

# PLANNING COMMITTEE AGENDA

**Tuesday 14th June 2022 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 Council's YouTube Channel, webcast and audio recorded) [www.braintree.gov.uk](http://www.braintree.gov.uk)*

This is a decision making public meeting of the Planning Committee, which may be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public may also choose to attend the meeting. Members of the public will also be able to view and listen to this meeting via YouTube.

*To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>*

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, Mrs A Kilmartin, P Thorogood, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's 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 to Speak on a Planning Application/Agenda Item:**

The Agenda allows for a period of up to 30 minutes for Public Question Time. 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.

**Members of the public who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.**

Members of the public may speak on any matter listed on the Agenda for this meeting. Registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to make a statement.

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

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

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

**Public Attendance at Meeting:** The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of the public may also attend the meeting ‘in person’, but priority will be given to those people who have

registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

**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 around the building or given by Officers during the course of their attendance. All visitors will be required to wear a face covering, unless an exemption applies.

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that 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.

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

**Substitute Members:** Only the named Substitutes on this Agenda may 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.

**Documents:** Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing:** During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy:

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**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You may 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 may send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

## **Page**

- 1 Apologies for Absence**
- 2 Declarations of Interest**  
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**  
To approve as a correct record the Minutes of the meetings of the Planning Committee held on 3rd May 2022 and 31st May 2022 (copies to follow).
- 4 Public Question Time**  
(See paragraph above)
- 5 Planning Applications**  
To consider the following planning applications
- 5a App. No. 21 03747 FUL – 14 Freebournes Road, WITHAM** **6-35**
- 5b App. No. 22 00478 HH – Fraser Cottage, Pole Lane, WHITE NOTLEY** **36-50**
- 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.*

**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.

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 14th June 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	21/03747/FUL	
<b>Description:</b>	Erection of 3 buildings to provide 10 commercial units (Use Classes E(g)(iii), B2 and B8) together with access, parking, landscaping and associated works	
<b>Location:</b>	14 Freebournes Road, Witham, Essex	
<b>Applicant:</b>	Chancerygate (Freebournes Road) Limited, C/O Agent	
<b>Agent:</b>	Elizabeth Osborne, Montagu Evans	
<b>Date Valid:</b>	13th January 2022	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Fiona Hunter For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2521, or by e-mail: <a href="mailto:fiona.hunter@braintree.gov.uk">fiona.hunter@braintree.gov.uk</a>	

21/03747/FUL 8214 Grid Ref: (E) 82847 (N) 14524

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<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>



	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 21/03747/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 This application seeks permission for the erection of three buildings to provide 10 commercial units within the Use Classes E(g)(iii), B2 and B8, along with associated access, parking and landscaping.
- 1.2 The application site is located within the Freebournes Industrial Estate within Witham, located between Freebournes Road and Wheaton Road. At the time of submission, the application site featured a large industrial unit which has since been demolished.
- 1.3 The proposed use of the application site, when taking into consideration the location of the site within an Employment Policy Area, is considered acceptable. The layout, scale and design of the proposed development would be in keeping with the industrial setting and would offer a benefit when taking into account the existing appearance of the application site.
- 1.4 There have been no identified harms when considering the merits of the application.
- 1.5 Taking these factors into account, the application is recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is a parcel of land, approximately 1 hectare in area, within the Freebournes Industrial Estate, Witham. The site is currently vacant and empty having previously been occupied by a disused factory, formerly in use as a meat packing and processing facility. The previous buildings on the site have been recently demolished, but formally were comprised of a large two-storey building and a small number of lesser scale ancillary buildings.
- 5.2 There are two existing accesses to the site. One is located off of Wheaton Road and the other is located off of Freebournes Road. The site is bounded to the north and east by Wheaton Road and Freebournes Road, and to the south and west by industrial units.

6. PROPOSAL

- 6.1 The application seeks full planning permission for the erection of three buildings to provide 5,442sq.m of employment floor space within Use Classes B2, B8 or E(g)(iii). The proposed buildings would be split into 10 commercial units, with the building to the western side of the site providing 4 commercial units, and the two buildings to the eastern side providing three units each. Each unit would feature HGV parking to the front with loading access, along with car parking consisting of standard parking spaces along with disabled and electric bays.
- 6.2 The application is supported by the following documents:
- A full set of drawings
  - Planning Statement
  - Air Quality Assessment
  - Construction Management Plan
  - Design and Access Statement
  - Energy and Sustainability Statement
  - Flood Risk Assessment and Drainage Strategy

- Framework Travel Plan
- Noise Impact Assessment
- Preliminary Ecological Appraisal
- Refuse Strategy
- Transport Assessment
- External Lighting Assessment

6.3 The proposed development would result in a reduction of employment floor space when compared to the 8,880sq.m of the previous floor space which was provided within the factory that has been recently demolished. Nevertheless, it is recognised that the proposed development would bring back into use a vacant site for employment purposes, by redeveloping the site to provide more modern, efficient, flexible, and fit for purpose industrial and commercial units.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

7.1.1 No objection, recommend informatives regarding the used water network.

### 7.2 ECC Fire & Rescue

7.2.1 Access considered satisfactory.

### 7.3 BDC Ecology

7.3.1 No objection subject to securing ecological mitigation and enhancement measures. Following the submission of further details, maintain no objection subject to conditions regarding compliance with the Preliminary Ecological Appraisal and submission of Biodiversity Enhancement Strategy.

### 7.4 BDC Waste Services

7.4.1 No comments.

### 7.5 ECC Archaeology

7.5.1 No archaeological recommendations due to previous development at the site.

### 7.6 ECC Highways

7.6.1 No objection subject to conditions regarding the submission of a travel plan and the construction and site access arrangements.

## 7.7 ECC SUDS

- 7.7.1 Initially submitted a holding objection, however following the submission of further information have no objection subject to conditions regarding surface water drainage scheme and maintenance plans.

## 8. PARISH / TOWN COUNCIL

### 8.1 Witham Town Council

- 8.1.1 Recommend approval.

