

# PLANNING COMMITTEE AGENDA

**Tuesday, 4th October 2022 at 7.15pm**

**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.**

Councillor J Abbott  
Councillor Mrs J Beavis  
Councillor K Bowers  
Councillor H Johnson  
Councillor D Mann  
Councillor A Munday  
Councillor Mrs I Parker (Vice-Chairman)

Councillor F Ricci  
Councillor Mrs W Scattergood (Chairman)  
Councillor P Schwier  
Councillor Mrs G Spray  
Councillor Mrs S Wilson  
Councillor J Wrench

**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.

S BENNETT  
Corporate Director

## **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: [https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

**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 meeting of the Planning Committee held on 23rd August 2022 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

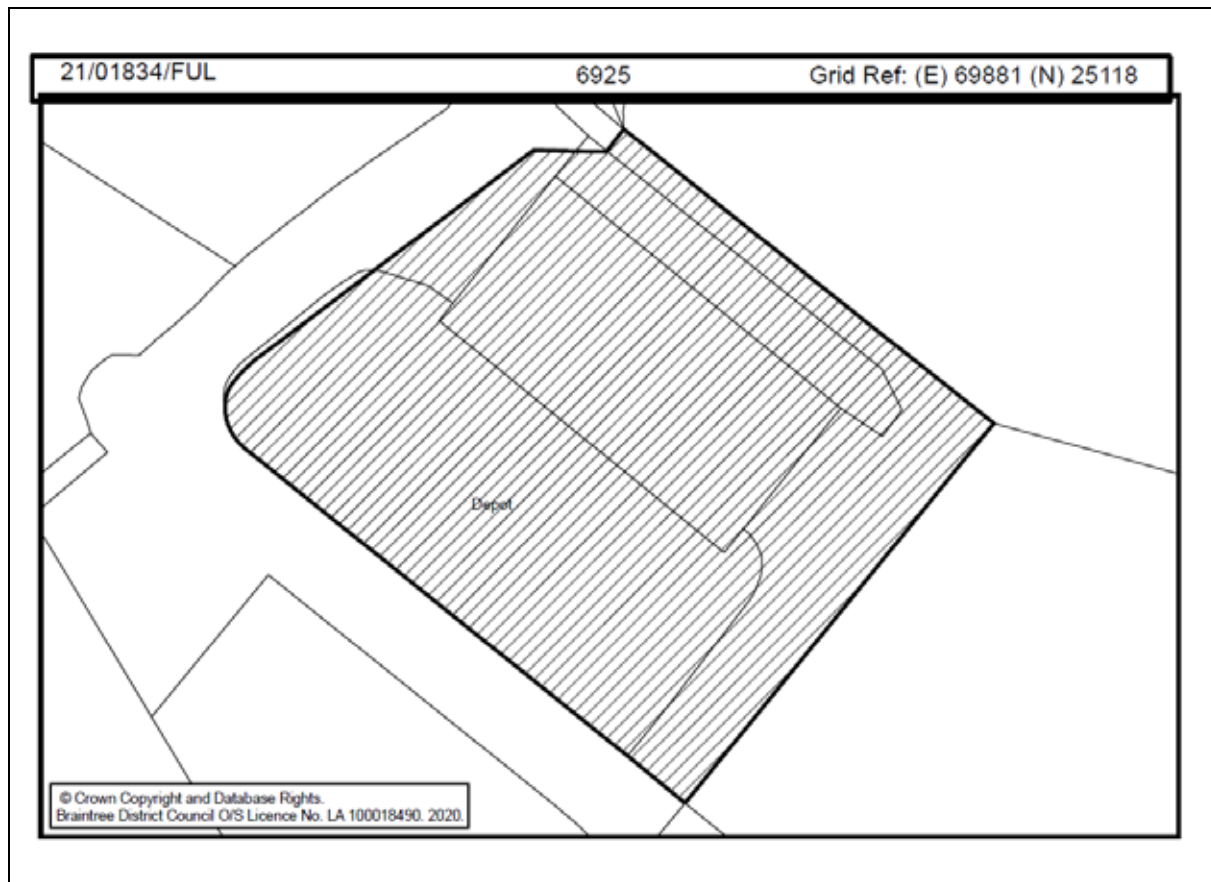
To consider the following planning applications

- |           |  |                  |
|-----------|--|------------------|
| <b>5a</b> | <b>App. No. 21 01834 FUL - Former hangar site, Saling Airfield, GREAT SALING</b> | <b>5 - 25</b>    |
| <b>5b</b> | <b>App. No. 21 02804 FUL - Brook Farm, Station Road, COLNE ENGAINE</b>           | <b>26 - 51</b>   |
| <b>5c</b> | <b>App. No. 21 02857 OUT - Small Acres, Maldon Road, HATFIELD PEVEREL</b>        | <b>52 - 92</b>   |
| <b>5d</b> | <b>App. No. 22 00223 FUL - Essex Electrical, East Street, BRAINTREE</b>          | <b>93 - 108</b>  |
| <b>5e</b> | <b>App. No. 22 01689 HH - 18 Grange Hill, COGGESHALL</b>                         | <b>109 - 121</b> |

**PRIVATE SESSION****Page**

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 4th October 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	21/01834/FUL	
Description:	Erection of warehouse for storage use (Class B8)	
Location:	Former Hanger Site, Saling Airfield, Great Saling	
Applicant:	Mr T Harris, Lightwood PLC, Hangar 2, North Weald Airfield, Epping, CM16 6HR	
Agent:	John Perrin, John Perrin & Sons Ltd, 885 Green Lanes, London, N21 2QS	
Date Valid:	7th June 2021	
<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>	Plan(s) & Document(s) Reason(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 1578, or by e-mail: <a href="mailto:lisa.page@braintree.gov.uk">lisa.page@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>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>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>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <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>	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>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting 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> <p>The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.</p>
<p><b>Background Papers:</b></p>	<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: 21/01834/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 – 2033</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:</p> <p><a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>
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## 1. EXECUTIVE SUMMARY

- 1.1 The application site is not identified as being within a development boundary in the Adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. There is no policy support within the Adopted Local Plan for the erection of new buildings to support commercial businesses in the countryside. Although there is some policy support within the Neighbourhood Plan for such local business development, the proposal does not comply with the criteria of that policy in terms of its scale, inappropriate landscaping, and impacts to the countryside. The development is contrary to the Development Plan.
- 1.2 Whilst the general policy support within the NPPF for sustainable development and sustainable growth and expansion of businesses in rural areas is given weight, the proposal does not meet with the criteria set out, (the building is not 'well designed' nor 'sensitive to its surroundings' within this countryside location). The development is therefore not considered to result in a material consideration that would indicate that permission be determined not in accordance with the Development Plan.
- 1.3 The proposed building by reason of its size, scale, siting and form would be unduly prominent within the locality, including from longer public viewpoints along the adjacent Bridleway, and would be harmful to the wider character and appearance of this countryside location. The proposal would fail to protect and enhance the landscape and intrinsic character and beauty of the countryside.
- 1.4 The development would accrue some economic and social benefits with the additional full-time jobs that would be created, however, given that this only amounts to 4no. full time employees, only very limited weight is assigned to this. There would be negative environmental impacts with the harm to the character and appearance of the locality. The development would not fall to be 'sustainable development'.
- 1.5 Although the proposal complies with other considerations in regard to highway matters, flood risk, ecology and neighbouring amenity, this would not outweigh the in-principle objection to development in this locality and the harm upon the character and appearance of the locality.
- 1.6 It is therefore recommended that planning permission be refused.

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 forms part of the old RAF Great Saling airfield, which is located in a rural location on the outskirts of Great Saling village. The site is accessed via New Pastures Lane which also serves an aggregates yard 'Silvertons' and sits behind a former hanger building which is now used as a commercial warehousing and storage by a business known as 'Lightwood Logistics (Application Reference 03/02468/COU). New Pastures Lane is a trackway which is partially tarmacked and is owned by Essex County Council.
- 5.2 The application site is not situated within a Conservation Area and there are no Listed Buildings in the vicinity.
- 5.3 A Public Bridleway (BR10) runs in a north-south direction to the south-west/west of the site.

6. PROPOSAL

- 6.1 The proposal is for the erection of an additional storage warehouse building, which is proposed to support the existing commercial warehousing use on the site. The proposed building is identical in size and form to the existing unit, measuring 37 metres in width by 72.5 metres in length, with a maximum height of 12 metres. As per the existing building on site, the proposed would be finished in steel sheet panels on a concrete plinth with corrugated roofing. To the southern elevation a 'green wall' is proposed.
- 6.2 No change is proposed to the existing access for the site. Vehicles would continue to access the site via the northern corner. The main access into the building itself is via a roller shutter door on the eastern elevation. The application proposes 7 car parking spaces to be provided for staff to the north of the existing building. Turning for HGV's is also provided within the existing hard standing area.

- 6.3 By way of background to the demand for the development, the submitted Design and Access Statement details that the site is operated solely by Lightwood Plc and used for the storage of commercial goods as an overspill facility for manufacturers that have insufficient storage capacity of their own. It is understood that the existing storage facility is almost at capacity and additional work from new clients cannot be taken on despite there being a demand. In addition, it is understood that some of the applicants existing customers are expanding their businesses and they therefore require more storage space. The application submission sets out that if demand cannot be met, then there is a real risk that clients will be forced to make alternative arrangements.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 Raise no objections.

### 7.2 BDC Ecology

- 7.2.1 No objection subject to securing biodiversity mitigation and enhancement measures by condition.

### 7.3 BDC Landscaping

- 7.3.1 Comment that the application will represent an intensification of a commercial site in open countryside and bring the visual mass of the combined storage units closer to the adjacent route of the bridle-path.
- 7.3.2 Note that the existing vegetation and woodland cover does provide some screening to longer views into the site particularly from the southeast, but comment that the photographs within the supporting information provided by the applicant are summer vistas and the seasonal influence on the visibility of the site should not be discounted.
- 7.3.3 Comment that given the proposed increase in the footprint of units on the site and inevitable impact on the character and setting of the PRoW, it would be preferable to condition a suitable evergreen landscape scheme that provided some mitigation for the proposed development, but note the limited space within the red line of the application for this to be viable.

### 7.4 ECC Suds

- 7.4.1 Raise no objections.

### 7.5 ECC Highways

- 7.5.1 Acceptable to the highway authority.

8. PARISH / TOWN COUNCIL

8.1 Great Saling Parish Council

- 8.1.1 Comment that no decision should be made until ownership of access road identified.

(Officers have checked the highways maps and it is confirmed that the access comes within land maintained by ECC Highways).

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 representations have been received.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033 and The Salings Neighbourhood Plan (October 2021). The most relevant 'Shared Strategic' Policies for North Essex authorities include Policies SP3 and SP5. Policy SP3 of the Adopted Local Plan relating to the Spatial Strategy for North Essex, outlines that existing settlements will be the principal focus for additional growth, and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment. Policy SP5 of the Adopted Local Plan specifically relates to employment, and outlines that a strong, sustainable and diverse economy will be promoted across North Essex.
- 10.2 The application site is not identified as being within a development boundary in the Adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. Policy LPP1 of the Adopted Local Plan states that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.
- 10.3 There are no policies within the Adopted Local Plan that permit the consideration of new enterprises or additional buildings to support existing commercial businesses within the countryside. (Former Policy RLP39 of the 2005 Local Plan has not been a policy carried forward within the new Local Plan). Whilst Policy LPP7 of the Adopted Local Plan addresses rural enterprises, it states that outside development boundaries, proposals for small-scale commercial development will be supported where it involves the conversion and re-use of existing permanent buildings, and further is subject to set criteria, including that highway matters are acceptable; that

there is no unacceptable impact on residential amenity; and that there is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value. In this case, the proposal does not comply with Policy LPP7 as it proposes a new building as opposed to a conversion / re-use. There is also adverse impact to landscape character. The proposal thus is contrary to the Development Plan.

- 10.4 Whilst the Adopted Local Plan is silent on new commercial development within the countryside, the Neighbourhood Plan does have policy provision for such development. Policy SAL8, relating to 'local business development' details that proposals for new and existing businesses and employment which are appropriate in scale and environmental impact to a countryside setting will be encouraged, provided that; adequate roadways for loading and unloading and parking are available; and existing trees and hedgerows are maintained, with any additional planting and landscaping compatible with existing environment, particularly where the buildings can be viewed from the roads and footpath network or effect strategic village views. As discussed later in this report there is an objection to the scale of the development and impact to the countryside. It is further considered that proposed landscaping is inappropriate with harmful impacts upon the character and appearance of the countryside, particularly when viewed from the nearby bridleway. It is not considered that the development complies with Policy SAL8.
- 10.5 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.6 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 10.7 Paragraph 83 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, whilst Paragraph 84 outlines that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.
- 10.8 In addition, Paragraph 85 of the NPPF also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It also states that in these circumstances, it will be important to ensure that development is sensitive to its surroundings.

- 10.9 The support within the NPPF in relation to such existing rural businesses is acknowledged, however, as discussed later in this report, it is not considered that the building is 'well designed' nor 'sensitive to its surroundings' within this countryside location. The development thus fails to meet with the desires of the NPPF in meeting the need for such development.
- 10.10 Officers have also had regard to any wider social, environmental or economic benefits. Whilst the application forms detail that there are 4no. existing employees and that no additional employees will be required, the Design and Access Statement outlines that there will be 4 additional full-time employees. Even accounting for there being 4no. additional employees, the economic and social benefits associated with this would be very limited. In addition, there are environmental aspects that weight against the development, as discussed later in the report. Overall, the development would therefore not contribute to the achievement of sustainable development as detailed within Paragraph 7 of the NPPF.
- 10.11 Overall, whilst the general policy support within the NPPF for sustainable development and sustainable growth and expansion of businesses in rural areas is given weight, it is not considered to result in a material consideration that would indicate that permission be determined not in accordance with the Development Plan. The proposal fails to be an appropriate use within this countryside location and would fail to protect and enhance the landscape and intrinsic character and beauty of the countryside.

## 11. SITE ASSESSMENT

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

- 11.1.1 Paragraph 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 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 In addition to this, Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and should respond positively to local character and context, whilst Policy LPP47 and LPP52 of the Adopted Local Plan seeks a high standard of layout and design in all developments, requiring that new buildings reflect or enhance the area's local distinctiveness and be in harmony with the character and appearance of the surrounding area.
- 11.1.3 In regard to landscape policies within the Adopted Local Plan, of most relevant is Policy LPP67 entitled 'Landscape Character and Features'.

Policy LPP67 states that in determining applications, the LPA will take into account the different roles and character of the various landscape areas in the District and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Proposals for new development should be informed by, and be sympathetic to, the character of the landscape as identified in the District Council's Landscape Character Assessments. Proposals which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their impact on the landscape and should not be detrimental to the distinctive landscape features of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development which would not successfully integrate into the local landscape will not be permitted.

