

PLANNING COMMITTEE AGENDA

Tuesday 22nd June 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

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

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

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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

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

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

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

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

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

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

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

Health and Safety/COVID:

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

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

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The Meeting will also be broadcast via the Council YouTube Channel.

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

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 8th June 2021 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether the more minor 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	App. No. 20 01664 FUL – Pudsies Paddock, Station Road, EARLS COLNE	6-29
5b	App No. 20 01813 OUT – Land rear of 105 HIGH GARRETT	30-61
5c	App. No. 20 02066 FUL – Purkis House, Lower Farm Road BORLEY	62-80
5d	App No. 21 00680 VAR – Braintree College of Further Education, Church Lane, BRAINTREE	81-112
5e	App. No. 21 01056 LBC – Existing Car Park Between Manor Street and Victoria Street, BRAINTREE	113-127
5f	App No. 21 01057 VAR – Existing Car Park Between Manor Street and Victoria Street, BRAINTREE	128-164

PART B Minor Planning Applications

**5g App. No. 21 01024 LBC – September Barn, North End ,
LITTLE YELDHAM** **165-170**

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

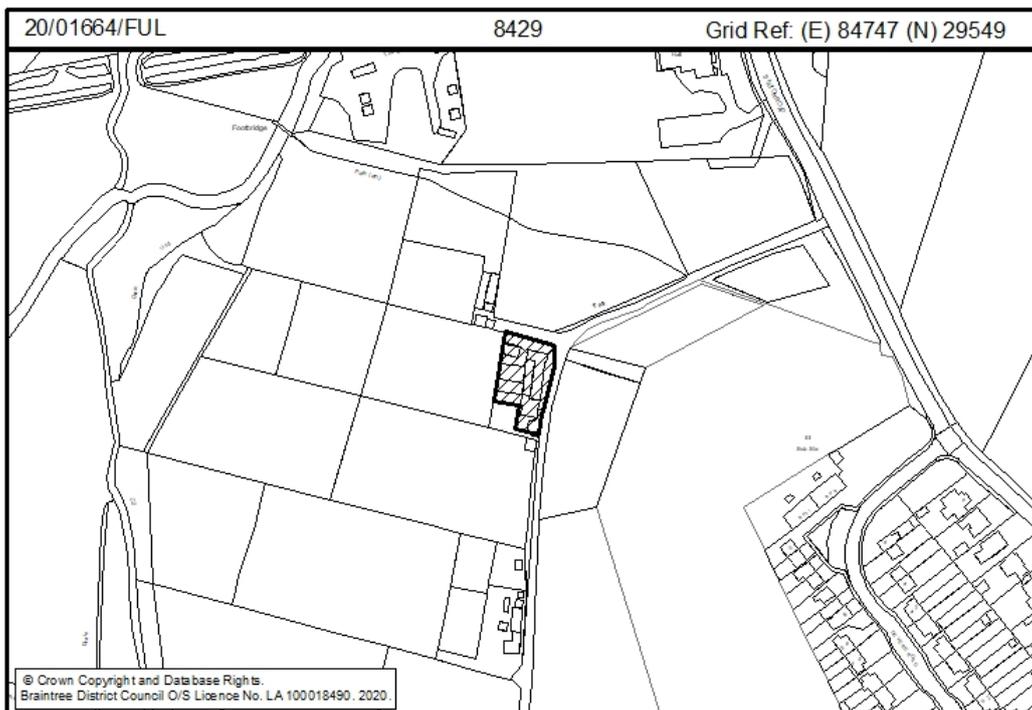
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/01664/FUL DATE: 03.11.20
VALID:
APPLICANT: Mr and Mrs Hockney
C/o Agent
AGENT: Springfields Planning And Development
Mr Chris Loon, 15 Springfields, Great Dunmow, CM6
1BP, United Kingdom
DESCRIPTION: Demolition of stables and erection of a single-storey 3
bedroomed dwellinghouse together with related works
and landscaping.
LOCATION: Pudsies Paddock, Station Road, Earls Colne, Essex, CO6
2ER

For more information about this Application please contact:
Lisa Page on:- 01376 551414 Ext. 2516
or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHU1JQBFH2A00>

SITE HISTORY

19/00081/REF	Construction of a single storey dwelling	Appeal Dismissed	31.01.20
85/01089/	Erection of buildings in connection with use of land for nursery and ancillary retail purposes and siting of mobile home.	Appeal Dismissed	27.08.86
89/01049/P	Stationing Of Mobile Home For Temporary Period	Refused	22.06.89
93/00799/AGR	Erection of store shed	Withdrawn	19.07.93
94/00341/FUL	Erection of storage building for agricultural use	Granted	24.05.94
18/02115/OUT	Construction of a single storey dwelling	Refused	29.03.19

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP6	Infrastructure & Connectivity

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Coast RAMS Supplementary Planning Document (2020)
External Artificial Lighting Supplementary Planning Document (2009)
Essex Parking Standards – Design and Good Practice (September 2009)
Urban Place Supplement Guidance (2007)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as Earls Colne Parish Council object to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the north-west of Earls Colne. The site measures 0.06 hectares in area, but is part of a wider land holding of over 2 hectares. The site itself consist of three stable buildings and their immediate curtilage, contained by fencing. The buildings are constructed in timber and have a total floor area of 104.7sq.m.

The existing access for the site is off Station Road (which also serves an adjacent stables/paddocks complex to the north and another one heading south, past the site). The site benefits from an existing parking area including hard surfacing to the southern part of the site.

To the north, west and south are paddocks and other stable buildings; whilst to the east is the access track and a tree-belt, beyond which a residential development of 56 dwellings are being constructed. The land falls away to the west. A Public Right of Way (PROW) runs to alongside the paddock boundary to the north and west of the site.

The application site was subject to a former refused application for the erection of a new dwelling under Application Reference 18/02115/OUT. This decision was subsequently appealed and dismissed by the Planning Inspectorate on landscape grounds only.

PROPOSAL

This application seeks the demolition of the existing stable buildings and the erection of 1 x 3 bedroom single storey dwelling. The dwelling would have a total floor area of 159sq.m, and would be constructed with timber weatherboarding with a slate roof. The overall approach to the detailed design of the dwelling is to replicate the design of stables.

The Planning Statement details that it is proposed as a 'self-build' dwelling for occupation by the applicants, who wish to move from their current dwelling elsewhere in the District. The applicants are on BDC's Self-Build register.

The dwelling would be accessed via the existing track from Station Road. The existing area of parking will be retained for the new dwelling.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

Comment that the development is acceptable to the Highway Authority.

ECC Fire & Rescue Service

Draw attention to the following matters: Access, building regulations, water supplies, and sprinkler systems.

BDC Ecology

No objection subject to securing a financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC and biodiversity mitigation and enhancement measures.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

Object to the application and raise the following comments:

- Is outside the village envelope and the 'perceived village envelope as defined within the draft local plan';
- One dwelling will provide no advantage to the District Council's desire to meet the Government's housing target;
- Could set a precedent for the development of the whole area of land between the existing tree belt, the Bourne Brook and the Millennium Green;
- Residential development beyond the tree belt will be detrimental to protecting the character of the Bourne Brook/ Colne Valley and the surrounding countryside. This tree belt forms an essential visual barrier shielding current development from the valley floor;
- This is an important wildlife corridor, identified as a Dark Valley, the status of which would be compromised by the proposed development;
- This site is not well placed for walking to the existing amenities of the village of Earls Colne;
- The land is currently used as paddocks and the Parish Council do not support the proposed change of use.

REPRESENTATIONS

The application was advertised by way of site notice; neighbour letters; and a press notice.

6 letters of support have been received, raising the following comments:

- Applicants have made vast improvements to the plot of land (in terms of ecology, landscaping and the Public Right of Way);
- Site is brownfield land;
- Application seeks a self-build which will allow applicants to be on site 24/7 to tend to their livestock;
- Would be no extra impact in respect to the Highways, either entering or exiting Station Road with the current number of vehicles which the family have and use from the property;
- The replacement building is of a similar scale to existing stables and of appropriate materials for the environment and will not have any visual harm especially being single storey. It will complement the rural environment;
- The new tree belt will be an asset for wildlife and will link to other vegetation either side of the paddock.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition,

paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

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

The Development Plan

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

The application site is located outside of an identified town or village boundary and lies within a countryside location. The general principle of development is therefore not supported by Policy RLP2 of the Adopted Local Plan or Policy CS5 of the Core Strategy.

The application has therefore been advertised as a departure from the Development Plan.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that ‘new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply’. As stated above, the site lies outside of a village / town boundary and is therefore within the countryside.

Policy CS5 of the Adopted Core Strategy states that ‘development outside town development boundaries, village envelopes and industrial development limits 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 CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change.

The issue of whether this is an appropriate location for new housing was addressed by the Inspector in the earlier appeal decision. Although that application was dismissed, the Inspector noted that ‘... *the Core Strategy seeks future development to be located at sustainable locations to reduce the need for travel. Earls Colne is identified within the Core Strategy as a key service village. The appeal site, although at the edge of Earls Colne settlement, would not be so far from the settlement centre and future*

occupiers would have reasonable access to the services and facilities at Earls Colne by bicycle or by foot utilising the existing footpath along Station Road.'
The appeal was dismissed on landscape impacts alone.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The development will bring some social benefits with the provision of housing and economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities in the locality. However, given that the application proposes only 1 dwelling, only limited weight is assigned to this. In terms of environmental sustainability, the development proposes the planting of a 95 metres of hedge / tree planting that will provide environmental benefits.

Overall, taking into account the previous appeal decision, it is considered that social, economic and environmental benefits would arise by reason of the proposal.

Layout, design and appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments. Furthermore, Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development.

The application seeks permission for a single storey dwelling, with a total floor area of 159sq.m, providing 3 bedrooms, together with an open plan kitchen, dining and living room, separate utility room and bathroom and WC. The bungalow is proposed as a 'self build' dwelling for occupation by the applicants, who wish to move from their current dwelling and as such will free up another market property elsewhere in the District.

The existing stables are of a traditional form and construction, designed with a slack pitched roof, arranged in an L shape. The proposed dwelling, has been designed to replicate this approach in terms of design and layout. The siting of the dwelling will overlap with that of the stables, and closely follow the existing building footprint. Similar to the proportions of the stable building, the dwelling has a narrow span (of 4.7 metres) and a slack pitched natural slate roof with a height of 3.7 metres. It will be constructed in black stained timber weatherboarding. In terms of fenestration, door and window openings have been reduced which avoids an overly domestic appearance and stable style shutters are shown open on the elevations. All doors and windows would be constructed in black stained timber to be in keeping with the rural appearance.

A residential curtilage of 15m x 17m is provided, which follows the immediate yard area for the stables. This will be enclosed with 1.2m high post and rail style fencing, along with 5 bar gates for access to the adjacent paddock and parking. Although the curtilage is quite large for the size of dwelling it serves, it follows existing boundary demarcations on site. To reduce the size, would result in a contrived boundary with the adjacent paddock, which would visually look quite awkward. Overall, the proposed curtilage is appropriate for the site and the means of enclosure would maintain the rural character and appearance of the site.

Acceptable amenity will be provided for future occupiers. Internally, the dwelling will be provided with accommodation in accordance with the Nationally Described Space Standards, whilst externally the garden is provided with amenity space in accordance with the Essex Design Guide.

Landscape Impacts

The site is situated in an elevated position within the landscape, with the countryside to the west falling away into a valley. There is a public footpath that runs to the north, west and south-west, alongside and through the fields that adjoin the wider site. When viewed from the north / north-west, there are very limited views of the development given the existing field boundary planting. The site is most readily viewed from the west, from the footpath which cuts through the paddocks. From this public viewpoint, there is no landscape screening that would interrupt the longer view up towards to the elevated application site.