## 9. REPRESENTATIONS

- 9.1 The application was publicised by way of an advertisement in the Braintree & Witham Times. A site notice was also displayed to the front of the application site and neighbour notification letters were sent to properties immediately adjacent to the site.

- 9.2 No letters of representation have been received.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 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).

- 10.2 Policy SP5 of the Section 1 Plan, states that a strong, sustainable and diverse economy will be promoted across North Essex. The application site is located within a defined Employment Policy Area. Policy RLP33 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused. This is reflected in emerging Policy LPP3 of the Section 2 Plan. Policy LPP2 of the Section 2 Plan states that all employment sites, including sites or buildings in current or recent use as an employment site, will be retained for such uses where they continue to offer a viable and sustainable location for such employment uses.

- 10.3 Policy LPP3 of the Section 2 Plan states that employment policy areas are identified on the proposals map where the following uses will be considered appropriate and will be permitted and retained:

- a) Business, general industrial, and storage and distribution;
- b) Repair of vehicles and vehicle parts;
- c) Waste management facilities as appropriate taking into account neighbouring uses; and
- d) Services specifically provided for the benefit of businesses or workers based on the employment area.

- 10.4 Notwithstanding the above, it is a material consideration that on the 1st September 2020 an amendment to The Town and Country Planning (Use Classes) Order 1987 came into effect which, amongst other matters, revoked the previous Use Class B1 and consolidated it into a new Use Class E alongside other commercial, business and service uses. As such, whilst the application seeks planning permission for Use Classes B2, B8, and E(g), the proposed development is considered to be in accordance with the objectives of Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Section 2 Plan. This is because it seeks to provide uses consistent with the Employment Policy Area designation. In essence, Use Class E(g) replicates the provisions of the revoked Use Class B1.
- 10.5 Furthermore, turning aside from the Development Plan, Paragraph 81 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Additionally, it asserts that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.6 To summarise, the principle of the proposed development would be in accordance with the provisions of the Development Plan, in addition to the emerging Section 2 Plan. However, to prevent the proposed development from changing operation within Use Class E to a non-conforming Employment Policy Area use, a condition is recommended for the purpose of preventing such a change from occurring. Such conditions, that restrict changes within a use class, are commonly referred to as ‘Camden’ conditions following the judgement of Camden LBC v SSE & PSP Nominees [1989].
- 10.7 The outcome of the above judgement is that a condition can exclude the operation of s.55(2)(f) of The Town and Country Planning Act 1990 (as amended) and Article 3(1) of The Town and Country Planning (Use Classes) Order 1987 (as amended) in order to fulfil a planning policy purpose. In this case the condition would serve a planning policy purpose by maintaining the integrity of the defined Employment Policy Area for the provision of employment uses appropriate to it.
- 10.8 The proposal is therefore considered to be acceptable in principle in accordance with local policy and the development also accords with the economic objectives set as out within the NPPF.

## 11. SITE ASSESSMENT

### 11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.1.1 Paragraph 126 of the NPPF sets out that ‘the creation of high quality buildings and places is fundamental to what the planning and development

process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

- 11.1.2 Paragraph 130 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 11.1.3 The above principles have more recently been elaborated upon within the National Design Guide (NDG) with a shift in emphasis towards the promotion of beauty. Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the longstanding, fundamental principles of good design are that it is; fit for purpose; durable; and brings delight.
- 11.1.4 Policy SP6 of the Section 1 Plan, Policies RLP3, RLP10, and RLP90 of the Adopted Local Plan, and Policies LPP37, LPP50 and LPP55 of the Section 2 Plan all reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings, layouts and landscaping to reflect or enhance the area's local distinctiveness. Additionally, Policy RLP31 of the Adopted Plan and Policy LPP7 of the Section 2 Plan both specifically address the need for such requirements to be instilled into new employment developments, including within Employment Policy Areas.
- 11.1.5 The proposal seeks the erection of three buildings on the application site to form 10 commercial units with associated landscaping and parking. The largest of the three buildings would provide four units, located to the western side of the site. The two smaller buildings would be located to the eastern side of the site, each providing three units. Each unit would feature HGV parking and loading, along with car parking spaces including both accessible parking for disabled users and electric charging spaces.
- 11.1.6 The proposed units would be of flexible use, within Use Classes E(g)(iii), B2 and B8, with each unit being designed to allow for a range of uses. The units would be well-suited for small to medium enterprises that can operate under the range of flexible uses sought.
- 11.1.7 The proposed buildings would be two storey in height to a maximum of height 9.6m to the eaves and 11.45m to the pitch. Mezzanine floors would be provided internally to each unit. Each unit would feature a glazed entrance, and a roller shutter door to provide access to the ground floor level. The material palette proposed includes the use of cladding in grey and silver, with sections of green cladding within window and door openings to provide a visual interest and to break up the elevations. Each building would feature horizontal sections of glazing to the upper levels.

The proposed units would feature slackened pitch roofs, which provide both glazed sections for lighting the units, along with solar panels to the building serving Units 5-7.

- 11.1.8 The appearance of the proposed buildings would be typical of commercial units in this location and the surrounding dedicated employment zone. They would be functional design, suiting the need of future occupiers with a flexible layout. Externally the massing of the buildings would be broken up with the use of different cladding types and windows to provide both light and interest to the elevations.
- 11.1.9 In terms of site layout, the proposal would see the creation of an access from Wheaton Road, which would be the sole access for the site following the closure of the existing access points on both Wheaton Road and Freebournes Road.
- 11.1.10 The proposed site layout would feature soft landscaping to the northern and eastern boundaries, which would soften the appearance of the proposal from public vantages. The soft landscaping would be formed of a hedgeline running along the northern boundary, save for the access road, interspersed by trees uniformly. This hedgeline and tree line would continue along the eastern boundary of the site, albeit narrower along the eastern frontage. A wildflower area would provide a deeper landscaping buffer along the north eastern boundary of the site. Within the hard landscaped areas of parking surrounding each unit this would also feature a small number of trees. The site currently features a large horse chestnut tree to the north eastern corner, which would be retained within the proposed hedgeline. The removal of the existing site access from Freebournes Road would further lessen the impact of the proposal. It is therefore considered that the proposed soft landscaping, alongside the hard landscaping, is acceptable in principle subject to the recommended condition for securing a detailed landscaping scheme.
- 11.1.11 To summarise, the overall design, layout and appearance of the proposed development would be of a high-quality, representing significant betterment over the existing vacant site, and its former condition which was comprised of an unattractive conglomeration of built form with harsh perimeter fencing and very few instances of soft landscaping.

