

PLANNING COMMITTEE AGENDA

Tuesday, 30 January 2018 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

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

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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

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

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

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

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 16th January 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5a | Application No. 17 01145 FUL - Former Bramston Sports Centre, Bridge Street, WITHAM | 5 - 35 |
| 5b | Application No. 17 01912 FUL - Sewells Farm, North End Road, LITTLE YELDHAM | 36 - 50 |
| 5c | Application No. 17 01913 LBC - Sewells Farm, North End Road, LITTLE YELDHAM | 51 - 58 |

PART B

Minor Planning Application:-

- | | | |
|-----------|---|----------------|
| 5d | Application No. 17 01937 FUL - St Marys Parish Church, Church Street, KELVEDON | 59 - 64 |
|-----------|---|----------------|

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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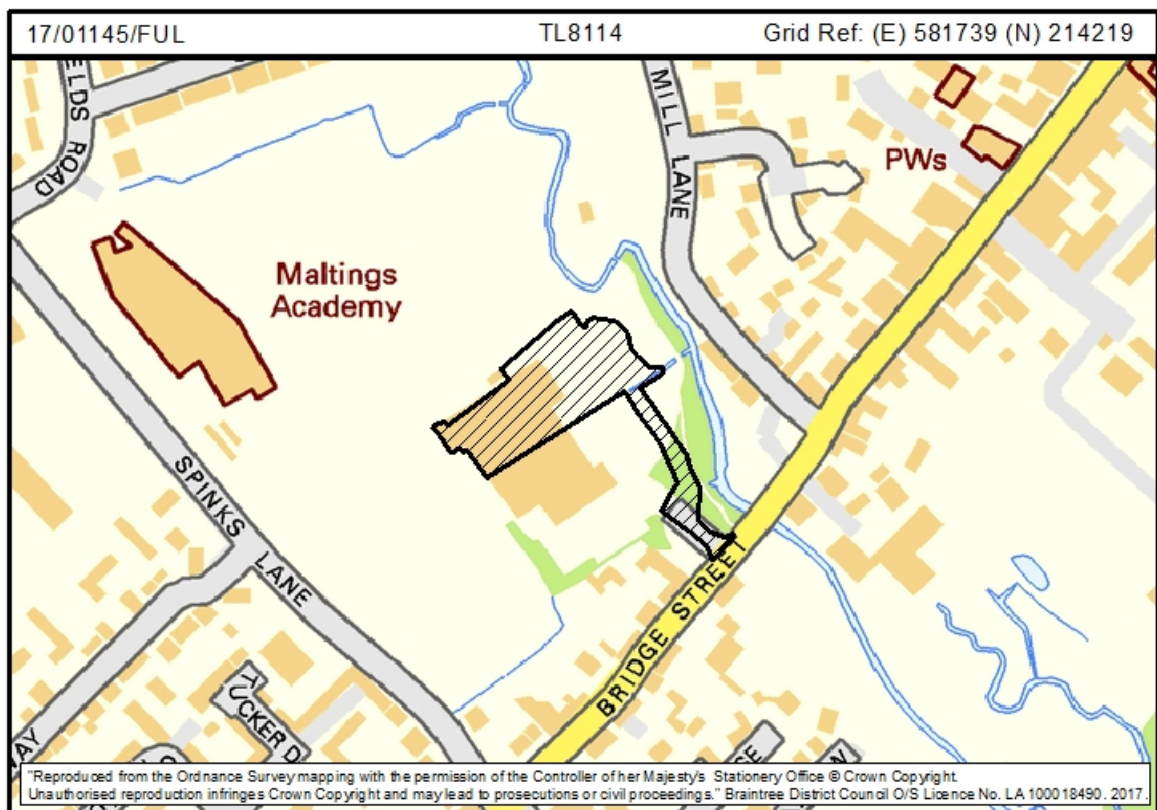
8 Urgent Business - Private Session

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

PART A

APPLICATION NO: 17/01145/FUL DATE: 07.07.17
 VALID:
 APPLICANT: Churchill Retirement Living
 c/o Agent
 AGENT: Planning Issues Ltd
 Mr Chris Geddes, Millstream House, Parkside, Ringwood,
 BH24 3SG
 DESCRIPTION: Redevelopment to form 60 retirement living apartments,
 including lodge manager's accommodation, communal
 facilities, access, car parking and landscaping
 LOCATION: Former Bramston Sports Centre, Bridge Street, Witham,
 Essex, CM8 1BT

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



SITE HISTORY

17/00097/NONDET	Redevelopment to form 60 retirement living apartments, including lodge manager's accommodation, communal facilities, access, car parking and landscaping		
85/00784/	Proposed playground for handicapped children together with shelter and toilet facilities.	Granted	31.10.85
92/00064/ 92/00585/BDC	Proposed structures and wall apertures, external erection of a aquaflume and reconstruction of external fire escape	Deemed Permitted	22.06.92
93/00660/BDC	Change of use to car park	Granted	04.08.93
96/00048/BDC	Proposed alterations to foyer	Granted	20.02.96
97/01048/FUL	Construction of overflow car park	Granted	10.12.97
99/00901/BDC	Installation of car park lighting		16.07.99
05/00371/FUL 05/01415/FUL	Proposed new lift Proposed new lift - APPLICATION NOT PROCEEDED WITH	Granted	14.04.05
05/01849/FUL	Minor amendment to approved plans 05/00371/FUL - Lift installation	Granted	31.10.05
14/00489/PDEM	Application for prior notification for proposed demolition of sports centre	Permission not Required	07.05.14
15/00447/FUL	Erection of new office building on part of the site of the old Bramston Sports Centre	Withdrawn	31.12.15
17/01918/FUL	Erection of a Foodstore and associated parking	Pending Consideration	

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP5	Affordable Housing in New Developments
RLP10	Residential Density
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP56	Conservation Areas
LPP67	Natural Environment and Green Infrastructure
LPP69	Tree Protection
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan

LPP80 Sustainable Urban Drainage Systems
LPP81 External Lighting

Supplementary Planning Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This item is referred to the Planning Committee as Braintree District Council is the owner of the land, therefore, the application cannot be determined under delegated powers. The applicant has submitted an appeal against non-determination which will be heard by an Inspector at a Public Inquiry, the date of which is yet to be confirmed. The Local Planning Authority can, therefore, no longer determine the application. Notwithstanding this situation, Officers consider that it is appropriate for the Council to place the application before the Planning Committee in order to establish the Council's position on the merits of the proposal which can then be presented to the Planning Inspectorate as part of the appeal process.

NOTATION

The site comprises land which is undesignated in terms of the Braintree District Local Plan Review and the emerging Braintree District Publication Draft Local Plan.

SITE DESCRIPTION

The former Bramston Sports Centre in Bridge Street, Witham was replaced by the new Leisure Centre building on Spinks Lane to the south west of the site. The old sport centre building was demolished in 2014 and the site cleared. It is owned by Braintree District Council and has been subdivided to be sold as two separate lots, subject to planning permission. The application site consists of the northern portion, which abuts the school playing fields to the north and the River Walk to the east, which is a designated for informal recreation in the Braintree District Local Plan Review. To the south is Bridge Court, a small 2-storey residential development, opposite which is a row of Edwardian Cottages. To the west are outdoor tennis courts and the Leisure Centre parking. The Conservation Area Boundary abuts the site to the south and the southern section of the access road is within the Conservation Area. The entrance to the site, which will be shared with a second potential user is verdant and pleasant and blends with the Witham River Walk, an important amenity for the Town.

The character of the area adjacent to the site is generally 2-storey in height and traditional in form. The largest building nearest the site is the new Leisure Centre which is modernist in style and although it measures 9.2m in height it is set well back from the highway and other nearby development, providing it with a spacious and well-landscaped setting with mature trees, as befits its function. As such, it does not interfere with the pre-existing two-storey development to the south.

It is relevant to note that more than half of the site is within Flood Zones 2, 3a and is also partially located within Flood Zone 3b which is the functional floodplain where water has to flow and be stored in times of flood.

Residential development is classified as 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy any application on this site is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

PROPOSAL

This application is for the erection of a new building to provide 60 retirement living apartments, including lodge manager's accommodation, communal facilities, access, car parking and landscaping. The accommodation consists of 40 x 1-bed units and 20 x 2-bed units. One of the 1-bed units would be used by a live-in manager. A guest suite would also be provided on the second floor. A Plant room is indicated on the western end of the building on the ground floor.

An application has also been submitted by Lidl on the plot to the south of this site, (application reference 17/01918/FUL). Whilst the likely implications of this application in relation to the determination of this application cannot be ignored, only limited weight can be afforded to them as planning permission has not been granted. Each application has to be determined on its merits and it cannot be assumed that planning permission will be granted for either application.

Access to the site is proposed off the existing access at Bridge Street and would be shared with the potential user on the southern portion of the site. A new route/driveway into the site will be created to the east within part of the land relating to the River Walk. A pedestrian entrance is also indicated into the adjacent Lidl site.

The building would be T-shaped in form with its front elevation facing east towards the River Walk. It is 3-storey in form and would measure approximately 9.5m in height, 38m in width and 76m in depth. The design of the building is unprepossessing, featuring a shallow, slack pitched roof which is false and hides a flat section, shallow hipped gables and a mix of horizontal and vertical openings. The materials proposed are ibstock light grey brick, render with ibstock dark grey feature bricks and dark grey roof tiles. Cedral cladding is proposed on the 2-storey bays. The north elevation features 11

balconies at first floor, each measuring approximately 5.4sqm in area. Eighteen of the ground floor flats are allocated a patio area measuring approximately 3.1sqm in area. Two areas of amenity space are indicated to the north at approximately 164.8sqm and the east, measuring approximately 436sqm in area. The total amount of amenity space equates to approximately 715.2sqm. The kitchens within the flats generally have a floor area of approximately 5.0sqm, with the shower/bathrooms varying from approximately 3.5sqm to 5.0. Bedrooms sizes vary from 8.9sqm to 16.7sqm, with living rooms from 15.4sqm to 24.8sqm.

The communal facilities include a small coffee bar, owners' lounge and refuse room which are indicated on the ground floor at the front of the building. Stair cases to the upper floors would be provided at the eastern and western ends. A single lift is proposed to the rear of the owner's lounge. All the rooms are proposed to be served off a single corridor. Forty-five of the apartments would be 'single aspect' with 22 of these being on the north elevation. The south elevation would contain 21 units. The 15 dual aspect apartments are on the east and western ends of the building.

25 vehicle parking spaces are indicated to the south, each measuring approximately 2.5m x 4.7m, with a further 3 along the access route, which would measure approximately 1.6m x 5.9m. An electric buggy store is also indicated opposite the south-east corner of the building measuring 1.55m in width and 11.14m in length. No elevation details have been provided.

Flood attenuation is proposed on land which, whilst it is within the red line plan it would not form part of the land disposal site and instead be retained by the District Council. It is intended to create a wetland area which will be provided on the land which will be retained within the Council's ownership. Due to the location of the building in relation to the river and flood zones, the proposal would involve raising the ground levels across the site by around 35-40cm. It has not been made clear if this will require any importation of soil to achieve this or can be achieved via the necessary excavations involved in creating the wet land area.