On the previous outline application (which was submitted with all matters reserved), the Inspector was concerned that the development, being a dwelling, would 'have a domesticating visual impact that would substantially change the appearance of the site. It would, therefore, have an urbanising impact upon the rural landscape and this would diminish the rural character and appearance of this part of the countryside'.

The application is now submitted as a full application, such that the appropriateness of the development and its impact upon the character and appearance of the locality can be readily assessed. As detailed above, the dwelling is designed to appear as a stable building in terms of its size, scale, form and detailed architectural design. The curtilage will be defined by 1.2 metre high post and rail fencing which is appropriate to its rural context, and as discussed above in regards to the curtilage size, this follows existing boundary treatments such that there is no unacceptable harm. Overall, this design approach would retain the appearance typical of a rural area, and the building would be read as a stable building in association with the adjoining paddocks and equine uses.

The parking area for the dwelling would be identical to the current parking for the equine use, and no harm is attributed to this. Furthermore, the curtilage would be modest and limited to the immediate 'yard area' associated with the existing stables. Permitted development rights would also be removed for

outbuildings (Class E, Part 1 of Schedule 2) and fences (Class A, Part 2 of Schedule 2), and this would reduce the domesticating visual impact of the development. Although it is acknowledged that conditions cannot control other domestic paraphernalia such as garden furniture, washing lines and similar, given the size of residential curtilage, the potential for harmful impacts is limited. A condition is also imposed to remove permitted development rights for extensions and alterations to the dwelling (Class A, Part 1 of Schedule 2), to ensure that the dwelling would be low key and appropriate to its rural locality.

Overall, the visual impact of the development would be restricted to public views from the western footpath and due to the carefully designed dwelling which would appear as a stable building very similar to the ones it replaces, any impact would be modest. A new 95 metre length of landscaping tree/hedge belt is proposed to the sited to the west (to an existing field/paddock boundary). Although the Inspector previously considered that new landscaping could offer some screening of the site in views from the wider landscape, they commented that *'landscaping would be brought about as a result of the proposal and would likely to be reasonably substantial and of domestic form, such as a hedge, to obviate the visual appearance of the dwelling in wider views'*. Such planting is not proposed to screen the development but rather assist in the development assimilating into the landscape. Subject to this landscaping being a mix of hedge and tree planting and appropriate species to reflect that of this countryside landscape, it would ensure that it was appropriate to the rural appearance of the countryside, as well as assisting in biodiversity net gain. This planting can be secured via condition.

Impact on Neighbouring Residential Amenities

One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Adopted Local Plan which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The emerging plan has similar objectives.

There are no existing properties that would be affected by the development. The new dwellings that are currently being constructed to the east are sited behind an established tree-belt and the development is of a scale and design that would result in no harm to neighbours from overlooking, loss of light or similar.

Highway Considerations

Vehicular access for the proposed dwelling, will be provided via the existing access onto Station Road. Essex County Council as the Highway Authority, raise no objections.

The site is provided with an area of hardstanding to the south side of the dwelling that will adequately accommodate the parking of 2 vehicles in accordance with the Councils Adopted Parking Standards.

Ecology

The application has been submitted with an Ecological Appraisal and a Biodiversity Checklist. These documents relate to the likely impacts of development on Protected & Priority habitats and species. Officers are satisfied that sufficient ecological information is currently available for determination, and which provides certainty for the LPA of the likely impacts on protected and Priority species.

The Ecological Appraisal confirms that the stables to be demolished have negligible bat roost potential. Furthermore the site consists of hardstanding and short grazed grassland and has no suitable habitat to support protected species with no evidence of badgers using the site for foraging or commuting. Officers concur with the conclusions of the Ecological Appraisal and Biodiversity Validation Checklist in regards to the site containing negligible ecological value.

In addition to matters relating to Habitat Regulations Assessment (HRA), as discussed under the following heading, a condition to require ecological enhancements, to secure measurable net gains for biodiversity, is imposed. This should include provision of native species planting (as proposed), and the installation of bird and bat boxes. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 and will secure measurable net gains for biodiversity, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. New development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites. It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of securing of a financial contribution of £127.30 per new dwelling erected towards offsite visitor management measures at the above protected sites. This financial contribution has been secured by way of an upfront card payment made under S111 of the 1972 Local Government Act.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

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

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained

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

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

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

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

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);

- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

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

Conflict with the Development Plan

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

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

However, the site is on the edge of the Earls Colne settlement and, as concluded by the Inspector on the previous appeal decision, is considered to not be far from the settlement centre where future occupiers would have reasonable access to the services and facilities in the town by bicycle or by foot utilising the existing footpath along Station Road.

Although there is conflict with Policy RLP2, no harm by reason of its location would result. Limited weight is therefore attributed to this conflict.

Summary of Public Benefits

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

Location and Access to Services and Facilities

As outlined above, the location at the edge of Earls Colne settlement, would enable future occupiers to have reasonable access to the services and

facilities at Earls Colne other than by private vehicle. The sustainability of the site in these terms is assigned moderate weight.

Economic and Social Benefits

There would be an economic benefit, due to the creation of jobs during construction and the contribution that the occupiers of the new dwelling would make to the local economy. There would also be a social benefit, due to the creation of the new dwelling and as the dwelling is to be built as a 'self-build' scheme (the applicants are on BDC's self-build register). However, as the application proposes only 1 dwelling the weight that is attributed to this is only limited.

Ecology / Hedgerow Planting

The application will provide environmental sustainability benefits, with the planting of a native hedgerow, and furthermore, biodiversity net gain will be secured via an ecological enhancement plan. Although this is a clear positive benefit, given the scale of the development, only limited weight is attributed to it.

Planning Balance

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

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 1289/07	
Proposed Site Plan	Plan Ref: 1289/04	Version: B
Proposed Floor Plan	Plan Ref: 1289/05	Version: A
Proposed Elevations	Plan Ref: 1289/06	Version: A

- 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 (as amended).

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

Reason

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

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

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

- 4 Above ground construction shall not be commenced until samples of the materials to be used in the external finishes of the building hereby permitted has 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 retained as such.

Reason

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

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

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

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

Reason

In the interests of the character and appearance of the development and amenity of the area and in the interests of protected species.

- 6 No occupation of the dwelling shall occur until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. All these works shall be carried out as finally approved in detail. The details to be submitted shall include;

- Details of hard surfaced areas;
- Details of the soft landscape works to include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the 2no. 2 bed dwellings and the detached dwelling or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests of the character and appearance of the development and amenity of the area.

- 7 No occupation shall occur until a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF 2019 and s40 of the NERC Act 2006 (Priority habitats & species).

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions in the interests of visual amenity.

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

Reason

In order that the Local Planning Authority may exercise control over any proposed future outbuildings in the interests of visual amenity.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected or constructed, as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future mean of enclosure in the interests of visual amenity

INFORMATION TO APPLICANT

- 1 If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).
- 2 You are advised that in regards to nesting birds, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken

by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present).

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 27 January 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/Z1510/W/19/3237372

Pudseys Paddock, Station Road, Earls Colne CO6 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Hockney against the decision of Braintree District Council.
 - The application Ref 18/02115/OUT, dated 14 November 2018 was refused by notice dated 29 March 2019.
 - The development proposed is construction of a single storey dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this case are whether the countryside location is an appropriate location for new residential development and the effect of the proposed development upon the character and appearance of the area.

Reasons

4. Policy RLP2 of the Braintree District Local Plan (the Local Plan) directs development to within designated village envelopes/town development boundaries. This policy indicates that outside of these boundaries countryside policies will apply. Local Plan Policy RLP90 relates to layout and design of new development and requires design to recognise and reflect local distinctiveness. Policy CS5 of the Braintree District Core Strategy (the Core Strategy) indicates that development will be strictly controlled in the countryside in order to protect and enhance the landscape character and amenity of the countryside. The site is located outside of any designated village envelope/town development boundary and is within the countryside for the purposes of planning policy.
5. The countryside to the west falls away into a valley. The land west and south is predominantly open countryside in character hosting some equestrian paddocks. To the north and east beyond the track the land is treed. A belt of

- trees to the east separates the site from both established residential development and land that has permission in place for future housing development. The appeal site is situated at an elevated position within the landscape and is clearly visible in views from the countryside, against the backdrop of existing trees that visually separates the site from residential development to the east. There are no substantial boundary enclosures or landscape features that would reduce the visibility of the site in views from the wider landscape.
6. The appeal site comprises stables, a yard and paddocks. The existing stables are of modest size and are of an appearance typical of a rural area. The proposal would replace these with a dwelling, which the planning application form indicates would be single storey. Although potentially creating a development of a similar scale and footprint to that of the existing stables, the development, being a dwelling, would have a domesticating visual impact that would substantially change the appearance of the site. It would, therefore, have an urbanising impact upon the rural landscape and this would diminish the rural character and appearance of this part of the countryside.
 7. New landscaping could offer some screening of the site in views from the wider landscape. However, such landscaping would be brought about as a result of the proposal and would likely to be reasonably substantial and of domestic form, such as a hedge, to obviate the visual appearance of the dwelling in wider views. This type of landscaping would not reflect that of this countryside landscape and would represent a further diminution of the rural appearance of the countryside.
 8. Taking these matters collectively, the proposed development would be out of keeping in this rural location. Furthermore, given the appeal site's elevated siting within the landscape, the residential development would be clearly visually prominent and intrusive within this rural landscape. Therefore, the visual harm of the proposal to the character and appearance of the countryside would be significant. This would be so despite the site representing a brownfield site and not falling within a designated landscape.
 9. I have been directed to an appeal decision at Meadow Croft, at the opposite side of Station Road, Earls Colne that related to a new dwelling at the edge of the settlement. In that case the Inspector found that proposed development would not be particularly out of keeping. However, the circumstances of that case, being near to existing low-density development and the site itself being largely screened in wider views by structures and vegetation, differs to that of the circumstances of the site that is before me. I, therefore, do not consider that decision offers support for the proposal before me, which I consider can and should be considered on its own merits.
 10. For the above reasons, I conclude that the proposed development would not be an appropriate location for new residential development as it would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies RLP2 and RLP90 of the Local Plan and Policy CS5 of the Core Strategy. I consider these policies to be in line with objectives of the National Planning Policy Framework (the Framework) that require planning decisions to contribute to and enhance the natural environment and, therefore, can be afforded substantial weight.

11. Policy CO7 of the Core Strategy seeks future development to be located at sustainable locations to reduce the need for travel. Earls Colne is identified within the Core Strategy as a key service village. The appeal site, although at the edge of Earls Colne settlement, would not be so far from the settlement centre and future occupiers would have reasonable access to the services and facilities at Earls Colne by bicycle or by foot utilising the existing footpath along Station Road. In this respect, I do not find the proposal would significantly conflict with Policy CO7.
12. I have been directed to appeal decisions relating to land off Flich Way, Braintree and Meadow Croft that I have already referred to above. I have, also, been referred to the housing development that has been permitted on the west side of Station Road that is in close proximity to the appeal site. The appellant **contends that in those cases the Council's adopted policies in relation to housing supply and restraint were not considered up-to-date and this raised the presumption in favour of sustainable development.**
13. The Council has advised that its Annual Monitoring Report from 2018, published in January 2019, indicates that the Council is able to demonstrate a five-year supply of housing sites using the standard methodology. The Council also highlights that in February 2019 the Government revised the standard methodology. In applying the revised methodology by adding the backlog from previous years, the Council advises that this results in a higher five-year supply.
14. Notwithstanding the above, the Secretary of State found in relation to the more **recent Flich Way decision of June 2019 that the authority had not 'confirmed'** its five years land supply. Furthermore, in that case the Secretary of State concluded that the Council could not demonstrate that it had a five-year supply of deliverable housing sites in place as it was considered that some sites should be removed from the trajectory.
15. It, therefore, appears to me that the most recent indications are that the Council does not have a five-year supply of deliverable sites in place. I have not been directed to any more recent evidence that would indicate otherwise. In such cases, paragraph 11d) of the Framework sets out that the development should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. I have found that the proposed development would be out of keeping within the countryside and that the proposal would be visually harmful for this reason. I consider this harm to the countryside landscape would significantly and demonstrably outweigh the benefits brought about by one windfall dwelling **that would only make an extremely limited contribution to the District's housing supply and vibrancy of the local community.** I have concluded that the proposal would conflict with Policies RLP2 and RLP90 of the Local Plan and Policy CS5 of the Core Strategy. The policy conflict I have identified is of such importance that I find that the proposal is in conflict with the development plan as a whole. The Council has referred to a number of emerging plan policies. However, given this plan is some time from adoption I give its policies very limited weight at this time.