## 11.2 Ecology and Trees

- 11.2.1 Paragraph 174 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees.
- 11.2.2 Policy CS8 of the Core Strategy establishes that all development proposals will, amongst other matters, ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geodiversity of the District. Additionally, Policy RLP81 of the Adopted Local Plan sets out that



the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Furthermore, where a proposed development may have an impact on protected species, Policy RL84 goes on to explain that the developer will be required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan is in place to ensure there is no harm to protected species and no net loss of priority species. These objectives are reflected under Policies LPP68 and LPP69 of the Section 2 Plan.

- 11.2.3 With regards to ecology, the application is supported by a Preliminary Ecological Appraisal, relating to the likely impacts of the development on Protected and Priority Habitats and species, as well the identification of proportionate mitigation measures, compensation, and enhancements.
- 11.2.4 The Council's ecologist has reviewed the ecological information and is satisfied that sufficient ecological information has been submitted with the application for determination. They have also raised no objections to the application, subject to the imposition of conditions securing the proposed mitigation measures, a wildlife sensitive lighting design scheme, and a biodiversity enhancement strategy in alignment with the submitted Preliminary Ecological Appraisal.
- 11.2.5 As discussed within the above section on design, a landscaping scheme was submitted as part of the proposal which demonstrates the detailed planting layout for the application. The existing horse chestnut tree on the site is to be retained and incorporated into the proposed soft landscaping scheme.
- 11.3 Highway Considerations
  - 11.3.1 Policy RLP56 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking in accordance with Essex County Council's Vehicle Parking Standards.
  - 11.3.2 Paragraph 110 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. The NPPF goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
  - 11.3.3 Policy RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and Policy LPP55 of the Section 2 Plan, require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users. Policy LPP44 of the Section 2 Local Plan requires that sustainable modes of transport should be facilitated through new developments to promote

accessibility and integration into the wider community and existing networks.

- 11.3.4 Policy RLP27 of the Adopted Local Plan sets out that new development for business, commercial and industrial uses shall be located to minimise the length and number trips by motor vehicles. It concludes that development for employment uses will not be permitted where it would be likely to add unacceptably to traffic congestion.
- 11.3.5 ECC Highways have been consulted on the application and have raised no objection to the application subject to conditions regarding a travel plan and site access arrangements. Whilst ECC Highways have suggested a pre-commencement condition regarding the travel plan, when considering the framework travel plan and the use of the application site as multiple units with separate tenants, an appropriately worded condition for individual travel plans prior to occupation has been recommended be imposed.
- 11.3.6 The proposed development sees the use of a new site access from Wheaton Road, and the blocking up of the existing access points from Wheaton Road and Freebournes Road. A condition has been recommended to ensure that the blocking up of the existing access points is carried out.
- 11.3.7 Turning to the matter of parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. The application proposes 65 car parking spaces in total, including 10 spaces for disabled persons and 20 electric vehicle parking spaces; and 26 cycle parking spaces. The proposal also sees a single HGV parking area for individual units to the front of the proposed units.
- 11.3.8 The Council's adopted parking standards do not specify a minimum number of parking spaces for commercial premises - the standard is expressed as a maximum. The proposal sees a mixed range of uses within B2, B8 and E(g). The proposed number of vehicle parking spaces falls below the maximum for a Class E(g) use (or B1) or B2 use, which would represent 180 and 109 spaces vehicle parking spaces respectively, but falls above that required for a solely B8 use which would require 36 spaces.
- 11.3.9 Paragraph 107 of the NPPF details that, amongst other matters, local parking standards for non-residential uses should take into account the accessibility of the development; the availability of and opportunities for public transport; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Policy LPP44 of the Section 2 Plan reflects the requirement for new developments to provide facilities for charging plug-in and other ultra-low emission vehicles.
- 11.3.10 On the face of it, the parking provision proposed appears to fall short against the Vehicle Parking Standards, however, it is important to note that the Vehicle Parking Standards prescribe maximum standards for the range

of uses proposed. Moreover, the sustainability of the location needs to be taken into account when assessing the acceptability of the parking strategy proposed, with the site being highly accessible for the purpose of promoting sustainable modes of transport, including walking, cycling, and public transport. For example, Witham Train Station, as well as bus stops providing regular services to and from larger centres such as Colchester and Chelmsford, are within walking distance of the site.

11.3.11 The parking provision put forward for the proposed development is therefore considered to be justifiable and acceptable when taking into account the individual merits of the proposal. These conclusions on the parking provision proposed also have regard to the fact that the proposed development would re-purpose a redundant site within a sustainable location, with the amount of development proposed representing an effective use of previously developed land, in accordance with national and local planning policy.

11.3.12 To summarise, there are no objections to the application from the Highway Authority, and National Highways did not offer comments on the application. The application site is also considered to be sustainably located, facilitating a genuine choice of sustainable modes of transport, in accordance with the objectives of national and local planning policy. In addition, it is recognised that the adopted Vehicle Parking Standards set maximum standards rather than minimum standards, with the amount of parking proposed considered to be acceptable and appropriate when having regard to the range of uses proposed; the site layout; the sustainable location; and the recommended conditions.

#### 11.4 Impact upon Neighbouring Residential Amenity

11.4.1 Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design. 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. The NPPF further requires a good standards of amenity for all existing and future occupiers of land or buildings. Policy RLP36 of the Adopted Local Plan further states that planning permission will not be granted which would have unacceptable impact on the surrounding area. This would be as a result of: noise, smell, dust, grit or other pollution, health and safety, visual impact, traffic generation, contamination to air, land or water, impact on nature conservation interests and unacceptable light pollution.