The application is accompanied by the following documents/reports:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment Reports
- Flood Risk Sequential Test
- Drainage Strategy
- Air Quality Assessment
- Noise Impact Assessment
- Aboriginal Assessment
- Tree Protection Plan and Technical Note
- Preliminary Ecological Report
- Geological Desk Study Appraisal
- Archaeology Desk Based Assessment
- Transport Statement

Viability Appraisal Supporting Public Engagement

The following key supporting information from these reports is summarised below:

The Design and Access Statement sets out the applicant's aims in the designing of this scheme. This states that this proposal seeks to respond to the northern and eastern main public vantage points with a recognisable facade of traditional form with contemporary features. A key feature of the proposal is the inclusion of a well planted southern boundary. The proposed landscape scheme would soften this boundary through the inclusion of trees and shrubbery while trees are also proposed in between parking bays. The internal flat layouts have been developed to meet specific needs of elderly residents. All flats utilise generous openings to maximise the amount of natural day light penetrating the habitable spaces within. A communal refuse room is located at the closest point to the termination of the site access road allowing for easy pick up of refuse and capability to turn on site. Vehicular access to the site is via a new site access from the existing access off Bridge Street. The new road leads into a parking area at the south eastern end of the site. The principle pedestrian entrance to the building is located adjacent to the eastern end of the car parking run which is the closest position to the access road and the town centre. A pedestrian footpath that runs alongside the access road provides a safe access into the town centre and the adjacent river walkway.

The Planning Statement explains that Churchill Retirement Living has specialised in the provision of purpose built apartments specifically designed for the independent retired since 1998. Whilst the age restriction contained in the lease is 60, recent research undertaken by Churchill has found that the average age of occupiers is 79, the majority of which are single females. A lodge manager would be employed to provide assistance and security for the owners of the apartments and to manage the maintenance of the building and gardens. The manager would be on-call during normal working hours, however, at times when the manager is unavailable, an emergency alarm system (fitted in each of the apartments and communal areas) would be linked to a national call centre.

The applicant seeks to justify the development of this site by referring to the specific demand for housing Britain's ageing population. The documents rely on various reports including the latest Census figures from 2011; Housing Charity 'Shelter's' report 'A Better Fit' published in 2012 which highlights the under occupation of the housing stock by over 55 households and the need for a significant increase in the supply and range of suitable housing for older people; the University of Reading's 'Housing Markets and independence in old age: expanding the opportunities', published in 2011; "A National Strategy for Housing in an Ageing Society published in 2008; the then department of the Environment, Transport and the Regions and the Department of Health joint report "Quality and Choice for Older People's Housing – A Strategic Framework" (January 2001). In the applicant's view, these reports

demonstrate that there is a demand for this type of accommodation as a result of the growth in the elderly population. This is reflected in the NPPF which includes a section on housing for older people, indicating that Plan makers need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. The Council does not have an existing 5 year housing land supply as required by the NPPF, therefore, as there is clearly a need for private retirement housing to be provided within the District, the development proposal would make a significant contribution towards providing a range of housing for the existing elderly population.

Affordable Housing is reviewed in the accompanying Affordable Housing Statement and Viability Appraisal. This report analyses the policy requirement and reserves the right to assess the proposed off-site contribution in light of the current economic climate and the viability of provision against the current development proposal.

The Transport Statement assesses the parking requirement for the site, concluding that 1 space per 0.47 dwellings is considered to be wholly appropriate in this highly sustainable location for the development of retirement housing.

In terms of landscaping the supporting reports acknowledge that the proposal will result in the loss of some trees that are low category because of their poor condition or small size. One moderate category tree will also be lost but its loss could be adequately replaced elsewhere around the site with significant new planting that has the potential to significantly enhance the contribution of this site to the local character and more than compensate for the loss of existing trees. Adequate precautions to protect the retained trees are specified and implemented through the Arboricultural Method Statement.

In terms of the amount of amenity space provided, the applicant considers that there are factors that exist which suggest that retirement living apartment residents require less amenity space than general needs housing. Churchill Retirement Living has a number of sites of a similar nature which are in town centre locations and therefore restricted in terms of size. The applicant states that whilst the area available for usable amenity space is constrained, the proposed landscaping would provide a pleasant outlook for residents.

The Flood Risk Sequential Test report submitted by the applicant states that the application site is assessed against other alternative available and reasonably deliverable sites within the town centre of Stratford-upon-Avon (presumably a typographical error). The review of alternative available sites was conducted utilising available evidence such as the Braintree Level 1 SFRA Update (November 2016), the adopted Braintree District Local Plan Review (2005) and the emerging New Local Plan 2033 Draft & Alternatives, as well as the requirements for delivery of a successful private sheltered housing scheme. The report indicates that available sites in the Witham area were discounted if they were not within 0.5 of a mile to the Town Centre. As such, the applicant considers that the Sequential Test has been passed. The

applicant also considers that the Exception Test has been passed as in their view the development provides wider sustainability benefits that outweigh flood risk. In addition the Flood Risk Assessment demonstrates that the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

In conclusion, the applicant's case is that the proposed retirement living apartments give rise to many social, economic and environmental benefits as they meet a specific housing need, make efficient use of land and encourage the efficient use of public resources and use of local services/shopping facilities.

CONSULTATIONS

Witham Town Council - objects to the proposal on the grounds of poor design in that one single lift located towards the entrance of the property would not be sufficient in serving sixty residential units across three floors. Members are particularly concerned for those residents who would be furthest away from the lift and in times of maintenance where the only other alternative method of leaving the building would be through the use of stairs

Environment Agency – comment that based on the submission of further information they have withdrawn their objection to the scheme, provided that the Council has taken into account the flood risk considerations which is its responsibility. This relates to the Council's responsibility to be satisfied that the site complies with the Sequential and Exception Tests. If the Council is satisfied, conditions are suggested that the development shall be carried out in accordance with the submitted Flood Risk Assessment and associated documents specified in the Agency's letter dated 4th December 2017, and that the finished ground floor levels are set no lower than 17.3m above Ordnance Datum (AOD) and the provision of level-for-level and volume-for-volume flood storage in accordance with the FRA and referenced to the submitted drawing reference 30481/4021/005 Revision A dated 14.11.17 entitled 'Comparison of existing and proposed flood extents during flood events'. Appropriate flow routing and topographic level information must be submitted to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to the river as water levels fall. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed with the local planning authority. Further clarification has been sought and is referred to later in this report.

Anglian Water – no objection, subject to condition.

ECC Archaeology - recommends that no development or preliminary groundworks are commenced until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of

investigation which has been submitted by the applicant, and approved by the planning authority.

ECC Fire and Rescue – do not object to the proposal but raise concerns regarding the likely requirement of changes to the existing water main network on site due to the large scale of the development.

ECC Highways – do not object subject to conditions and comment that it is noted that the provision of car parking spaces does not meet the current standards in terms of quantity and dimensions. Given the nature of the development and the sustainable location, they feel the current provision in terms of numbers is adequate. All car parking spaces should have a minimum width of 2.5 metres.

ECC Planning Infrastructure comments that they will not be seeking a contribution towards education provision.

ECC SUDs – raise a holding objection to the application on the grounds that the Surface Water Drainage Strategy is inadequate and does not comply with the requirements set out in Essex County Council's detailed Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to provide enough information regarding the level of the outfall into the River Brain.

It should be shown that the level of the surface water outfall is above the 1 in 100 inclusive of (fluvial) climate change level so no surcharging of the outfall is experienced. Alternatively modelling of surcharging of the outfall should be included and demonstrated that the building will be safe from flooding for all events up to the 1 in 100 inclusive of climate change storm event. It does not provide enough information regarding the effect of climate change on the drainage scheme.

It is also unclear if the permeable paving will be at risk of fluvial flooding for all events up to the 1 in 100 inclusive of climate change storm event. If the permeable paving is laid in an area that is at risk of fluvial flooding, the surface water storage may be filled with fluvial water and not have enough capacity to store surface water from the development.

ECC Historic Buildings Consultant – does not support the scheme as submitted. It is considered that the application would result in less than substantial harm to the significance of the conservation area. This would need to be weighed against the public benefit, if any, accrued from the scheme as part of the overall planning balance.

The site falls just outside the boundary of the Witham Newland Street Conservation Area, a designated heritage asset for the purposes of the NPPF. The Historic Buildings' Consultant considers that the building would not make a positive insertion in such close proximity to the Conservation Area. The design and proportions and the slack roof pitch emphasise the large scale and

massing of the building which is unsympathetic. The development would result in an insensitive development creating a looming intrusion to the west of the key axial route which runs through the core of the medieval settlement of Witham. The applicant has referred to the proposed construction of a large building to the south of the development (the Lidl scheme) which would partially screen and lessen the impact of the building, however, until the assessment of that application has been made, it is not possible to adequately assess the likely mitigation it would afford. In this regard, the assessment of this proposal, particularly in terms of its scale, makes it likely that even if the adjacent site is developed, part of the building will be visible. The building is also likely to intrude into the verdant and sylvan nature of the River Walk, resulting in a more built-up and less tranquil character. The proposal will therefore also not make a positive contribution to views from the Mill Lane Boundary of the Conservation Area.

BDC Housing Enabling Officer - comments that for a scheme of 60 retirement and elderly living apartments, Policy CS2 of the Core Strategy seeks a requirement of 30% for affordable housing which would equate to 18 units. The Council would want to seek a commuted payment rather than on-site provision in this case. In almost all cases onsite provision of affordable housing is a first choice but due to rent and service charge costs coupled with management of privately run sheltered schemes, a commuted payment in lieu of affordable housing is considered more appropriate in this case.

Based on approaches to two Registered Providers the amount of subsidy required to enable the purchase of similar size accommodation from the market equates to £43,859 per unit. Using this amount as a basis for determining a commuted payment it is recommended that a payment of £789,462 be sought, calculated in the following manner:

$(60 \text{ units} \times 30\% = 18 \times £43,859 = £789,462)$

The financial contribution would be held in an account and used specifically to provide grant subsidy to registered housing providers for the provision of new affordable homes at other locations in the Braintree District.

BDC Landscape Services – comment that they would wish to see a more imaginative approach and suitable mitigation for the impact of the new access road on the charm, character and tranquillity on this section of the River Walk. The intrusive nature of this proposal requires mitigation and will need a suitable landscaping scheme, which would be difficult to achieve within the constraints of the ‘red-line’ and may need a suitable contribution towards appropriate planting and a low bund on the adjacent open space, owned by Braintree District Council. In broad terms, the setting of the new building should rely on a landscape strategy that is sympathetic to the local ‘water meadow’ setting with the alien ‘ornamental’ planting kept away from the river corridor. The plot also includes a well-established elm tree which is resistant to Dutch elm disease, probably contains a bat roost and is growing where the new car park would be. This tree should be retained and appropriate steps

taken to protect it. It should be identified on any approved tree protection plan.

BDC Environmental Health Officer – no objection. Conditions are recommended regarding contamination and during the construction phase.

REPRESENTATIONS

No representations have been received.

REPORT

Principle of Development

The Development Plan and the NPPF

Planning law requires that proposals that accord with the local authority's Development Plan must be approved without delay. Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking. Paragraph 17 sets out Core Planning Principles, which require that development is, amongst other things, 'plan-led', creative, and of high quality design which takes account of the different roles and character of different areas.

The NPPF also states that where the Development Plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The 5 Year Housing Land Supply

The Council is currently unable to demonstrate a 5 year housing land supply. The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach).

The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach

should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.9 years based on the Sedgfield approach. Any recent updates will be provided to Members at the meeting.

The lack of a 5 year housing land supply is therefore a material consideration in the determination of this planning application and must be factored into the overall planning balance.