Conclusion

17. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

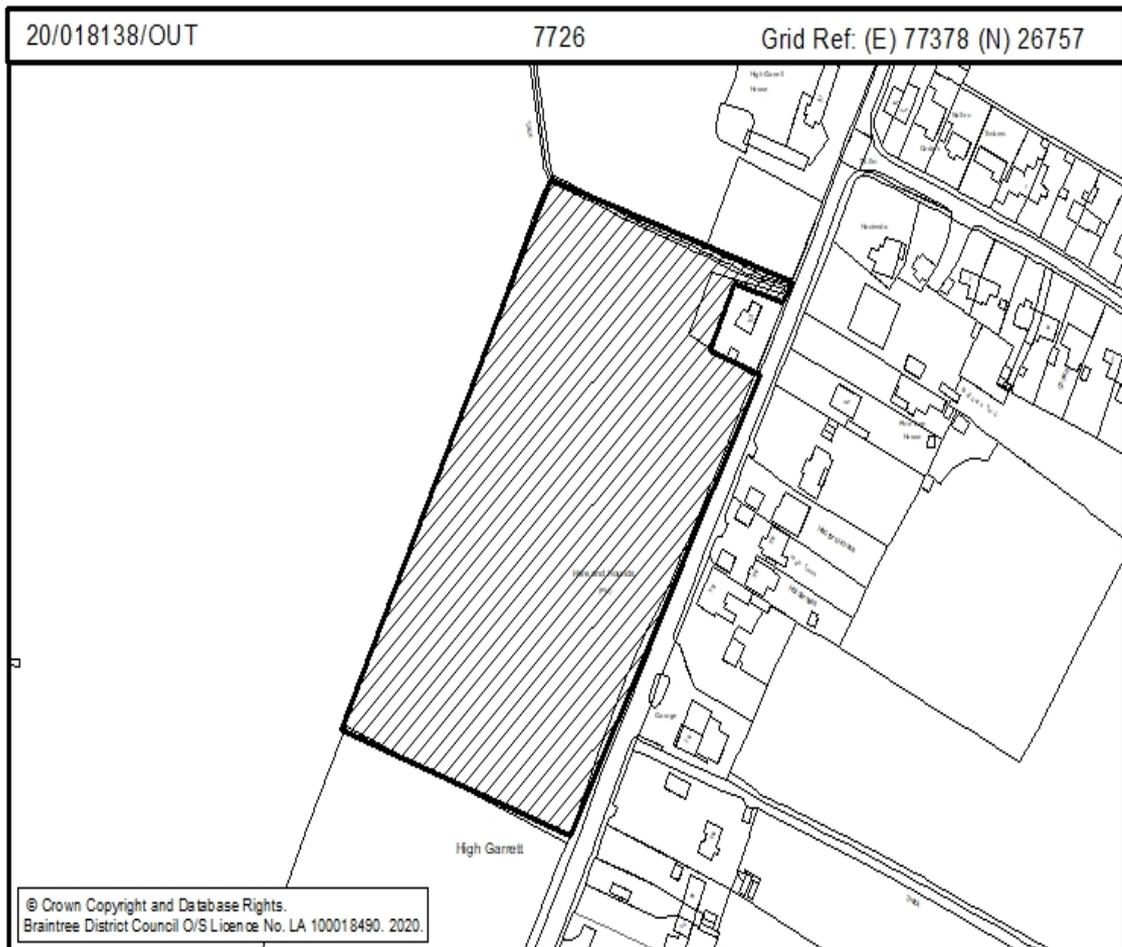
INSPECTOR

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01813/OUT
DATE VALID: 11.11.20
APPLICANT: Rainier Developments Limited, Samuel Gray And Robert Clarke
C/O Agent
AGENT: Miss Ella Murfet
8 Quy Court , Stow-Cum-Quy, Cambridge, CB25 9AU
DESCRIPTION: Outline application with all matters reserved except access for up to 37 dwellings (including 40% affordable housing), with vehicular access, landscaping and public open space.
LOCATION: Land Rear Of, 105 High Garrett, Braintree, Essex

For more information about this Application please contact:
Melanie Corbishley on:- 01376 551414 Ext. 2527
or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJ6H60BF0EC00>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development

LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

None

Other Material Considerations

Site Allocations and Development Management Plan
 Essex Design Guide
 Essex Parking Standards
 Affordable Housing SPD
 Open Spaces SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the western side of the A131 High Garrett. The site comprises some 2.25ha of agricultural land. The site has been left as grassland as it is not actively farmed at the current time.

The east the site is bounded by the A131 and a ribbon of existing residential properties. To the south and west, the site is bounded by fields, and to the north it wraps around 105 High Garrett, a Grade II listed building. Beyond this is a newly constructed detached dwelling and mown grassland.

PRoW 68_17 runs within the site, along the northern boundary.

Beyond this to the north are several other Grade II listed properties. Opposite the site to the south east are 4no. locally listed buildings of 'Arts and Crafts' character.

Whilst the site is located within the countryside, the site is not allocated as a Green Buffer in the Section 2 Plan.

PROPOSAL

The application seeks outline planning permission for 37no. residential units. Access is to be considered at the outline stage and layout, appearance, scale and landscaping are reserved matters for future consideration.

Access is proposed to be taken from the A131 at a southerly point along its frontage of the site and a 2m wide footway provided along the frontage of the site to the south and north of the proposed access.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before a detailed proposal is put forward.

The application is supported by a suite of documents which include:

- Flood Risk Assessment
- Arboricultural Impact Assessment
- Ecological Assessment Report
- Transport Statement
- Planning Statement
- Landscape and Visual Appraisal
- Design and Access Statement
- Concept Masterplan
- Acoustic Design Statement
- Phase 1 Desk Study Report
- Archaeological and Heritage Assessment
- Statement of Community Engagement
- Sustainability Statement
- Utilities Assessment
- Parameter Plan

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

After further assessment and investigation of the site during the application process and having reviewed the accompanying Heritage Statement, I do not consider the development of the site would result in harm to the significance of the heritage assets and I have no objection.

Therefore, should the outline application be approved, a landscaping plan and details of the layout and design of the buildings would be required for approval from the Historic Buildings Advisor for Braintree during the reserved matters stage, in order to safeguard the setting of the designated and non-designated heritage assets.

ECC SUDS

No objection subject to conditions.

ECC Highways

Having reviewed the information submitted with the planning application, the Highway Authority's position remains the same as it was for planning application 19/00874/OUT and therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the submission of a construction management plan, provision of a footway along the width of the site to join the footway to be provided as part of planning application 19/00874/OUT (were the Appeal to be allowed). Footway shall also be extended north to join with existing footway at the vehicle crossover for 105 High Garrett, provision of residential travel packs and upgrade of the two bus stops in the immediate vicinity of the proposal site, to include, pole, flag, timetable case and where possible raised kerbs (details shall be agreed with the Local Planning Authority prior to commencement of the development).

ECC Education

A development of this size can be expected to generate the need for up to 3.3 early years & childcare places, 11.1 primary school places, 7.4 secondary school places and local library improvements and therefore a financial contribution is requested.

Ramblers Association

In the interests of encouraging sustainable transport modes, the Ramblers request that this development is refused unless:

1. A footway with a minimum width of 2 metres is provided along the entire front of the development on the west side of the (busy) A131. This is to connect all the way to the south and to the north of the site to the footway by 105 High Garrett i.e. not only to the bus stop. The 2 metres is to be clear of all obstructions (e.g. lighting columns). This may well require the removal of the existing gappy hedge which will therefore need to be replaced further away from the carriageway.
2. A pedestrian crossing point is provided between the two bus stops e.g. a zebra crossing or pedestrian controlled lights with a central refuge, wide enough for buggies / prams / wheelchairs / child scooters.
3. The new footway in-front of the development site should be widened as necessary to accommodate a bus shelter with a (perch) seat for the bus stop on the west (development) side of the A131.
4. The A131 is a busy road and not that wide. Consideration should be given to providing better & safer cycling facilities.
5. A circular footpath, of a minimum width of 2 metres, should be provided around the south and west side of the development site to connect up with the existing public footpath on the north side of the development site. Solar powered movement sensitive lighting would provide a safe circular dog-walking / running route on winter afternoons / evenings.

- It is not clear how the indicative concept master plan "prioritises pedestrians and cyclists" as no footways (pavements) are proposed on any of the estate roads. People would therefore be walking in the carriageways. In the interests of pedestrian & cyclist safety, will there therefore be street lighting?
- The nearest primary school is in Church Street which is about 1.9km away, a 23 minute walk for an adult. Is it realistic to expect young children to walk this far - even assuming that the school has capacity?

Open Spaces Society

No comments received.

BDC Ecology

No objection subject to securing:

- a) A financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC;
- b) biodiversity mitigation and enhancement measures

BDC Landscape Services

No objection regarding the existing trees on the site and a number of conditions are requested.

BDC Environmental Health

No objection, conditions requested regarding contaminated land, restrictions on the use of noisy equipment, radios etc, dust control, no piling and submission of a construction management plan.

BDC Waste Services

There is no details about refuse and recycling collections. We will require a detailed Refuse plan, which details where the waste collection vehicle can access in the development. This also needs to detail where the bins are placed on collection day, and where they are to be put back to during non-collection days.

Essex Fire and Rescue

No objection.

ECC Archaeology

No objection, subject to conditions.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

NHS

No comments received.

BDC Housing Research and Development

In accordance with Policy CS2 of Core Strategy, the outline proposal for 37 residential dwellings requires 40% to be provided as affordable housing which equates to 14 affordable dwellings.

We acknowledged the application mainly seeks approval to the principle of development and that details concerning a mix of affordable dwellings would be brought forward as reserved matters. However, as an indicative layout drawing has been provided, based on housing need the unit and tenure mix in the table would be considered appropriate to match housing need.

	No.	Affordable Rent	Shared Ownership
2 Bed 4 person House	8	6	2
2 bed 4 person bungalow (Part M3b)	1	1	0

3 Bed 5 person house	4	2	2
3 Bed 5 person bungalow (Part M3b)	1	1	0
	14	10	4

Additional requirements for affordable housing that should be considered are as follows:

- Affordable dwellings must be deliverable without reliance on public subsidy
- Accessibility requirement for bungalow type homes to meet Building Regulations Part M (3b)
- Accessibility requirement for all affordable homes accessed at ground level to meet Building Regulations Part M (2)
- Affordable homes should be compatible with Nationally Described Space Standards

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative is included within your Notice should permission be granted.

The foul drainage from this development is in the catchment of Bocking Water Recycling Centre that will have available capacity for these flows.

This response has been based on the following submitted documents: Flood Risk Assessment and Drainage Strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Essex Police

BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.

Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and at the same time assist with achieving a Secured by Design award, NB we note within the Design and Access Statement it states that it is proposed to build to "Secured by Design principles"...