11.4.2 The above is also reiterated within Policy RLP62 of the Adopted Local Plan, which indicates that applications likely to give rise to pollution will be refused.

11.4.3 The proposal is located within an existing industrial estate, outlined as an employment zone within the Adopted Local Plan. There are no residential properties within the locality of the site and the nearest residential

properties would be sufficiently distanced from it to prevent any harm to their amenity. Furthermore, having regard to the detail of the proposed layout and the buildings sought, there would be no adverse impacts upon the amenity of neighbouring commercial premises.

#### 11.5 Flooding and Drainage Strategy

- 11.5.1 The application site is located with Flood Zone 1 where the risk of flooding is low.
- 11.5.2 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. It goes on to cite that when considering the SUDS used, regard should be given to the advice received from the Lead Local Flood Authority (LLFA).
- 11.5.3 Policy RLP69 of the Adopted Local Plan, Policy CS8 of the Core Strategy, and Policies LPP78, LPP79 and LPP80 of the Section 2 Plan reflect the above objective of the NPPF and require new major developments to incorporate SUDS as appropriate to the nature of the site.
- 11.5.4 Essex County Council, as the LLFA, initially held a holding objection to the proposal due to a lack of information regarding infiltration tests and the petrol interceptor. Following the submission of further information, the holding objection was removed subject to a number of conditions. Anglian Water have also responded to the application raising no objection subject to informatives.
- 11.5.5 Therefore, subject to conditions, the proposed development is considered to be acceptable with regards to flood risk and sustainable urban drainage.

#### 11.6 Sustainability

- 11.6.1 Policies RLP76 and RLP77 of the Adopted Local Plan, in addition to Policies LPP75 and LPP77 of the Section 2 Plan, encourage the incorporation of renewable energy and energy efficiency measures into new developments. Policy LPP74 of the Section 2 Plan highlights the importance of such matters in meeting the challenges posed by climate change.
- 11.6.2 An energy and sustainability statement was submitted as part of the application which outlines the proposed sustainability measures to be included as part of the application.
- 11.6.3 Policy LPP77 states that planning applications should include renewable energy to provide at least 20% of the projected energy requirements of major developments, unless viability evidence demonstrates otherwise. The application proposes an air source heat pump along with a PV array on the roofs of the proposed units. These measures would provide for 21.07% of the project energy use for the development.

- 11.6.4 In addition to renewable energy sources, the proposal also includes the provision of 20 electric vehicle parking spaces. These would be secured by way of condition.
- 11.7 Contamination
- 11.7.1 Policy RLP64 of the Adopted Local Plan requires that an applicant proposing development on, or near, land where contamination may exist should carry out a thorough investigation, so as to establish the nature and extent of any contamination. This same objective is reflected in Policy LPP75 of the Section 2 Plan and within the NPPF.
- 11.7.2 A contaminated land assessment was not submitted as part of this application, however a recent previous application at the site for a similar scale proposal concluded that risks to on-site and off-site receptors and controlled waters would be low. Accordingly, a condition has been imposed regarding the submission of a preliminary contaminated land assessment.
- 11.8 Archaeology
- 11.8.1 ECC Archaeology were consulted as part of the application process, however due to the previous development on the site it is not considered that any archaeological recommendations are necessary.
- 11.9 Open Space
- 11.9.1 Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.
- 11.9.2 The Council's Open Space SPD sets out further details on how these standards will be applied. The SPD states that the threshold at which developments should make a financial contribution towards the provision of new or improved Open Space is 1,000sq.m. The financial contribution is calculated to make a proportionate contribution towards the provision of off-site public open space (amenity greenspace and outdoor sports).
- 11.9.3 In this instance, a large building was formally sited on the application site, which was demolished after the submission of Application Reference 21/03115/PDEM. Due to the presence of this building on the site at the time of submission, which was approximately 8,880sq.m in size in comparison to the proposed 5,442sq.m, there would be no net increase in commercial floor space.
- 11.9.4 In light of the above, there is no requirement for the proposed development to make a financial contributions towards open space.

## 12. PLANNING BALANCE & CONCLUSION

- 12.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which in this case is considered to be applicable given that Policies RLP27 and RLP28 of the Adopted Local Plan, which relates to employment land provision and site allocation, is based on a now outdated employment land needs assessment for the District) granting permission unless:
- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) 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.
- 12.2 Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.
- 12.3 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).
- 12.4 The application seeks planning permission for the erection of 10 commercial units serving Use Classes E(g)(iii), B2 and B8, located within

the Freebourne Industrial Estate. The proposal is considered to accord with the abovementioned policies in terms of the erection of commercial units within an employment zone. The proposal is also considered to be acceptable in terms of design and appearance and, subject to conditions, on highway grounds.

- 12.5 In terms of benefits, the proposed development would provide a significant economic and social benefit through the redevelopment of a redundant site within an Employment Policy Area, making effective use of previously developed land to provide new buildings for flexible employment uses, creating new jobs within the District and providing a stimulus in expenditure within the local economy, through both the construction and occupation phases of the development. In this regard the proposal would accord with Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Section 2 Plan. Given the stage of preparation of the Section 2 Plan, significant weight can be afforded to these policies. Furthermore, both policies are considered to be in general conformity with the NPPF.
- 12.6 Social and environmental benefits would also arise from the high-quality design, layout and landscaping of the proposed development, as well as the sustainable location of the site which allows for the promotion of active and sustainable modes of transport. Additional environmental benefits would materialise from the numerous other sustainability measures that would be integrated into the design of the proposed development, including EV charging, renewable energy, and ecological enhancements.
- 12.7 No harms have been identified with regards to the proposed development.
- 12.8 When considering the planning balance and having regard to the identified benefits and harms, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would significantly and demonstrably outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

### 13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	C-388-TP-01	N/A
Proposed Plans	C-388-TP-03 C	N/A
Proposed Plans	C-388-TP-05 A	N/A
Landscaping	857.19.01	N/A
Proposed Plans	C-388-TP-02 C	N/A
Proposed Plans	C-388-TP-04 C	N/A
Proposed Plans	C-388-TP-06 C	N/A

#### Condition(s) & Reason(s)

1.