In terms of this development it is relevant to note that the future occupation of this development would be age-restricted through the imposition of a condition, together with a clause on any potential sale/lease arrangement. The proposal is described as 'retirement living apartments' in the description of the development, however, it is apparent that a level of support would also be provided in terms of a warden/manager and alarm call system, together with communal facilities. This type of accommodation is often referred to as 'sheltered housing'. Notwithstanding the practical arrangements, the development sits within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for the purpose of determining this application, it must be treated the same as any other residential development in terms of local plan policy.

This site is in a sustainable location, within the established Witham Town Development Boundary, where new residential development is acceptable in principle, in accordance with Policy RLP2 of the Braintree District Local Plan Review. Policy RLP19 of the Local Plan Review supports sheltered housing schemes subject to compliance with various criteria including car parking provision, amenity open space, the proximity of facilities including shops, health facilities and local transport. However, whilst development of this site could be supported in principle, there are other criteria which need to be satisfied to establish that this proposal represents 'sustainable development' as defined in the NPPF.

Design, Layout and Residential Amenity

The NPPF places high quality design and a good standard of amenity for all existing and future occupiers as one of the 12 Core Planning Principles. Part 7 of the NPPF expands on this by stating that good design should contribute positively to making places better for people. Development that functions well and adds to the quality of an area, establishes a strong sense of place, optimises the potential of a site to accommodate development, responds to local character and creates safe and accessible environments which are visually attractive as a result of good architecture is fundamental. The following local plan policies are therefore relevant in terms of achieving good design.

Policy RLP3 of the Braintree District Local Plan Review states that within Town Development boundaries new residential development 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 area, including the landscape value of existing tree cover.

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

Policy CS9 of the Braintree District Core Strategy along with RLP90 of the Braintree District Local Plan Review seek to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment with the aim of creating good quality environments in all circumstances. Policy RLP90 in particular states that design should recognise and reflect local distinctiveness and ensure that the layout, height, mass and overall elevational design of buildings and development are in harmony with the existing context, including the impact on the skyline likely to arise from the form and scale.

Policy RLP56 of the Braintree District Local Plan Review seeks to ensure that all new development is provided with sufficient parking in accordance with Essex County Council's Vehicle Parking Standards 2009. The Standards require that for developments of this type, 1 space should be provided per unit with an additional space for every 8 units. These spaces should measure 2.9m x 5.5m.

Policy RLP95 of the Local Plan Review seeks to preserve and enhance the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Applications which fail to preserve or enhance the Conservation Area will be refused.

The Council has also adopted the Essex Design Guide as supplementary planning guidance. This recommends a minimum standard for amenity space for flats in the region of 25sqm.

Part of the site is situated within the Conservation Area which is a designated asset for the purposes of the NPPF. As such, regard must be had for Section 72(1) of The Planning (Listed Buildings and Conservation Areas Act) 1990. This requires that the local planning authority pays special attention to "the desirability of preserving or enhancing the character or the appearance of that area". Paragraph 131 states that in determining applications in Conservation Areas, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance

of a designated heritage asset, consent should be refused. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Whilst the Historic Buildings Consultant considers that the proposal will result in less than substantial harm, its design is not acceptable. The building would be of large and monolithic proportions exhibiting an unspectacular design which is poorly related to the context of the site. The volume and proliferation of fenestration and the very slack roof pitch emphasise its large scale and massing in a manner which is institutional in nature. As such it is considered to be an insensitive intrusion to the Conservation Area. Whilst it is noted that the proposed Lidl scheme would partially screen the building (if planning permission is granted for that scheme) which may reduce the level of harm, at least one floor would be visible above the Lidl building. As there is no guarantee at this stage that the Lidl Store will be granted planning permission and then if granted will come forward, it can only be concluded that the proposal subject to this application would be an unjustified intrusion into the traditional built form on Bridge Street and Mill Lane and the verdant and sylvan nature of the River Walk, resulting in a more built-up and less tranquil aesthetic than exists at present.

The building is monotonous and crudely articulated, exacerbated by the poor fenestration which jumps abruptly between a horizontal and vertical emphasis within a poor and incoherent solid to void ratio, resulting in a lack of consistency and harmony across all elevations. The roof has a false pitch and poor proportions which are neither traditional nor modern and do not represent a recognised proportion and aesthetic associated with residential typologies. Its poor aesthetic is complicated by the many projections and large scale articulations in the building which cannot be accommodated in the roof in a visually successful design, hence the need for a partial flat roof. Below the roof the upper floors also appear to have too much horizontal emphasis and lack the height and proportion to make the composition of the facades appear to have the traditional vertical emphasis and hierarchy in the storey heights that would normally be associated with residential buildings of a large scale and mass. Elevation DD in particular illustrates how the poor proportions, poor fenestration and inadequate roof pitch have resulted in an overly-complicated roof design. The front façade of the building lacks a sense of arrival with the entrance door off-set which appears lost amid the jumble of projecting gables and balconies. As such, it does not create the legible frontage claimed in the Design and Access Statement and is not good enough to address the established and attractive verdant nature of the River Walk.

The applicant as stated in their submission has sought to create a design that is traditional but with modern elements, however, it is concluded that this approach has resulted in an unresolved design, which is neither one thing nor the other. As such, the building would not make a positive contribution in the context of the Conservation Area or the River Walk. Whilst it is accepted that the old Bramston Sports Centre made a neutral contribution to the area

because it was largely hidden from view, this building in terms of its footprint, size, scale and appearance does not take the opportunity of improving or enhancing this part of Witham.

In terms of the layout of the building, it is relevant to note that it has a large footprint relative to the site boundaries, leaving very little opportunity to create good quality amenity space or landscaping which is expected in terms of the NPPF and adopted policies. Paragraph 57 in particular states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. In the case of this application, there is serious concern regarding the ability of this scheme to provide a good quality of layout, outlook and amenity for the potential occupiers both in terms of the inside of the building and the outside areas. Set out below are the main concerns.

In general, the single aspect apartments would result in inherent compromises in terms of outlook and internal amenity. Over two thirds of the flats will have a poor outlook not only in a single direction, but also in terms of aspect compromised by car parking areas and potentially the back of a supermarket. Elsewhere, the general internal arrangement places a kitchen between the living room and the bedroom reducing the functionality of the living room and bedrooms because the rooms are too narrow around the kitchens, which will likely result in many of the habitable rooms having to be lit by artificial means.

The provision of a single lift and staircases at either end of the building means that residents in the western portion of the building would be likely to have more than 35m to walk to deposit their rubbish/recycling in the refuse room. This inconvenience would be exacerbated for residents on the first and second floors. Natural light to the corridors is minimal, being provided by a single window at either end of the corridors on all 3 floors.

In terms of outdoor space, the 60 apartments would require around 1500sqm to comply with the Essex Design Guide. Discounting the narrow corridors of grass around the building, this leaves 2 usable areas totalling less than 700sqm of functional space, much of which is within the flood zone. Some of the patio areas around the building have no 'defence' from adjacent parking areas and no privacy from the general comings and goings to the residential scheme.

The balconies on the north facing elevation will received no sunlight and will therefore be prone to damp. The separation gap between the north elevation and the boundary varies from 3.6m – 15.1m, leaving little space at ground floor level for any meaningful outdoor space. Whilst some of the flats on the first floor will have balconies and the ground floor flats have a small patio areas, the flats on the second floor will have very little communal amenity space with no direct access except via the east and west ends of the building. Bearing in mind that this elevation faces north and that 22 of the flats on this elevation will only have a single aspect, it is considered that the amenity and outlook that will be afforded to the potential residents will be poor. Their

outlook will also be compromised by the large-scale chain link fence around the school playing field.

On the west elevation the gap to the boundary varies between 3.2m – 6.1m. Again, occupiers on the second floor will have no private amenity space, however, some of the flats on this end of the building would benefit from a dual aspect.

On the south elevation the gap to the boundary varies from 8.9m to 17.8m. However to the front of this elevation, whilst some small patio areas are indicated, 20 vehicle parking spaces are proposed, some of which are within 1m of these areas which would seriously compromise the quality of amenity space for future residents. An additional concern with regard to this elevation is that the plans indicate the rear of the Lidl Store will be positioned less than 2m from the joint boundary. Therefore the occupiers of the flats sited on this elevation will not be afforded a decent outlook as not only will their amenity space be compromised by a car park, but also by the rear of a supermarket building (if granted planning permission and implemented), which based on the current application submission measures approximately 5.3m in height and would be level with the first floor. Whilst landscaping is proposed in an attempt to screen the building, it would be some time before this would have any effect, even if the planting was successful.

To the front of the east elevation the outdoor space opens out onto the wetland area proposed as part of the flood attenuation. However, whilst this arrangement is slightly better, residents' sense of security and privacy on the ground floor would be seriously compromised as referred to above.

Pedestrian connectivity to the wider area is restricted as there would be only one way in and out of the development which would be alongside the proposed driveway and shared access with the adjacent site. Although a pedestrian gateway to the supermarket site is indicated, this arrangement, coupled with the building and likely activity of the potential adjacent user will add to the overall feel of the development being 'hidden' and isolated, which together with the poor design of the building, adds to the institutional nature of the development.

In terms of the Vehicle Parking Standards it is noted that the building would generate a requirement for 65 parking spaces to be provided, including provision for visitors. There are only 28 spaces in total and these spaces are below the standard 2.9 x 5.5m in area. There is no cycle parking proposed and the mobility scooter parking is both remote and inadequate in size considering its purpose and likely need. Whilst it is noted that ECC Highways do not object as compromises in parking provision can be accepted in a town centre location, this considerable under provision is a further indicator of the extent to which the proposal represents the over-development of the site.

In conclusion, this proposal fails to achieve a good standard of design that would function well, add to the quality of the area or provide a good standard of amenity for the potential occupiers, and is indicative of the quantity of

development proposed here. As such it would not take the opportunity to contribute to establish a strong sense of place or respond to the local character and history of this attractive part of Witham. Officers have sought to negotiate a revised design, however, the developer has not indicated any willingness to do so.

S106 Contributions and Affordable Housing

One of the Core Planning Principles set out in the NPPF is to encourage the effective use of land by re-using land that has previously been developed (brownfield land), provided that it is not of high environmental value (Paragraph 111). However, Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Therefore, the sites and the scale of development identified should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. As referred to above, there is no objection in principle to the redevelopment of the site, subject to the scheme being policy compliant and acceptable in all other respects. It is also recognised that redeveloping 'brown field' land can be less than straight-forward in terms of costs to the developer, therefore, it is not unreasonable for the local planning authority to take a pragmatic approach with regard to viability. In terms of planning obligations relevant to this proposal, the following policies are relevant.

Policy CS2 of the Core Strategy seeks a requirement of 30% for affordable housing, which in this instance would equate to 18 units or a commuted sum of £789,462. In this case, due to the type of accommodation proposed, the local planning authority considers it appropriate to request a financial contribution in lieu of on-site provision.

Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space, including allotments and publicly accessible natural green space to meet a wide range of recreation, outdoor sport and amenity needs in the district by requiring new development to make appropriate provision. Policy RLP138 of the Local Plan Review requires proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. In accordance with Table 6 of the Public Open Spaces Supplementary Planning Document a contribution towards outdoor sport, casual/informal space and allotments (excluding provision for children and young people) is considered appropriate, amounting to £49,320.00.