REPRESENTATIONS

40 representations received making the following comments:

- Development in this location would place undue reliance upon the private motor car for accessing facilities, conflicting with the aims of the NPPF.
- The proposal is an intrusion into the countryside and fails to appreciate the value of the site in providing a rural transition into an urban area.
- The proposed layout is uninspiring and out of character in a semi-rural area, the loss of mature hedgerow to obtain lines of site for access would be detrimental to the area as a whole.
- The access is too close to the Foley corner junction, where queuing traffic across the proposed access, even outside of peak hours, is a common occurrence.
- The adverse impacts substantially outweigh any perceived benefits, a development of this size could offer.
- High Garrett is an extremely busy road and adding a further 37 homes with the increase of traffic will only make this road worse, making it hazardous for any of the exits from houses and the pub along this section.
- Too dangerous to cross the road to be able to access the school in Bocking.
- There are also no local facilities apart from the hare and hounds pub, which will mean that accessing any amenities will require car travel.
- There are well documented problems with surface water flooding and sewage capacity issues in the area, the proposed pond and pumping station do not adequately address these.
- This agricultural land and adjacent field (where previous applications have been refused) contributes greatly to the open aspect of High Garrett, which is a semi-rural hamlet, not a blanket extension of urban Braintree, and provides valuable habitat.
- The site is located in the countryside and falls outside of the defined village envelope as identified in the Adopted Local Plan and Adopted Core Strategy.
- The design of the development does not reflect the scale of housing in area; the density is far above any other equivalent site in the vicinity.
- Planning permission has already been refused twice on the site next door and should this site proceed, it would set a precedent for the adjacent site.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.
- Increase risk of crime being introduced into the area.
- Loss of habitat.
- The site is green belt and should be protected.
- Site is within a green buffer.
- The proposed development is not in keeping with the character of High Garrett, with high density and multi-story dwellings too close to the main road, causing excessive noise and pollution for those residents
- Harm to nearby listed buildings.
- Insufficient local services for new residents.
- Loss of valuable agricultural land

REPORT

Principle of Development

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

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

The application site is not proposed for allocation for development in the Section 2 Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

5 Year Housing Land Supply

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

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

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

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

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there

is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

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

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

Relevant nearby planning history

To the South West of the application site is a development site, known as the ‘Gladman’ site, accessed from Church Street, Bocking. Planning permission was granted on appeal for up to 265 dwellings last summer under Application Reference 17/02188/OUT.

Directly to the south of and abutting the current application site, adjacent to High Garrett, is a site where permission was refused last June for 33 dwellings (Application Reference 19/008/74/OUT). An appeal has been lodged and is currently being considered by the Planning Inspectorate. The first reason for refusal related to the intrusion of development into the countryside and it failing to appreciate the intrinsic value of the site in terms of the function it plays in this particular location, by way of the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach in to the town.

Officers wish to reiterate that each application is considered on its merits. Officers are content that the sustainability credentials and landscape impact of the current application site differ from the allowed appeal on Church Street, as set out in more detail below.

Accessibility to facilities and services

The strategy set out in the emerging Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

“That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- Direct public transport services exist, or there is potential for the development to be well served by public transport
- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

Policy LPP44 from the Section 2 Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

The site is located within the countryside, although the settlement boundary of High Garrett/Braintree runs along the centre of the A131 to the east of the application site. Notwithstanding this it is necessary to consider the amenities/facilities that are available within close proximity to the site.

High Garrett has a public house, a car servicing business and a retail shop selling home furnishings. There is no local convenience store, primary school, GP surgery or such like within High Garrett, nor within reasonable walking distance. Therefore future residents would be reliant on travelling to larger centres for daily needs.

There is a footway along the eastern side of the A131, however this is narrow in places such it would not be possible for two pedestrians to pass one another. The site is within a 40mph zone. Officers have visited the site on several occasions at different times of the day and the constant volume of traffic along the A131 makes for an uncomfortable pedestrian environment. In order to reach the public house or bus services heading towards Braintree from the application site, it would be necessary to cross the A131. In Officers' opinion, having experienced the pedestrian environment, this is unlikely to be attempted by residents or if it is, not without some difficulty. In addition there are no dedicated cycle lanes within the vicinity of the site and in Officer's opinion the busy nature of the A131 is unlikely to be considered as a favourable cycling environment.

The closest bus stops to the site are located on the A131. The application proposes the introduction of a 2m footway along the frontage of the site between the proposed access and the north eastern corner of the site, which would allow pedestrian access to the bus stop on the western side of the A131. The A131 at this point is served by the No.38 and No.38A which provides a twice hourly service Monday to Saturday between Braintree and Great Yeldham. The No.89 provides an hourly service between Braintree and Great Yeldham. The No.352 provides a twice daily service Monday to Saturday between Chelmsford and Halstead. A Sunday service of (6 buses) is also available. There is therefore scope for residents to access fairly regular bus services in to Braintree and other locations. Notwithstanding this, although future residents of the development would be able to access bus

services travelling north along the A131, in order to access bus services travelling towards the larger centres of Braintree, Witham and Chelmsford, it would be necessary to cross the road. Given the heavy traffic along the A131 and no safe crossing point, it is considered that this would deter residents from utilising the bus services available.

As a consequence of the limited accessibility to other forms of transport to the private motor car and the limited services available within High Garrett, future residents are unlikely to be encouraged to utilise sustainable modes of transport and will largely rely on travel by private motor car. In Officer's opinion development in this location would undoubtedly place reliance on travel by car which conflicts with Policy CS7 of the Core Strategy, Policy RLP53 of the Adopted Local Plan, Policy LPP44 of the Section 2 Plan and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised. This weighs against the proposal in the overall planning balance. The planning balance is concluded below.

Design, Appearance and Layout

Paragraph 124 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

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

Policy SP7 of the Section 1 Plan sets out place shaping principles, including responding positively to local character and context to preserve and enhance of existing places and their environs.

Policy LPP55 of the Section 2 Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

It is noted that the concept masterplan drawing submitted also shows the proposed development at the adjacent site as if it is an approved scheme. As mentioned above this proposal was refused and is currently pending consideration at appeal.

This is an outline application where appearance, scale, layout and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout, such as access, public open space (natural play trail), landscape features and SuDs features. It is indicated that the density of the development of the whole site for 37no. dwellings would be 16.4 dwellings per hectare.

It is Officer opinion that the illustrative plan relating to the layout of the proposal has little sympathy to High Garrett, and it is not clear if the proposal would sufficiently comply with the quantifiable measures such as parking spaces, private gardens sizes and back to back distances.

Overall the illustrative scheme is considered suburban in its appearance and fails to reflect the rural nature of the site and its surroundings on the western side of the A131.

The illustrative layout does not reflect the character of High Garrett contrary to the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LLP55 of the Section 2 Plan.

Trees, Landscape and Visual Impact

The NPPF states in Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment recognising the intrinsic character and a beauty of the countryside.

Policy CS8 of the Core Strategy states that 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'

Policy RLP80 of the Adopted Local Plan states that new development should not be detrimental to the distinctive landscape features and development that would not successfully integrate in to the local landscape will not be permitted. This sentiment is reiterated in Policy LPP71 of the Section 2 Plan.

The arboricultural impact assessment submitted in support of the application prepared by Tyler Grange refers to the BS5837 tree survey undertaken in the latter part of 2019 and presents a comprehensive assessment of the tree cover across this parcel of land.

The trees within the site are largely confined to the boundaries and individually - with a few exceptions are considered to be of medium to low quality. It is however reasonable to reflect that the cumulative assemblage of these canopies does provide a framework of screening for the site providing the basis for further augmentation from a suitable landscaping scheme.

The largest component part of the boundary vegetation along the adjacent highway A131 is identified as hedge H4 comprising a thin strip of blackthorn,

hawthorn and elm. The report notes that the taller elms are in decline, probably from Dutch elm which is now an endemic disease in most hedgerows where elm is an established component. Over time these stems will die and although there is usually regeneration from the base the level of screening will be diminished so the applicant should provide a substantial amount of new planting with an evergreen component behind the existing feature; the latter is probably within the ownership of the highway authority and outside the management of the management company appointed to manage the site so additional planting will be required to secure a robust and sustainable screen along the frontage.

The public footpath PROW 68-17 runs along the northern boundary of the site and the landscape proposals need to be sufficient to provide a setting for this part of the path whilst securing a level of screening from the proposed residential development across the seasons; the informal footpath proposed within the site relies heavily on the use of private drives and this is not an attractive route. Landscape Services team would prefer to see this route realigned so that it runs through the available open space and uses a bound aggregate treatment as a durable surface.

The site is located within the area of the High Garrett/Marks Hall Wooded farmland as defined and described in the 2006 Braintree Landscape Character Assessment. The key characteristics of this area are a flat to gently undulating landform, strong pattern of large and small woods, regular medium to large arable fields bounded by low well-trimmed thick hedgerows and some mature hedgerow trees, open to enclosed character depending on density of woodland, many small farmsteads and occasional village.

The site and surroundings are typical of this character description with the exception of the well-trimmed hedges, as many of the hedges in the vicinity and the hedges on the site have been allowed to grow on to mature trees and shrub boundaries.

The Council's Evaluation of Landscape Capacity Study for the settlement fringes of Braintree was commissioned in 2015. This analysis, commissioned to provide an evidence base and assist in the landscape evaluation of applications, made a fine-grained study of settlement fringes and categorised parcels of land in terms of their capacity to absorb new development. This document forms part of the evidence base for the emerging Local Plan and the analysis within it has been used as part of the assessment of sites being considered for allocation within the Local Plan. A number of sites along the western side of the A131 from the Broad Road roundabout northwards, including the land immediately to the north of the application site were put forward to be considered for residential development as part of the new Local Plan. All of these sites were discounted for residential development, the main reason being the impact development would have upon the countryside given the undeveloped nature of the western side of the highway.

The site forms Part of parcel 13a of the Landscape Capacity Study, which is identified in the study as having medium capacity for accommodating

development. Parcels with medium, medium high or high capacity are defined in the study as those 'most likely to be suitable as a location for development'.

The 2015 landscape capacity report identified the following guidelines for development and mitigation measures for parcel 13a:

- Reinforce vegetation on the western boundary to provide screening to development in cross valley views and to maintain separation between High Garrett and the adjoining open countryside
- The setting of Mill Lodge would need to be considered
- Development should reflect the settlement patterns, scale and vernacular features of the neighbouring development in High Garrett.

The applicants have submitted a Masterplan which shows that the proposed residential development is confined within parcel 13a.

The applicants have submitted a Landscape and Visual Impact Assessment to support the application. The LVIA has been carried out using methodology from the Guidelines for Landscape and Visual Impact Assessment which are used by Landscape Architects to evaluate the impact of a proposed development on both character and visual amenity.

In terms of visual impact, the LVIA concludes that:

“6.7 On the ground, there is little perception of an open character as the site is well enclosed by mature woody vegetation. Residential development prevails on the site boundaries and more widely intersperses with the presence of woody features to undermine any perception of a clear gap. This is also illustrated by the visual analysis where the boundary vegetation in combination with any landscape proposals and bolstering of hedgerows all serve to prevent visibility of the site and through to the open countryside.

6.8 The western edge of the A131 is developed to the north and to the south at Grove Field which therefore provides context to the development to the western edge of the road, alongside the previously approved development at Church Street, Bocking which is in close proximity to the site. The rectilinear field pattern along the roadside is in keeping with the settlement along the A131 and at a contrast with the irregular field structure of the open countryside to the west of the site.

6.9 The Landscape Capacity Study within the Braintree District Settlement Fringes Evaluation of Landscape Analysis Study of Braintree and environs (June 2015) has identified the site as having a medium capacity for accommodating development which is defined as a capacity that is most likely to be suitable as a location for development. It goes on to state that development upon the site would “... form a natural extension to High Garrett, infilling the gap between existing residential areas to the north and south”. The findings of this study is harmonious with the findings of this LVA and mitigation guidelines within this study have formed a key role in the development of the landscape strategy as shown in previous chapters.

6.10 In terms of planning policy, this LVA concludes that the proposed development is compliant with national and local landscape policy.”