- 11.1.4 The relevant landscape policy within the Neighbourhood Plan, is Policy SAL2, which details development proposals should demonstrate how they will conserve and, where appropriate, enhance the rural character and appearance of the landscape. In addition, Policy SAL3 relating to protecting key views and ensuring visual connectivity with the surrounding countryside, states that new development should be designed to have a positive and distinctive character by designing the development to respond to site features such as views into or out of the area, trees, and existing buildings.
- 11.1.5 The application has not been submitted with a Landscape Visual Impact Assessment (LVIA) or similar. Although the Design and Access Statement includes some assessment of the visual impact of the development from a number of key points, this is very limited in its analysis. No discussion of the Landscape Character Assessment (LCA) is made and there is no reference to the nearby Bridleway or impacts from this public viewpoint.
- 11.1.6 To the west is the Bridleway (BR10). Although there is an existing hedge and tree planting to the western side of the Bridleway, it is entirely open to the east. Thus, there are open views from it across the fields to the flank elevation and rear elevation of the proposed building. The existing tree planting to the eastern side of the building (outside of the application site), would screen the flank of the development from longer views, but in closer views the extent of the built form would be readily seen, and it would provide no screen of the rear elevation.
- 11.1.7 As detailed above, the proposed building is of significant size. It measures 37 metres in width by 72.5 metres in length, with a maximum height of 12 metres. The proposed building is also proposed to be sited very close to boundary. (The current boundary treatment consists of some sporadic and low key, self-set planting to a maximum height of around 2 metres). Due to the size, scale, form, and siting of the proposed building, it would appear unduly prominent and harmful to this rural edge. The siting of the building within 4.5 metres of the boundary, would not permit the opportunity to provide any meaningful landscape buffer, to screen a building of 12 metres in height. The application does propose a 'green wall' to the western



elevation to assist with assimilating the building into the locality. However, the details of this are limited. It is indicated that the planting would consist of climbing planting - clematis, passionflower, jasmine, ivy, and garrya elliptica (an evergreen shrub). This cannot be considered to represent an integrated green wall system and would not result in an acceptable planting scheme. It would not reduce the overall impression of the size and bulk of the building, nor would a green wall be in keeping with the form of soft landscaping in the locality.

- 11.1.8 Officers have had regard to the fact that the site forms a semi-derelict and un-used part of the established commercial site and that the existing business sits within in a commercial area. However, those adjacent existing uses whilst perhaps being more intensive, have a lesser impact in landscape terms and are better screened from wider views (from existing buildings and landscaping). The proposed building would not be seen in the same context.
- 11.1.9 Officers also note the argument advanced within the Design and Access Statement regarding this replicating the existing building, and furthermore that there was historically a second building within this location. Although the building may replicate the size and siting of the existing building on site, this was an historic building that had permission to be converted to commercial - such a re-use of a building is policy compliant. In addition, its siting is less impacting being more contained to existing commercial activities within the locality, being sited to a degree against the backdrop of the eastern tree belt, and away from the western open boundary. The fact that there was an historic building on site (understood to be an air hanger) is not now relevant given that this has been removed from the site some time ago.
- 11.1.10 Overall, Officers consider that the proposed building by reason of its size, scale, siting and form would be unduly prominent within the locality, including from longer public viewpoints along the adjacent Bridleway, and would be harmful to the wider character and appearance of this countryside location. As above, the proposal would fail to protect and enhancing the landscape and intrinsic character and beauty of the countryside.

## 11.2 Ecology

- 11.2.1 Policy LPP64 of the Adopted Local Plan is relevant in terms of Protected Species, Priority Species and Priority Habitat. It details that Nationally Designated sites (including Sites of Special Scientific Interest (SSSIs)), should be protected from development which is likely to adversely affect the features for which they are designated. In regard to protected species, it details that where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.

- 11.2.2 The Council's Ecology consultant has advised that based on the information provided within the application it is unlikely that the site would support protected or priority species/habitats. Therefore, the impacts of development to designated sites, protected species, priority species/habitats can be predicted. It is recommended that bespoke ecological enhancements are implemented for this application to secure measurable net gains for biodiversity. A condition should be imposed on any decision to grant permission.
- 11.2.3 The site is within a SSSI Impact Zone which triggers consideration for 'Any discharge of water or liquid waste of more than 20m<sup>3</sup>/day to ground (i.e. to seep away) or to surface water, such as a beck or stream' and therefore an appropriate SUDs scheme should be provided if the rate of discharge is to be exceeded. (As noted above the Local Lead Flood Authority have reviewed the application and raise no objections, but this could be added as a condition on any permission to grant).
- 11.3 Highway Considerations
- 11.3.1 Paragraph 104 of the NPPF is explicit that development proposals should identify and pursue opportunities to promote walking, cycling and modes of transport. Paragraph 105 of the NPPF goes on to state the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 111 of the NPPF states development shall only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.3.2 Similarly, amongst other matters Policy LPP42 of the Adopted Local 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.
- 11.3.3 The application has been accompanied by a Transport Statement examining the impact of the proposed development on the existing highway network. This concludes that the increase in vehicle trips in and out of the site, would be negligible. The Highway Authority have reviewed the Statement and do not raise an objection on highway capacity or safety.
- 11.3.4 With regard to the internal site layout, the proposal would utilise the existing access to the site at the northern corner. The Transport Statement also confirms that articulated lorries are able to enter the site, turn within the site and exit in forward gear. The Highway Authority have raised no objection in terms of highway safety from this access or internal layout. The continued use of this is deemed appropriate to meet the needs of the development without resulting in harm.

- 11.3.5 Policy LPP42 of the Adopted Local Plan commits the LPA to the guidance outlined in the ECC Parking Standards (2009). The Parking Standards state that 'prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided'. The Essex Parking Standards (2009) states that relating to B8 use a maximum of 1 space per 150sq.m plus 1 space per 20sq.m retail area for customer parking in terms of vehicles, 1 space per 500sq.m for staff plus 1 space per 1000sq.m for visitors.
- 11.3.6 The development proposes 7 parking spaces, 1 of which is an accessible space. Officers consider that this provision would meet with the adopted standards, which is calculated to allow for a maximum of 36 car parking spaces. However, given that there is only 4 members of staff on site, the provision of 7 spaces is considered to be acceptable for the intended use of the site. There is no allocated space for cycle parking however it is likely that staff will travel by car given the rural location of the site. In addition to this, the highways department raise no objections to the proposal, both in terms of the parking provision. The proposal is therefore considered to be acceptable in this regard.
- 11.3.7 Overall, in regard to highway considerations, Officers are content that the development would raise no objections in respect of highway safety or capacity, and that the site can provide adequate parking and turning provision for all vehicles. However, as highlighted above, as the site is not located within a defined development boundary and does not propose the conversion of an existing building, objection is raised in respect of locational sustainability.
- 11.4 Impact upon Neighbouring Residential Amenity
- 11.4.1 One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy LPP52 of the Adopted Local Plan which states that 'there shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact'.
- 11.4.2 There are no residential properties within the immediate locality of the site and the nearest residential properties would be sufficiently distanced from it to prevent any harm to their amenity. No impact is considered to arise to nearby commercial/industrial uses as a consequence of the development. The application is therefore considered to satisfy national and local policies designed to safeguard neighbouring residential amenity.
- 11.5 Flooding and Drainage Strategy
- 11.5.1 Policy LPP74 of the Adopted Local Plan states that proposals should be located to avoid the risk of flooding. The application site is located within Flood Zone 1, which has the lowest probability of flooding.

- 11.5.2 In accordance with Policy, the application has been submitted with a Flood Risk Assessment (FRA) and drainage strategy to demonstrate that the proposed development is not a risk of flooding and will not increase flood risk at the site or elsewhere. The FRA and drainage strategy has been assessed by the Local Lead Flood Authority who are content that the approach is acceptable. The proposal is therefore considered acceptable in this regard.

## 12. PLANNING OBLIGATIONS

- 12.1 The Council's Open Space Supplementary Planning Document (SPD) states that major new commercial development is expected to contribute to open space provision since employees create a demand for using open spaces and recreational facilities during lunch breaks or before or after work. The SPD goes on to state that casual or informal open space and outdoor sports provision will be required from a number of business use classes, including Use Class B8. In this case the financial contribution required is £11,396.89.
- 12.2 Although Officers are recommended refusal, Members should be aware that a legal agreement would need to be secured for this payment if permission were to be granted. Any agreement would need to specify that the contribution should be spent on improvements to the village playing field (as identified in the Council's Open Spaces Action Plan).

## 13. CONCLUSION

- 13.1 The application site is located outside a designated development boundary as defined within the Adopted Local Plan, and as such is on land designated as 'countryside' where there is a presumption against new development. There is no policy support within the Adopted Local Plan for the erection of new buildings to support commercial businesses in the countryside. Although there is some policy support within the Neighbourhood Plan for such local business development, the proposal does not comply with the criteria of that policy in terms of its scale, inappropriate landscaping, and impacts to the countryside. The development is contrary to the Development Plan.
- 13.2 Whilst the general policy support within the NPPF for sustainable development and sustainable growth and expansion of businesses in rural areas is given weight, the proposal does not meet with the criteria set out, as the building is not 'well designed' nor 'sensitive to its surroundings' within this countryside location. The development is therefore not considered to result in a material consideration that would indicate that permission be determined not in accordance with the Development Plan.
- 13.3 The proposed building by reason of its size, scale, siting and form would be unduly prominent within the locality, including from longer public viewpoints along the adjacent Bridleway, and would be harmful to the wider character and appearance of this countryside location. The proposal would fail to

protect and enhance the landscape and intrinsic character and beauty of the countryside.

- 13.4 The development would accrue some economic and social benefits with the additional full-time jobs that would be created, however, given that this only amounts to 4no. full time employees only very limited weight is assigned to this. There would be negative environmental impacts with the harm to the character and appearance of the locality. The development would not fall to be 'sustainable development'.
- 13.5 Although the proposal complies with other considerations in regard to highway matters, flood risk, ecology and neighbouring amenity, this would not outweigh the in-principle objection to development in this locality and the harm upon the character and appearance of the locality.

14. RECOMMENDATION

- 14.1 It is therefore RECOMMENDED that permission be REFUSED for the reasons as 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>
Drainage Details	C2639-01	Rev B
Drainage Details	C2639-03	Rev A
Drainage Details	C2639-02	Rev B
Proposed Elevations	3006/5	Rev C
Existing Elevations	3006/2	N/A
Location Plan	N/A	N/A
Block Plan	N/A	N/A
Existing Site Plan	3006/1	N/A
Proposed Floor Plan	3006/3	Rev C

#### Reason(s) for Refusal

##### Reason 1

The site is located within a countryside location, wherein there is a presumption against such inappropriate development. The proposed development, by reason of its size, scale, siting and form, fails to secure a well-designed development; would be unduly prominent within the locality, including from public viewpoints along the nearby Bridleway; harmful to the character and appearance of the locality; and would fail to protect and enhance the landscape and intrinsic character and beauty of the countryside. The development is thereby contrary to policies SP1, SP3, SP7, LPP1, LPP47, LPP52 and LPP67 of the Braintree District Local Plan 2013 – 2033; Policies SAL2, SAL3 and SAL8 of the Salings Neighbourhood Plan (October 2021); and the National Planning Policy Framework.

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP7	Rural Enterprise
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP64	Protected Sites
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

#### The Salings Neighbourhood Plan (October 2021)

SAL2	Conserving our Landscape and its key Ecological Features
SAL3	Protecting key views and ensuring Visual Connectivity with the Surrounding Countryside
SAL8	Local Business Development

### APPENDIX 3:

#### SITE HISTORY

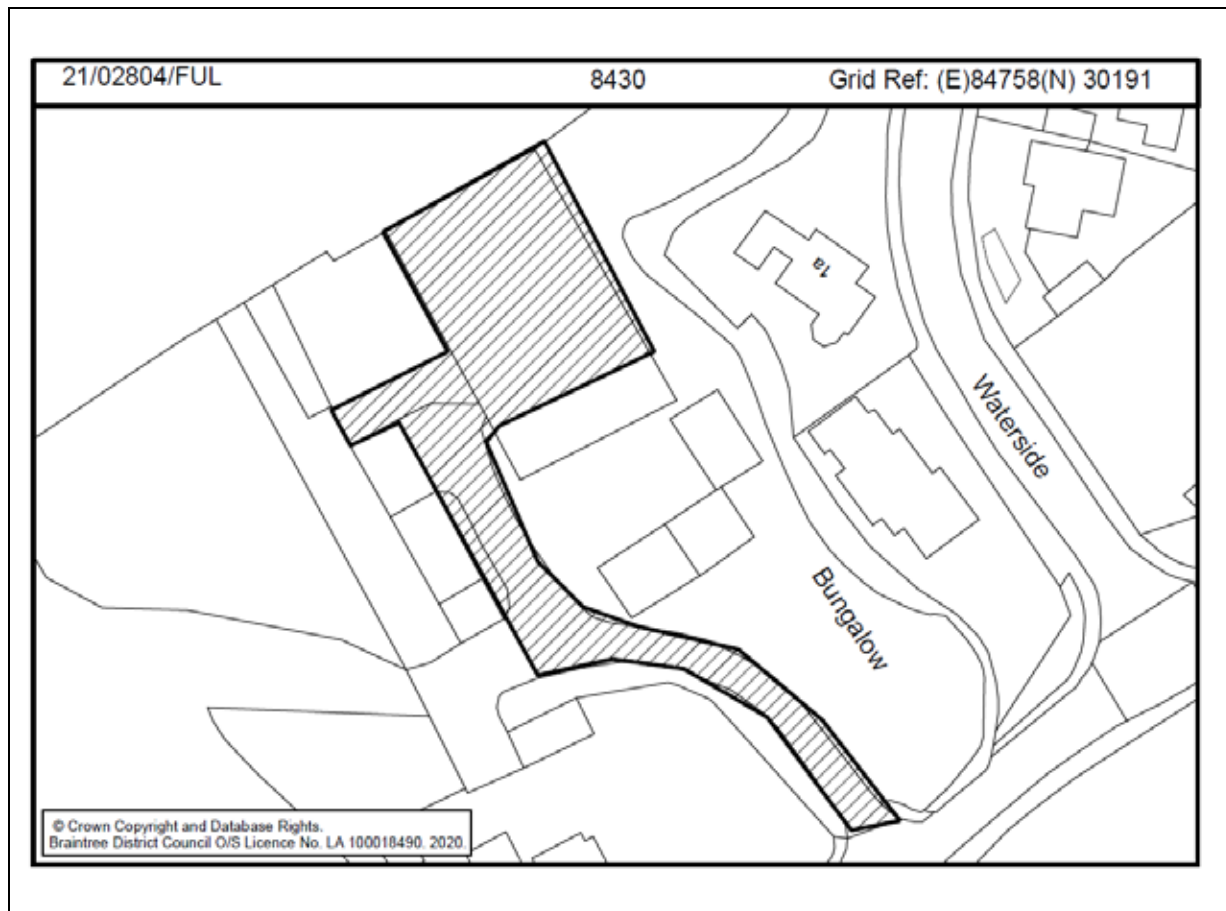
<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
03/02468/COU	Change of use of hangar for commercial warehousing and storage	Granted	09.03.04
80/01546/P	Use of land for storage of concrete and allied materials.	Granted	29.01.81
80/01548/P	Renewal of temporary planning permission for use of land for storage of crushed concrete and allied materials.	Refused	29.01.81
74/00827/P	Proposed renewal of temporary permission for storage of broken concrete.	Granted	20.03.75
EU/83/00002/P	Storage of crushed concrete aggregates, road building materials, earth and other similar materials.	Granted	27.07.83
77/01089/P	Erection of a cattle fattening unit with manager's house - land off private road, Great Saling, Great Saling.	Refused	30.01.78
77/01372/P	Renewal of planning permission for use of site for storage of crushed concrete - Site of Saling Airfield.	Granted	13.01.78
89/00832/P	Erection Of Storage Building And Compound	Refused	12.09.89
90/00615/PFHN	Proposed Storage Building And Compound	Granted	26.09.90
97/01090/COU	Change of use of redundant aircraft hangar to Football Development Centre	Refused	12.11.97
98/00662/COU	Change of use of storage barn to the agricultural processing of hemp	Withdrawn	10.02.99



98/01392/COU	Change of use of hanger from redundant agricultural to B8 warehouse and distribution	Refused	14.04.99
99/00732/MIN	Proposed change of use from concrete crushing operation to construction/demolition waste recycling facility	Withdrawn	21.07.99
06/01900/ECC	Change of use to a highway depot and erection of salt barn, offices and mess rooms	Withdrawn	24.10.06

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 4th October 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	21/02804/FUL	
<b>Description:</b>	Conversion of barn to form 3 x 3 bedroom dwellings.	
<b>Location:</b>	Brook Farm Station Road Colne Engaine	
<b>Applicant:</b>	Mr George Courtauld, Knights Barn, Colne Engaine, Colchester, CO6 2JG	
<b>Agent:</b>	Mr George Courtauld, Knights Barn, Colne Engaine, Colchester, CO6 2JG	
<b>Date Valid:</b>	12th October 2021	
<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>	Natalie Banks For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2545, or by e-mail: <a href="mailto:natalie.banks@braintree.gov.uk">natalie.banks@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>The Applicant has paid a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report. 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: 21/02804/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</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 planning permission for the conversion of the barn to form 3 x 3 bed dwellings.
- 1.2 The site lies outside of but adjacent to the Village Envelope for Colne Engaine and is therefore within the countryside for the purposes of the Planning regime.
- 1.3 The application site is approximately 360sq.m in area and contains a modern portal framed grain store constructed in the late 20<sup>th</sup> Century which was given Prior Approval for conversion to 3 dwellings on 10<sup>th</sup> February 2021, reference 20/01817/COUPA. Two other buildings were also given Prior Approval within the terms of that consent, as set out in the planning history of the site, therefore the site has planning permission for up to five dwellings under the terms of that consent.
- 1.4 The design approach has been the subject of negotiation with Officers and is considered acceptable and will respond well to the local context, and provides increased mitigation in terms of environmental benefits for the future occupiers.
- 1.5 The impacts of the proposal in terms of ecological and landscape impacts can be mitigated and secured by the suggested biodiversity enhancements and RAMS contribution.
- 1.6 While the scale of the development will make only a small contribution to the Council's 5 Year Housing Supply, given that the above planning approval, it is recommended that planning permission is granted.