The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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

2.

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

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

3.

No above ground development shall commence until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

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

4.

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained the Preliminary Ecological Appraisal (Greengage Ltd, December 2021) and Biodiversity Impact Assessment (Greengage Ltd, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and 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), as updated by the Environmental Act 2021.

5.

Prior to works above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species (Bird and Bat Boxes / integrated bricks) shall be submitted to and approved in writing by the local planning authority, in line with the details contained within the Preliminary Ecological Appraisal (Greengage Ltd, December 2021).

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, heights and orientations 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 prior to occupation 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 NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

6.

No occupation of the development shall take place until the following have been provided or completed:

- a) The site access as shown in principle on planning application drawing J32-6224-SK-003 with clear to ground visibility splays of (but not limited to) 70m x 2.4m x 70m
- b) The approved workplace travel plan shall be actively implemented for a minimum period of 5 years.
- c) The existing vehicular accesses from the site onto Wheaton Road and Freebournes Road as shown on the site layout plan C-388-TP-02 Rev B shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the proposed new access is brought into first beneficial use.

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

7.

A Travel Plan Statement (TPS) for each unit, in accordance with the approved Framework Travel Plan (FTP) and as per the template TPS by Mode Transport Planning dated December 2021, shall have been submitted to and agreed in writing by the Local Planning Authority prior to occupation of each of the units hereby permitted. Each TPS will then be implemented and subject to annual review thereafter.

Reason: To protect highway efficiency of movement and safety 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.

8.

No development shall commence 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:

- Limiting discharge rates to 2.2l/s for 1 in 1 year storm events, 5.9l/s for 1 in 30 year storm events and 8.4l/s for 1 in 100 year storm events plus 40% allowance for climate change storm event, subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- 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.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The 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.

9.

Prior to occupation 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, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should 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.

10.

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.

11.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order), the development hereby approved shall not be used for any other purpose within Use Class E other than Use Class E(g).

Reason: To ensure that the only uses appropriate to the Employment Policy Area designation can be operated from the site.

12.

Prior to above ground development, the location and design of the storage area for refuse and recycling bins, including collection points, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of each respective unit of the development and shall thereafter be permanently retained as such.

Reason: To ensure that the development provides suitable facilities and to prevent the unsightly storage of refuse containers.

13.

Prior to the occupation of each respective unit, the location and design of the secure cycle parking to be provided for employees and visitors shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of each respective unit of the development and shall thereafter be permanently retained as such.

Reason: To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Vehicle Parking Standards.

14.

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

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

15.

Prior to the occupation of the development hereby approved, details of vehicle charging points for 20 electric vehicle charging spaces shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in full accordance with the approved details prior to the occupation of each building to which they relate. The electric vehicle charging points shall thereafter be permanently retained as such.

Reason: In the interests of facilitating and promoting sustainable transport.

16.

The external lighting shall be installed in accordance with the details approved within the External Lighting Assessment submitted February 2022 and shall be permanently maintained as such thereafter. Under no circumstances should any other external lighting be installed without planning permission from the local planning authority.

Reason: To conserve and enhance protected and Priority species and 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).

17.

Prior to construction above ground level details of all photovoltaic roof panels to be erected at the site, including their location, height, orientation and appearance shall be submitted to and approved in writing by the local planning authority. The approved photovoltaic roof panels shall be installed and capable of generating electricity prior to the first beneficial use of the building on which they are installed in accordance

with the approved details and the panels installed shall thereafter be permanently retained as such.

Reason: For the avoidance of doubt and in the interests of visual amenity and sustainability.

18.

The development hereby approved shall be carried out in accordance with the recommendations of the Phase 2 Ground Investigation Report, dated October 2020, carried out by GB Card & Partners Limited. In the event that unexpected contamination is found at any time when carrying out the development it shall be made safe and reported in writing immediately to the Local Planning Authority. An investigation and risk assessment would subsequently need to be under and, where necessary, a remediation scheme would need to be submitted to the Local Planning Authority for approval. Any agreed remediation shall be carried out in accordance with the approved details prior to the occupation of the development.

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 risk to workers, neighbours and other offsite receptors.

19.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Site access to / from the site including the routing of construction traffic;
- The storage of plant and materials to be used in the construction of the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; - Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- Details of how the approved Construction Method Statement will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that appropriate measures are in place in the interests of highway safety and the amenities of the locality.

### Positive and Proactive Statement

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.*

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

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

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

#### Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes  
RLP27 Location of Employment Land  
RLP28 Employment Land Provision  
RLP30 Diversity of Industrial and Commercial Premises  
RLP31 Design and Layout of Business Parks  
RLP33 Employment Policy Areas  
RLP36 Industrial and Environmental Standards  
RLP53 Generators of Travel Demand  
RLP56 Vehicle Parking  
RLP62 Development Likely to Give Rise to Pollution, or the Risk of Pollution  
RLP63 Air Quality  
RLP64 Contaminated Land  
RLP65 External Lighting  
RLP69 Sustainable Drainage  
RLP71 Water Supply, Sewerage and Land Drainage  
RLP72 Water Quality  
RLP73 Waste Minimisation  
RLP74 Provision of Space for Recycling  
RLP76 Renewable Energy  
RLP77 Energy Efficiency  
RLP80 Landscape Features and Habitats  
RLP84 Protected Species  
RLP90 Layout and Design of Development

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

SP1 Presumption in Favour of Sustainable Development  
SP5 Employment  
SP7 Place Shaping Principles

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

LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP77	Renewable Energy Within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

## Other Material Considerations

Essex Design Guide  
Essex Parking Standards

## Statement on Draft Local Plan

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 and a consultation on the main modifications closed on 24th January 2022. 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 significant weight to the Section 2 Plan.