Although representative of the character of the area, it is considered that the application site is not a particularly rare landscape type. There is currently no public access and it has no specific designations and has been assessed in the landscape capacity study as associating more closely with the settlement than the wider countryside. There are no apparent factors which would raise it to the status of a ‘valued landscape’ in the context of the NPPF.

However, notwithstanding any judgement reached on the value of the landscape, Officer’s must also consider any specific function that the site serves in landscape terms and also the impact that development will have upon landscape character and the character of any neighbouring settlement. The NPPF states in Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment recognising the intrinsic character and a beauty of the countryside. The site may not be a ‘valued landscape’ within the meaning of the NPPF, however it performs a specific role, providing an undeveloped break in what is otherwise a long, largely unbroken ribbon of development along the eastern side of the A131 as you leave Braintree town and travel north.

It is clear that the western side of the A131 within High Garrett has a very different character to the eastern side. The western side remaining largely undeveloped other than from the development at Grove Field and few detached houses immediately adjacent, whereas the eastern side presents a more to less continuous line of development from the Broad Road/A131 roundabout to the south and the traffic light junction of the A131 with the A1017 to the north. The Council has applied this argument in justifying the consolidation of the ribbon development on the eastern side of the road, by allowing a scheme of 8no.dwellings. Whilst that scheme was not considered to result in harm that warranted refusal, the development within this application would result in a very different impact given the character of the western side of the A131.

Although the site may not have an intrinsic value of its own in landscape terms, it forms a piece of the jigsaw of the wider landscape which plays a critical function in ensuring the settlements of Bocking and High Garrett remain separate and do not coalesce and preventing further urban sprawl. Settlement boundaries should not be ignored in their entirety and given the Council’s Housing Supply position, it is considered that significant weight can be given to the requirement of Policy CS5 to protect the countryside from, for example, urban sprawl and ribbon development. It is generally accepted that one of the founding principles of the planning system has been to prevent urban sprawl and avoid unplanned coalescence between settlements and this is one of the principles that underpins Policy CS5 of the Core Strategy.

The site and the other undeveloped areas along the western side of the A131 provide a particular setting to the area, presenting a softer edge to the busy

highway and allowing views though in to the countryside beyond the site and behind Grove Field. The open and undeveloped western side of the A131 plays an important function in understanding the distinction between the settlement boundary and countryside beyond and how the approach in to the town is experienced. Currently the undeveloped western side provides a softer edge to the town and a gradual transition from the countryside to the town. The proposed development would compromise this distinction, creating an unwelcome and unexpected sense of enclosure at this point along the A131 to the detriment of the role the countryside performs in this context. In addition the creation of the 2m footway would result in the loss of soft landscaping along the sites frontage, further eroding the existing soft edge. The ribbon development opposite the site does not provide justification for the development of this site which would result in harm to the amenity and character of the countryside and would open up the opportunity for further development along the western side of the A131.

In Officer opinion, the proposal fails to appreciate the intrinsic value of the countryside and the function it plays in this particular location and would result in a detrimental impact upon the character and amenity of the countryside contrary to the NPPF, Policies CS5 and CS8 of the Core Strategy, Policy RLP80 of the Adopted Local Plan, and Policy LPP71 of the Section 2 Plan.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 193 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 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 including, where appropriate, securing its optimum viable use.

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy LPP56 of the Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.

The Grade II Listed Mill House, which was moved to its current location in 1926 is located adjacent to the site and would be bordered by the site boundary on two sides of its curtilage. While the current open nature of the site enhances the wider setting of the listed building, there is no historic functional link to the site, beyond the ninety-four years it has existed at its present location.

The significance of the building and its architectural and aesthetic interest would be retained. The retention of the green area to the north of the site as proposed, would also preserve the principle views of the building and its façade, against the backdrop of an open setting, when viewed from the east and the A131.

Therefore, the Historic Buildings Consultant does not consider the scheme would result in harm to the significance of the Grade II Listed Mill House.

To the north, beyond Mill House, is the historic farmstead of High Garrett House, with two Grade II Listed barns. Views of the listed buildings are obscured from the site, by a substantial screen of vegetation. The approval of a new dwelling in the intervening space between the farmstead and the site has served to further incorporate the farmstead into development along the A131. The farmstead is further screened from views from the A131, while in contrast it can still be viewed from the wider open landscape to the west. The development of the site would therefore not result in a harmful impact on the significance of the farmstead, or the ability to appreciate it within its rural setting.

Two non-designated heritage assets that could potentially be impacted by the development were identified during the pre-application process. These were the Hare and Hounds Public House, which appears on the OS mapping from the 1870s-80s and the late nineteenth century dwellings, to the south of the

public house at Nos. 92, 94, 96 and 100. The dwellings are likely to have been built by Samuel Courtauld & Co and together with the public house, they have a degree of heritage significance which merits consideration. Yet while the outlook from these designated heritage assets across the open site can be appreciated, there is no historical or functional link between the buildings and the site. Their significance would not be diminished by the proposed development.

Following further assessment and investigation of the site during the application process and having reviewed the accompanying Heritage Statement, the Historic Buildings Consultant does not consider the development of the site would result in harm to the significance of the heritage assets.

The proposal complies with the policies mentioned above.

Impact on Neighbour Amenity

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is reiterated in Policy LPP55 of the Section 2 Plan.

Existing properties along High Garrett are those which would be closest to the development. Whilst their outlook would change as a result of the development, private views are not protected.

The proposed masterplan shows that a layout could come forward without unacceptable loss of amenity to neighbouring residential properties, satisfying the abovementioned policies.

Highway Issues

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential residual cumulative impacts on the road network would be severe.

The application proposes that access is considered at the outline stage. It is proposed the development be served by a single point of access off the A131. The application is supported by a Transport Statement which considers the existing local highway network, the proposed access and the impact of the development on the highway network. The Highway Authority has considered the Transport Statement and considers it acceptable for the scale of development proposed.

Having visited the site and experienced the volume of vehicular traffic, Officers acknowledge local resident's concerns with regards to the proposed access off the A131 and can understand why it is felt that conflict would arise

with the existing junctions. Officers have considered the submitted Transport Statement and the comments made by the Highway Authority and would advise Members that withholding planning permission on highway grounds, without any evidence of a 'severe' highway impact in the terms of the NPPF and, notably, without support for this position from the Highway Authority, would prove difficult to justify and challenging to defend at appeal.

The Highway Authority suggests a number of conditions which could be applied to any grant of consent.

Ecology

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation. Where development is proposed that may have an impact on these species the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

These sentiments are reiterated in Policies LPP68 and LPP70 of the Section 2 Plan.

An Ecological Assessment Report (Tyler Grange October 2020) has been submitted with the application which contains sufficient details in order to determine the application.

The Council's Ecologist is satisfied with the information submitted and recommends a number of conditions securing a wildlife sensitive lighting scheme, a construction environmental management plan, landscape and ecological management plan and biodiversity enhancement strategy which could be applied to any grant of consent.

Archaeology

Essex County Council recommends that a condition is placed on any grant of consent which requires a programme of archaeological trial trenching and excavation to be undertaken, given that there is the potential for Roman and Medieval to Post Medieval archaeology to be disturbed or destroyed by the proposed development. Such a condition could reasonably be placed on any grant of consent.

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not

increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site to be within Flood Zone 1 (low risk).

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas. The FRA states that it can be demonstrated that surface water can be managed, such that flood risk to and from the site following development will not increase as a result of the development.

Essex County Council as Lead Local Flood Authority has considered that FRA and raise no objection, subject to a series of conditions being attached to any grant of permission. These conditions would require a detailed surface water drainage scheme to be provided, details of measures to be put in place to minimise the risk to offsite flooding and appropriate arrangements to be put in place for the maintenance of the drainage system.

Habitat Regulations Assessment (HRA / RAMS)

The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Given the scale of the development, the developer would be required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£127.30 per dwelling) for delivery prior to occupation. Should the application have been recommended for approval this matter would have been dealt with via a Section 106 legal agreement.

Loss of Agricultural Land

The NPPF requires planning to protect and enhance valued soils. The agricultural land classification maps show the site to be grade 2 (very good). It is grades 1-3a that are considered to be best and most versatile agricultural land.

The NPPF requires local planning authorities to take in to account the economic and other benefits of the best and most versatile agricultural land. The site is a small area of agricultural land within the district and wider south eastern region and its loss would not have a significant impact on farming operations. It is inevitable that some development of such land will be necessary to meet the housing requirements.

PLANNING OBLIGATIONS

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were to grant it permission.

Affordable Housing

Policy CS2 of the Core Strategy states that on development of this size affordable housing will be directly provided on site with a target of 40%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought.

Open Space

Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for on-site amenity green space.

A financial contribution would be sought for outdoor sport, equipped play and allotments. The provision/ contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects could be secured through a S106 Agreement.

Education

ECC Education have confirmed that they would wish to seek financial contributions for additional early years, primary or secondary school places and local library improvements.

Habitat Regulations Assessment (HRA / RAMS)

The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. A financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£127.30 per dwelling) for delivery prior to occupation would be required.

Subject to the above matters being incorporated in to a legal agreement to ensure their provision, the development would be made acceptable in these

respects. However whilst the applicant has indicated that they would be prepared to enter in to an agreement to provide the appropriate infrastructure mitigation, no such agreement is in place at the present time. The development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies CS2 and CS10 of the Core Strategy, Policy RLP138 of the Adopted Local Plan, Policy SP6 of the Section 1 Plan, and Policy LPP82 of the Section 2 Plan.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP53 and RLP80 of the Adopted Local Plan and Policy CS5, CS7 and CS8 of the Core Strategy.

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

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight.

The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

The purpose of Policy RLP53 of the Adopted Local Plan is to ensure that major development that would generate significant levels of travel demand should only be granted planning permission where they have access to existing public transport services or there is potential to be well served by public transport, and that this access should be within an easy walking distance of the entire site. As it is effectively seeking to ensure a site has access to sustainable transport services – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

Policy RLP80 of the Adopted Local Plan requires that new development must successfully integrate into the local landscape and that proposals that fail to do so will not be permitted. Policy CS8 of the Core Strategy is a wide ranging policy concerning the natural environment and biodiversity. Amongst other

things the policy requires that consideration is given to landscape impact. It states that development must have regard to the character of the landscape and its sensitivity to change and, where development is permitted, it will need to enhance the locally distinctive character of the landscape in a manner that accords with the Landscape Character Assessment for the area. The underlying objectives of Policies RLP80 and CS8 are to protect the landscape character and amenity of the countryside and require a decision maker to consider the established landscape character and its sensitivity to change and are considered to both be consistent with paragraph 170(b) of the NPPF and are not considered to be out of date and can be given significant weight.

Policy CS7 of the Core Strategy promotes accessibility for all, and in particular states that future development will be provided in accessible locations to reduce the need to travel, an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

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

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

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently,

minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

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

Conflict with the Development Plan

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

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

In addition, the proposed development would conflict with Policy RLP80 of the Adopted Local Plan and Policy CS8 of the Core Strategy as the proposal would result in the intrusion of development into the countryside and fails to appreciate the intrinsic value of the site in terms of the function it plays in this particular location, by way of the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach in to the town. The proposed development would result in a detrimental impact upon the character and amenity of the countryside. Significant weight is given to the conflict with these landscape policies.

Conflict with the Section 2 Plan

The proposed development would conflict with Policy LPP1 of the Section 2 Plan as it proposes development outside the defined development boundaries and within the countryside. Furthermore the proposal would conflict with Policy LPP71 of the Section 2 Plan as the proposal would result in the intrusion of development into the countryside and fails to appreciate the intrinsic value of the site in terms of the function it plays in this particular location, by way of the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach in to the town. The proposed development would result in a detrimental impact upon the character and amenity of the countryside. However, until the Section 2 Plan is adopted, only limited weight can be attributed to the conflict with these policies.