The total sum required for S106 contributions is therefore £838,782.00. The applicant has submitted an Affordable Housing and Viability Statement which seeks to demonstrate that the proposal is marginally unviable and has limited capacity to provide for planning obligations. The applicant's case is that the proposal is such that the maximum S106 Contribution that the scheme would support is £150,000.00 for all obligations in this instance.

The applicant's Viability Statement has been appraised by Andrew Golland Associates who has been appointed by Officers to act on behalf of the local planning authority in this case. The assessment of viability is usually referred to a residual development appraisal approach. The starting point for negotiations is the gross residual site value which is the difference between the scheme revenue and scheme costs, including a reasonable allowance for developer return. Applying this approach means that the scheme would generate considerably more than is suggested by the applicant. The applicant has included demolition as a cost, however, it should be noted that the site has been demolished and cleared. The applicant's stance that the scheme is marginally unviable is not agreed, therefore, this in itself warrants a reason for refusal.

Flood Risk and SuDs

Paragraph 100 of the NPPF states that, "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere." This general approach 'the sequential, risk-based approach' is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible."

The Council, in consultation with the Environment Agency, must be satisfied that the sequential test is undertaken. Following this, the exception test must be passed as the proposal is for a 'more vulnerable' use within Zone 3a and 3b. If, following the application of the Sequential Test it is not possible or consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits for the community that outweigh flood risk, informed by the Strategic Flood Risk Assessment (i.e. Environment Agency maps) and by a site-specific Flood Risk Assessment (FRA). This FRA must demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flooding elsewhere and, where possible, will reduce flood risk overall. Both elements of the test have to be passed for development to be permitted.

As referred to above, the majority of the site is located with Flood Zones 2, 3a and 3b as shown on the Environment Agency's Flood Map for Planning

(Rivers and Sea). The applicant has submitted a Flood Risk Assessment which has been revised to address objections from the Environment Agency. The applicant has also submitted a Flood Risk Sequential Test report which seeks to justify why this particular development must go on this site. The reasons given relate to the development fulfilling a demand for the ageing population, quoting Census details and various other reports, as referred to above. However, it would appear that sites identified in the Braintree District Local Plan Review and the Publication Draft Local Plan for residential development which are not in Flood Zones 2 and 3 have been discounted by the applicant either because they have already been developed, or they are not within 0.5 miles of the Town Centre. The available sites in the applicant's view therefore relate to their own business requirement, rather than being based on planning policy in the District's Local Plan or indeed in the NPPF. Paragraph 50 of the NPPF requires the local planning authority to plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community. From the documents submitted by the applicant, the most up to date information used demonstrate the need for this development are the 2011 census reports and a report by Shelter prepared in 2012. No information appears to have been sought or included on the demand or need for this type of development in this District or even the wider area.

The site is located variously in Zone 1, Zone 2, Zone 3a and Zone 3b in terms of flood risk categories. The Sequential Test indicates that this category of development ('more vulnerable') is only appropriate in Zone 1 and Zone 2. In Zone 3b, such development should not be permitted and in Zone 3a, an Exception Test is required.

The local planning authority is not satisfied that the development meets the Exception Test because there are other sites with the Witham Town area (and beyond) at lower risk of flooding which would meet its policy requirement for retirement accommodation. The development would also provide no wider sustainability benefits which would otherwise justify an exception to the national and local plan approach to flood risk.

As referred to above the land to be used for flood attenuation within the application site will not be owned by the developer and will remain in Council ownership. It is intended to secure the responsibility of the maintenance of the flood attenuation to the developer through the agreement of sale. Notwithstanding that the Environment Agency has withdrawn their objection in terms of the Flood Risk Assessment, officers are concerned at the feasibility of the measures required to make the development safe.

Further clarification has been sought from the Environment Agency who has confirmed that the compensatory floodplain storage proposed as part of the retirement apartment application will require land to be lowered outside of the 'red-line' site boundary. Parts of the Lidl car park will need to be lowered to enable all of the compensatory storage to be constructed and for it to function correctly. This is also the case for the Lidl application where the majority of the compensatory storage required has been located within the red line

boundary of the retirement apartment's application in the wetland area. The two separate developments are therefore dependent upon each other in order to be acceptable in flood risk terms. It is understood by the Environment Agency however, that the compensatory storage required would be within the red line boundary of both the retirement apartments and Lidl store if they are considered together to provide sufficient volume to make up for the flood storage volume lost as a result of the development of both sites. Nevertheless, it is not clear from the Environment Agency's analysis that each development can meet its own lost storage needs within its own red line application site area. In the local planning authority's view, this would be essential for either to be considered acceptable in flood risk terms.

It is the local planning authority's responsibility to be satisfied that the development passes the Sequential Test and the Exception Test. It is important to note that part of the site is currently located within Flood Zone 3b (the functional floodplain) which is expected to flood frequently in the 5% (1 in 20) annual probability flood event. This is known as the area of floodplain where water has to flow or be stored in times of flood. The proposed new development (Lidl store building and retirement apartment building and car park) at this site would need to be raised. The access and egress route to both the developments and the Lidl car park would be lowered in order to compensate for the loss of floodplain storage and therefore will remain within Flood Zone 3b. This means that the access route to and from the care home and the car park of the Lidl store is expected to flood frequently in the 5% (1 in 20) annual probability event.

The Environment Agency had no objection to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been proposed by the applicant, however, the Agency has confirmed that they would support the Council in the event of a refusal on Sequential Test grounds. (A full copy of this letter is appended to this report).

With regard to SuDs, it is relevant to note that a holding objection has been received from ECC Suds Officer as it would appear that the Drainage Strategy has not provided a suitable basis for an assessment to be made of the flood risks arising from the development. As far as can be ascertained, the applicant has not sought to address this issue, therefore, the information submitted to the Environment Agency has been forwarded to ECC Suds Officer to ascertain if their particular issues could be addressed by the revised FRA. Their response is not available at the time of writing this report, therefore, any additional comments will be reported to Members at the Planning Committee meeting.

Highways

Paragraph 29 of the NPPF acknowledges that transport policies have an important role to play in contributing to wider sustainability and health objectives. Paragraph 32 indicates that developments that generate significant amounts of traffic movement should be supported by a Transport Statement. Opportunities for the use of sustainable transport modes should

be taken up, together with ensuring a safe and suitable access to the site. As referred to above, the site will be accessed off a new driveway via the existing access on Bridge Street.

Policy CS7 of the Braintree District Core Strategy seeks to promote accessibility for all. Traffic and car parking will be carefully managed to encourage sustainable travel. Policy RLP56 of the Braintree District Local Plan Review seeks to ensure that sufficient vehicle parking is provided in all new development in accordance with the Vehicle Parking Standards. There is no doubt that the site is in a sustainable location in terms of its proximity to bus stops, footpaths and cycle lanes. ECC Highways does not object to the proposal in terms of the proposed arrangements and whilst it does not object to the amount of vehicle parking proposed for the site, it is concerned that the amount does not accord with the Vehicle Parking Standards. Whilst this issue on its own could not be an objection given that ECC Highways do not object, it is considered that the non-compliance with the Council's adopted Standards is again indicative of the site's inability to successfully accommodate the amount of residential units proposed here, as demonstrated by the cramped arrangement of the building and the space around it and therefore further substantiates the concern that the proposal represents over-development of the site.

Landscape and Ecology

Contributing to conserving and enhancing the natural environment is another Core Principle of the NPPF, as are local strategies to improve health, social and cultural well-being for all. As referred to earlier in the report, the site is adjacent to the Witham River Walk, a designated area for informal recreation.

Policy CS8 of the Braintree District Core Strategy requires that development must have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Braintree District Local Plan Review states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to distinctive landscape features and habitats. Policy RLP81 of the Braintree District Local Plan Review states that the Council will encourage the retention of locally native trees. Policy RLP86 states that development which would harm the open character, nature conservation importance or recreational importance of the floodplains of the River Brain, and others, should not be permitted.

The proposal will involve some disruption to the amenity value and aesthetic of the River Walk as a result of the flood attenuation measures for the wetland area and the necessity of the removal of some of the trees, particularly at the site entrance. Whilst it is acknowledged that an acceptable landscaping scheme could overcome this issue in the long term, the Council's Landscape Officer is not satisfied that the landscape proposals will provide suitable mitigation, particularly in terms of its impact on the River Walk. A more imaginative approach and suitable mitigation for the impact of the new access road on the charm, character and tranquillity on this section of the River Walk is required and would not be delivered under the terms of this proposal.

CONCLUSION

As referred to above the NPPF makes it clear that applications for residential development should be considered in the context of the presumption in favour of sustainable development. In order for development to be considered sustainable, three elements need to be balanced to ensure that it will provide wider benefits in the public interest. The NPPF refers to these elements as environmental, social and economic benefits. These roles should not be taken in isolation because they are mutually dependent. Pursuing sustainable development will involve seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

The site falls within the Witham Town Development Boundary, adjacent to a designated informal recreation area and Conservation Area. A significant part of the site is also within Flood Zones 2, 3a and 3b. As such, the site is highly sensitive, therefore a high standard of design which will responds to its context is warranted. In this regard, it is considered that the proposal would result in environmental harm in terms of its design and layout. As set out within this report the likely harm arising from this proposal has been identified including the failure to respect the character of this area, the Conservation Area and the roles that it performs and the failure to demonstrate that the proposed number of residential units can be successfully accommodated within the site constraints or provide an acceptable standard of amenity for the potential occupiers.

The development would bring some economic benefits in terms providing jobs during the construction phase, the employment of a warden and/or maintenance/garden staff and from the potential occupiers as users of local shops and services. However, the standard of accommodation for the potential occupiers is considered to be unacceptable in terms of the poor internal layout which whilst aimed at the elderly population, many of the apartments have little regard for their outlook or convenience. This issue would be further exacerbated if the supermarket development is approved and constructed, resulting in a building which would be isolated and largely hidden and clearly does not take the opportunity of improving the quality of the area.

The combination of the substantial areas of harm identified in this report demonstrates that the proposal cannot be considered sustainable development in the meaning of the NPPF. The applicant has not entered into a S106 Agreement, citing viability as an issue, which has not been substantiated in the submitted Affordable Housing and Viability Statement. The requirement to reduce the S106 contributions suggested by the applicant in terms of off-site affordable housing and open space, which are required to mitigate the impact of this development, further demonstrates that the proposal does not represent sustainable development that should be permitted in this location.

The Planning Balance

The application site is located within the Town Development Boundary for Witham, wherein residential development is acceptable in accordance with RLP2 of the Braintree District Local Plan Review.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 is clear that for decision taking this means that development proposals that accord with the development plan must be approved without delay or where the plan is absent, silent or out-of-date, unless there are specific policies in the Framework that indicate development should be restricted (known as Footnote 9). The site's status in terms of flood risk is relevant as there are specific policies in the NPPF that restrict development in areas at risk of flooding by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere in accordance with the Technical guidance on flood risk. It has not been demonstrated that there are no other available sites in the area that are suitable for this development. It can only be concluded that there is a 'footnote 9' objection to this proposal, therefore in applying the "un-tilted balance" this application should be refused.

Officers consider that the proposals fail the specific policy tests referred to above meaning that development should be restricted and the application should be refused. However Officers have also considered how the proposal would be assessed if there were no Footnote 9 issues indicating that development should be restricted. If this were the case then the Council would need to consider the application in light of the "tilted balance" whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

In addition, the local planning authority is also required, in accordance with the NPPF, to assess whether the identified 'less than substantial harm' to the character of the Conservation Area would be outweighed by public benefit arising from the development. In this respect, and given that the introduction of a residential use close to the town centre would add positively to its vitality, the local planning authority considers that the potential public benefits could be considered to outweigh the harm.