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 Applicant is related to a Member 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 The site lies outside, but adjacent to, the Village Envelope for Colne Engaine and is therefore within the countryside for the purposes of the Planning regime.
- 5.2 The application site is approximately 360sq.m in area and contains a modern portal framed grain store constructed in the late 20<sup>th</sup> Century which was given Prior Approval for conversion to 3 dwellings on 10<sup>th</sup> February 2021 (Application Reference 20/01817/COUPA). Two other buildings were also given Prior Approval within the terms of that consent, as set out in the planning history of the site, therefore the site has planning permission for up to five dwellings under the terms of that consent.
- 5.3 There are residential properties to the north and east of the site, within Oddcroft, and to the south-west, at No.22 Station Road, which is also known as Brook Farm House, and open views to the countryside from the rear.
- 5.4 There is an existing access to the application site which is shared with the dwelling at Brook Farm House and other buildings within the former farmstead.
- 5.5 There is a brook running to the west of the site, which is within Flood Zone 1 and 2. There are also several trees adjacent to the site's western boundary and on the open area to the east of the access.

6. PROPOSAL

- 6.1 This application seeks planning permission for the conversion of the barn to form 3 x 3 bed dwellings. The approved scheme utilised the metal frame and set the 3 units out in a quirky configuration with one dwelling off-set from the other 2 at ground floor. The design followed the shape of the barn, with the proposed amenity space set within the footprint. It is now proposed to change the layout of the dwellings so that they sit in row and

reconfiguring the roof form from a slack pitch with gable ends to 3 separate front facing gables. The dwellings would measure overall approximately 8.4m in height, 18.26m in width and 10.29m deep at ground floor, with a floor area of 100.45sq.m for each unit. The first storey would be set in at the rear to form a balcony above the ground floor. The layout of each unit is configured with the living rooms, measuring approximately 25.65sq.m to the front, with the kitchen/dining area with utility, built-in cupboard and plant room to the rear measuring approximately 27.87sq.m. The first floor would contain a master bedroom with en-suite at the rear, measuring approximately 11.63sq.m, with the en-suite measuring approximately 3.15sq.m. Next to this would be a bedroom measuring approximately 5.77sq.m with the third bedroom measuring approximately 8.95sq.m and a bathroom measuring 6.6sq.m to the front. Built-in cupboards are also proposed for the master and larger of the bedrooms.

- 6.2 No doors or windows are proposed on the side/end elevations. A single roof-light is proposed on each unit. The elevation treatment is modern with asymmetrically placed windows on the front elevation and full-height sliding windows on the rear. Air source heat pumps are proposed for each dwelling which would be placed in the rear gardens. The materials proposed are a mix of brick and render, Larchwood timber and metal for the walls with a metal ridged roof, aluminium windows and metal rainwater goods. A timber fence is proposed to the side and rear, with metal railings to the front. Recycling and waste storage would be provided within this space. Two parking spaces per unit are proposed to the side, which each measure 2.4m x 4.8m. Amenity space of 78sq.m is proposed for each unit together with a rear balcony measuring 8.54sq.m.
- 6.3 The proposal will involve the removal of the frame of the existing barn and utilising the existing walls and concrete slabs that remain where possible. The floor level of the barn will be reduced by 0.40m as the floor is uneven, which will have the effect of lowering the height of the proposed dwellings below that of the approved scheme. The finished floor levels would be the same as proposed for the black barn to the south of the application barn to reduce the risk of surface water flooding, however the floor levels for both buildings at 31.800 AOD will be above the 1 in 100 level of 31.500 AOD.
- 6.4 The application is accompanied by the following suite of documents:
- Design and Access/Planning Statement
  - Flood Risk Assessment
  - Structural Survey
  - Bat Survey
  - Phase 1 Environmental Assessment
  - Tree Survey
  - Sustainability Assessment
- 6.5 The D&A and Planning Statement indicates that the proposed scheme is an improvement on the original approved design in terms of reducing the bulk and removal of side windows to avoid overlooking at Oddcroft, with less



glazing leading to better environmental performance. The design provides for more a better arrangement of garden amenity, parking spaces and refuse/recycling provision.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1. Essex Fire and Rescue

7.1.1 No objection.

### 7.2 BDC Ecology

7.2.1 No objection, subject to conditions requiring conformity with submitted ecological appraisal and for biodiversity enhancements.

### 7.3 BDC Environmental Health

7.3.1 No objection subject to conditions requiring a Phase 2 Assessment and restriction of working hours.

### 7.4 BDC Landscapes

7.4.1 No objection subject to a condition requiring that a Tree Protection Plan is submitted.

### 7.5 ECC Highways

7.5.1 No objection – the development is acceptable, given the scale of the proposed development and the area proposed for parking.

## 8. PARISH / TOWN COUNCIL

### 8.1 Colne Engaine Parish Council

8.1.1 No objection.

## 9. REPRESENTATIONS

9.1 No representations have been received regarding this application.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in

mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF which sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).
- 10.2 5 Year Housing Land Supply
- 10.2.1 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.
- 10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.

- 10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.
- 10.2.4 Taking the above into account the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions that the situation is likely to change.
- 10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.
- 10.3 The Development Plan
- 10.3.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 - 2033. Section 2 of the Plan has been found sound by the Planning Inspector and adopted by Full Council on the 25th July 2022.
- 10.3.2 Policy SP1 of the Adopted Local Plan requires that a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF is taken for all new development. Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3.3 Policy SP3 of the Adopted Local Plan sets out the spatial strategy for each District in order to direct development to the most sustainable locations and requires each District to identify a hierarchy of settlements.
- 10.3.4 Policy LPP1 of the Adopted Local Plan seeks to direct development to defined settlements, i.e. within a designated Town Development Boundary or Village Envelope.
- 10.3.5 In this case the proposal involves the conversion of an existing building in the countryside to residential use. Policy LPP40 of the Adopted Local Plan states that the conversion of rural buildings that are of permanent and substantial construction and capable of conversion, without complete re-building, to residential use will be permitted where they meet all the following criteria:
- a) The site is no longer suitable and has been marketed for commercial use
  - b) There is no unacceptable impact on protected species or heritage assets and their settings

- c) The site is served by a suitable existing access
  - d) There is no unacceptable impact on residential amenity
  - e) There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.
- 10.3.6 Applications for such proposals must be supported by a frame survey, structural survey and, where listed, a heritage statement setting out the implications of the development on the special architectural or historic interest of the subject building/s and their setting. Where considered appropriate surveys will be required for protected species that may include but is not limited to, bats and barn owls.
- 10.3.7 Notwithstanding this, the barn benefits from planning permission granted by virtue of Class Q Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), reference 20/01817/COUPA. Development in connection with this prior approval application has commenced within the site and could be fully implemented. The implementation of this permission would change the nature and immediate context of the site, creating a small and relatively self-contained residential development and is not so different to what has already been approved. As such, and given the change in the context of the site and its surroundings following the implementation of the prior approval application, which the application site, subject to this application, would form an integral part of, it is not considered to be appropriate to require the marketing of the building for commercial purposes as required by Policy LPP40 of the Adopted Local Plan.
- 10.3.8 It is relevant to note that planning permission has also been recently granted for the black barn, to the south of the application site (Application Reference 22/00491/FUL), and given its recent nature, it represents a material planning consideration.
- 10.3.9 Taking the above into account, therefore, it is considered that the development is acceptable in principle.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.
- 11.1.2 As referred to above, the application site is located outside of but abuts the Colne Engaine Village envelope and is within a close walking distance of the limited facilities that the Village offers. Colne Engaine is classed as a

‘Third Tier’ village in the Adopted Plan Settlement Hierarchy. Third Tier villages are the smallest villages in the District and lack most of the facilities required to meet day-to-day activities, often with poor transport links. When considering the tests of sustainable development, these will not normally be met in Third Tier Villages.

- 11.1.3 The nearest larger settlement is Earls Colne which is approximately 1 mile away from the site. Colne Engaine does benefit from some local facilities, including a Village Hall with play area and recreation ground, Village Shop, Church, Primary School and Pre-school, Public House and regular bus route to Colchester, which is within a similar distance to Braintree. It is therefore considered likely that there would be some reliance on the private car to travel between the site and the nearest Key Services, but that some day to day facilities do exist in the village which would be reasonably accessible to the occupiers of the site.

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

- 11.2.1 Policy LPP47 of the Adopted Local Plan states amongst other things that the Council will promote and secure a high standard of design and layout in all new development in order to ensure that new development will respect and respond to local context. The sympathetic re-use of buildings, particularly where they make a positive contribution to the delivery of sustainable development and regeneration will also be promoted.
- 11.2.2 Policy LPP52 of the Adopted Local Plan also requires a high standard of layout and design in all developments in the District, with innovative design being encouraged where appropriate. It sets out a list of criteria, the most relevant here requiring that the scale, layout, height and massing and overall elevation design of the building is in harmony with the character and appearance of the surrounding area in terms of its form, scale and impact on the skyline and that measures for ensuring environmental sustainability, energy conservation and climate change are incorporated. A high standard of accommodation and amenity for all prospective occupants should be provided and there should be no unacceptable impact on neighbouring residential amenity.
- 11.2.3 The design of the scheme that was approved as part of the prior approval application adopted an interesting and modern approach to the conversion. However, a more traditional approach was initially taken with the current scheme which Officers’ considered was not right in the context. Revised plans were therefore submitted which have taken a more modern approach, using simple, traditional forms with good quality modern materials that reflect and respect the overall context of this former agricultural building and farmyard. There is a reduction in the amount of glazing and other opportunities have been taken to improve sustainability such as the use of recyclable materials in the external finishes, the provision of air source heat pumps in the rear gardens and the option of electric charging points at the car parking spaces.

- 11.2.4 In terms of internal layout, the Nationally Described Space Standards (NDSS) state that for a two storey 3 bedroom dwelling designed for 4 persons, the minimum gross internal floor area should be 84sq.m. Each unit would provide approximately 54.44sq.m at ground floor level and approximately 46.01sq.m at first floor level, which exceeds the requirement set out in the NDSS. In terms of external amenity, the Essex Design Guide (EDG) indicates that a minimum of 100sq.m should be provided for properties with three or more bedrooms. Each unit would be provided with 78sq.m of rear garden, together with a balcony measuring approximately 8.54sq.m. While this is below the requirement set out in the EDG it is considered acceptable, given that the rear of the dwellings will face towards open countryside. The habitable rooms for the property would be afforded a good outlook, and would benefit from a dual aspect which would provide adequate levels of natural light to spacious areas. The proposed dwellings would therefore benefit from an excellent level of internal and external amenity.
- 11.2.5 The overall design approach is therefore considered acceptable and would respond well to the context, particularly in terms of the black-boarded barn to the south which has recently been granted permission, referred to above.

### 11.3 Ecology and Trees

- 11.3.1 Paragraph 174 of the NPPF sets out that planning policies and decisions should, amongst other things, contribute to the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 11.3.2 Policy LPP66 of the Adopted Local Plan requires that development proposals make provision for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.
- 11.3.3 Policies LPP65 and LPP67 of the Adopted Local Plan indicate that regard must be had for existing trees and landscape features. Policy LPP67 in particular indicates that trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal, for example they are considered to be dangerous or in poor condition.
- 11.3.4 As referred to above, the Council's Ecologist has raised no objection to the proposal, commenting that the submitted Bat Survey, has detailed that the barn to be converted has no suitable features to attract roosting bats due to having no roof cladding and being completely exposed to light and adverse weather conditions. Sufficient ecological information has been made available for determination for this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and priority species & habitats and with appropriate mitigation measures secured, the

development can be made acceptable. Conditions are therefore recommended to ensure that biodiversity enhancements are secured to deliver net gains for biodiversity within the design, as outlined under Paragraph 174d & 180d of the National Planning Policy Framework 2021.

11.3.5 The Council's Landscape Team has requested that a suitable Tree Protection Plan is secured by condition to ensure that the areas of vegetation and tree cover along the boundary of the adjacent dwellings at Oddcroft is not unduly damaged during the conversion of the barn.

11.3.6 It is concluded, that subject to the suggested conditions, the impact of the proposal on ecology and landscape features can be mitigated. Therefore the development is acceptable in terms of landscape and ecology concerns.

#### 11.4 Impact upon Neighbouring Residential Amenity

11.4.1 Policy LPP52 of the Adopted Local Plan emphasise the need to protect the amenity of nearby properties, by mitigating impact on privacy, overshadowing, loss of light, or overbearing impact.

11.4.2 There is sufficient space around the dwellings and towards existing dwellings in 'Oddcroft' to the east, together with existing vegetation cover. Side windows have been removed and the dwellings will be lower in height than the approved scheme. As such, the impact on neighbouring residential amenity is considered to be acceptable.

#### 11.5 Highway Considerations

11.5.1 Paragraph 111 of the NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy LPP43 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more bedrooms the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

11.5.2 Two spaces for each unit are proposed measuring 2.4m x 4.8m, which is below the recommended Standard set out above. However, as ECC Highways have raised no objection, it is concluded that this aspect of the development is satisfactory and will not have an unacceptable impact in terms of highway safety.

#### 11.6 Habitat Regulations Assessment (HRA / RAMS)

11.6.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

§ Blackwater Estuary Special Protection Area and Ramsar site;

- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

- 11.6.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.
- 11.6.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.
- 11.6.4 The proposed mitigation measures would consist of the securing of a financial contribution of £127.30 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.6.5 This financial contribution has been secured and the applicant has made the required payment under S111 of the Local Government Act 1972.

## 11.7 Flood Risk

- 11.7.1 The site is within Flood Zones 1 and 2 and the development is classed as 'more vulnerable' by the Environment Agency. In such cases, the Agency recommends that a Flood Risk Assessment is prepared. The FRA submitted by the applicant indicates that the fluvial 1 in 1000 year flood level has been estimated to be 31.50m AOD and the climate change flood level is also 31.50m AOD. The low risk (1000yr/100yr plus climate change) surface water flood level across the site has been estimated to also be 31.50m AOD. It is therefore proposed that the ground floor level of the converted barn will be set above this level. Residents should make a judgment on leaving or accessing the site before, during or after the event in relation to any external flood hazard. It is proposed that the occupants prepare a Flood Risk Plan specific to their property. This arrangement is in accordance with the Environment Agency's Standing Advice and as such is acceptable, and a condition is recommended to safeguard future occupants.