Location and Access to Services and Facilities

Although future residents of the development would be able to access bus services travelling north along the A131, in order to access bus services travelling towards the larger centres of Braintree, Witham and Chelmsford, it would be necessary to cross the road. Given the heavy traffic along the A131 and no safe crossing point, it is considered that this would deter residents from utilising the bus services available.

It is considered that the development of the site would increase reliance on travel by car. This weighs against the proposal and is afforded moderate weight.

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

The proposal fails to appreciate the intrinsic value of the countryside and the function it plays in this particular location and would result in a detrimental impact upon the character and amenity of the countryside. This weighs against the proposal and is afforded significant weight.

Summary of Public Benefits

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

Delivery of Market and Affordable Housing

The development would facilitate the provision of 37no. new dwellings, comprising 23no. market houses and 14no. affordable houses. This is afforded moderate weight, given the scale of the development.

Economic and Social Benefits

The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. However this is no more than any development and therefore this is afforded no more than moderate weight.

Section 106 Obligations

Should it have been entered into the proposals would have secured a number of Section 106, obligations including the aforementioned affordable housing, open space, education and HRA/RAMS contribution.

The Section 106 benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with planning policy.

Planning Balance

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

RECOMMENDATION

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

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the Adopted Local Plan (2005) and Adopted Core Strategy (2011). The proposal would introduce 37no. dwellings in the countryside where facilities and amenities are beyond reasonable and safe walking distance of the site and alternative modes of transport are problematic to access. As a consequence development in this location would undoubtedly place reliance upon travel by private motor car, conflicting with the aims of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised.

The proposal would result in the intrusion of development into the countryside and fails to appreciate the intrinsic value of the site in terms of the function it plays in this particular location, by way of the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach in to the town. The proposed development would result in a detrimental impact upon the character and amenity of the countryside.

The adverse impacts of the development are considered to outweigh the benefits and the proposal fails to secure sustainable development, contrary to Policies RLP2, RLP53, RLP80 and RLP90 of the Adopted Local Plan (2005), Policies CS5, CS7 and CS8 of the Adopted Core Strategy (2011), Policies SP1 and SP3 of the Adopted Section 1 Local Plan (2021), Policies LPP1, LPP44, LPP55 and LPP71 of the Draft Section 2 Plan (2017), and the NPPF.

- 2 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- A financial contribution towards outdoor sport, equipped play and allotments
- Ongoing maintenance for on-site public open space
- On site affordable housing
- A financial contribution for additional early years, primary or secondary school places and local library improvements
- A financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC

This requirement would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been prepared or completed. In the absence of securing such planning obligations the proposal is contrary to Policies CS2 and CS10 of the Adopted Core Strategy (2011), Policy RLP138 of the Adopted Local Plan (2005), Policy SP2 of the Adopted Section 1 Local Plan (2021) and the Open Space Supplementary Planning Document (2009).

SUBMITTED PLANS

Site Masterplan
Location Plan

Plan Ref: 3202G

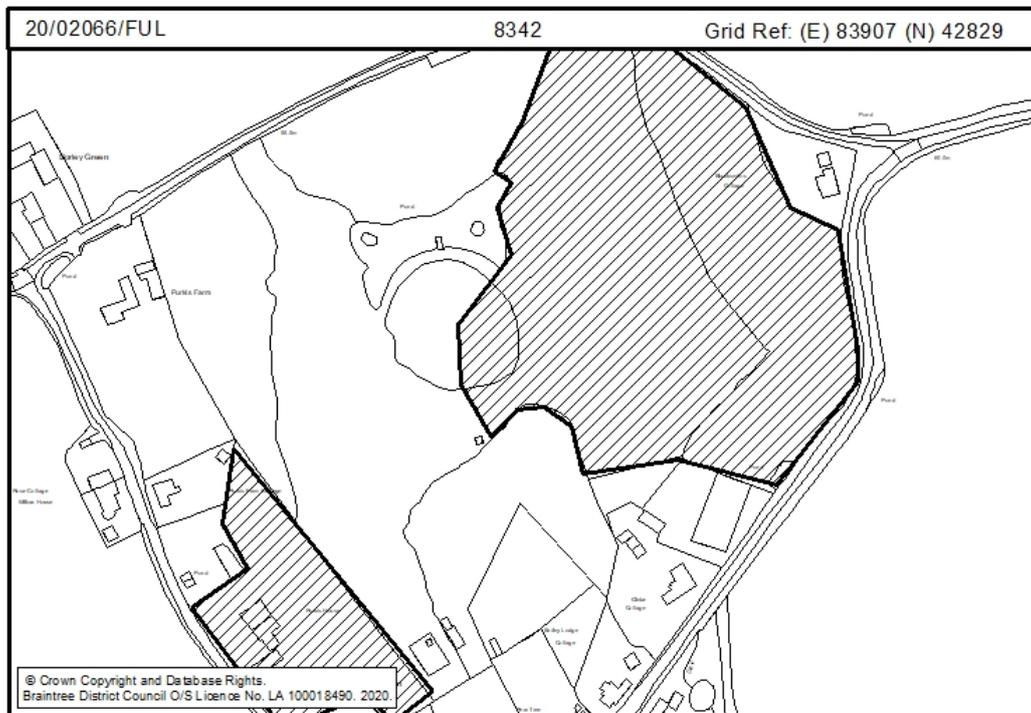
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/02066/FUL DATE: 16.12.20
VALID:
APPLICANT: Mr Christopher Minter
Purkis House, Lower Farm Road, Borley, CO10 7AG
AGENT: A & P Designs Ltd
Penny Little, 116 Oak Road , Rivenhall , CM8 3HG
DESCRIPTION: Proposed stables development and 25m x 45m equestrian arena
LOCATION: Purkis House, Lower Farm Road, Borley, Essex, CO10 7AQ

For more information about this Application please contact:
Helen Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKV80ZBF14L00>

SITE HISTORY

15/00031/REF	Erection of two storey and single storey extensions	Appeal Dismissed	15.01.16
94/00325/FUL	Erection of extensions and alterations to existing dwelling to form single dwelling	Granted	13.04.94
96/00996/FUL	Erection of conservatory extension and new timber framed garage and office	Granted	01.10.96
15/00632/FUL	Erection of two storey and single storey extensions	Refused then dismissed on appeal	08.09.15
16/01318/FUL	Erection of one and a half storey rear extension, single storey side extension, enlargement of loose gravel driveway and placement of domestic garden sheds on hard standing.	Granted	29.09.16
17/02125/VAR	Application for removal or variation of condition 2 and 4 of planning approval 16/01318/FUL - Condition 2 - Introduction of larger French doors to the north west gable end. Window to the rear elevation has reduced in height and a curved top introduced. Small link extension to the cart-lodge has a pitched roof and smaller windows. Condition 4 - Change to a compliance condition.	Granted	19.01.18
20/00582/PLD	Proposed stables and 20m x 42m manege	Refused	15.10.20

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP85	Equestrian Facilities
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS5 The Countryside

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1 Presumption in Favour of Sustainable Development

Braintree District Draft Section 2 Local Plan (2017)

LPP1 Development Boundaries
LPP45 Parking Provision
LPP54 Equestrian Facilities
LPP55 Layout and Design of Development
LPP73 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP79 Surface Water Management Plan
LPP81 External Lighting
LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as the application has been Called In for determination by a District Councillor.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located on the edge of the small hamlet known as Borley Green, which lies to the south-west of Borley village and is within the countryside, for planning purposes.

There are in essence, two sites (sites edged red) identified within the application. The 'main' site comprises a detached, extended dwelling known as Purkis House, which was originally a row of 3 terraced dwellings which is sited centrally within an extended garden plot and accessed off Lower Farm Road. Neighbouring properties include Red House abutting the site to the south-east and Purkis Farm Cottage to the north-west. The site and extended garden is bounded at the rear by hedging and a grassed bund exists towards the boundary with Purkis Farm Cottage and substantial tree/hedgerow cover separates the plots.

The second 'site edged red' refers to a large area to the north-north-east of the site, which covers a large area, bounded to the north and east by Lower Farm Road and Belchamp Walter Road and Blacksmiths Cottage on the eastern side and properties along Borley Green to the south-eastern side with Glebe Cottage abutting the site. The area identified for the location of the proposed manege currently contains various equestrian paraphernalia including horse jumps and is to a large extent bounded by tree cover to the north and east with limited views of the wider countryside as a result.

There is currently no direct physical link in terms of land ownership between the two areas identified above, however it is understood that the applicant has an existing license to cross the land with livestock.

In terms of topography of the site and countryside beyond, the area is relatively flat, however the level of tree/hedgerow cover limits distant views into and beyond the site.

Both sites are identified as being located within the Council's 'Landscape Character Assessment' as the Stour River Valley Area.

PROPOSAL

The application seeks planning permission for the erection of a stable block and a 25m x 45m equestrian arena (manege).

The proposed stable block would be sited in the development area within the extended rear garden area and would comprise a 'C' shape building with lengths measuring 24.3m x 22.2m with an eaves height of 2.2 metres and overall height of 2.9 metres. Internal facilities would comprise 8 bays for stabling horses plus a further 6 bays providing a tack room, rug room, washdown room, machinery store, bedding store and feed store. External materials would comprise horizontal timber cladding to the walls and felt roof tiles.

Externally, a new vehicular access would be created within the site which would be accessed from the existing drive, to the north of an existing pond to the rear of the proposed stable block with a hardstanding area to the rear of the stable block and the location of a proposed muck trailer.

The manege would be located in the development area beyond the residential garden approximately 148 metres to the east and would comprise a post and rail fenced arena measuring 45 metres length and 25 metres width with a ground construction finished with a sand and fibre mix. The manege would be sited within an area which is currently used for equestrian/grazing related purposes.

A revised scheme has been submitted following concerns raised by the Case Officer and Environmental Health Officer. It has also been verified that the land between the proposed manege and Purkis House is not owned or controlled by the applicant – this was not explicitly clear at the outset, and for the avoidance of doubt, a Certificate B has been submitted which requires the applicant to notify the land owner of the planning application.

BACKGROUND

It is worthy to note that this planning application follows a refusal of Application Reference 20/00582/PLD which sought a lawful development certificate confirming that a proposed stables and manege in the garden of Purkis House would be 'permitted development'.

The scheme differed to the current planning application, with the proposed stable block appearing the same, but sited almost abutting the southern rear boundary of Purkis Farm Cottage and a manege was proposed behind the dwelling in the extended part of the garden.

The certificate was refused on the basis that Officers considered the proposed stable block and manege failed to meet the necessary criteria set out in Schedule 2, Part 1 Classes E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 by reasons that the siting the proposed development would not be within the curtilage of the dwellinghouse and the scale of development and the resultant level of facilities that would be provided, would not be incidental to the enjoyment of the dwellinghouse.

SUMMARY OF CONSULTATION RESPONSES

Dedham Vale and Stour Valley Project

Stable block and manege do not raise issues of concern – stable block and manege would be unobtrusive in the landscape – well screened by established planting/trees. Welcomes no light being proposed around the manege. Recommend that the area around the manege is landscaped to soften the visual impacts of the fencing within the Project Area. The planting should link with the blocks of woodland located either side of the new manege to create wildlife corridors.

BDC Environmental Services

1st response – detailed response given, *“no objections in principle to the proposed development on Environmental Health grounds, however there are potential nuisance issues associated with the storage of waste stable bedding and manure that need resolving properly before I can support approval of this application.”*

2nd response – not yet formally received however background liaison with a revised scheme (as formally submitted) indicated as acceptable.

BDC Landscape Services

No comments received.

PARISH / TOWN COUNCIL

No response at time of writing report.

REPRESENTATIONS

A site notice has been displayed at the entrance to Purkis House for the requisite period.