When applying the "tilted balance" the local planning authority has set out earlier the benefits that the scheme would bring, including some boost to housing supply, short and longer term economic benefits. However, the adverse impacts of its poor design, the poor quality of the residential environment, the detriment to the character of the local area and Conservation Area, the lack of contributions in lieu of affordable housing and public open space and the flood risk objections are considered to significantly and demonstrably outweigh those benefits.

A separate reason for refusal is proposed in relation to the lack of a S106 Agreement.

RECOMMENDATION

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

- 1 The development will involve the provision of a large scale residential development on a site, substantial parts of which fall within Flood Zone 3a and Flood Zone 3b. In such locations, and in accordance with the Sequential Test, development within the "more vulnerable" category of flood risk is either inappropriate (Zone 3b) or only appropriate where it can meet the Exception Test (Zone 3a).

As the proposed development is one that could be accommodated on other sites at lower flood risk (within Witham's Town Boundary and elsewhere within development boundaries across the District) and as the development provides no wider sustainability benefits to the community that outweigh flood risk, the proposed development would be contrary to both national and local plan policy concerning flood risk as set out in Policy CS8 of the adopted Core Strategy, Policies LPP78 and LPP80 of the Publication Draft Local Plan, Section 10 (Meeting the Challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (NPPF) and the Technical Guidance to the National Planning Policy Framework.

- 2 The Council considers that the application of restrictive policies involving land at risk of flooding indicate that development should be refused here, in accordance with footnote 9 of the National Planning Policy Framework (NPPF), as set out in the reason for refusal above.

Further, or alternatively, even if a tilted balance were to apply under paragraph 14 of the NPPF, whilst the Council acknowledge that it cannot currently demonstrate a 5 year supply of housing land, the Council considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

In this case, the Council recognises the benefits of allowing development but concludes that the adverse impacts, as set out below, significantly and demonstrably outweigh the benefits:

- The poor quality of the residential environment that would be enjoyed by prospective residents, as a consequence of the limited aspect to many of the flats; the deficiency in the amount of useable and private amenity space; the limited parking provision and the poor relationship with existing and planned neighbouring uses, all of which are indicative of an over-development of the

site, contrary to policies RLP 10, RLP19, RLP56, RLP90 of the adopted Local Plan, policies SP6, LPP45, LPP50, LPP51, LPP55 of the Publication Draft Local Plan and Section 7 (Requiring Good Design) of the NPPF.

- The poor quality of the design of the proposed building due to the enormity of its footprint, the monotony and lack of architectural interest or identity to its elevational treatment and its unresponsiveness to the form, grain, scale and character of existing development, all to the detriment of the character of the local area, failing to preserve or enhance the character of the Witham Conservation Area, contrary to policies RLP 90, RLP95 of the adopted Local Plan, policy CS9 of the adopted Core Strategy, policies LPP50, LPP55, LPP56 of the Publication Draft Local Plan and Sections 7 (Requiring Good Design) and 12 (Conserving and Enhancing the Historic Environment) of the NPPF.
 - The inability, due to the scale of built development and associated hard surfacing, to make provision for any effective landscaping, resulting in a development which presents a harsh new built edge to this part of the town, detracting from the appearance and amenity value of the River Walk which abuts the site to the east, contrary to policies RLP86 of the adopted Local Plan and policy LPP53 of the Publication Draft Local Plan and Section 8 (Promoting Healthy Communities) of the NPPF.
 - The inability to secure sufficient flood risk mitigation without relying on land beyond the application site and/or outside the applicant's control, contrary to Policy CS8 of the adopted Core Strategy, Policies LPP78 and LPP80 of the Publication Draft Local Plan, Section 10 (Meeting the Challenge of climate change, flooding and coastal change) of the NPPF and the Technical Guidance to the National Planning Policy Framework.
 - The failure of the proposal to secure the required contribution towards affordable housing and public open space/enhancement, contrary to CS2, CS10 of the Braintree District Core Strategy and Policy RLP138 of the Braintree District Local Plan Review.
- 3 Policy CS2 of the Braintree District Core Strategy states that affordable housing (or where appropriate, a financial contribution in lieu of such provision) shall be provided by the developer as part of major residential schemes. In addition, Policies CS10 of the Core Strategy and Policy RLP 138 of the Local Plan require proposals for new residential development to make provision for publicly accessible green space or improvements to existing accessible green space. The Council has adopted an Open Space Supplementary Planning Document which sets out the process and mechanisms for the delivery and improvement of open space in the District. In this case, the contributions sought would

be £789,462 in lieu of affordable housing provision and £49,320 in relation open space provision/enhancement.

These contributions would need to be secured through a Section 106 Agreement. It has not been demonstrated that the scheme would become unviable were these contributions to be made and, accordingly, in the absence of a Section 106 Agreement to secure them, the proposed development would be contrary to the policies referred to above.

SUBMITTED PLANS

Location Plan	Plan Ref: 40027WT/PL01
Site Plan	Plan Ref: 40027WT/PL02
Proposed Floor Plan	Plan Ref: 40027WT/PL03
Proposed Floor Plan	Plan Ref: 40027WT/PL04
Proposed Floor Plan	Plan Ref: 14/ER048/PL05
Proposed Elevations	Plan Ref: 14/ER048/PL06
Proposed Elevations	Plan Ref: 40027WT/PL07
Proposed Elevations	Plan Ref: 40027WT/PL08
Site Plan	Plan Ref: 4002WT/PL09
Roof Plan	Plan Ref: 40027WT/PL10
Proposed Elevations	Plan Ref: 14/ER048/PL11
Proposed Elevations	Plan Ref: 40027WT/PL12
Proposed Elevations	Plan Ref: 40027WT/PL13

TESSA LAMBERT
DEVELOPMENT MANAGER

Braintree District Council
Development Management
Causeway House
Bocking End
Braintree
CM7 9HB

Our ref: AE/2017/121830/07-L01
Your ref: 17/01145/FUL
Date: 16 January 2018

For attention of Natalie Banks

Dear Sir/Madam

**REDEVELOPMENT TO FORM 60 RETIREMENT LIVING APARTMENTS,
INCLUDING LODGE MANAGER'S ACCOMMODATION, COMMUNAL FACILITIES,
ACCESS, CAR PARKING AND LANDSCAPING: FORMER BRAMSTON SPORTS
CENTRE BRIDGE STREET WITHAM ESSEX CM8 1BT**

Thank you for re-consulting us on this application and we apologise for the delayed response.

Please see the comments below in response to your email dated 28 December 2017

Compensatory floodplain storage

We can confirm that the compensatory floodplain storage proposed as part of the retirement apartment application will require land to be lowered outside of the red line boundary shown for the care home application. We understand that parts of the Lidl car park will need to be lowered to enable all of the compensatory storage to be constructed and for it to function correctly.

This is also true of the Lidl application where the majority of the compensatory storage required has been located within the red line boundary of the retirement apartment's application in the wetland area. The two separate developments are therefore dependent upon each other in order to be acceptable in flood risk terms. Having said this we understand that the compensatory storage required is within the red line boundary of both the retirement apartments and Lidl site if they are considered together.

The flood risk assessment (FRA) provided has not separated out the volumes required for each development. They have both been considered as a whole. Compensatory storage should replace the floodplain storage at the level at which it is lost. This is done

by lowering areas at lower risk in slices. We had concerns that the compensatory storage proposed in previous iterations of this application did not provide sufficient volume in some of the slices. The calculations submitted appeared to show that the volumes expected in the current situation could not be accommodated at the same level at which they would be lost. The proposals have been revised and more storage provided to ensure the volume lost from the current situation is now available. There is an overall gain in floodplain volume as a result.

Sequential Test

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. The Exception Test is set out in paragraph 102. As you are aware these tests are your responsibility and should be completed before the application is determined. As you are the competent authority we would support any refusal on Sequential Test grounds.

It is important to note that part of the site is currently located within Flood Zone 3b (the functional floodplain) which is expected to flood frequently in the 5% (1 in 20) annual probability flood event. This is known as the area of floodplain where water has to flow or be stored in times of flood.

The proposed new development (Lidl store building and retirement apartment building and car park) at this site will be raised. The access and egress route to both the developments and the Lidl car park will be lowered in order to compensate for the loss of floodplain storage and therefore will remain within Flood Zone 3b. This means that the access route to and from the care home and the car park of the Lidl store is expected to flood frequently in the 5% (1 in 20) annual probability event.

We had no objection to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been proposed by the applicant, but you should determine its adequacy to ensure the safety of the occupants. We did however question whether this was appropriate and suggested this was considered further given the access route was associated with more vulnerable development (retirement apartments). This was raised in our previous responses to the FRA. We also suggested consideration was given to the vulnerability applied to the proposed development.

The retirement apartments should be considered 'more vulnerable' development and the Lidl store 'less vulnerable' development in line with Table 2 of the PPG. We suggested it was considered what vulnerability should be applied to the car park associated with the Lidl development and the access road. Car parks can be considered less vulnerable development and therefore in line with Table 3 of the PPG this is not considered appropriate development in the functional floodplain and should not be permitted. The vulnerability of the proposals is determined by the Council.

When considering car parking within flood risk areas, the ability of people to move their cars within the flood warning time should be considered. Long-term and residential car parking is unlikely to be acceptable in areas which regularly flood to a significant depth, due to the risk of car owners being away from the area and being unable to move their cars when a flood occurs. Car parking may be appropriate in areas subject to flooding, provided flood warning is available and signs are in place. Car parks should ideally not be subject to flood depths in excess of 300mm depth since vehicles can be moved by water of this depth. Boundary treatments, such as railings, should ensure that should vehicles become mobilised during a flood event they are contained within the confines of the site, but still allow the free movement of flood water.

The point was made by the FRA consultant that there was already an existing car park at this location so the risk was not being increased and that the site had been designed with the more vulnerable elements outside of the flood risk areas. Nonetheless this should still be taken into account in your decision on the Sequential Test as a car park and access road for a new development will be located in Flood Zone 3b. Additional guidance on the Sequential Test is provided on [Defra's website](#) and in the [Planning Practice Guidance](#).