## 12. PLANNING BALANCE AND CONCLUSION

- 12.1.1 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 (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing



Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), 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.

12.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.

12.1.3 In this case, it is not considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development.

12.1.4 As such, pursuant to Paragraph 11d) (ii) it is necessary to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in this Framework taken as a whole. 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.

12.1.5 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).

## 12.2 Summary of Adverse Impacts

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

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

- 12.2.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 12.2.3 The proposed development would conflict with Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. However, while the proposal is contrary to Policy LPP1 of the Adopted Local Plan, as the Council is currently unable to demonstrate a 5 Year Housing Land Supply, only moderate weight can be afforded to this conflict.
- 12.2.4 Notwithstanding this conflict, Policy LPP40 of the Adopted Local Plan permits the conversion of existing rural buildings in the countryside. Full weight can be given to this policy as it has been recently adopted. Notwithstanding the above, planning permission has been granted at this site for residential development under Application Reference 20/01817/COUPA and therefore the principle of development is considered to be established, given the fallback position that exists.

### **Location and Access to Services and Facilities**

- 12.2.5 The nearest larger settlement is Earls Colne which is approximately 1 mile away from the site. Colne Engaine does benefit from some local facilities, however, it is likely that there would be some reliance on the private car to travel between the site and the nearest Key Services, but that some day to day facilities do exist in the village which would be reasonably accessible to the occupiers of the site. This conflict is afforded limited weight, given that Policy LPP40 of the Adopted Local Plan supports the conversion of rural buildings in the countryside, and the fallback position that exists on the application site.

### **Harm to the Character and Appearance of the Area and Landscape Character**

- 12.2.6 The proposal involves the conversion of an existing former agricultural building, therefore, it is not considered that the development would have a major impact the character and appearance of the area. Therefore, the likely impact of the development is neutral.

### **Harm to Trees and Hedgerows**

- 12.2.7 As referred to above, the proposal consists of the conversion of an existing building and involves no removal of existing vegetation. However, a condition is suggested requiring the protection of existing trees. The impact to existing trees and hedgerows is therefore neutral.

### **Ecology**

- 12.2.8 As referred to above, the conversion will not have an impact on protected species and as conditions are recommended requiring biodiversity enhancement measures, the impact of the development is neutral.

### **Harm to Neighbouring Residential Amenity**

- 12.2.9 The revised design will ensure that the proposal will have a neutral impact on neighbouring residential amenity for the reasons set out above.

### **Highways Considerations**

- 12.2.10 In the absence of an objection from ECC Highways, it is concluded that the parking provision and impact on the highway network is negligible.

### **12.3 Summary of Public Benefits**

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

#### **Delivery of Market and Affordable Housing**

- 12.3.2 The proposal will deliver 3 new dwellings, which are considered to be of an appropriate and high quality design and layout, however, given the scale of the development this is afforded moderate weight.

#### **Economic and Social Benefits**

- 12.3.3 The proposal will provide 3 moderately sized dwellings which will have socio-economic benefits during the construction phase and once occupied, they will contribute to the economy of the local area in the long-term. Moderate is afforded to this benefit, given the scale of the proposal.

12.4 Conclusion

- 12.4.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, it is considered that the proposal complies with the Development Plan when taken as a whole.

12.5 Planning Balance

- 12.5.1 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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>
Tree Plan	00300	N/A
Waste Management Strategy	00800	N/A
Other	00900	N/A
Section	51200	N/A
Section	51300	N/A
Section	51400	N/A
Section	51500	N/A
Proposed Site Plan	00200	02
Site Plan	00500	01
Parking Strategy	00600	02
Garden Study	00700	02
Proposed Ground Floor Plan	20000	02
Proposed 1st Floor Plan	20100	02
Roof Plan	20200	00
Proposed Elevations	50000	02
Proposed Elevations	50100	02
Proposed Elevations	50200	02
Proposed Elevations and Floor Plans	50300	02

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

##### Condition 1

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

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

##### Condition 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.

##### Condition 3

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

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

#### Condition 4

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

Reason: To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

#### Condition 5

All mitigation measures and/or works shall be carried out in accordance with the details contained within the Bat Survey - Preliminary Roost Assessment (Arbtech Consulting Ltd, September 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

#### Condition 6

Prior to occupation of the development a Biodiversity Enhancement Layout providing the finalised details and locations of the proposed biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under S40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 7

No development, including site clearance, preparatory works or construction, shall commence until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to and approved in writing by the Local Planning Authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development.

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing

trees, shrubs and hedges. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

#### Condition 8

Prior to the commencement of development an intrusive survey of the proposed garden areas shall be undertaken to assess the suitability of the ground for the intended purpose. Should remediation works be necessary to address any contaminants identified by the intrusive survey, then both a copy of the survey findings and a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority. Any works of remediation required in the approved remediation scheme must be completed (and a validation report from a competent person be provided for approval by the Local Planning Authority) prior to first residential occupation of any of the development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'.

Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To protect human health from any chemical contamination that may present on the site from historically contaminative land uses.

#### Condition 9

Should contamination be found that was not previously identified or not considered in any remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be reassessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Reason: To protect human health from any chemical contamination that may present on the site from historically contaminative land uses.

#### Condition 10

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

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

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

Condition 11

All areas of new hardstanding shall be constructed using porous materials laid on a permeable base unless provision is made to direct run-off water from the hard surface to a permeable or porous area within the application site.

Reason: To ensure that hard surfaced areas are designed to allow surface water to drain in a suitable manner and reduce the risk of surface water flooding.

Condition 12

The development shall not be occupied until the developer provides a Residential Travel Information Pack (to include six one-day vouchers for use with the relevant local public transport operator) for each dwelling, promoting the use of sustainable transport, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Condition 13

The electric vehicle charging points as detailed on the hereby approved plan(s) shall be installed prior to occupation and thereafter retained.

Reason: In the interest of securing sustainable development and contributing to reduce carbon emissions.

Informative(s)

Informative 1

Your attention is drawn to Condition 4 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

Informative 2

Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk).



### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant 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 Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Sustainability
LPP40	Residential Conversion of Buildings in the Countryside
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage

#### Other Material Considerations

Essex Design Guide  
Essex Vehicle Parking Standards

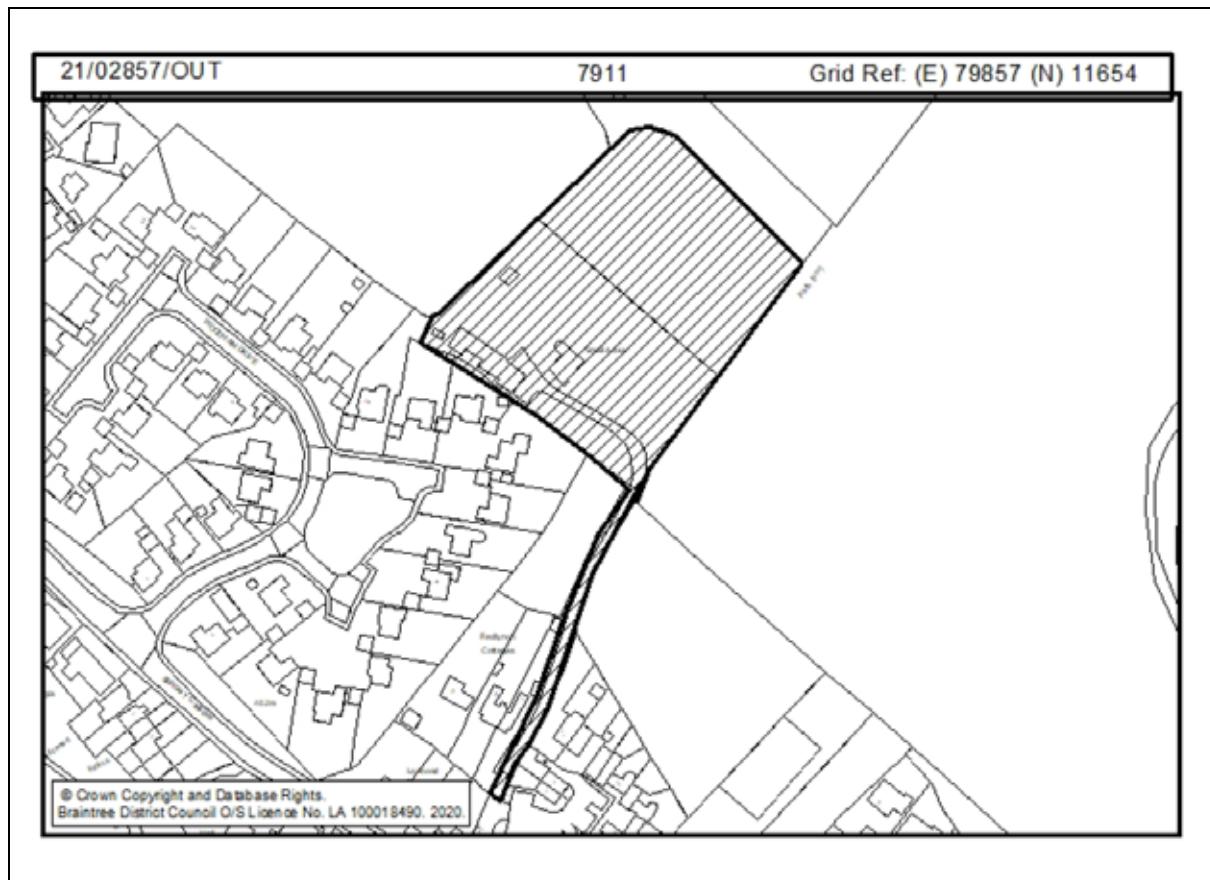
### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
03/02044/COU	Change of use of redundant rural buildings to B1 use	Granted	10.02.04
08/00682/FUL	Change of use of traditional buildings to a residential use with a work unit - APPLICATION NOT PROCEEDED WITH	Application Returned	
20/00831/COUPA	Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 5 no. residential dwelling	Withdrawn	08.09.20
20/01817/COUPA	Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 5no. residential dwellings.	Prior Approval Required and Given	10.02.21
21/02003/FUL	Conversion of agricultural barn into 1 x 2 bedroom bungalow.	Granted	01.12.21
22/00132/FUL	Change of use agricultural land to residential garden.	Granted	16.03.22
22/00491/FUL	Conversion and linkage of agricultural barns to form 1 x 4 bedroom dwelling	Granted	27.05.22

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 4th October 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	21/02857/OUT	
Description:	Outline planning application with all matters reserved apart from access, for: Demolition of existing dwelling and associated outbuildings, and construction of up to 17 dwellings with open space, access, landscaping and associated infrastructure.	
Location:	Small Acres Maldon Road Hatfield Peverel	
Applicant:	Small Acres HP Ltd, C/o Agent	
Agent:	Mr James Firth, Savills, Parkview House, Victoria Road South, Chelmsford, CM1 1BT	
Date Valid:	15th September 2021	
<b>Recommendation:</b>	<p>It is RECOMMENDED that the following decision be made:</p> <p>§ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</p>	
<b>Options:</b>	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ul>	
<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>	<p>Lisa Page</p> <p>For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: <a href="mailto:lisa.page@braintree.gov.uk">lisa.page@braintree.gov.uk</a></p>	

**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>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>The Section 106 Agreement will also secure a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report.</p> <p>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>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <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.

<p><b>Equality and Diversity Implications</b></p>	<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>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <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> </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: 21/02857/OUT.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 – 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </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:</p> <p><a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>
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## 1. EXECUTIVE SUMMARY

- 1.1 Although the site lies outside of a defined development boundary and therefore lies within the countryside wherein development will be strictly controlled to uses appropriate to the countryside, it is recognised that the site is already in a residential use and that it is sustainably located with good access to day-to-day services and facilities, and to sustainable modes of transport. The re-development of the site would represent an intensification of an existing use adjacent to a defined settlement boundary, which forms an 'in-fill' site between two larger sites being developed for residential purposes.
- 1.2 The indicative layout demonstrates that the density of development would be appropriate to the context of the site. Although 'scale' remains a matter for reserved matters, the submission indicates that the dwellings would be bungalows (with 4no. 'chalet bungalows'). It is not considered necessary for this to be secured by way of a parameter plan, condition or similar, as in any event, the merits of a development of different scale and form would be subject to normal planning considerations such as amenity (existing and future occupiers), landscape character and similar. Overall, it has been demonstrated that a development of 17 units can be accommodated on site with an acceptable layout and without undue harm to neighbours amenity or to the wider character and appearance of the locality.
- 1.3 There will be an on-site provision of 40% affordable housing, equating to 6 dwellings. Each home will be designed to meet with Building Regulation Standard M4(2) Accessible and Adaptable. In addition, 4 of the dwellings are proposed to meet M4(3) Wheelchair User Dwellings.
- 1.4 Although, as noted above, considerations of amenity for future and neighbouring properties will be determined in any reserved matters application, the application demonstrates that a layout could provide for acceptable amenity for all.
- 1.5 Matters in regard to highway capacity and safety (including the impacts to the Public Right of Way) are considered acceptable. The Highway Authority have raised no objections.
- 1.6 Matters in regard to ecology would be acceptable subject to a number of conditions.
- 1.7 Other matters in regard to flooding / drainage and landscaping are acceptable subject to the imposition of conditions.
- 1.8 Taking the above factors into account, the application is recommended for approval subject to conditions and a S106 Legal Agreement.

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 site is located to the east of Hatfield Peverel. It measures approximately 0.98ha and is broadly rectangular in shape. The site is currently in residential use and contains 1no. dwellinghouse, associated outbuildings and residential curtilage.
- 5.2 The site is well contained by the trees and hedgerows along the boundaries, and the site itself contains a number of modest trees.
- 5.3 Vehicular access to the site is achieved from Maldon Road via Old School Court. A Public Right of Way (PROW), (Hatfield Peverel Public footpath 40) runs along the western side of Old School Court, crossing over to the eastern side part way and continuing along the south-eastern edge of the site, outside of its boundary.
- 5.4 The site is located outside of the Conservation Area but is located to the north of a listed terrace of almshouses (1-4 Lovibond Cottages).
- 5.5 The site is located within Flood Zone 1 (a low probability of flood risk).
- 5.6 To the southwest is the built-up area of Hatfield Peverel; to the north-west is the construction site for 100 dwellings (being built out under 16/02156/OUT and 20/00906/REM); to the south east, the existing agricultural fields have an outline planning application approved for up to 110 dwellings (reference 20/01264/OUT) - the associated reserved matters application has been submitted and is pending consideration (Application Reference 22/01853/REM).

6. PROPOSAL

- 6.1 The proposals comprise demolishing the existing dwelling and all outbuildings and the development of the site for residential purposes.

- 6.2 The application is submitted in outline form with all matters except access reserved. The site plan proposal is for up to 17 units (although the indicative site plan suggested the dwelling types as bungalows and 4no. chalet bungalows, this is not secured within the application).
- 6.3 The proposed access (which as noted above, does form part of the detail of this outline application) is from the existing access from Maldon Road via Old School Court. A change in the kerb line is proposed to improve visibility to the west. Vehicular and pedestrian access would remain via this shared surface and the Public Right of Way (PRoW) which extends from Maldon Road and Old School Court is to be retained in its current position.
- 6.4 The application has been submitted with an indicative layout to demonstrate one way in which a development of 17 dwellings could be delivered on site.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 In regard to wastewater treatment comment that the foul drainage from this development is in the catchment of Witham Water Recycling Centre that will have available capacity for these flows.
- 7.1.2 In regard to the used water network, comment that the sewerage system at present has available capacity for these flows.
- 7.1.3 In regard to surface water disposal comment that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Anglian Water has reviewed the submitted documents (Flood Risk Assessment) and can confirm they are acceptable.