### APPENDIX 3:

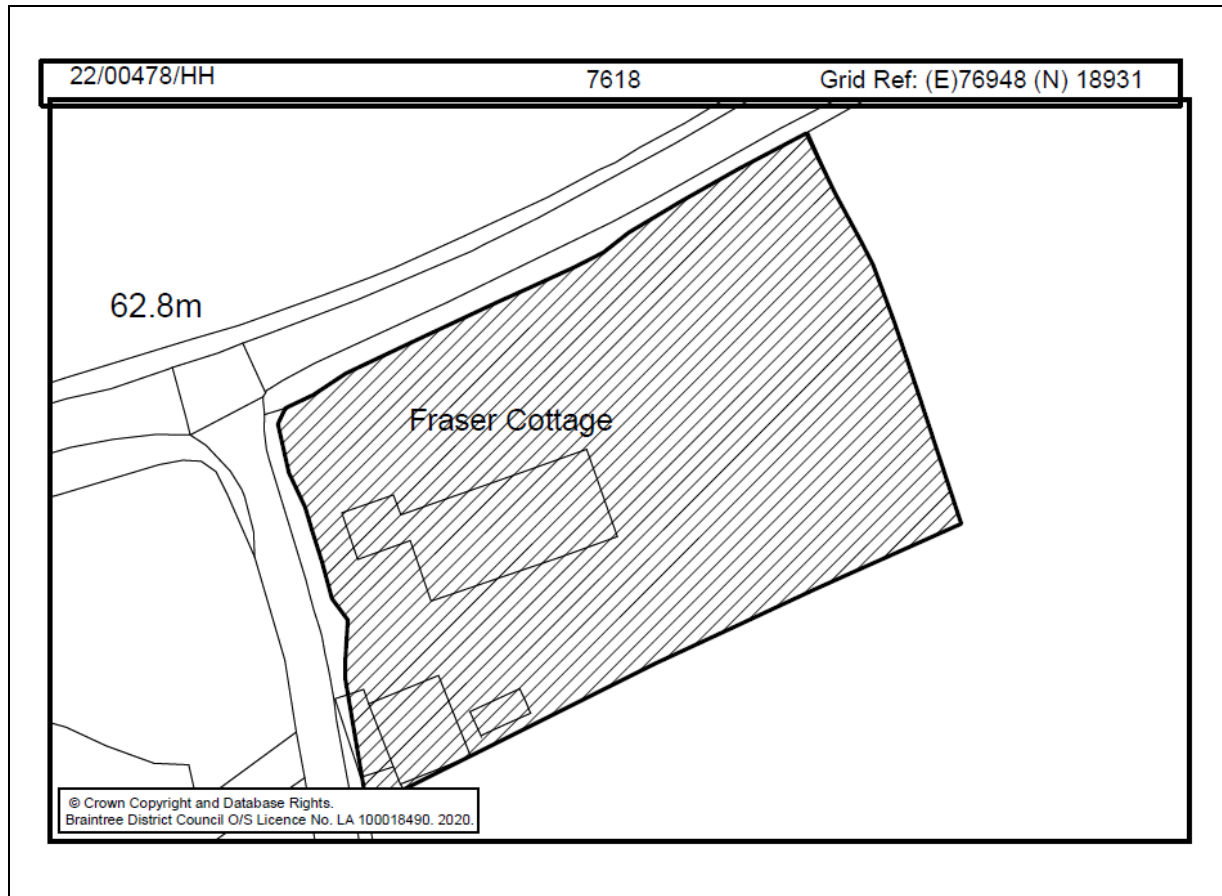
#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
02/00865/FUL	Removal of existing tank and enclosure and replacement with new tanks and screen enclosure	Granted	09.08.02
82/01841/P	Extension to existing factory premises to provide tray washing facilities.	Granted	29.03.82
83/00873/P	Erection of 2 storey extension to factory, comprising defeathering and evisceration area and store.	Granted	26.09.83
87/00863/P	Erection of extension for housing bird handling equipment and detached gatehouse.	Granted	13.07.87
85/01029/P	Erection of live bird welfare building	Granted	10.10.85
81/00706/P	Additions to factory premises viz, extensions to cold store, chill room and loading bay, and alterations to vehicular access.	Granted	16.06.81
88/00444/P	Erection Of Extension To Canteen And Tray Wash Areas	Granted	22.04.88
96/01496/FUL	Erection of new fence	Granted	13.02.97
97/00075/FUL	Erection of extension to production area	Granted	25.02.97
97/00784/FUL	Erection of extension to canteen	Granted	12.08.97
97/01694/FUL	Erection of engineers store	Granted	10.02.98
11/00309/FUL	Erection of a chiller extension and a nitrogen storage tank	Granted	26.05.11
11/01605/FUL	Installation of photovoltaic panels and associated infrastructure on existing agricultural building roofs	Granted	18.01.12

20/01754/FUL	Demolition of existing buildings and erection of two warehouse buildings to provide multiple industrial units, with ancillary mezzanines, of flexible use (Use Class B2, B8, E(g)), retention of existing vehicular accesses off Freebournes Road and Wheaton Road with reconfigured car parking, service yards and associated landscaping.	Granted	28.05.21
21/03115/PDEM	Application for prior notification of proposed demolition - Demolition of disused two-storey building.	Permission not Required	10.11.21

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 14th June 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/00478/HH	
<b>Description:</b>	Two-storey side, single-storey rear and side car port extension. Alterations to garage roof to form first floor office accommodation	
<b>Location:</b>	Fraser Cottage, Pole Lane, White Notley	
<b>Applicant:</b>	Mr Gary Sprawling, Fraser Cottage, Pole Lane, White Notley, Essex, CM8 1RD	
<b>Agent:</b>	Mr Mark Leever, Shedcastle Design And Surveying	
<b>Date Valid:</b>	23rd February 2022	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Reason(s) for Refusal Submitted Plan(s) / Document(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Fay Fisher For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2507, or by e-mail: <a href="mailto:fay.fisher@braintree.gov.uk">fay.fisher@braintree.gov.uk</a>	