Yours faithfully

Andrew Hunter
Sustainable Places - Planning Advisor

Direct dial 020 302 58346

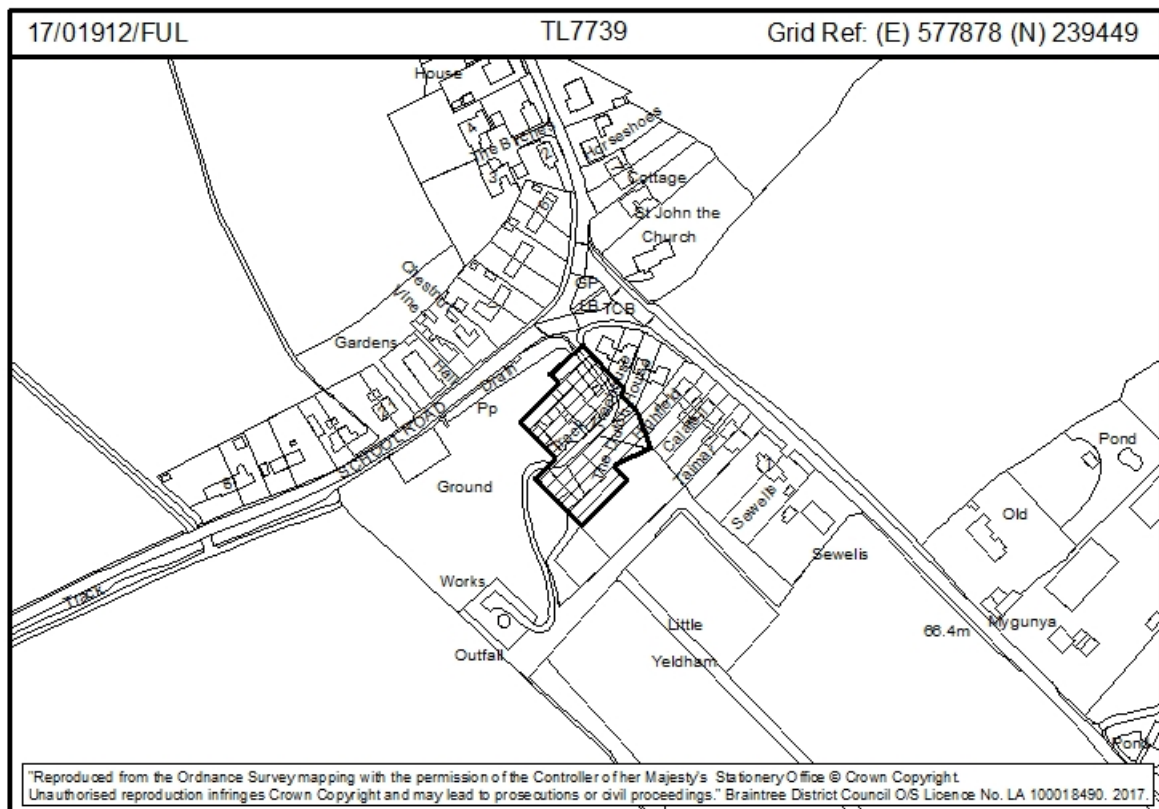
Direct e-mail planning.ipswich@environment-agency.gov.uk

AGENDA ITEM NUMBER 5b

PART A

APPLICATION 17/01912/FUL DATE 24.10.17
 NO: VALID:
 APPLICANT: Mr Kevin Mortier
 Sewells Farm, North End Road, LITTLE YELDHAM, CO9
 4LE
 AGENT: Mr Mark Homer
 Pocknell Studio, East Barn, Blackmore End, Braintree, CM7
 4DR
 DESCRIPTION: Conversion of agricultural barns to form 3 no. dwellings
 LOCATION: Sewells Farm, North End Road, Little Yeldham, Essex, CO9
 4LE

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

17/00092/FUL	Conversion of agricultural barns to form 6 no. dwellings	Withdrawn	23.06.17
17/00093/LBC	Conversion of agricultural barns to form 6 no. dwellings	Withdrawn	23.06.17
17/01913/LBC	Conversion of agricultural barns to form 3 no. dwellings	Pending Decision	

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward

into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP42	Residential Conversion of Buildings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Parish Council contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the eastern side of School Road, just outside of but immediately abutting the village envelope of Little Yeldham. The site comprises a series of timber framed barns, one of which is grade II listed. The site is served by an existing access off School Road. To the north of the application site is a linear row of residential properties. Immediately to the south is a recreation ground. Access is currently taken through the site to an Anglian Water sewage works.

PROPOSAL

The application seeks planning permission for the conversion of the barns to 3no. residential properties and a Cartlodge containing 7no. car parking spaces.

CONSULTATIONS

BDC Environmental Health – No objections subject to conditions in respect of construction work hours, burning of waste and contamination.

Heritage Consultant – Considers on balance that the development will ensure the continued preservation of the heritage assets. There are some areas which require revision (for example to the fenestration) which could be sought by condition.

Essex County Highways - Do not consider the proposal to represent an intensification of the use of the existing access and thus no objections are raised. Recommend conditions in respect of surface treatment, vehicle parking, and cycle parking be attached to any grant of consent.

REPRESENTATIONS

Parish Council – Objects to the application for the following reasons:

1. Dangerous access from the site on to the public highway
2. Close proximity of the access to a three way junction
3. The lack of visibility caused by a very sharp corner to the right for drivers of vehicles exiting the site.

In connection with the previous applications (which were withdrawn before determination) the Highways Authority recommended refusal. Nothing has changed so far as the access is concerned, so the highway objection must continue to stand. The number of residents is likely to be similar whether it is 3 or 6 houses.

There is a lack of adequate parking on site. If permission is granted it must be conditional upon on-site parking and no parking along nearby roads. These

roads are not suitable for any additional parking as they are too narrow, visibility is poor and there is a 3 way junction.

There is a long standing vehicular right of way through the farmyard to the nearby Anglian Water sewage plant. This right of way, used by large lorries, must not only be preserved, but must be taken in to consideration when determining parking, turning and garden areas.

11 letters of objection and a petition of 32 signatures have been received in the response to the public consultation, the main points of which are summarised below:

- Highway safety – dangerous access
- Loss of privacy and tranquillity
- Disturbance during development stage
- There has been virtually no use of the vehicular access in recent decades. It hasn't been a working farm for many decades.
- There is a right of way would need to be unobstructed
- No details of the septic tanks
- Why are there four areas of domestic waste storage showing on the plans for just three proposed properties?
- Would the waste collection lorry need to drive in to the access road?
- Bat and owl boxes would be welcomed
- There has never been any suggestion that development is needed in Little Yeldham
- Outside of the village envelope, conflict with RLP2.
- Does not comply with policy RLP38 or RLP101
- There are no planned developments in Little Yeldham
- The location plan does not show the Sewells Farm conservatory which restricts the extent to which the track could be widened
- No public transport
- Social housing is more necessary

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the village envelope for Little Yeldham and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP38 is an exception to the prescriptive countryside policies and allows for the conversion of rural buildings for business reuse and in some circumstances residential use, subject to compliance with criteria set out within the policy. The policy allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community re use of the building and the application is supported by a statement of the efforts made. The application is supported by a letter dated January 2017 which details that the site was first put on the market for sale or let in April 2016. The letter details that a number of viewings were requested and/or undertaken but a sale/let had not been secured. The property was removed from the market in January 2017.

Policy RLP101 permits conversion of listed barns/buildings to employment or community use provided that:

- (a) the detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance and its contribution to the group value and/or landscape in general
- (b) the proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads
- (c) The criteria set out within policy RLP38 are met

Conversion to residential use will only be acceptable where;

- (i) The applicant has made every reasonable attempt to secure suitable employment or community reuse and the application is supported by a statement of the efforts made
- (ii) Residential conversion is a subordinate part of the scheme for business re use of that group of buildings
- (iii) In either case, the design and traffic issues in (a) and (b) are fully satisfied.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in early 2018.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the

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

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

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed needs for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Notwithstanding the above the Supreme Court has recently ruled that the absence of a five-year supply of deliverable sites should render out of date only those policies dealing with the numbers and distribution of housing and not those which seek to restrict housing. As such policies RLP2 and CS5 carry weight in the decision making process and it is for the decision maker to determine how much weight.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the ‘decision taking’ section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development. It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development that are outweighed by any identified

adverse impacts of the proposed development. In this regard the 'planning balance' must be undertaken.

Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The proposal could potentially meet with two of the special circumstances of paragraph 55 of the NPPF, these being '*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*' and '*where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*'.

The proposal would re-use the existing buildings. The buildings are large and fitting with the former agricultural use of the site and given their reasonable condition do not currently present any detrimental harm to the countryside or setting of the listed building. It is recognised that the building is unlikely to be in demand for another commercial/industrial use and the application is supported by evidence that site has been marketed for this purpose to no avail. The barns and in particular the listed barn are therefore at risk of falling in to disrepair if a use cannot be identified. It would be of benefit for the barns and for the setting and historic value of the site as a whole for a use to be secured. As such it is considered that there would be justification in principle for conversion of the building, in accordance with paragraph 55 of the NPPF as it will preserve/secure the future of the heritage asset.

Members are asked to note a recent High Court Judgement in respect of a proposal for development of two houses near Blackmore End. The District Council had challenged the Inspector's decision to grant permission for two dwellings, taking particular issue with the Inspector's view on whether the proposal would create isolated homes in the countryside. The High Court decision gives a legal interpretation of the definition of "isolated" in the context of its use in the NPPF. This interpretation is that isolated should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the function and physical. Therefore we must consider the application of this test as to whether the proposal is physically proximate to other dwellings, rather than considering a wider analysis of the functional relationship to services and settlements. At this time the interpretation of the High Court is the law on this point, however the Council [is](#) currently seeking leave to appeal this Judgement and therefore this has an impact on the weight given to this decision.

Notwithstanding the above, in this case the proposed development would meet with a special circumstance of paragraph 55 of the NPPF. It is still necessary however to consider Policy CS7 of the Core Strategy which states that "Future development will be provided in accessible locations to reduce the need to travel". With regards to the sites connectivity to services the site is not within reasonable walking distance (nor is there footpath connections) to any local amenities or employment and thus residents would be reliant on

travel by private car. It is reasonable to consider however that future occupiers of the properties would likely support services and facilities available in Great Yeldham. The location of the site must be considered in the overall planning balance.

The impact of the proposal on the heritage assets, all other material considerations and the application of the planning balance are discussed below.

Design, Appearance and Layout

The NPPF requires planning, as a core principle, to always seek to secure high quality design as a key aspect of securing sustainable development. Policy RLP90 of the Local Plan Review and Policy CS9 of the Core Strategy both seek a high standard of design and layout in all developments.

The proposal would introduce 3no. residential units comprising 2no. 4 bed units and 1no. 5 bed unit.

In accordance with adopted guidance set out in The Essex Design Guide, the dwellings would each be provided with at least 100sqm of amenity space. The proposed garden areas are reflective of the courtyard arrangement and although not contained to the rear of each building they provide valuable amenity space for each dwelling. Some overlooking to parts of the garden areas would be possible; however this is not unusual in a residential context. Details could be sought by condition of the proposed boundary treatments and the refuse/recycling storage areas and a condition could be applied with removed permitted development rights for extensions and outbuildings to ensure adequate privacy is maintained between the properties and in the interests of the setting of the listed buildings.

The properties have a close relationship and this may not appeal to all, however this will be known to prospective occupiers before purchase. To ensure privacy is maintained between the properties and with the adjacent recreation ground the dwellings are designed with louvres to some of the windows, which allow for light but prevent overlooking.

The drawings have been amended during the course of the application in response to comments made by the Council's Heritage Consultant, in relation to some of the fenestration. The Heritage Consultant is satisfied with the amendments made and recommends a series of conditions, in respect of materials, schedule of repairs, window and door details, landscaping and rainwater goods to be attached to any grant of consent. These would be most appropriately applied to the concurrent listed building consent (17/01913/LBC). The proposed development is considered acceptable upon the listed barn and in compliance with policy RLP100 of the Local Plan Review and Policy CS9 of the Core Strategy.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 (iii) of the Local Plan Review states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed properties would be separate from but within close proximity to the residential properties which front North End Road, some of which rear garden boundaries abut the access driveway in to the site. Although these properties will notice some change in activity at the site it is not considered that 3no. dwellings will give rise to noise and disturbance which would provide unreasonable in a residential context such to justify withholding planning permission on this basis.

The site immediately abuts a recreation field. The barns are designed with louvre detail to the windows which face towards the recreation area such to prevent overlooking upon users of the recreation area and to ensure privacy for future occupiers of the dwellings.