### 7.2 Cadent Gas

- 7.2.1 No objection.

### 7.3 Essex Police

- 7.3.1 Comment that designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.
- 7.3.2 No concerns with the layout but comment that with bungalows where the windows are of the casement variety it is difficult to provide ventilation whilst maintaining security. Further details are required in relation to the

proposed lighting, boundary treatments and physical security measures in order to be able to comment further.

7.4 National Highways

7.4.1 Offer no objection.

7.5 BDC Ecology

7.5.1 Having reviewed the submitted documents submitted by the Applicant, including the Ecological Impact Assessment – Rev 4 (Brindle & Green Ltd, May 2022) and the Biodiversity Impact Assessment for Net Gain (Brindle & Green Ltd, August 2022), relating to the likely impacts of development on designated sites, protected and Priority Species & Habitats, raise no objections subject to conditions to secure: (1) A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area and Ramsar site, the Dengie Special Protection Area and Ramsar site and the Essex Estuaries Special Area of Conservation; and (2) Ecological mitigation and enhancement measures.

7.6 BDC Landscape

7.6.1 Comment that the amended plan partly addresses previous concerns regarding the setting of the PRoW as it provides a buffer along the boundary with the footpath, but otherwise there is little improvement to the scheme in terms of the open space allocation being limited and not sufficient in scale to have an identity.

7.7 BDC Waste Services

7.7.1 No objection.

7.8 NHS

7.8.1 Comment that the proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

7.8.2 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated.

7.8.3 The development could generate approximately 40 new residents and subsequently increase demand upon existing services. An assessment is set out in terms of the primary care floorspace needed to support this additional population and the costs of doing so. The capital required to create additional floorspace to support the population arising from the

proposed development is calculated to be £6,200, to be secured through a planning obligation.

7.9 Environmental Health

- 7.9.1 No objections. Comment that no preliminary risk assessment is necessary but recommend a condition for unexpected contamination.

7.10 ECC Archaeology

- 7.10.1 Comment that the site lies along a postulated Roman road, and to the south lies the remains of the medieval Priory which is a scheduled monument. Within this locality is the presence of prehistoric activity and Roman settlement and recent excavation along Wickham Bishops Road to the east has confirmed that the land was utilised since prehistoric times and evidence for Roman and Saxon deposits were recovered.

- 7.10.2 The site is located within a favourable position for prehistoric and later activity including settlement and possibly ritual. Due to the nature of the soils there is little cropmark evidence recorded within the area, however 3 ring ditches are recorded to the south of the Priory within the valley of the River Ter.

- 7.10.3 Recommend the imposition of a condition to secure a programme of archaeological investigation has been secured in accordance with completion of the programme of archaeological investigation and a post excavation assessment.

7.11 ECC Highway Authority

- 7.11.1 No objections subject to conditions for a construction traffic management plan; that the access plan is undertaken with the approved plans; the upgrade of the two bus stops which would best serve the proposal site; improvements to Footpath 40 Hatfield Peverel between Maldon Road and a point beyond where it crosses Old School Court; and Residential Travel Information Packs.

7.12 ECC Historic Building Consultant

- 7.12.1 No Objection. Comment that the application site is located to the north of a listed terrace of almshouses, 1-4 Lovibond Cottages. The access point is located on Old School Court, close to 4 Lovibond Cottages' southern boundary, and would represent an increase in traffic within the listed building's setting. The road is, nonetheless, already used as an access point to properties on Old School Court, meaning its appearance would remain unaltered.

- 7.12.2 The site itself is separated from the listed building by intervening modern development, including houses and areas of garden amenity and makes no contribution to the setting of the almshouses. Therefore, whilst there would

be an increase in movement on Old School Court, as this would not represent an unacceptable change to the setting of the almshouses.

7.13 ECC Local Lead Flood Authority (LLFA) - SuDS

7.13.1 No objection subject to the imposition of conditions.

8. PARISH / TOWN COUNCIL

8.1 Hatfield Peverel Parish Council

8.1.1 Make the following comments:-

*'Section 1 of Braintree District Council's Local Plan already adopted makes reference to 'Sustainable Development' SP1 which cross references the National Planning Policy Framework (NPPF). Paragraph 12 of the NPPF 2021 appears relevant, and the Parish Council are unaware of any material consideration that would justify deviation away from both the Local Plan (Section 1 & 2) and the Hatfield Peverel Neighbourhood Development Plan.*

*In light of progress as set out above and considering Messrs Savills comments to the Parish Council's consultation responses, the Parish Council's position remains the same.*

*On all recent planning applications, it has been stated the village is recognised as a sustainable location for growth, and a Key Service Village in the Section 2 Local Plan. The Government have identified sustainable development as those that accord with the Development Plan. Furthermore, they go on to say that it is one that maximises well being and protects the environment.*

*The Inspectors Report (para 30) on Section 2 of the Local Plan confirms that the most sustainable locations for development in the district are: Braintree Bocking Great Notley Witham Halstead.*

*Furthermore, the Inspectors Report (para 31) states that Key Service Villages are able to accommodate development subject to specific constraints and opportunities of each village. The Parish Council have repeatedly raised concerns about capacity levels within the NHS and Education, and the constraints of both to expand. This position has been confirmed through S106 monies in respect of NHS and Education being directed to facilities outside of the Parish.*

*Also, on all recent planning applications it has been stated that every application must be considered on its own merit and progressed accordingly.*

*The Parish Council would ask at what point does the village become unsustainable?*

*The Inspectors Report (para 34) on Section 2 of the Local Plan Development Boundaries LPP1, and Main Modification MM10 states that 'Development outside development boundaries will be strictly controlled confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils'.*

*The adopted Hatfield Peverel Neighbourhood Development Plan 'Environment' (para 13.0.1) is consistent with the Inspectors position.*

*The Parish Council would again highlight that the application is outside the existing development boundary, the Parish has exceeded its housing requirement, and no improvements to the B1019 have been recommended despite all the development in the Parish and Maldon District, particularly Heybridge who undoubtedly will gain access to the railway network or A12 via the village.*

*It is noted that there has been extensive engagement with Place Services in relation to Ecology. Presumably this was following Place Services consultation response of the 5th April 2022. Further clarification was required in relation to badgers and reptiles. There does not appear to be any further Ecology Report uploaded to the website.*

*This application is another speculative one for the Parish, and should be refused. Furthermore, Section 2 (para 2.2) of Braintree District Council's Local Plan states that where a planning application conflicts with the Plans it should be refused'.*

## 9. REPRESENTATIONS

- 9.1.1 The application was advertised by way of site notice, neighbour letters and newspaper advertisement.
- 9.1.2 1 letter containing 'general comments' have been received and 9 letters of 'objection' have been received by third parties, together with the North East Essex Badger Group and the Ramblers Association who raise the following comments:-
- The site falls outside of the development boundary and within a countryside location;
  - The LPA have a 5 year housing land supply and consequently there is not the presumption in favour of sustainable development;
  - The application was neither included within the Local Plan nor the Hatfield Peverel Neighbourhood Plan;
  - Hatfield Peverel has exceeded its housing requirements;
  - Additional vehicular traffic accessing Maldon Road will increase the potential for accidents at a school crossing location;
  - Access from Maldon Road is narrow and may prove difficult for approaching vehicles to pass one another in safety, without a designated passing point or points;

- The access road includes parish footpath number 40 and consideration must be given to pedestrians, including those from the proposed development, to accommodate their safe passage along it under increased traffic movements. Concerns during construction and thereafter;
- The development should be designed and built to the highest energy efficiency standards in terms of insulation, with central heating provided by air or ground source heat pumps. Should preclude connection of the site to the nearby gas pipeline;
- Site is close to a badger sett. The site itself is valuable feeding ground for these badgers;
- Impact to wildlife. Question if 'greenways' can be provided;
- Will increase noise, pollution and the traffic on an already over used Maldon Road;
- The village already has lots of construction occurring - another 17 are not needed on such a small inaccessible plot;
- The doctors surgery and schooling are already at capacity and cannot accommodate the development;
- Although bungalows is welcomed the proposed development of 17 dwellings represents overcrowding on such a relatively small site, specifically with its limited access;
- Impact on air quality – the development will contribute to poor Air Quality as the cumulative impact of all sites for development in Hatfield Peverel is significant. The Applicant has not undertaken an Air Quality Assessment and/or Health Impact Assessment;
- Removal of a number of mature trees and loss of grass lands;
- The application has not demonstrated that a bio-diversity net gain will be achieved;
- The development will result in significant negative effects on the existing community cohesion, landscape, character and historic assets.

9.1.3 1 letter of support has been received with the following comments:-

- Small Acres, is a small piece of land between Gleneagles, Wheatsheaf and Bovingtons and should be approved as it is an infill/brownfield;
- Bungalows are desperately needed for older people and the other sites do not largely cater for this;
- The site has good access to services in the village.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in



mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

## 10.2 5 Year Housing Land Supply

- 10.2.1 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.
- 10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.

- 10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.
- 10.2.4 Taking the above into account the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions that the situation is likely to change.
- 10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

### 10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033 and the Hatfield Peverel Neighbourhood Plan 2019 (HPNP).
- 10.3.2 The application site is located outside the Hatfield Peverel town development boundary, as designated in the Adopted Local Plan, and thus lies within a countryside location. The proposal is therefore contrary to Policy LPP1 of the Adopted Local Plan, which seeks to confine development to the areas within development boundaries.
- 10.3.3 The site also lies outside of the HPNP Designated Area & Development Boundaries although of importance is that the HPNP does not contain any policies which restrict housing outside its development boundaries. The comments from the Parish Council in terms of the Parish exceeding its housing requirements (AECOM have recently completed a Housing Needs Assessment on behalf of the Parish Council) are noted. However, there is a requirement for BDC to ensure the housing needs of the District as a whole are met in sustainable locations. (The Council's 5 Year Housing Land Supply position has already been set out and the location of the site and accessibility to services and facilities, are addressed below).

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need

to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

- 11.1.2 Hatfield Peverel is assigned as a key service village as identified within the Adopted Local Plan. The Spatial Strategy within the Plan identifies that the ability to meet day to day needs is normally possible in a Key Service Village through the availability of early years care and primary schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links by public transport and road to the larger towns. Development may be considered sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village.
- 11.1.3 Hatfield Peverel offers a good range of services and facilities to meet day to day needs of its residents. The site itself is located less than 1 mile from the 'High Street' (B1137), which includes the doctors surgery (0.7 miles), the Co-op (0.5 miles) and a range of other shops, restaurants and facilities. The Infant and Junior School is at a distance of 300 metres, whilst a nursery, the village hall and community club, and recreational ground are all within 200 metres.
- 11.1.4 Furthermore, in terms of sustainable transport, the site is located around 160 metres from a bus-stop on Maldon Road, which serve a number of bus services, which provide a regular service to a variety of destinations including Witham (including Witham Rail Station), Mark Tey Rail Station, Colchester and Chelmsford.
- 11.1.5 Hatfield Peverel is also served by its Rail Station which lies approximately 0.9 miles distance and provides access to regular rail services. Trains call hourly throughout off-peak hours with more frequent services at peak travel times. There are a total of 25 services daily Monday-Friday in each direction and 12-14 services daily in weekends in each direction. Destinations from Hatfield Peverel station include London Liverpool Street, Stratford, Shenfield, Chelmsford, Witham, Kelvedon, Colchester, Manningtree and Ipswich. There is parking provision at the station with bicycle spaces.
- 11.1.6 Taking into account the above, Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location. This is a similar conclusion to that reached on the adjacent development consented to the south-east at 'Land at Maldon Road (Application Reference 20/01264/OUT) which is located marginally further away from such services.
- 11.2 Design, Appearance and Impact upon the Character and Appearance of the Area
- 11.2.1 The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Further, Policy LLP52 of the Adopted Local Plan

seek to ensure a high quality design and layout in all developments. At the national level, the NPPF is also clear in its assertion (Paragraph 126) that 'good design is a key aspect of sustainable development' and that (Paragraph 130) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.

- 11.2.2 On this application, layout, scale, appearance and landscaping are reserved matters. However, the application has been submitted with an indicative layout plan which demonstrate one way in which the application site could accommodate the proposed quantum of development. The Applicant seeks permission for the erection of up to 17 dwellings at a density of approximately 18 dwellings per hectare.
- 11.2.3 Within the locality, the pattern of development becomes looser and less dense as the village tapers out into the open countryside, particularly along the north-side of Maldon Road. The development 'north of Gleneagles Way' is being built out with a density of 23 dwellings per hectare, whilst 'land north of Maldon Road' has consent for 18 dwellings per hectare. It is thus logical for any proposed residential development of the application site to continue that degradation of density, providing fewer units with more areas of soft landscaping and amenity space. As such, a lower density of development is appropriate. This would also aid in assimilating the site into the context of the approved development to the north-west (and the proposed layout of the reserved matters application to the south-east) which addresses the common boundary with public open space.
- 11.2.4 Whilst no view is given as to the acceptability of the illustrative layout or to the siting of open space, it does demonstrate that the number of units can be achieved on the site, without undue harm to the grain of development in the area and with the dwellings being compliant with the Essex Design Guide in terms of back to back distances and garden size, and the layout demonstrating that parking provision can be made in accordance with the Essex Parking Standard.
- 11.2.5 The plans indicate that the site can deliver 17 dwellings consisting of bungalows with 4no. chalet bungalows. There is some policy support for this form of housing within Policy HOU2 of the Neighbourhood Plan which addresses 'retirement housing'. The policy states that 'proposals for retirement housing, which may include bungalows' should meet with a number of criteria including the accessibility of the site to public transport and to local communal facilities, shops and services; respect for the character of the area; and the amenity of neighbouring residents. Whilst the support for bungalows is noted, there is no wider policy requirement to insist on this housing type or mix. Should a reserved matters application be submitted, Officers would be keen for a number of bungalows to be developed at the site but note that it could include 1½ or 2 storey dwellings. It would be at any reserved matters application stage that further consideration of the acceptability of this upon the local character or

neighbouring amenity would be assessed. As such it is not considered necessary for the imposition of a parameter plan, condition of similar.

- 11.2.6 The development will deliver 40% of the dwellings as affordable. This equates to 6 dwellings based on net increase of up to 16 dwellings. All the dwellings are to be designed to meet Building Regulation Standard M4(2) Accessible and Adaptable, whilst 4 of the dwellings also meet M4(3) Wheelchair User Dwellings which ensures that the homes are designed to meet the needs of their occupiers and provide sufficient internal space.
- 11.2.7 In regard to wider impacts including that to the landscape character and appearance, it is noted that the site is located between two development sites. To the north-west, development for 100 dwellings is being built out with the amenity space for that development abutting the western and extending beyond the northern boundary. To the south-east, there is outline consent for 110 dwellings. Although the reserved matters application is not yet determined (though has been submitted and is pending consideration), the proposed open space for that development is shown to abut this application to its eastern boundary. The redevelopment of this parcel does therefore fall to be a natural in-fill between the two adjacent sites. Regard would need to be had in terms of the layout of development within any reserved matters application to ensure that the dwellings and any access etc. have an appropriate relationship with adjacent development, including the public open space, but Officers are content that the principle of the indicative layout shown would not have any adverse impact upon wider landscape character.

### 11.3 Heritage

- 11.3.1 The site lies outside of the Conservation Area and would equally not impact upon its setting. As noted within the consultation above, the site is located to the north of a listed terrace of almshouses, 1-4 Lovibond Cottages. The access point is located on Old School Court, close to 4 Lovibond Cottages' southern boundary, and would represent an increase in traffic within the listed building's setting. However, the road is already used as an access point to properties on Old School Court, and its appearance is largely unaltered. The site itself is separated from the listed building by intervening modern development, (including houses and areas of garden amenity and makes no contribution to the setting of the almshouses). Therefore, whilst there would be an increase in movement on Old School Court, as this would not represent an unacceptable change to the setting of the almshouses, there is no objection on heritage grounds.