## Application Site Location:



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting</li> </ul>

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/00478/HH.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website:  <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application site comprises Fraser Cottage, a detached residential dwellinghouse within White Notley. The development proposes a two-storey side, single-storey rear and side car port extension. The existing detached garage would be altered through the raising of the ridge and the erection of a dormer window to provide first floor accommodation.
- 1.2 The application site is located beyond the parameters of any formal development boundaries or village envelopes as defined in the Adopted Local Plan. The proposal is therefore subject to countryside policies and is considered an appropriate form of development in principle.
- 1.3 The design and appearance of the proposed extensions to the main house would result in an overdevelopment of the dwelling. By virtue of the size, bulk, and detailed design they would appear incongruous and would fail to be subordinate. This would be to the detriment of the character and appearance of the dwelling.
- 1.4 The proposed alterations to the garage to increase its height, are not considered objectionable in principle, however, the size and shape of the proposed dormer is considered to be of poor design which would dominate the roof slope.
- 1.5 No neighbouring impacts have been identified owing to the detached nature of the plot and the distance between the proposed development and neighbouring boundaries.
- 1.6 Taking all these factors into account, the scheme would fail to comply with local and adopted design policies and the application is recommended for refusal.



2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Agent is an employee of Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 Fraser Cottage is a detached dwelling located in rural setting outside of any defined settlement boundary. It is located on the southern side of Pole Lane, adjacent to Sidney Cottage and agricultural buildings to the west. The associated garden is bounded to the east and south by agricultural fields.
- 5.2 The dwelling would originally have been a modest bungalow and has previously been extensively extended. A detached garage is situated to the west of the site with access from the adjacent farm access.
- 5.3 The application property is not listed, nor does the site form part of a Conservation Area.

6. PROPOSAL

- 6.1 The proposal comprises an array of development involving the erection of a two storey side and rear extension which would measure 11 metres in depth by 5.3 metres in width and would be 6 metres in height, a side extension to create a porch which will extend to the side of the dwelling measuring 2 metres by 4 metres and its roof extending to the full height of the dwelling. It is also proposed to erect a single storey infill extension between the two existing rear gable projections, which would measure 1.5 metres in depth with its roof matching the slope of the existing roof.
- 6.2 A side car port extension would measure 3 metres in width, 4 metres in depth and 4 metres in height. Further to this, it is also proposed to make alterations to the roof of the existing double garage resulting in a raise in the eaves and overall height from 5 metres to 5.5 metres in height and the provision of a rear dormer projection measuring 4 metres by 3 metres and would be 2.5 metres in height, with a Juliette balcony window and external staircase.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Consultees

- 7.1.1 The site is under no statutory or local plan designation and thus has not triggered the requirement for any consultations.

## 8. PARISH / TOWN COUNCIL

### 8.1 White Notley Parish Council

- 8.1.1 White Notley Parish Council were consulted on the application. No comments have been received.

## 9. REPRESENTATIONS

- 9.1 A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. No public representations have been received in respect of the application.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The application site is located beyond the parameters of any formal development boundaries or village envelopes as defined in the Adopted Local Plan. The proposal is therefore subject to countryside policies in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan.
- 10.2 Policies RLP18 and 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, with particular note given in this instance to criteria explicit to development within the countryside.
- 10.3 The application is considered acceptable in principle, subject to the policy criteria outlined above and expanded upon within the report.

## 11. SITE ASSESSMENT

### 11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.1.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 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.

- 11.1.2 Policy SP7 of the Section 1 Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.3 In assessment of the proposed built form, Officers note the criteria outlined in Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Section 2 Plan. Collectively, the criteria contained in these policies which are relevant in this case state:
- The design, siting, bulk, form and materials of an extension and/or outbuilding should be compatible with the original dwelling and character of the area;
  - Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position;
  - There should be no adverse material impact on the identity of the street scene and/or the appearance of the countryside.
- 11.1.4 It is noted that the Local Planning Authority is now affording significant weight to the Section 2 Plan, whereby the policies outlined above are accordingly afforded such weight.
- 11.1.5 As has been previously noted the application property has been previously extensively extended. In its original form it would likely to have formed a modest bungalow. Over the years it has been extended to both sides with two-storey gable projecting extensions to the front and rear, with large projecting balconies to the rear elevation. A single-storey element has then been added to one side, the roof has been converted and extended with dormer windows to the front and rear. In total this has resulted in a dwelling which has somewhat of an undefined sprawling form with a horizontal emphasis.
- 11.1.6 The current proposal further exacerbates this piecemeal approach to extending the dwelling, with a variety of separate elements. Each element of the current proposal is considered separately below:

#### **Two-storey side extension**

- 11.1.7 In terms of its size and scale, the proposed two storey side extension would introduce a bulky extension to the eastern elevation of the already extended dwelling which is considered to add a further sprawling mass of development to the dwelling.
- 11.1.8 In terms of its design, whilst the two storey side extension is similar in appearance to the existing extensions to the dwelling, replicating this design over a longer depth is considered to have a detrimental impact on the existing dwelling both visually and in terms of contributing to the overdevelopment of the original dwelling.
- 11.1.9 Design features such as the high eaves and large glazing panels do not relate to the original dwelling and are considered to introduce a confusing

mix of styles which is considered to result in poor design. The two storey extension would be disproportionate when seen in relation to the existing dwelling with views of the east of the dwelling being consumed by the overly large extension. Officers consider that the height of the eaves over the depth of extension proposed, with the inclusion of a glazed screen and separate style patio doors are considered to result in a solid to void ratio which does not relate to other elevations on the house resulting in poor design.

- 11.1.10 Officers therefore conclude that this element of the proposal for reasons of its size, scale and appearance is considered to have a detrimental impact on the character and appearance of the existing dwelling.