Highway Issues

The proposed development is to be served from the existing access. This access would have originally formed access to the farm; however it is acknowledged that the site has not been used for such purposes for some time. Nonetheless this is the lawful use of the site and could commence operation again at any time.

The Highways Authority has considered the proposed development and raise no objections. They do not consider that 3no. units would result in the intensification in the use of the access such to preclude the development or require improvements to the access. Officers acknowledge concerns raised by local residents in respect of the use of the access and the possible implication for highway safety. The Local Planning Authority takes professional advice from the Highway Authority in respect of all highway matters. Without an objection from the Highway Authority it would not be possible to robustly defend a reason for refusal on highway grounds.

The adopted car parking standards requires each property with 2 or more bedrooms to be served by 2 off street car parking spaces. Visitor car parking should be provided at 1 space per 0.25 unit. The proposed Cartlodge can accommodate 7no. spaces which accords with the adopted standard, of 2 spaces per unit and 1 visitor space.

The development would not interfere with access required through the site by Anglian Water.

Other Matters

Contamination – Given the previous use of the site it is recommended by the Council's Environmental Health Team that a condition be attached to any grant of consent requiring an investigation and risk assessment in respect of contamination to be undertaken.

Ecology – The application is supported by a bat survey which confirms that there are no bats roosting within the buildings. One bat was seen foraging over the site. It is recommended that a condition be placed on any grant of consent requiring enhancement through the provision of bats boxes.

CONCLUSION AND PLANNING BALANCE

The application site is located beyond the settlement boundary for Little Yeldham and is therefore within the countryside for the purposes of planning policy. The proposal conflicts with policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy. Notwithstanding this policy RLP38 of the Local Plan Review allows for the conversion of rural buildings subject to meeting specific criteria.

The Council acknowledges that it cannot demonstrate a five year supply of housing land and therefore the above mentioned policies; so far as they restrict the supply of housing must be given lesser weight. The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' for which there is a presumption in favour of sustainable development, to the consideration and determine and assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. The development would bring public benefits including the provision of housing, the generation of jobs at the construction stage and help to support the continuation of the services/amenities within the wider rural area. In addition the development would secure a future use for a heritage asset, securing its future. Officers also consider that the development could take place without any detrimental impact to the character of the site or immediate locality and without unreasonable impact on neighbouring residential properties and no adverse highway impact has been identified.

In terms of its impacts the proposed development would result in 3no. dwellings outside of a settlement boundary and in a location which would rely predominately on travel by car.

To conclude, it is officer opinion that in this case the adverse impacts do not significantly or demonstrably outweigh the benefits and therefore the planning balance falls in favour of granting planning permission.

RECOMMENDATION

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

APPROVED PLANS

Location Plan		
Landscaping	Plan Ref: PSSF 17/SITE/01	Version: D
Proposed Plans	Plan Ref: PSSF 17/A/01	Version: B
Proposed Elevations	Plan Ref: PSSF 17/2/01	Version: C
Proposed Elevations	Plan Ref: PSSF 17/3/02	Version: C
Proposed Plans	Plan Ref: PSSF 17/4/01	Version: B
Proposed Elevations	Plan Ref: PSSF 17/4/02	Version: C
Proposed Plans	Plan Ref: PSSF 17/5/01	Version: B
Proposed Plans	Plan Ref: PSSF 17/5/02	Version: C
Carport / Cartlodge Details	Plan Ref: PSSF 17/1/01	Version: B
Topographical Survey	Plan Ref: 17585SE-01	
Existing Plans	Plan Ref: 17585SE-02	
Existing Elevations	Plan Ref: 17585SE-03	

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

Reason

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

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

Reason

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

- 3 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings,
 - crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

Reason

The site may be of archaeological interest.

- 4 Prior to first occupation details of the refuse/recycle stores and the refuse/recycle collection point shall be submitted to and approved in writing by the Local Planning Authority. The refuse/recycling storage and collection facilities as agreed shall be provided prior to the first occupation of the units and shall be retained in the approved form thereafter.

Reason

To ensure adequate refuse/recycling facilities are provided and to ensure they are designed taking account of the listed building.

- 5 The proposed development shall not be occupied until such time as the vehicle parking has been provided as shown in principle on drawing number PSFF 17/SITE/01.Rev C. The vehicle parking and associated turning area shall be retained in this form at all times.

Reason

To ensure car parking is provided to meet the adopted car parking standard.

- 6 The cycle parking facilities as shown in principle on drawing number PSFF 17/SITE/01.Rev C are to be provided prior to the first occupation of the development and retained at all times thereafter.

Reason

To ensure appropriate cycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8 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 residential amenity.

- 9 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 residential amenity.

- 10 Prior to first occupation details of any gates, fences, walls or other means of enclosure or screening shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be erected prior to the first occupation of the dwelling to which they relate and thereafter maintained in the approved form.

Reason

To enable the Local Planning Authority to retain adequate control over such details in the interests of listed buildings and residential amenity.

- 11 Prior to first occupation the provision of a bat box as shown within Appendix 1 of the Bat Survey undertaken by John Dobson and dated July 2016 shall be provided on a southern or western elevation of one of the buildings and thereafter retained.

Reason

In the interests of the preservation and enhancement of biodiversity.

INFORMATION TO APPLICANT

- 1 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 £28 for householder applications and £97 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

- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

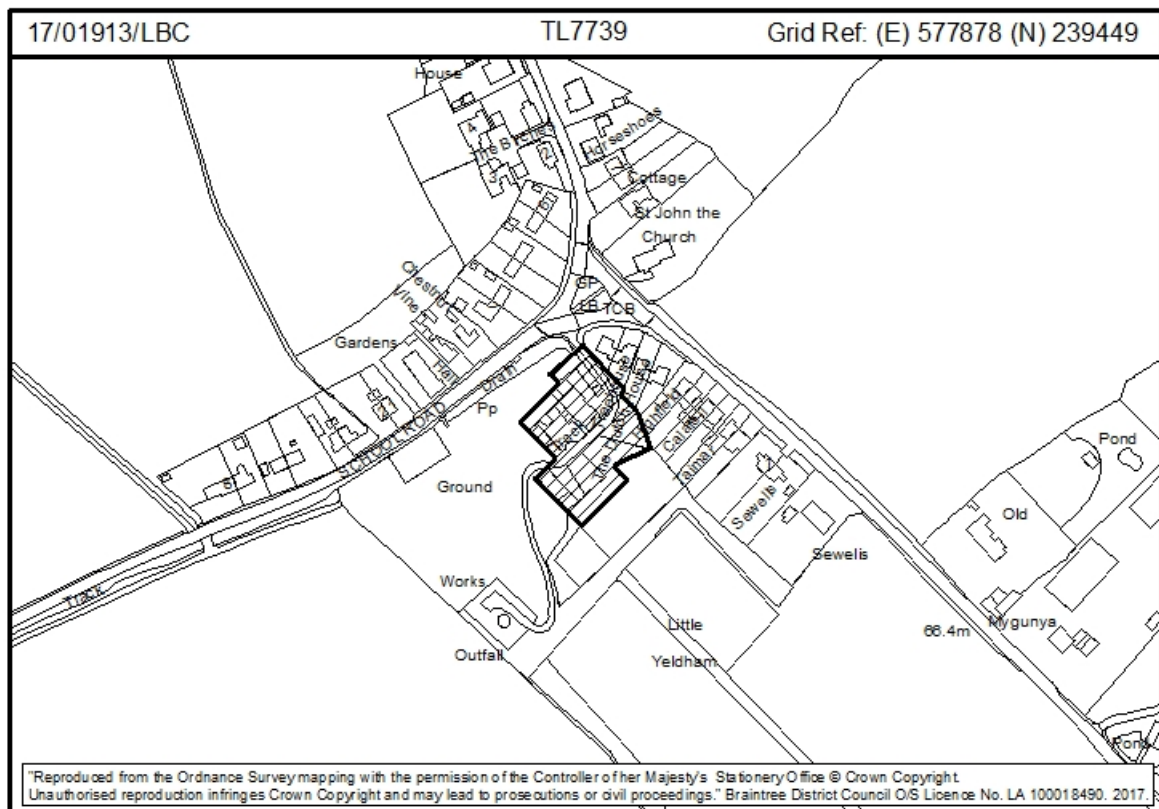
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION NO: 17/01913/LBC DATE: 24.10.17
 VALID:
 APPLICANT: Mr Kevin Mortier
 Sewells Farm, North End Road, LITTLE YELDHAM, CO9 4LE
 AGENT: Mr Mark Homer
 Pocknell Studio, East Barn, Blackmore End, Braintree, CM7 4DR
 DESCRIPTION: Conversion of agricultural barns to form 3 no. dwellings
 LOCATION: Sewells Farm, North End Road, Little Yeldham, Essex, CO9 4LE

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

17/00092/FUL	Conversion of agricultural barns to form 6 no. dwellings	Withdrawn	23.06.17
17/00093/LBC	Conversion of agricultural barns to form 6 no. dwellings	Withdrawn	23.06.17
17/01912/FUL	Conversion of agricultural barns to form 3 no. dwellings	Pending Decision	

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward

into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP100 Alterations and Extensions and Changes of Use to Listed
 Buildings and their settings
RLP101 Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP50 Built and Historic Environment
LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Parish Council contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the eastern side of School Road, just outside of but immediately abutting the village envelope of Little Yeldham. The site comprises a series of timber framed barns, one of which is grade II listed. The site is served by an existing access off School Road. To the north of the application site is a linear row of residential properties. Immediately to the south is a recreation ground. Access is currently taken through the site to an Anglian Water sewage works.

PROPOSAL

The application seeks planning permission for the conversion of the barns in to 3no. residential properties and a Cartlodge containing 7no. car parking spaces.

CONSULTATIONS

BDC Environmental Health – No objections subject to conditions in respect of construction work hours, burning of waste and contamination.

Heritage Consultant – Considers on balance that the development will ensure the continued preservation of the heritage assets. There are some areas which require revision (for example to the fenestration) which could be sought by condition.

Essex County Highways - Do not consider the proposal to represent an intensification of the use of the existing access and thus no objections are raised. Recommend conditions in respect of surface treatment, vehicle parking, and cycle parking be attached to any grant of consent.

REPRESENTATIONS

Parish Council – Objects to the application for the following reasons:

1. Dangerous access from the site on to the public highway
2. Close proximity of the access to a three way junction
3. The lack of visibility caused by a very sharp corner to the right for drivers of vehicles exiting the site.

In connection with the previous applications (which were withdrawn before determination) the Highways Authority recommended refusal. Nothing has changed so far as the access is concerned, so the highway objection must continue to stand. The number of residents is likely to be similar whether it is 3 or 6 houses.

There is a lack of adequate parking on site. If permission is granted it must be conditional upon on-site parking and no parking along nearby roads. These roads are not suitable for any additional parking as they are too narrow, visibility is poor and there is a 3 way junction.

There is a long standing vehicular right of way through the farmyard to the nearby Anglian Water sewage plant. This right of way, used by large lorries, must not only be preserved, but must be taken in to consideration when determining parking, turning and garden areas.

2 letters of objection have been received in the response to the public consultation, the main points of which are summarised below:

- Highway safety – dangerous access
- No planned development for Little Yeldham
- Outside of the development boundary

REPORT

Principle of Development

Please refer to previous report for 17/01912/FUL.

Design, Appearance and Layout

Please refer to previous report for 17/01912/FUL.