### 11.4 Ecology

- 11.4.1 The application has been submitted with an Ecological Impact Assessment – REV 4 (EIA) and a Biodiversity Impact Assessment for Net Gain, which relate to the likely impacts of development on designated sites, protected and Priority Species & Habitats. Sufficient ecological information is therefore available for determination to provide certainty for the LPA of the

likely impacts on designated sites, Protected and Priority Species & Habitats.

- 11.4.2 The EIA identifies a number of mitigation measures relating to reptiles, badgers, breeding and nesting birds, and for foraging, commuting and roosting bats. As a result, it is recommended that a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent to implement the finalised mitigation measures for this scheme.
- 11.4.3 In addition, the EIA details measures for a suitable Biodiversity Impact Assessment (BIA) and LEMP (Landscape and Ecological Management Plan) to establish the net gain or loss to biodiversity and propose suitable enhancement for the site as part of the development in compensation for lost habitats. Indeed, the submitted Biodiversity Impact Assessment for Net Gain notes that the proposals will result in a measurable net loss for biodiversity. This includes an on-site percentage net loss of -62.39% of habitat units, but a 1.77% net gain of Hedgerow units. However, the report confirms that the developer is in the process of securing an off-site solution to demonstrate that measurable biodiversity net gains will be achieved for this application, to allow the development to be in line with Paragraph 174d of NPPF and emerging national legislation. Consequently, it is recommended that an updated Biodiversity Net Gain Assessment will be required as a pre-commencement condition of any consent, which includes the off-site habitat creation / enhancement solution. A legal agreement may also be required to secure the off-site mitigation if the land is located outside the Applicant's control.
- 11.4.4 Furthermore, a European Protected Species Mitigation Licence will be required, as Building 1 was found to support a summer day roost of a single Brown Long-eared Bat within the internal roof. A condition to secure Wildlife Friendly Lighting is imposed to avoid lighting impacts to foraging / commuting bats, which are known to be present within the local area.
- 11.4.5 Subject to the above mitigation being secured via a pre-commencement condition, and subject to the imposition of conditions as set out in Appendix 1, it is considered that the development will conserve designated sites and protected and priority species and habitats.

## 11.5 Landscape

- 11.5.1 Trees and hedgerow delineate the boundaries of the site, with some limited vegetation within the site itself. The application has been submitted with an Arboricultural Impact Assessment (AIA). The Tree Survey Schedule within the AIA identifies that there are no trees within the site subject to Tree Preservation Orders and no Category A trees. The majority of trees are Category C, with some Category B. (It is noted that within the AIA the layout of development is not the latest version, however, as layout falls to be a reserved matter, and that shown is simply indicative, this causes no issue).

11.5.2 The majority of trees and vegetation is sited along the boundaries and is proposed to be retained and protected during construction by Tree Protection Fencing (as set out in the submitted AIA). However, a number of trees within the site itself are to be removed to facilitate the redevelopment of the site.

11.5.3 Trees T5 - T7, T10 – T14, G4-G10 and H2 are to be removed. The species and quality of trees is set out below: -

T5 – Wild Cherry (Category C)  
T6 – Eucalyptus (Category C)  
T7 – Wild Cherry (Category C)  
T10 – Plum (Category C)  
T11 – Norway Spruce (Category B)  
T12 – Rowan (Category C)  
T13 – Rowan (Category C)  
T14 – Norway Spruce (Category B)

The groups of planting to be removed are G4 – G10 and H2. The groups and hedge are all Category C. The species are set out below: -

G4 - Common Hawthorn, Dog Rose, Cypress, Viburnum, Wayfaring Tree, Smoke tree, Pittosporum  
G5 - Pear, Prunus sp., Malus  
G6 - Cherry, Common Hawthorn, Dog Rose, Honeysuckle  
G7 - Common Hawthorn, Sycamore, Cypress, Variegated Holly  
G8 - Monterey Cypress, Buddleia, Bramble  
G9 - Dog Rose, Common Hawthorn, Common Ash, Common Oak, Buddleia  
G10 - Sycamore, Ivy  
H2 - Cypress

11.5.4 It is highlighted that the site is entirely residential curtilage and thus the existing planting could be removed without any permission (as noted above, none is protected). However, the removal of the 8no. trees does weigh against the proposal, particularly the removal of the 2 Norway Spruce which are Category B trees of landscape value. However, the other trees, similar to the groups of trees and shrubs to be removed are of poor quality and make a limited positive contribution to the site. The Norway Spruce's are sited within the site in a location that heavily restrict access and as such there is no scope for them to be retained within the site. There is however opportunity to provide new appropriate tree and soft planting to produce high quality landscaping to mitigate the removal of existing trees. Overall, it is considered that any adverse impacts in relation to landscaping and trees, with the removal of lower quality trees, can be mitigated through new high-quality planting and additional landscaping throughout the site will be secured within any reserved matters application ('landscaping' being a reserved matters).

## 11.6 Impact upon Future Occupiers Amenity

- 11.6.1 Matters in relation to amenity for future occupiers will be a matter to be fully assessed on any reserved matters application and compliance with Nationally Described Space Standards will be expected for all dwellings. The indicative layout does demonstrate that a layout can be achieved which would be acceptable in terms of overlooking, outlook, loss of light and similar between the dwellings on site and to the wider neighbours.
- 11.6.2 In terms of external amenity, the indicative layout does demonstrate that this number of dwellings can be provided with adequate private amenity space in accordance with the Essex Design Guide.
- 11.6.3 Comments by third parties in regard to no Health Impact Assessment being undertaken are noted. However, the scale of development does not warrant this (the policy requiring this is for residential schemes over 50 dwellings).

## 11.7 Impact upon Neighbouring Residential Amenity

- 11.7.1 Matters in relation to amenity for neighbouring properties will also be a matter to be fully assessed on any reserved matters application. However, the indicative site plan, and proposed bungalows / chalet bungalow dwelling types, demonstrates that a layout could be achieved in accordance with the Essex Design Guide and one that would not result in unacceptable impact to neighbours in terms of overlooking, outlook, loss of light or similar.
- 11.7.2 In terms of impact to neighbours from increased noise disturbance or similar, no objection is raised by Environmental Services to the proposal subject to conditions. In view of the proximity to existing dwellings it is recommended that short term dust emissions and thus air quality can be reduced to acceptable levels by following the best practice dust mitigation measures and a condition for a construction management plan (CMP), which includes the need for a dust and mud strategy, is imposed. In addition, a condition is imposed to restrict the use of piling unless a scheme for associated noise and vibration has been agreed. Lastly, the CMP will also control a number of matters including the storage of plant and materials used in constructing the development; the storage of top soil; wheel washing; details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance; and contact details for Site Manager and details of publication of such details to local residents.

## 11.8 Highway Considerations

- 11.8.1 As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means. These other options, such as walking, cycling and public transport have been covered within the first section of this site assessment.



- 11.8.2 It is acknowledged that in addition to the Town Council, a number of letters of representation have raised objections to the proposal on highway safety grounds. The Highway Authority have been consulted on the application and are satisfied that the additional traffic flows generated by the development can be accommodated safely within the highway network.
- 11.8.3 Vehicular and pedestrian access will be via the existing access from Maldon Road onto Old School Court. The existing access provides suitable visibility to the east, with substandard viability currently to the west. To improve visibility, it is proposed to widen the footway slightly to provide improved visibility for emerging drivers. The proposed access improvements are within the extents of the adopted public highway. The Highway Authority have reviewed the proposal and raise no objections.
- 11.8.4 From Maldon Road, the site would remain accessed via Old School Court. This is a private road, (in which the application site has a right of access over) and as noted above, the PROW (Hatfield Peverel Public footpath 40) runs along the western side of Old School Court. The initial shared surface section along Old School Court, is provided at 4.8m but further north widens to 5.5m and this is the main width throughout. These widths allow for a car to pass a larger vehicle on sections of the access. Given the good forward visibility vehicles are able to give way to each other. Due to its characteristics, vehicles would be travelling at low speeds and overall, the provision of a shared surface is considered appropriate. It is noted that a buffer to each boundary (about 0.3m to 0.5m) has been provided to allow for some maintenance of the road or adjacent fences / hedgerow and also to allow clearance for wing mirrors. Again, the Highway Authority have no objections to the shared surface being used to serve the proposed development.
- 11.8.5 The comments from third parties including the Ramblers Association regarding the safety of users of the PROW are noted. However, the proposals will safeguard the existing PROW and a shared surface is not uncommon. Given the scale of development proposed and associated traffic levels generated, together with improvements to its width would not result in adverse impacts. The Highway Authority have no objections in relation to the access road's function as a PROW.
- 11.8.6 Further in regard to highway considerations is parking matters. Whilst parking would fall to be subject to consideration under any reserved matters application, the indicative site plan does demonstrate that parking can be provided to meet with the Adopted Parking Standards.
- 11.9 Flood Risk and Drainage
- 11.9.1 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.

- 11.9.2 Paragraph 169 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.
- 11.9.3 The proposal site lies in Flood Zone 1 (an area of low flood risk) and further is not at risk of flooding from any source including fluvial, tidal, a breach of any nearby reservoir, groundwater or pluvial/surface water. It is proposed to drain the site in a sustainable manner complying with the requirements of the NPPF. The attenuation provision / strategy will adopt an appropriate form of sustainable drainage systems (SuDS) which could comprise utilisation of infiltration drainage devices to discharge surface water to the underlying soil stratum (if soil conditions permit), filter strips and swales, permeable surfaces, geo-cellular units and/or over-sized pipes where feasible.
- 11.9.4 A SuDS/surface water drainage strategy has been prepared to demonstrate how the run-off will be disposed of, and that the system will be capable of withstanding a 1:100-year rainfall event (including an additional 40% as an allowance for climate change). To dispose of the surface water run-off generated by the redevelopment scheme, it is anticipated that the run-off will be directed to the existing public sewer network present to the south of the site, within Maldon Road. To facilitate the connection works, it is acknowledged that the formal consent will be required from Anglian Water prior to commencing the works.
- 11.9.5 The Lead Local Flood Authority (LLFA) having reviewed the proposals and associated documents which accompanied the planning application, including the principle of the strategy and confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures.
- 11.9.6 In addition, Anglian Water states that the foul drainage from this development is in the catchment of Witham Water Recycling Centre that will have available capacity for these flows and the sewerage system at present also has available capacity for these flows. Therefore, from this basis it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.
- 11.10 Contamination
- 11.10.1 The Council's Environmental Health Officer has reviewed the application and is satisfied that contaminated land is not a material consideration with respect to this site. No further site investigations are necessary and a scheme of remediation is not needed in this instance.

#### 11.11 Habitat Regulations Assessment (HRA / RAMS)

11.11.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

11.11.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

11.11.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.

11.11.4 The proposed mitigation measures would consist of the securing of a financial contribution of £137.31 per dwelling erected towards offsite visitor management measures at the above protected sites.

11.11.5 This financial contribution would be secured by way of a Section 106 Legal Agreement.

#### 12. PLANNING OBLIGATIONS

12.1.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

12.1.2 To secure the provision of the on-site Affordable Housing previously referred to in this report it is recommended that there is a Section 106 Agreement which will establish the planning obligations required in connection with this development.

12.1.3 Policy SP6 of the Adopted Local Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy refers to various types of infrastructure, services and facilities, including transportation and travel and social infrastructure which includes education and health and well-being. Officers have identified a range of planning obligations that the District Council would require to mitigate the impacts of the development and a S106 agreement has been drafted which covers

these matters. The following identifies those matters that the District Council would seek to secure through a deed of variation to the original Section 106 Legal Agreement: -

12.2     Healthcare

- 12.2.1   In response to their consultation on the application NHS England state that the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 40 new residents and subsequently increase demand upon existing services. An assessment is set out in terms of the primary care floorspace needed to support this additional population and the costs of doing so. For the additional floorspace indicated in the scheme, a financial contribution of £6,200 is sought.

12.3     Habitat Regulation Assessment (HRA)

- 12.3.1   The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site; the Dengie Special Protection Area and Ramsar site; and the Essex Estuaries Special Area of Conservation. A financial contribution towards offsite visitor management measures for these sites, (£137.71 per dwelling) for delivery prior to occupation would be required.

12.4     Refuse Vehicle Access

- 12.4.1   To ensure that both all roads (private or adopted) are built to the standards commensurate with that required by the Local Highway Authority and that access for the Council to pass and repass over these roads can be permitted at all times.

12.5     Public Open Space

- 12.5.1   Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.
- 12.5.2   The Council's Open Space SPD sets out further details on how these standards will be applied. The SPD also specifies that a development of this size does not require the on-site provision of equipped children's play areas, sports facilities or allotments – rather a financial contribution should be sought towards the provision calculated on the number and size of the dwellings constructed. Equally, as the application is in outline form, an assessment as to whether the required amount of informal and casual open space on site is to be provided cannot be concluded. If the site does not provide the required amount, then a contribution would also be required for any shortfall. In addition, it will also be necessary for the S106 to include an

obligation for the Applicant to form a Management Company responsible for the day to day and longer-term management and maintenance of the Public Open Space.

### 13. PLANNING BALANCE AND CONCLUSION

13.1.1 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 (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), 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.

13.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.

13.1.3 In this case, it is not considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development. This is because there are no adverse impacts in regard to habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; nor areas at risk of flooding or coastal change.

13.1.4 As such, pursuant to Paragraph 11d) (ii) it is necessary to consider whether the adverse impacts of granting permission would significantly and

demonstrably outweigh the benefits of the proposed development, when assessed against the policies in this Framework taken as a whole. 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.

13.1.5 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).

## 13.2 Summary of Adverse Impacts

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

### 13.2.1 Conflict with the Development Plan

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

The proposed development would conflict with Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. However, while the proposal is contrary to Policy LPP1 of the Adopted Local Plan, as the Council is currently unable to demonstrate a 5 Year Housing Land Supply, only moderate weight can be afforded to this conflict.

### 13.2.2 Harm to Trees and Hedgerows

The removal of the trees, tree group and hedgerow weighs against the proposal, particularly the removal of the 2 Norway Spruce which are Category B trees of landscape value. However, the other trees, the groups of trees and shrubs / hedgerow to be removed are of poor quality and make a limited positive contribution to the site. There is opportunity to provide new appropriate tree and soft planting to produce high quality landscaping to mitigate the removal of existing trees. As such, the loss of the planting can be afforded limited weight.

### 13.3 Summary of Public Benefits

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

#### 13.3.1 Delivery of Market and Affordable Housing

The development will deliver 17no. dwellings (a net increase of 16 dwellings) and will deliver policy compliant affordable housing equating to 6 dwellings. Although the LPA cannot demonstrate a 5 yhls, only moderate weight is assigned to this given the scale of development.

#### 13.3.2 Location and Access to Services and Facilities

Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location. In addition, there is convenient access to public transport including bus and train provision. Substantial weight is assigned to this.

#### 13.3.3 Economic and Social Benefits

The development will accrue social benefits with the provision of dwellings (including affordable dwellings), and economic benefits with during the construction and thereafter with the spending powers of future occupiers. However, given the scale of development only moderate weight is assigned to this.

### 13.4 CONCLUSION

#### 13.4.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, Officers consider that there are material considerations, that indicate that a decision should be made other than in accordance with the Development Plan.

