) No development should commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP (biodiversity) should include the following:

- Risk Assessment of potentially damaging construction activities too little Burstead Woods LoWS.
- Identification of 'biodiversity protection zones'
- Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction, (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm by biodiversity features
- The times during construction when specialised ecologists need to be present on site to oversee works
- Responsible persons in lines of communication
- The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similar competent person
- Use of protective fences exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 8) A biodiversity enhancement layout, providing the finalise details and locations of enhancement measures which should include retaining gaps for hedgehogs, 2No. bird boxes, 2No. solitary bee hives and a hedgehog nest in line with the ecological survey and assessment, (Essex Mammal Surveys, September 2019) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all feature shall be retained in that manner thereafter.