Impact on the Heritage Asset

The site is within the village of Little Yeldham and concerns a group of structures which collectively formed part of a historic former farm known as Sewells. Whilst the farmhouse was demolished circa 1970 it remains a relatively intact cohesive example of a predominantly mid-nineteenth century working farm. The oldest structure, known within this application as Barn 1 is Grade II listed. The other five structures are considered curtilage listed and of both historic and architectural significance which contribute positively to the setting of the principle barn and to the wider settlement of Little Yeldham.

The drawings have been amended during the course of the application in response to comments made by the Council's Heritage Consultant, in relation to some of the fenestration. The Heritage Consultant is satisfied with the amendments made and considers that the development would ensure the continued preservation of the heritage assets. A series of conditions, in respect of materials, schedule of repairs, window and door details, landscaping and rainwater goods are recommended to be attached to any grant of consent. The proposed development is considered acceptable upon the listed barn and its setting and in compliance with policies RLP100 and RLP101 of the Local Plan Review and Policy CS9 of the Core Strategy.

Impact on Neighbour Amenities

Please refer to previous report for 17/01912/FUL.

Highway Issues

Please refer to previous report for 17/01912/FUL.

CONCLUSION

It is considered that the proposed works are sympathetic and would not give rise to any detriment to the character or appearance of the listed building, in compliance with policies RLP100 of the Local Plan Review and CS9 of the Core Strategy. In addition the proposal complies with part (a) of the policy RLP101; however no consideration has been given to the proposed use of the barns or any other part of RLP101 as part of this listed building consent application.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Location Plan		
Landscaping	Plan Ref: PSSF 17/SITE/01	Version: D
Proposed Plans	Plan Ref: PSSF 17/A/01	Version: B
Proposed Elevations	Plan Ref: PSSF 17/2/01	Version: C
Proposed Elevations	Plan Ref: PSSF 17/3/02	Version: C
Proposed Plans	Plan Ref: PSSF 17/4/01	Version: B
Proposed Elevations	Plan Ref: PSSF 17/4/02	Version: C
Proposed Plans	Plan Ref: PSSF 17/5/01	Version: B
Proposed Plans	Plan Ref: PSSF 17/5/02	Version: C
Carport / Cartlodge Details	Plan Ref: PSSF 17/1/01	Version: B
Topographical Survey	Plan Ref: 17585SE-01	
Existing Plans	Plan Ref: 17585SE-02	
Existing Elevations	Plan Ref: 17585SE-03	

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

- 3 No conversion shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

To ensure the use of appropriate materials having regard to the listed buildings on this site.

- 4 Prior to the commencement of works utilising the materials as agreed within condition 3 of this permission, sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling,

and approved in writing by the local planning authority.

Where appropriate, these panels shall indicate:-

- brick bond, copings, mortar mix, colour and pointing profile
- render mix, finish and colour
- flintwork finish to be used

The approved sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the approved sample panels and shall be permanently maintained as such.

Reason

To ensure the use of appropriate materials and finishes having regard to the listed buildings on this site.

- 5 No development shall commence until a schedule of repairs, with details of the proposed method of insulation and internal finishes, has been submitted to and be agreed in writing with the Local Planning Authority. The details as agreed shall be those carried out on site and thereafter retained.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building

- 6 Conversion of the buildings shall not be commenced until additional drawings that show details of proposed new windows (including roof lights), doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building

- 7 At the time of works, the new windows shall be in painted timber and without trickle vents. The windows shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 8 At the time of works, the new casement windows shall be in painted timber, flush meeting within the frames, with matching joinery for opening and fixed casements, and without trickle vents and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 9 At the time of works, the window frames shall be set into the flint/brickwork by at least 70mm behind the face of the bricks and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 10 No electricity, gas or water meter boxes shall be fixed to the external fabric of the building.

Reason

In the interests of the listed buildings.

- 11 All rainwater goods shall be black and permanently maintained as such.

Reason

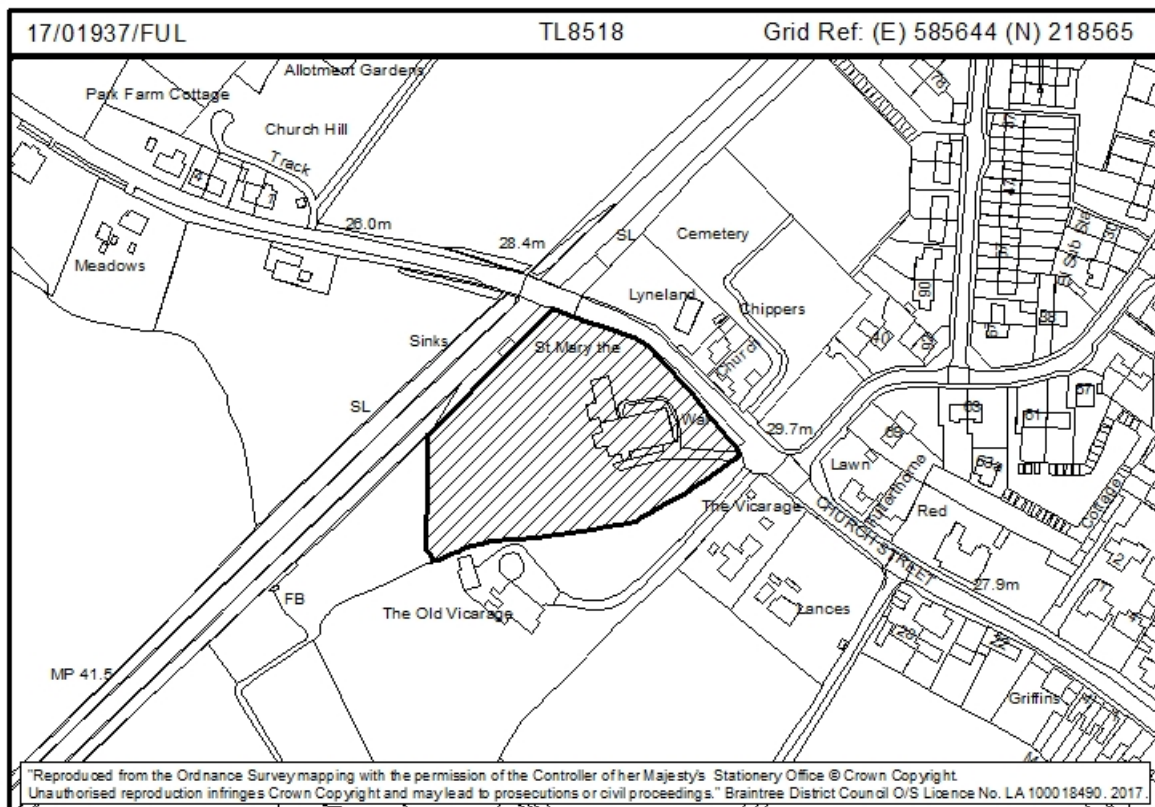
To ensure the use of appropriate detailing on this listed building.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/01937/FUL DATE: 30.10.17
 VALID:
 APPLICANT: PCC Of St Mary The Virgin
 C/o The Vicarage, Church Street, Kelvedon, Essex, CO5 9AL
 AGENT: Mr Simon Prideaux (Churchwarden)
 59 Heron Road, Kelvedon, Colchester, Essex, CO5 9PA
 DESCRIPTION: Replacement of existing notice board with one in man made timber
 LOCATION: St Marys Parish Church, Church Street, Kelvedon, Essex, CO5 9AL

For more information about this Application please contact:
 Will Collier on:- 01376 551414 Ext.
 or by e-mail to: will.collier@braintree.gov.uk



SITE HISTORY

88/00125/P	Demolition Of Part Of Wall And Reconstruction	Refused	21.03.88
88/01113/P	Demolition Of Wall And Erection Of New Wall	Granted	16.08.88
88/01766/P	Erection Of Extension	Granted	08.11.88
88/01780/P	Erection Of Extension		02.11.88
91/01496/PFWS	Repositioning Of Existing Gateway And New Gate	Granted	21.01.92
92/01421/LBC	Erection of gas metre chamber abutting inside face of church yard wall	Granted	01.02.93
95/00023/LBC	Reconstruction of wall and new gate		28.03.95
95/00024/LBC	New Path	Permission not Required	28.03.95
95/01133/FUL	New pedestrian and wheelchair access	Granted	16.11.95
96/01352/TPO	Notice of intent to carry out work to trees protected by the Conservation Area - remove 2 branches from 1 fir	Granted	06.01.97
99/01764/LBC	Hanging of new pedestrian gate in churchyard wall and new double gate in existing openings	Granted	25.01.00

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

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

LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee for determination as Councillor John Elliott is an elected member of the Parochial Church Council (PCC) Of St Mary The Virgin (the applicant for this application, as identified on the submitted application form).

SITE DESCRIPTION

St Mary's Church is a 12th century Grade I listed church building, and the surrounding boundary wall is Grade II listed. The church building is on the southwest edge of Kelvedon, inside the town development boundary and within the Kelvedon Conservation Area.

PROPOSAL

The proposed sign is located just inside the entrance to the churchyard and is visible from the street. The applicant seeks permission to replace an existing timber and aluminium sign with a 'man made timber' notice board approximately 105cm in height and 241cm in width, set on three aluminium legs, powder coated brown.

CONSULTATIONS

Historic England – No comments other than a suggestion to seek the views of the Historic Buildings Consultant.

Essex County Council Historic Buildings Consultant - No objections - considers proposal to be an improvement over what is currently in situ. Proposed sign 'might result in a slightly unnatural and shiny finish and a hand painted or treated and varnished sign would be a better visual appearance'.

REPRESENTATIONS

No comments received from Kelvedon Parish Council. No representations have been received.

REPORT

Principle of Development

The proposal is located within the town boundary, affecting a Listed Building and Conservation Area. In accordance with Policy RLP3 (Development within Town Development Boundaries and Village Envelopes), the principle of the

development is considered acceptable subject to it meeting criteria on design, amenity and heritage.

Heritage Impact

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Braintree District Core Strategy and Policy LPP60 of the emerging Braintree District Publication Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The NPPF allows for new development within designated Conservation Areas, where the new development would "enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably". However where the development or works would lead to "substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Policy RLP95 of the Braintree District Local Plan Review and Policy LPP56 of the emerging Braintree District Publication Draft Local Plan state that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings. Furthermore development should ensure architectural detail on significant buildings within the Conservation Area is retained both physically and in their significance.

The proposed sign replaces an existing sign inside the churchyard by the entrance. The dimensions of the new sign are 106cm wide and 241cm high, whereas the existing sign is 125cm wide and 168cm high. Such changes in dimension are not considered to make any further impact on the character of the Listed Building or Conservation Area. This is recognised in the comments from the Historic Buildings Consultant, who also considers the sign to be 'an improvement over what is currently in situ'.

Regarding the comments of the Historic Buildings Consultant on the materials, the agent in response has stated that *the 'shiny and unnatural finish' may reflect the limitations of the photographs supplied by the manufacturer. The finish is not unduly shiny - and will, no doubt, "weather" somewhat on exposure to the elements anyway. One of the main objectives in selecting the proposed format was to minimise future maintenance requirements to retain a smart appearance - faded or peeling paint/varnish would make the new board less attractive in the longer term.*

In light of the comments above and given that the proposal is considered an improvement on the existing sign, as confirmed by the Historic Buildings Consultant, the proposal is supported.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan
Photograph

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

Reason

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

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

Reason

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

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

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

TESSA LAMBERT
DEVELOPMENT MANAGER