### 13.5 PLANNING BALANCE

When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

14. RECOMMENDATION

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

- § Affordable Housing;
- § Habitat Regulations Assessment;
- § Healthcare;
- § Open Space (allotments, children and young people, outdoor sports contribution, amenity space - including a management company); and
- § Refuse Vehicle Access

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 14.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

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	1332 SAP XX XX DR A 00000 SO 01	N/A
Site Plan	1332-XX-10100-12	N/A
Site Plan	1332-SAP-XX-XX- DR-A-10100-SO	REV 14
Access Details	2103540-005E	N/A

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

##### Condition 1

Details of the:

- (a) Appearance;
- (b) Landscaping;
- (c) Layout; and
- (d) Scale

(hereinafter referred to as "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.

Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plans / documents listed above.

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

##### Condition 3

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To properly provide for archaeological remains.

#### Condition 4

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year 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 features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.

#### Condition 5

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage f/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### Condition 6

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.

#### Condition 7

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.

#### Condition 8

A construction environmental management plan (CEMP: Biodiversity) shall be

submitted to and approved in writing by the local planning authority, in line with the details contained within the Ecological Impact Assessment - Rev 4 (Brindle & Green Ltd, August 2022). The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve 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).

#### Condition 9

Any works which will impact the bat roost site in 'Building 1', shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) A method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

#### Condition 10

A Biodiversity Net Gain Design Stage Report shall be submitted to and approved in writing by the local planning authority to demonstrate measurable biodiversity net gains. The content of the Biodiversity Net Gain report should include the following:

- a) Baseline data collection and assessment of current conditions on site;

- b) A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- c) Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- d) Details of the implementation measures and management of proposals;
- e) Details of any off-site provision to be secured by a planning obligation;
- f) Details of the monitoring and auditing measures.

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

Reason: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021)

#### Condition 11

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

#### Condition 12

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that

it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

#### Condition 13

The proposed use of this site has been identified as being particularly vulnerable if land contamination is present. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition 14

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

Reason: In the interests of neighbouring amenity.

#### Condition 15

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

Reason: In the interests of neighbouring amenity.

#### Condition 16

No burning of refuse, waste materials or vegetation shall be undertaken in

connection with the site clearance or construction of the development.

Reason: In the interests of neighbouring amenity

#### Condition 17

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- 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;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of neighbouring amenity, air quality, highway management and wider sustainability and amenity interests.

#### Condition 18

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

- a) The works as shown in principle on planning application drawing 2103540-005 Rev. E
- b) Upgrade to Essex County Council specification the two bus stops which would best serve the proposal site. Details shall be agreed with the Local Planning Authority prior to commencement of the development.
- c) Improvements to Footpath 40 Hatfield Peverel between Maldon Road and a point beyond where it crosses Old School Court (within the area of site ownership only). Details shall be agreed with the Local Planning Authority prior to commencement of the development.
- d) Residential Travel Information Packs (to include six one-day vouchers for use with the relevant local public transport operator) for each dwelling, promoting the use of sustainable transport,

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, 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

#### Condition 19

Any new proposed roads, which are required to carry a refuse vehicle shall be constructed to take a load of 26 tonnes.

Reason: To ensure that the access within the development is adequate to allow for the refuse collections to take place and to avoid damage to the road surface.

#### Condition 20

The development shall not be occupied until details to demonstrate the provision of at least one dedicated electric vehicle charging point for each dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: In interest of securing sustainable development and contributing to reduce carbon emissions.

#### Condition 21

Prior to the commencement of any works on site, the two Construction Exclusion Zones (CEZs) shall be implemented in accordance with the details as set out within the Tree Protection Plan included within the Arboricultural Impact Assessment Survey & Report, July 2021, REV1 August 2021.

Reason: To ensure the protection and retention of trees and vegetation along the site boundaries, in the interests of the amenity of the locality.

#### Informative(s)

##### Informative 1

If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant 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 Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

#### Hatfield Peverel Neighbourhood Development Plan 2015 - 2033

HO1	Design of New Developments
HO2	Retirement Housing
HO3	Minimum Garden Sizes
HO4	Creating Safe Communities
HPE1	Natural Environment and Bio-diversity
HPE4	Sport and Recreation Provision
HPE5	Protection of Landscape Setting
HPE6	Flooding and SuDS
FI1	Transport and Access

FI2	Parking
FI3	Education and Health Infrastructure
FI5	Developer Contribution

### APPENDIX 3:

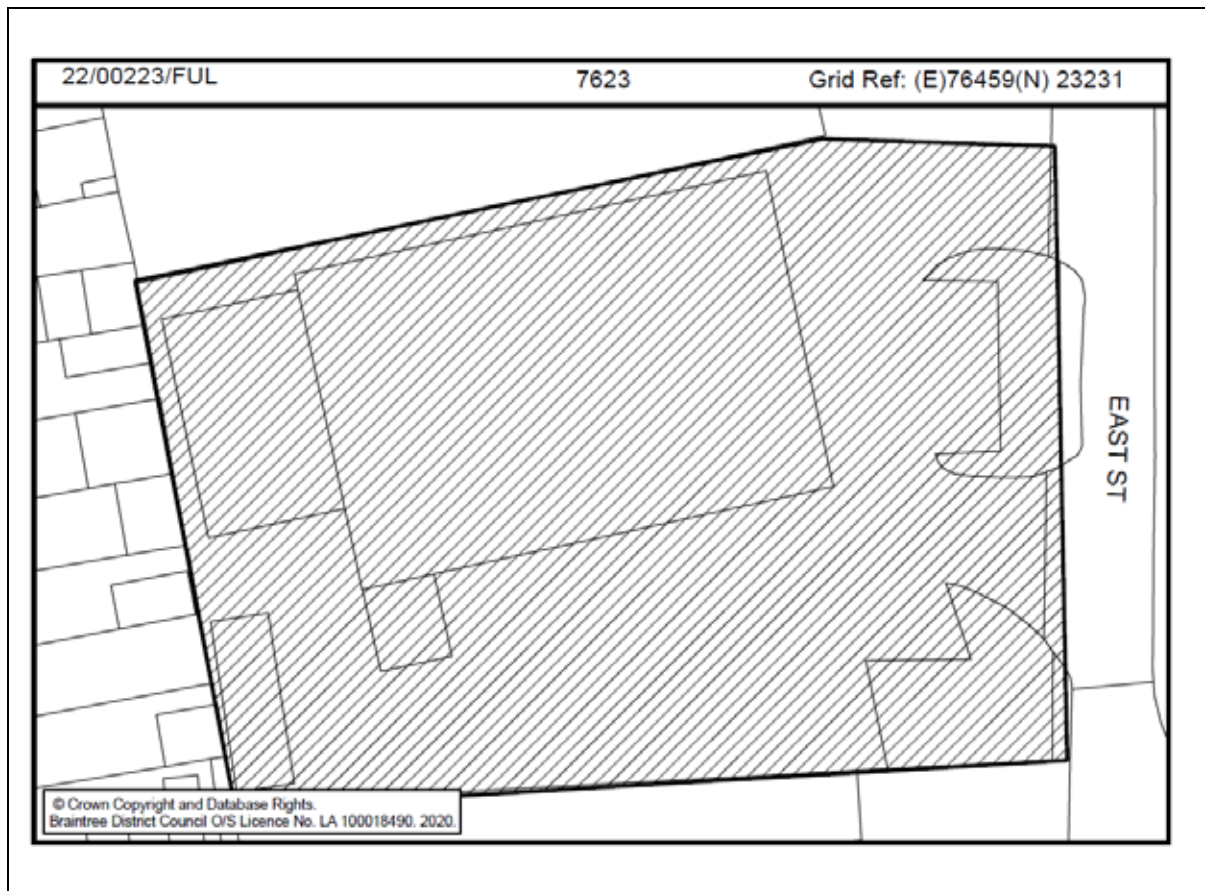
#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
12/00032/REF	Erection of two storey extension to rear of property and internal alterations to existing house including new window to side elevation. Demolition of existing conservatory	Appeal Dismissed	19.09.12
02/00708/FUL	Variation of condition no. 4 planning application no. BTE/754/77 Granted 3.10.77 - Removal of agricultural occupancy restriction	Granted	01.10.02
77/00754/P	Erection of dwelling for agricultural worker on land at Vicarage Field	Granted	03.10.77
77/00754/1	Erection of dwelling for agricultural worker	Granted	27.02.78
77/00799/P	Installation of effluent settlement tank and toilets	Granted	03.10.77
77/00483/P	Erection of chain link fence 2 metre high and approximately 14 feet long	Granted	31.05.77
80/00107/P	Erection of commercial glasshouse	Granted	13.03.80
78/01030/P	Use of land for stationing of caravan or mobile home to provide temporary residential accommodation whilst dwellinghouse is being erected	Granted	23.08.78
89/01591/P	Seepage Reservoir Within Deep Gravel Seam For Irrigation Of Soft Fruit	Refused	17.01.90
12/00394/FUL	Erection of two storey extension to rear of property and internal alterations to existing house including new window to side elevation. Demolition of existing conservatory	Refused then dismissed on appeal	15.05.12

12/00751/FUL	Conversion of existing outbuilding for use as a home study and playroom ancillary to the main dwelling	Granted with S106 Agreement	29.08.12
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<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 4th October 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/00223/FUL	
<b>Description:</b>	Change of Use of site to Car Repair Centre (Use Class B2), together with the erection of a single-storey building to rear of the existing structure to be used for the painting of motor vehicles.	
<b>Location:</b>	Essex Electrical East Street Braintree	
<b>Applicant:</b>	Mr Daniel Ashwell, Essex Electrical, East Street, Braintree, Essex, CM7 3JW	
<b>Date Valid:</b>	22nd February 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>	

**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 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: 22/00223/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</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 the change of use of an existing electrical wholesalers to a car body repair centre, including the erection of a single storey rear extension to form a paint booth, and associated changes to parking and landscaping.
- 1.2 The application site is located within the Braintree Town Development boundary, located between existing industrial uses to the north and south, and residential uses to the east and west.
- 1.3 The proposed use of the application site, when taking into account the location of the site within a sustainable location and the existing use of the site, is considered acceptable. The layout and design of the proposed development would be in keeping with the wider streetscene.
- 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 deemed to be 'significant' by the Planning Development Manager.

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 located within the Braintree Town Development boundary and is situated within a defined Employment Policy Area. Located on the western side of East Street, the site is bounded by industrial units to the north and south, and shares a rear boundary with residential gardens of dwellings situated on Albert Road to the west. On the opposite side of the road on East Street are further residential dwellings.
- 5.2 The proposal site is currently vacant, having previously operated as an electrical wholesale unit. The site features a frontage with an area of hardstanding for parking, and areas of soft landscaping including a tree to the southern side of the frontage. To the southern side of the existing building is a further area of hardstanding, currently separated by fencing and gates. During the Officer site visit, to the rear of the application building was an area of scaffolding and tarpaulin, which previously formed an informal extension to the application building. A number of shipping containers were also present on the site.
- 5.3 The site is not situated within a Conservation Area and there are no statutory listed buildings in vicinity.

6. PROPOSAL

- 6.1 This application seeks the change of use of the application building to a car body repair centre.
- 6.2 The proposed changes include the construction of a paint booth to the rear of the existing building with associated ductwork, along with associated alterations to car parking arrangements, and the removal of the existing shipping containers and informal extensions to the rear/side of the existing building.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 ECC Highways

7.1.1 Acceptable subject to conditions regarding fencing and gates.

### 7.2 BDC Environmental Health

7.2.1 Initially commented that there was insufficient information regarding noise and odour/fume, and therefore recommended refusal without such information. Following the submission of further details, and a revision to the ducting proposed, confirmation has been received that they have no objection to the proposal, subject to recommending a condition regarding hours of operation.

## 8. PARISH / TOWN COUNCIL

8.1 N/A.

## 9. REPRESENTATIONS

9.1 The application was publicised by way of a site notice displayed to the front of the application site and neighbour notification letters were sent to properties immediately adjacent to the site. A total of 12 letters of representation were received from 11 properties, objecting to the proposals as follows:

- Noise and fumes from the development
- Risk of fire
- Increase in traffic
- Impact on nearby residential properties

## 10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located within the Braintree Town Development boundary. Policy LPP1 of the Adopted Local Plan states that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

10.2 Policy SP5 of the Adopted Local Plan, states that a strong, sustainable and diverse economy will be promoted across North Essex and the application site is located within a defined Employment Policy Area.

10.3 Policy LPP2 of the Adopted Local 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.

- 10.4 Within identified Employment Policy Areas, Policy LPP3 of the Adopted Local Plan states that the following uses will be considered appropriate and will be permitted and retained:
- a) Office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2) (Use Class E(g))
  - b) General industrial (Use Class B2) and storage and distribution (Use Class B8)
  - c) Repair of vehicles and vehicle parts
  - d) Waste management facilities as appropriate taking into account neighbouring uses
  - e) Services specifically provided for the benefit of businesses or workers based on the employment area.
- 10.5 As stated in Policy LPP70 of the Adopted Local Plan, developments will not be permitted where there are unacceptable impacts arising from the development on the natural environment, amenity, health and safety of the public, air quality, water quality, odour, environment quality standards and noise.
- 10.6 The application site is situated within a sustainable location within an established and defined Employment Policy Area. The proposed change of use to a Class B2 Car Repair Centre is therefore is considered to be acceptable in principle, subject to meeting the abovementioned criteria and other material considerations.

## 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 Policies SP6, LPP47 and LPP52 of the Adopted Local Plan all reflect the NPPF by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings, layouts and landscaping to reflect or enhance the area’s local distinctiveness. Policy LPP52 of the Adopted Local Plan requires designs to reflect or enhance local distinctiveness in terms of scale, layout, height and massing of buildings, and be in harmony with the character and appearance of the surrounding area.
- 11.1.3 The proposal seeks the change of use of the application site to a vehicle body repair centre (Use Class B2), with an extension and alterations to the existing building. The proposal also sees the removal of existing shipping containers within the site and the provision of new fencing and landscaping to the site frontage.

- 11.1.4 There is an existing informal extension to the building, constructed of tarpaulin and scaffolding, which is to be replaced with the proposed single-storey extension. The extension would form a paint booth with associated ducting and ventilation equipment. During the lifetime of the application, comments were raised by the Environmental Health Officer suggesting that the proposed ductwork for the paint booth be relocated to the centre of the existing building, the proposals were subsequently revised as such. To the front of the building, new vertical cladding would be provided to the gable roof end, but otherwise the building would remain as existing.
- 11.1.5 The appearance of the proposed extension and the proposed elevations would be typical of an employment unit in this location, and the surrounding commercial units located to the north and south along East Street. The proposal would feature a functional design, suiting the need of the proposed occupiers.
- 11.1.6 The removal of the existing shipping containers and structures to the rear would be a positive contribution to the visual impact of the development and the surrounding environment. The proposal also sees the introduction of areas of soft landscaping to the frontage of the application site and the retention of the existing tree which is located in the eastern corner. It is recommended that further details of the landscaping would be secured by way of condition.
- 11.1.7 Overall, the proposal would be of a design in keeping with the proposed use of the application site and the wider setting of East Street, which is characterised by a mixed use and which features a number of commercial units, in accordance with the abovementioned policies.

## 11.2 Highway Considerations

- 11.2.1 Policy LPP52 of the Adopted Local Plan, requires the highway impact of new development to be assessed, and developments which result in a severe impact upon the highway network to be refused.
- 11.2.2 ECC Highways have been consulted on the application and have raised no objection to the application subject to conditions regarding the proposed boundary treatments. The application site is located in a highly sustainable location with excellent access to public transport.
- 11.2.3 Turning to the matter of parking, Policy LPP43 of the Adopted Local Plan requires that all new development be provided with sufficient vehicle parking in accordance with Essex County Council's Vehicle Parking Standards. 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 use within Use Class B2, for which a maximum of 1 space per 50sq.m should be provided. The proposal sees 7 formal vehicle parking spaces to the frontage, which falls below the maximum of 17 for the floor area.