Purkis Farm Cottage, Blacksmiths Cottage, 1 and 2 Red House have been notified during first consultation and same for the revised scheme with additional addresses – Rose Cottage, Glebe Cottage, Borley Lodge Cottage and Pear Tree Cottage.

Objections received to both original and revised scheme, summarised as follows:-

Original Scheme – 2 objections

- 8 stables and equestrian arena is totally out of keeping with the size of other structures in area
- Large proportion of back garden would be taken up
- Development would dominate the open landscape
- Would be visible from roadside
- Location would be close to own rear garden and 25-30 metres from own house
- Waste product of 8 horses and smell/hazards of infestation
- Drainage to a soakaway – mainly clay with poor drainage – would create a hazard
- Omission of proposed lighting and associated noise will create a nuisance and blight in a peaceful rural area
- The narrow single track is unsuitable for horse boxes and large vehicles
- Development is not within the curtilage
- Stables are too large and not incidental to the dwelling
- Noise and disturbance when exercising and attending to 8 horses – too close to boundary

Revised Scheme – 7 objections

- Movement of muck storage from boundary of Purkis Farm Cottage to back of stable block is still not sufficient distance from the boundary to prevent environmental hazard and nuisance
- Entirely covered separate area should be built in centre of Purkis House plot on northern boundary
- Whole stable block should be moved to place it entirely behind Purkis House – also benefit of hiding such a large structure from the front and minimising impact on rural landscape
- Not clear whether new drainage conforms with council report recommendations – entirely separate drainage system was recommended
- New plans show a new channel that joins the existing domestic system – domestic system cannot surely cope
- Ditch in front of Purkis House is already awash with foul smelling drainage from the property
- Council requested a statement of the exact method of loading the horse waste – does not appear to have been addressed in detail

- Clear that the council's response that the development has not been given proper and due consideration as to its effects on neighbours and the environment
- Wrong for one resident to be allowed to make their life easier at the expense of other nearby residents to a peaceful rural life and live in a safe environment
- Neighbour attempting to move their interests and recreations from properly run and existing stables and place everything so close to their neighbours will result in profound health, safety and environmental issues
- Development should be placed as far away from neighbouring properties as possible – placing it so close to Purkis Farm Cottage is clearly not right
- Some consideration would have been shown if the stables were placed in the middle at the back of Purkis House plot
- Muck storage does not come close to addressing the recommendations of the council – monthly not weekly muck collection
- 8 horses produce 16 daily wheelbarrow loads – nearly 500 wheelbarrow loads in a month. Cart trailer proposed does not state how the cart provides a solid concrete floor
- Revised drawings and covering letter will therefore need further amendment to clearly state how the whole muck loading and collection process would work in practice with the minimum amount of noise and risk of environmental pollution to neighbours
- Increase in traffic to this rural area
- Road is not wide enough to take large vehicles associated with the stables
- Fire risk assessment should be carried out and full advice communicated to neighbouring properties
- Inappropriate for a stables and manege in a residential area rather than on a farm with pasture
- Unclear how a stable for up to 8 horses can be considered on its own without the pasture necessary for the horses
- Proposed arrangements are very different to Eyston Hall – horses have considerable space in large pastures and noise and smell from manure is far from residents in Borley Green
- Size of stables does not allow for arena to be in a logical position and not close proximity to stable building. Applicant has to travel across land not within his ownership – no documents to explain how the horses would be transported
- Facilities for livery are less than half a mile away at Eyston Hall
- Care of this number of horses on site will likely increase traffic movements to and from the site by third parties
- Proposal conflicts with Policy RLP85 – no such bridleway or byways exist in the immediate area
- There are 7 listed buildings in the immediate vicinity – proposal would have an acutely adverse effect on the setting and significance of the adjacent listed buildings
- Applicant has not submitted any supporting documentation to demonstrate what impact the proposal would have on adjacent heritage assets

- With no area included for the grazing of horses within the applicant's ownership, the horses will likely be stabled for most of the day. Horses can be very vocal and regularly kick stable doors, generating high volumes of noise and disturbance to neighbours immediately adjacent.
- No information provided as to whether there will be additional third party assistance to tend the horses on a day to day basis and no frequency of deliveries or collections have been specified

REPORT

Principle of Development

The site is located within the countryside as defined in the Adopted Local Plan. Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan seek to confine new development within town development boundaries and village envelopes and goes on to state that outside these areas countryside policies will apply.

Policy CS5 of the Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits 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.

As identified, the proposals involve the erection of stables and a manege.

Notwithstanding the planning policies identified above in relation to development within the countryside, there is policy support for the provision of equestrian facilities; although not an agricultural use, equestrian facilities by their very nature and requirement for space for grazing and exercise would be an expected use within the countryside as opposed to a town development boundary.

Policy RLP85 of the Adopted Local Plan and Policy LPP54 of the Section 2 Plan states that new riding schools, stable buildings or other equestrian facilities, or extensions to such facilities will be permitted where:

- a) There is no significant effect on a Special Landscape Area, other important landscape or nature conservation interests or any adjacent residential area;
- b) No alterations to vehicular highways in the area are required;
- c) Bridleways and byways in the vicinity are located and designed to accommodate horse riders from the site; and
- d) No additional residential accommodation is consequently required to supervise the facilities.

Floodlighting will not be allowed in association with such facilities.

National and Local Policy is therefore generally supportive of equestrian development in the countryside, and the principle of this development is therefore an acceptable one, providing all necessary policy criteria are met.

In terms of adherence to the above policy, it is noted that there are no byways in the immediate vicinity. It is understood that the applicant currently grazes his horses in paddocks around the area proposed for the manege and this as already identified, would be accessed via the 'licensed' access from Purkis House. On this basis, it is considered that together with manege facilities and pasture land available, there will not be a requirement for bridleways to be utilised. In terms of residential accommodation, the proposed stables would be in the extended garden area of Purkis House and therefore there would be no requirement for new residential accommodation to supervise the facilities. Further consideration under this policy is given below in terms of impact within the countryside.

Design, Appearance, Visual and Other Impacts within the Countryside

Policy CS5 of the Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits 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.

The consideration must therefore move onto weighing the potential impact of new development within the countryside, taking account also of the sensitive location within the Stour River Valley Landscape Character Area.

As stated previously, although planning policy is supportive of equestrian facilities, there is a recognition that such development should be carried out without detriment to the intrinsic character and beauty of the countryside.

Policy CS8 of the Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

As already identified, the site lies with the Stour River Valley Landscape Character Area, which is identified as having a 'relatively high sensitivity to change'. Suggested Landscape Planning Guidelines are listed as follows:

- Consider the visual impact of new residential development and farm buildings upon valley slopes.
- Maintain cross valley views and characteristic views across and along the valley. Ensure any new development on valley sides is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.
- Conserve the tranquil undeveloped character of the intimate tributary valley of Belchamp Brook.

Suggested Land Management Guidelines are listed as follows:

- Conserve and enhance the existing hedgerow pattern and strengthen through planting where appropriate to local landscape character.
- Encourage the planting of native alder, willow, ash, oak and Black Poplar in groups along the riverside where appropriate.
- Conserve and manage areas of ancient and semi natural woodland as important historical, landscape and nature conservation features.
- Conserve and manage the ecological structure of woodland, copses and hedges within the character area.
- Conserve and promote the use of building materials which are in keeping with local vernacular/landscape character.

The proposed stable block would be sited relatively closely to the host and other dwellings and as such would appear as part of the existing group of long established buildings in the area. In addition, given the high level of screening to the site and the limited height of the proposed stables, at 2.9 metres height, it is not considered that the proposed building would have a detrimental impact within this sensitive countryside setting. Given the 'c' shape, this reduces the overall length visually and with its simple form and traditional materials - it would appear as its intended use - a stable block, which, as already established, is appropriate in its countryside setting. In a similar manner, the proposed manege, with a neutral coloured surface finish and post and rail fencing, is not considered that there would be additional impact. The Dedham Vale and Stour Valley Project comments are noted in this respect and objection is not raised by them.

In relation to the generation of traffic in this sensitive rural location, the applicant's covering letter states that he currently owns 8 horses, which are kept at livery some distance away at two livery yards (one in Sible Hedingham and one in Glemsford). The horses are used for top-level eventing competitions domestically and internationally and are trained to a high level of fitness: as a consequence, quality of care is paramount. Among other benefits to the applicant, he states that the keeping of the horses at home will eliminate daily journeys by car to and from the livery yards as currently, reducing local traffic.

Officers note residents' concerns over an increase in journeys as a result of the development, given the scale and number of horses. Officers recognise that there will be some additional level of visits to the site as a result of the stationing of 8 horses on site but in terms of weighing this against the current situation of the level of journeys to and from existing livery stables, it is considered that the impact is likely to be neutral, at least in relation to the impact within the countryside with the number of visits to and from the resultant new stables negated by the loss in the number of visits to and from other livery yards. In terms of the size of vehicles attending site, this is a rural location and it is not envisaged that vehicles would be any larger than farming vehicles which would be utilising the nearby highways and with equine uses an established and accepted presence in a rural locality, Officers have no

reason to raise objection in this particular respect, in relation to impact of traffic in this rural locality.

Notwithstanding, the comments above, there is ambiguity over the level of visits to the site and the types of vehicle in relation to collection of muck storage. This is addressed under 'Impact on neighbouring residential amenity' further on in this report.

In summary and in weighing up the impacts of the development in terms of development within the countryside, Officers consider that the proposed stables and manege would not have a detrimental impact on the countryside locality either visually or in terms of additional vehicle movements and the general principle of this development is considered to be acceptable and in accordance with the abovementioned policies.

Ecology and External Lighting

Policy RLP65 of the Adopted Local Plan and LPP81 of the Section 2 Plan requires that proposals for external lighting will only be permitted if, among other issues, that there is no unacceptable harm to natural ecosystems.

The covering letter submitted with the application states that external lighting is proposed in the form of lighting for the stables will be via PIR security lights and LED downlights located within the soffits of the stables and will be effectively shielded from the nearest neighbour given the orientation of the stables. This lighting will also ensure that upward light spillage is kept to the minimum without any compromise to safety. No lighting for the arena is proposed.

Officers accept that the proposed lighting is acceptable in this respect. A lighting condition could be attached to any grant to consent which requires details of any further lighting not specified within the application to be submitted and agreed prior to its installation.

Impact on significance of Heritage Assets

The NPPF recognises the importance of conserving and enhancing the historic environment and Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations.

Policies RLP100 of the Adopted Local Plan and LPP60 of the Section 2 Plan require that development will only be permitted there is no harm to significance of the heritage asset, including its setting.

Officers note the concerns raised by neighbours, referring to a number of listed buildings in the vicinity, specifically that the proposed development would have a detrimental impact on the setting of the heritage assets. Officers have noted that, in relation to the proposed stables, the nearest listed

buildings are Purkis Farm to the north-west and Rose Tree Cottage, to the south-east. There is a distance of approximately 118 metres and 145 metres respectively and upon visiting the site, neither of the listed buildings were visible from the location of the proposed stables.

In relation to the proposed manege and proximity to listed buildings, Blacksmiths Cottage is located to the north-east and Glebe Cottage to the south-east. The distance is approximately 144 metres and 60 metres respectively. It is noted that the proximity of the proposed manege to Glebe Cottage is closer and the rear of the listed building is visible. However, in terms of the provision of a what essentially amounts to a change to surface materials which would be neutral in colour and post and rail fencing, it is difficult to see how this form of development would have a detrimental impact on the setting of the listed building.

Officers do not consider that given the distances between the proposed developments and listed buildings and in terms of the manege the level of built development is marginal, there would be no impact on the setting of the listed buildings and is therefore compliant with national and local policy in this respect.

Impact on Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Paragraph 180 of the NPPF requires that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions impacts that could arise from the development.