### **Garage Extensions**

- 11.1.11 With regards to the garage extension, the increase to its height is not considered objectionable in principle, however, the size and shape of the proposed dormer is considered to be of poor design. Whilst the dormer would be located to the rear of the garage, it introduces a bulky extension to the roof slope which does not relate in any way in terms of its design to the existing garage. It would appear overly dominant within this roof slope, failing to be subservient in form. Officers therefore consider that this element is not supported as it is currently submitted.

### **Single-storey infill extension**

- 11.1.12 In terms of size and scale, the single storey rear infill extension is considered to be of moderate size and sufficiently articulated and as such on its own could be supported by Officers.

### **Car-port extension**

- 11.1.13 In terms of size and scale, the single storey side car port extension is considered to be of moderate size and would be seen as a small addition to the side of the dwelling. Its single storey nature would have a limited impact on the dwelling and on its own could therefore be supported by Officers.

### **Porch Extension**

- 11.1.14 In terms of the size and scale of the porch extension, whilst the roof extends to the full height of the dwelling it is not considered that this would result in development which would appear out of character with the existing dwelling. It would not be harmful in itself and on its own could be supported by Officers.

### **Summary**

- 11.1.15 Whilst some elements of the proposal raise no objections, the two storey side extension and dormer extension to the garage roof are considered to

be overly large and of poor design. The proliferation of the proposed extensions, in combination with the piecemeal development of the dwelling which has already been undertaken, would result in an overdevelopment of the host property. They are not compatible with the original dwelling and fail to be subordinate scale or appearance.

11.1.16 Officers have sought to negotiate a reduced scheme, however amendments have not been forthcoming and the Applicant wishes the application to be considered as presented.

11.1.17 Officers consider that the proposal would be in conflict with the abovementioned policies both in terms of the cumulative impact of all extensions and also elements of the design and appearance of the two storey side extension and garage dormer extension which are considered to have a detrimental impact on the character and appearance of the original dwelling and its countryside setting.

## 11.2 Highway Considerations

11.2.1 The proposal would not make any alterations to the current parking provision on the site. It is therefore considered that the proposal would comply with the Council's adopted policies.

## 11.3 Impact upon Neighbouring Residential Amenity

11.3.1 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. The NPPF also seeks a high quality amenity for existing and future occupiers of neighbouring dwellings.

11.3.2 The proposals, by virtue of the siting of the proposed alterations and additions, would not have any harmful impact on neighbouring residential amenities in terms of overlooking or overshadowing, nor is it thought that the scheme would cause any issues such as loss of light or privacy given the detached nature of the plot. As such, the proposal is considered compliant with regards to the policy considerations referenced above.

## 12. CONCLUSION

12.1 The proposed two storey side extension by virtue of its depth, size, bulk and design would appear as an incongruous form of development to the side of the dwelling. The dormer roof extension to the garage roof slope would be overly dominant and would fail to be subservient in scale or form. Cumulatively the proposed and existing extensions are considered to result in an overdevelopment of the original host property. This would be harmful to the character and appearance of the dwelling and its countryside setting.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

#### Submitted Plan(s) / Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Existing Elevations and Floor Plans	1021/01	N/A
Location / Block Plan	1021/02	N/A
Proposed Elevations	1016/03	N/A
Garage Details	1016/03 B	N/A
Proposed 1st Floor Plan	1021/03	N/A
Proposed Ground Floor Plan	1021/05	N/A

#### Reason(s) for Refusal

##### Reason 1

The proposed development, by reason of the depth, size, bulk and design of the two-storey side extension; the scale, design and positioning of the garage dormer roof extension; and the cumulative impact of the proposed and existing non-original elements of the host dwelling, would be harmful to the character and appearance of the dwelling and its countryside setting. The development would fail to be subservient in scale and form and would result in an overly dominant and visually intrusive over-development of the building. The proposal would therefore be contrary to the National Planning Policy Framework, Policies RLP18 and RLP90 of the Braintree District Local Plan Review (2005) and Policies LPP38, LPP50 and LPP55 of the Braintree District Draft Section 2 Local Plan (2017).

#### Positive and Proactive Statement

*The Local Planning Authority has acted positively and proactively in determining this application by identifying the matters of concern and discussing these with the applicant either at the pre-application stage or during the life of the application. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The applicant may wish to seek further advice from the Local Planning Authority in respect of any future application for a revised development.*

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

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

CS5      The Countryside  
CS8      Natural Environment and Biodiversity

#### Braintree District Local Plan Review 2005

RLP2     Town Development Boundaries and Village Envelopes  
RLP18    Extensions to Existing Dwellings in the Countryside<sup>2</sup>  
RLP56    Vehicle Parking  
RLP90    Layout and Design of Development

#### 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  
LPP50    Built and Historic Environment  
LPP55    Layout and Design of Development

#### Other Material Considerations

Essex Design Guide  
Essex Parking Standards

#### Statement on Draft Local Plan

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 and a consultation on the main modifications closed on 24th January 2022. 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 significant weight to the Section 2 Plan.

### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
00/00999/FUL	Proposed demolition of existing extension and erection of replacement extension	Granted	08.08.00
00/01536/FUL	Proposed demolition and re-build of existing extension on new foundations	Granted	14.11.00
01/01093/FUL	Proposed roof conversion	Refused	06.08.01
01/01341/FUL	Erection of double garage	Granted	12.09.01
01/01537/FUL	Erection of new shallow pitch continuous dormer and balcony to rear and new pitched roof and three dormers to front	Refused	21.11.01
02/00075/FUL	Proposed roof conversion	Granted	06.03.02
80/01635/P	Erection of lounge and garage extensions to dwelling and formation of vehicular access.	Granted	09.01.81
78/01272/P	Change of use of one bedroom within residential as office and erection of radio mast in connection with taxi business at Le Mot, Pole Lane	Granted	13.10.78
76/00174/P	Retention of bungalow without complying with conditions restricting use to person employed locally in agriculture.	Granted	27.04.76
04/00420/FUL	Loft conversion	Granted	08.04.04
21/00752/HH	Proposed two storey side, single storey rear and side car port extension. Alterations to garage roof to form first floor office accommodation.	Withdrawn	25.11.21