11.2.4 Further parking would also be available within the service yard and due to the nature of the proposed use, many of the vehicles accessing the site would be taken into both the building and this service yard area. Given the otherwise excellent access to public transport the parking provision put forward for the proposed development is considered to be justifiable and acceptable when taking into account the individual merits of the proposal.

11.2.5 The submission includes the provision of new fencing and gates to the site frontage. ECC Highways requires a minimum setback of 6m from the back edge of the footpath to allow vehicles to pull off the road whilst the gates are opening and closing, and a minimum 2m set back of the fencing. Plans have been submitted which demonstrates that this can be achieved and this would be secured by way of condition.

### 11.3 Impact upon Neighbouring Residential Amenity

11.3.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standards of amenity for all existing and future occupiers of land or buildings.

11.3.2 As stated above, Policy LPP70 of the Adopted Local Plan illustrates that developments will not be permitted where there are unacceptable impacts arising from the development on the natural environment, amenity, health and safety of the public, air quality, water quality, odour, environment quality standards and noise.

11.3.3 The application site is an existing industrial building located within a designated Employment Policy Area. The site previously operated as an electrical wholesalers, and the proposal sees a change of use to a vehicle body repair centre which is specifically noted within Policy LPP3 as being an appropriate use. Notwithstanding this designation, there is a recognition that the application site is also situated within a mixed use area which includes residential dwellings to the east and west. The site adjoins the rear residential gardens of Albert Road and faces newly constructed dwellings on the opposite side of East Street.

11.3.4 The proposed paint booth would be located to the rear of the application site, along the boundary with the rear gardens of the residential properties along Albert Road. The rear elevations of the dwellinghouses would be approximately 27m from the boundary of the site and the position of the new extension.

11.3.5 BDCs Environmental Health Officer has reviewed the application and provided comments. Additional information by way of a noise report, along with an odour/fume assessment was requested and submitted. Following the submission of this additional information, the Applicant revised the proposal to route the ductwork from the painting booth to the centre of the existing building away from those neighbouring properties on Albert Road

to the west. Whilst the initially proposed ductwork would have been acceptable anyway, the revised location is considered a preferred alternative in order to mitigate both the actual and perceived noise impacts.

- 11.3.6 The Environmental Health Officer has raised no objections to the proposals, stating that the development would not cause impact at levels that would cause harm to the amenity of local residents, subject to a condition regarding operating hours.
- 11.3.7 Following the revised plans, it is not considered that the proposals would have unacceptable adverse impacts upon nearby residential and commercial premises, in accordance with the abovementioned policies.

## 12. CONCLUSION

- 12.1 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).

- 12.2 In terms of benefits, the proposed development would see the reuse of a currently vacant industrial unit within a designated Employment Policy Area, making effective use of previously developed land within a sustainable location for employment use.
- 12.3 The proposal is considered to be acceptable in terms of design and appearance, and on highway grounds. While the application site is located within proximity of residential properties, following the submission of revised plans, it is not considered that the proposals would have an unacceptable

adverse impact upon nearby residential premises. As such, no harms have been identified with regards to the proposed development.

- 12.4 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	1185-01	N/A
Proposed Plans	11547-01 Rev B	N/A
Proposed Plans	11547-02 Rev A	N/A
Street elevation	1185-06	N/A
Proposed Site Plan	1185 03 Rev A	N/A

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

##### Condition 1

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

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

##### Condition 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.

##### Condition 3

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

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

##### Condition 4

The premises shall not be open for business outside the following hours:-

Monday to Friday 0730 hours - 1730 hours

Saturdays 0800 hours - 1200 hours

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

##### Condition 5

The proposed boundary fencing shall be positioned a minimum of 2 metres from the back edge of carriageway.

Reason: To ensure that the proposed fence does not interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### Condition 6

The gates provided at each vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### Condition 7

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes and plant numbers and distances. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

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

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant 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 Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

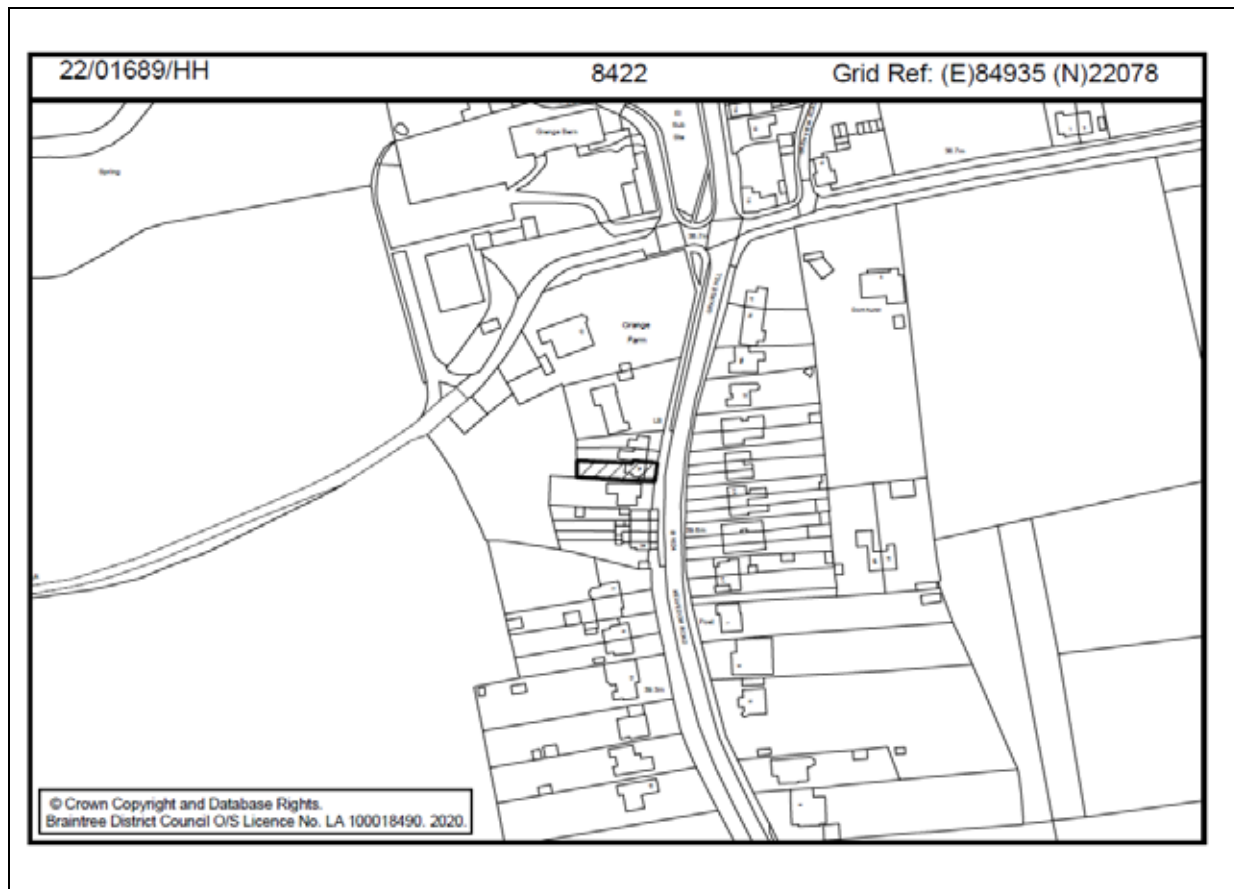
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
95/00046/COU	Proposed change of use from B8 warehousing to B2 general industrial	Granted	10.03.95

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 4th October 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/01689/HH	
<b>Description:</b>	Erection of garden shed/summerhouse	
<b>Location:</b>	18 Grange Hill Coggeshall Essex	
<b>Applicant:</b>	Mr Tom Walsh, 18 Grange Hill, Coggeshall, CO6 1RE	
<b>Date Valid:</b>	22nd July 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>	Liz Williamson For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2506, or by e-mail: <a href="mailto:liz.williamson@braintree.gov.uk">liz.williamson@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 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: 22/01689/HH.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 – 2033</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 relates to 18 Grange Hill, an end of terraced property, listed as Grade II for its historic importance. The proposal seeks planning permission for a single-storey detached outbuilding to be used as a home office.
- 1.2 The property is located within the confines of the village envelope and Conservation Area of Coggeshall as defined in the Adopted Local Plan.
- 1.3 The proposal is considered subordinate to and compatible with the plot and the host property which is a Grade II Listed building. The design is compliant with local and adopted design policies.
- 1.4 No neighbour impacts have been identified, owing to the distance between the proposed location of the outbuilding and neighbouring properties.
- 1.5 Taking these factors into account the proposal 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 Applicant is a Member 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 The application site consists of a residential plot with a small front amenity area and a side access leading to an established rear amenity area. The property is located at the end of a terrace of three dwellings which are set back from the highway. The dwelling is traditional in its appearance with rendered elevations and timber framed windows.
- 5.2 To the rear of the amenity area, is open countryside. The boundaries of the application site comprise a combination of timber fencing and established vegetation. Towards the rear of the amenity area is a small shed located on the western boundary of the site. A decking area is currently in situ at the furthest most point of the garden.
- 5.3 The subject dwelling is located at the end of a terrace of three properties (14, 16 and 18 Grange Hill) which are all Grade II Listed for their historic importance.
- 5.4 As well as the property being of historic importance, the dwelling is located within the designated Conservation Area of Coggeshall.

6. PROPOSAL

- 6.1 The proposal seeks to erect a single-storey detached outbuilding which would be located within the rear amenity area of the host dwelling.
- 6.2 The structure is described as a summer house and would be used by the Applicant as a home office.
- 6.3 The structure would measure 4m in width, 1.8m in depth with a height of 2.4m. The roof would be pitched and include two gable ends. Double doors would be located in the front elevation opening onto the existing decking area. A small window would be inserted into the side elevation to provide additional natural daylight.

6.4 The proposed outbuilding would be located 1m from the rear boundary and 0.6m from the boundary which separates the host dwelling and the neighbouring property (20 Grange Hill).

6.5 The outbuilding would consist of timber walls, with timber tongue and groove roof boards, a single casement window and a set of timber double doors.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 BDC Historic Buildings Consultant

7.1.1 The response stated that no objection was raised in response to the proposed outbuilding although it would be beneficial if further clarification were provided regarding the materials to be used, including windows and doors. Commented that this could be conditioned and there is unlikely to be any impact upon the setting of the Listed building, nor the character of the Conservation Area.

## 8. PARISH / TOWN COUNCIL

### 8.1 Coggeshall Parish Council

8.1.1 A consultation was sent to the Parish Council, however no response has been received in relation to the proposal.

## 9. REPRESENTATIONS

9.1 A site notice was displayed on the fence located on the front boundary of the property for a 21 day period and immediate neighbours were notified in writing. No representations have been received in relation to this application.

## 10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located within the formal parameter of the designated Coggeshall village envelope as defined in the Adopted Local Plan. Policy LPP1 of the Adopted Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.

10.2 Policy LPP36 of the Adopted Local Plan allows for alterations, extensions and outbuildings to residential dwellings, subject to detailed criteria which are discussed below in the report.

10.3 Policy LPP53 of the Adopted Local Plan encourages the preservation and enhancement of the character and appearance of designated Conservation

Area, whilst LPP57 of the Adopted Plan, seeks to protect Heritage Assets and their settings.

- 10.4 The development is acceptable in principle, subject to the above policy considerations and all other material considerations as addressed below.

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 states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local 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.

- 11.1.2 Policy LPP52 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

- The scale, layout, height and massing of buildings and overall elevation design should reflect of enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surround area;
- There shall be no unacceptable impact on the amenity of nearby residential properties including on privacy, overshadowing, loss of light and overbearing impact;
- Designs shall be sensitive to the need to conserve and enhance local features or architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to heritage assets

- 11.1.3 In addition, Policies LPP53 and LPP57 of the Adopted Local Plan seek to protect the Conservation Area and the settings of any immediate heritage assets.

- 11.1.4 Furthermore, Policy 13 of the Adopted Coggeshall Neighbourhood Plan seeks to protect and enhance heritage assets whilst Policy 14 seeks to contribute positively to the character, setting and appearance of the area.

- 11.1.5 The building would be located at the far end of the rear amenity area and would be screened from the host property by established vegetation within the garden. The outbuilding is modest in scale and is considered to be subordinate in relation to the host dwellings in terms of its height, bulk and massing, and owing to the location of the proposal, it would not be

dominant or overbearing when in seen in the context of the wider site. A suitable and useable area of amenity space would remain for the use of the host dwelling and there would be no overdevelopment of the application site.

11.1.6 The external materials to be used are traditional, with timber cladding, roof and windows. As suggested by the Historic Buildings Consultant, a condition is recommended to require further details of the proposed windows and doors to be submitted for approval. Subject to this condition, it is considered that the proposal would be compatible with the immediate area and with the relevant policies which seek to preserve and enhance the setting of the listed building and the surrounding Conservation Area.

11.1.7 The proposal would not be visible from any public vantage point and would therefore not have a detrimental impact on any street scene or any public domain.

11.1.8 As such it is considered that the proposal would be compliant with the above-mentioned policies and would be acceptable in terms of its design and impact on the identified heritage assets.

## 11.2 Highway Consideration

11.2.1 Policy LPP43 of the Adopted Local Plan requires development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.

11.2.2 The parking arrangements for the application property would not be affected by the proposal. Therefore, sufficient parking arrangement would remain for the dwelling.

## 11.3 Impact on Neighbouring Residential Amenity

11.3.1 Policy LPP52 of the Adopted Local Plan states there should be no unacceptable impact on the amenity of nearby residential properties including on privacy, overshadowing, loss of light and overbearing impact. The NPPF also seeks a high quality of design for existing and future neighbours.

11.3.2 The proposed outbuilding would be located 1m from the rear boundary of the property. There would be a separation of 0.6m between the structure and the boundary separating the host from the neighbouring property at 20 Grange Hill. There is an existing hedge which measures approximately 2.5m in height which forms the boundary treatment and provides substantial screening between the properties. Due to its position and existence of existing screening the location of the structure would not be visible to any of the neighbouring dwellings and would therefore not have a detrimental impact on the closest neighbours, which are No.16 Grange Hill and No.20 Grange Hill.

- 11.3.3 The proposal, by reason of its siting, size, bulk and design, is therefore not anticipated to have any harmful impact on neighbouring residential amenity in terms of overlooking, overshadowing, nor would it be overbearing or cause any loss of privacy. As such, it is considered that the proposal would be compliant with the policies as referenced above.

12. CONCLUSION

- 12.1 There are no conflicts with or departures from the Adopted Local Plan or Neighbourhood Plan which would warrant a refusal of this application. The design and materials to be used are considered acceptable in relation to the host dwelling, the nearby heritage assets, and the Conservation Area. As such the application is recommended for approval.

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	N/A	N/A
Block Plan	N/A	N/A
Proposed Elevations and Floor Plans	N/A	N/A

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

##### Condition 1

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

##### Reason:

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

##### Condition 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.

##### Condition 3

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

##### Reason:

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

##### Condition 4

Prior to installation, detailed drawings of the proposed windows and doors, and details of the materials to be used on the external finishes of the building hereby permitted, shall be submitted to and approved in writing by the local planning authority. The Development shall only be implemented in accordance with the approved details.

##### Reason:

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP36	Residential Alterations, Extensions and Outbuildings
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP53	Conservation Areas
LPP57	Heritage Assets and their Settings

#### Coggeshall Parish Neighbourhood Plan 2019 - 2033

Policy 13	Protecting and Enhancing our Heritage
Policy 14	Design Management



APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
21/00585/HH	Single-storey rear extension and internal alterations	Granted	26.11.21
21/00586/LBC	Single-storey rear extension and internal alterations	Granted	26.11.21