Given the proposals relate to provision of equine facilities, specifically the stabling of 8 horses, it is also considered that Policy RLP62 of the Adopted Local Plan and Policy LPP73 of the Section 2 Plan are applicable which states that planning permission will not be granted for development which will, or could potentially give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless adequate preventative measures have been taken to ensure that any discharge or emissions including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment.

It is considered that the proposed development fails to meet the necessary policy criteria in this respect.

The assessment, given the resultant use of the building for the stationing of 8 horses, would need to take two considerations; the built form of the development and the resultant use of that development and its impact on neighbours. It is noted that an 'in principle' acceptance of the scheme was given in relation to the building's physical built form, following the refusal of a

lawful development certificate reference 20/00582/PLD. It was made clear that the scheme would need to be fully assessed as part of a planning application and impact on neighbouring residential amenity would be key to the outcome of the application and if the impact on neighbours is considered to be detrimental, the application would not succeed.

Firstly, in assessing the impact of the physical built form on neighbouring residential amenity, the closest neighbouring property in this respect Purkis Farm Cottage. The distance from the rear boundary of the neighbouring property to the rear of the proposed stable block is approximately 20 metres. The overall height of the proposed block is 2.9 metres and with a substantial level of soft landscaping providing a screen between the two plots, it is not considered that the proposed building, on its own merits, would cause detriment to neighbouring residential amenity in terms of overbearing or overshadowing issues and is considered to be acceptable in relation to the assessment under Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan.

In terms of impact on neighbouring amenity in relation to the provision of the manege, Officers are aware that the location of the manege would be visible to neighbouring properties from their rear aspect. However again as identified earlier in terms of 'built form', this largely amounts to a change in surfacing and provision of post and rail fencing and as, it is not considered that there would be an impact in this respect.

Secondly is the assessment of the resultant use of the development in relation to impact on neighbours.

In relation to the provision of the manege, having visited the site, Officers are aware that the area appears to be currently used for equine activities and the applicant has confirmed that the area is currently used for grazing and show jumping paraphernalia was noted. It is not clear how long this use has been in place – Satellite imagery appears to show such equipment from 2012. Although the rear of properties are visible, it is not considered that the provision of the manege would cause any greater disturbance than currently and would be considered to be acceptable in this location.

In terms of assessing the impact from the use of the development, the Council's Environmental Health Officer has provided a response to the scheme. The Environmental Health Officer has not raised objection to the scheme on Environmental Health grounds, however potential nuisance issues associated with the storage of waste stable bedding and manure need to be resolved before support for the approval of the application can be given and concluded that due to the potential for nuisance and loss of residential amenity arising from the proposed waste storage arrangements, the application cannot be supported.

The measures identified include:

- Muck storage area – needs to be covered with a roof to prevent rainfall saturating the heap
- All muck stores should be situated on a concrete base and be bunded to collect leachate runoff which is then either stored in a sealed tank of suitable capacity, pending collection by tanker or disposed of directly via connection to a suitable foul drainage system
- Given that mains drainage is not available, a new foul drainage system needs to be installed to serve the proposed stable block, muck heap leachate drain and wash down from the stables and yard areas
- Foul drainage treatment plant e.g. Klargestor Biodisc or equivalent (traditional septic tank system would not be suitable given heavy clay subsoil) should be provided with treated effluent discharge into a watercourse, subject to an Environment Agency Discharge Consent
- Drainage from wash down area will be to the existing pond is totally unacceptable. This would be considered foul effluent, not surface water and would be highly polluting
- Prevention of wind whipping of light weight bedding materials from muck heaps – enclosed on at least three sides with either solid walls or netting
- Muck storage capacity – muck heaps are generally more odorous when disturbed. Preferred frequency would be monthly rather than weekly if sufficient site storage capacity is available. A minimum of 24 cubic metres is recommended, bunded and enclosed – i.e. a 2m high structure with 1.5m solid walls, a 4 m x 4m footprint. This should be located adjacent the rear of the stables on the northern site boundary, i.e. backing onto unoccupied open land, not the garden of Purkis Farm cottage.
- Consideration should be given to the type and size of plant being used to move/load the waste, i.e. skidster, tractor with loading shovel and provision of sufficient hardstanding space to facilitate turning and manoeuvring of such vehicles. A method statement would be useful to describe the proposed loading process to be used.

Following discussions with the applicant, a revised scheme has been put forward with the following amendments:

- Muck heap moved from the rear boundary of Purkis Farm Cottage to an area directly behind the stables
- Trailer proposed measuring 4.35m length and 2.35m width covered by tarpaulin, and a local farmer will remove the waste on an 'as needed' basis
- Drainage for the wash down area will be laid to fall to the central yard drain and will discharge through the central drain and a connection will be made to the existing Klargestor which is emptied on a regular basis.

Prior to accepting the revised scheme, informal acceptance was received from the Environmental Health Officer however a formal response has not yet been received.

Notwithstanding the acceptance of the scheme from the Environmental Health Officer in relation to potential nuisance issued, Planning Officers still have concerns over the proposed scheme, specifically in relation to the impact on neighbouring residential amenity.

Part of the discussions for a revised scheme as part of this current application involved the recommended complete relocation of the muck heap to the northern side of the site, beyond the garden area. At this stage it became clearly apparent that this land is not owned or controlled by the applicant. The positioning of the muck trailer to the rear of the stables, although not directly on the boundary as originally proposed, would still result in a higher level of activity to the north-western side of the site beyond the proposed stables and close to the boundary with Purkis Farm Cottage. There is a concern that this area is not within the direct visibility of the applicants and being some distance from their own house, there is a potential for muck storage to become more haphazard and no method statement has been submitted (as requested) to provide more certainty over the storage and method and frequency of collection. Indeed all that has been submitted in this respect as a revision is *'the local farmer will remove this waste on an as needed basis to ensure no pollution or wind whipping of loose bedding material'*. This does not provide sufficient assurances that this element will be appropriately dealt with, now or in the future.

In addition, this element of the proposed development is concentrated towards the boundary with the neighbouring property, including a new vehicular access off the existing drive to the hardstanding area directly behind the stables. Given the number of horses which would be present on site, the level of activity dealing with muck would likely be frequent and beyond that expected as a 'usual' domestic activity. Officers accept that 'horsiculture' can operate as a use 'incidental to the enjoyment of the dwellinghouse' and indeed in many cases, takes place without falling within the control of the local planning authority, through the utilisation of permitted development rights, however this is not the case here, as Officers considered under the lawful development certificate.

It should be noted that contrary to the original submission, whereby it was indicated that muck storage is currently provided at the rear boundary, upon visiting the site, the Case Officer noted that the storage area appeared more as a garden compost heap and does not contend that the storage of muck in this location is an established, existing one.

Although in relation to the potential 'nuisance' issues identified by the Council's Environmental Health Officer which are now considered to be overcome from an Environmental Health perspective, Planning Officers do not consider that the scheme has overcome all aspects of what needs to be considered in relation to neighbouring residential amenity under planning policy.

Relating to the use of the stable block itself, it is recognised that the proposed stables in terms of doors and access for the horses would be facing into the site. However the number of horses raises a fundamental issue in a similar capacity to that assessed under the lawful development certificate. The sheer number of horses which is being proposed on a residential site with residential neighbours in close proximity is considered to be excessive and goes beyond

the reasonable expectations of what can be considered to be incidental or ancillary to the main dwelling.

Officers accept that this is not a commercial venture. The applicant has confirmed that the horses are owned by himself and his family and the development would be for their own private enjoyment. Officers do not dispute this statement. However, the presence of 8 horses within the residential site, is likely to cause an increased level of background noise; in this respect the neighbours' concerns about horses kicking stable doors and other such related noise are noted. While this point could be considered conjecture, Officers cannot see how the required care for 8 horses, in the least, leading them to the pasture and manege areas on a likely twice daily basis would not cause additional noise and disturbance to the nearest neighbouring property. This level of activity within the garden, given the number of horses, is likely to shift the main activities of the site away from the host dwelling and could result in a continual level of activity beyond that expected in a residential garden setting.

Also of some concern in terms of the future viability of the stables and the scheme as a whole, if it were to be approved, is the heavy reliance on land which is not in the applicant's ownership which provides access from the garden and stables, to the manege and pasture land. Again as already identified, it is understood a license is in place as a right of access for livestock. However there is no further information provided in terms of whether the agreement is in place in perpetuity. If it were rescinded there is no identified means of alternative access to the grazing and exercise areas from the stables. This could result in a situation where access to outside facilities for the horses is rendered unviable, exacerbating the situation of 8 horses stabled in a residential garden. It also leans towards demonstrating that this is not an ideal location for the provision of stables without sufficient grazing land within the immediate setting.

In terms of dealing with the associated waste from the stables, the relocation of the muck heap (now a trailer) to the rear of the stables is not considered to be a sufficient distance from the rear boundary of the neighbouring property identified above to overcome concerns relating to impact on neighbouring residential amenity, in terms of increased activity close to the boundary and resultant noise and smells emanating from the muck heap.

In terms of the level of activity expected in relation to collection of the muck trailer, no method statement has been provided identifying the level of frequency for collection or the type and size of vehicles attending site for that purpose and as such Officers cannot fully assess the impact in this respect.

As such, Officers consider that the provision of a stable block in this rear (extended) garden setting for a total of 8 horses, together with the provision of muck heap facilities and vehicular access close to the rear boundary of the neighbouring property, Purkis Farm Cottage, would give rise to unacceptable levels of noise, smells and disturbance and as such fails to comply with

Policies RLP62 and RLP90 of the Adopted Local Plan and Policies LPP55 and LPP63 of the Section 2 Plan

Highway Issues

To some extent this element has been covered in the bulk of the report. There is no alterations to the proposed to the access to the site.

As already identified, the site is served by an existing access which would not be changed. However, insufficient information has been submitted to fully assess the frequency and type of vehicles visiting the site to remove waste.

PLANNING BALANCE AND CONCLUSION

The site lies outside of an identified town or village boundary and lies within a countryside location and accordingly protectionist countryside policies apply.

However, as identified, there is National and Local planning policy support in relation to the provision of equine related development in the countryside.

The proposed design and appearance of the proposed stables together with the provision of the manege arena is considered to be acceptable and it is concluded that the proposal would not have a detrimental impact upon the character and appearance of the area the wider landscape setting, or have a detrimental impact on the setting of heritage assets.

However, the proposed scheme is considered to have a detrimental impact on neighbouring residential amenity in relation to the provision the stable block, muck storage and collection facilities, too close to the neighbouring boundary with Purkis Farm Cottages, resulting in an increased level of activity and disturbance beyond that expected for a domestic residential site, given the number of horses proposed to be kept on site, with the potential for pollution resulting from smells emanating from both the stables and the muck trailer and immediate hardstanding area to the rear of the stables, conflicting with Policies RLP62 and RLP90 of the Adopted Local Plan and Policies LPP55 and LPP73 of the Section 2 Plan. As such, it is recommended that planning permission is refused.

RECOMMENDATION

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

- 1 The proposed scheme by virtue of the resultant use of the proposed stables for eight horses and provision of the waste storage and collection facilities to the rear of the proposed stables, close to the rear boundary with the neighbouring property at Purkis Farm Cottage, would result in an excessive increase in the level of

activity and disturbance beyond that expected for a domestic residential site.

Furthermore, insufficient information has been provided to identify the frequency and method of collection of waste from the site with the potential for pollution resulting from smells emanating from the muck trailer and stables and immediate hardstanding area to the rear of the stables, causing a detrimental impact on neighbouring residential amenity, such that it conflicts with Policies RLP62 and RLP90 of the Adopted Local Plan and Policies LPP55 and LPP73 of the Draft Section 2 Plan and the NPPF.

SUBMITTED PLANS

Existing Site Plan	Plan Ref: 5874/02
Proposed Block Plan	Plan Ref: 5874/04
Proposed Plans	Plan Ref: 5874/07
Location Plan	Plan Ref: 5874/07

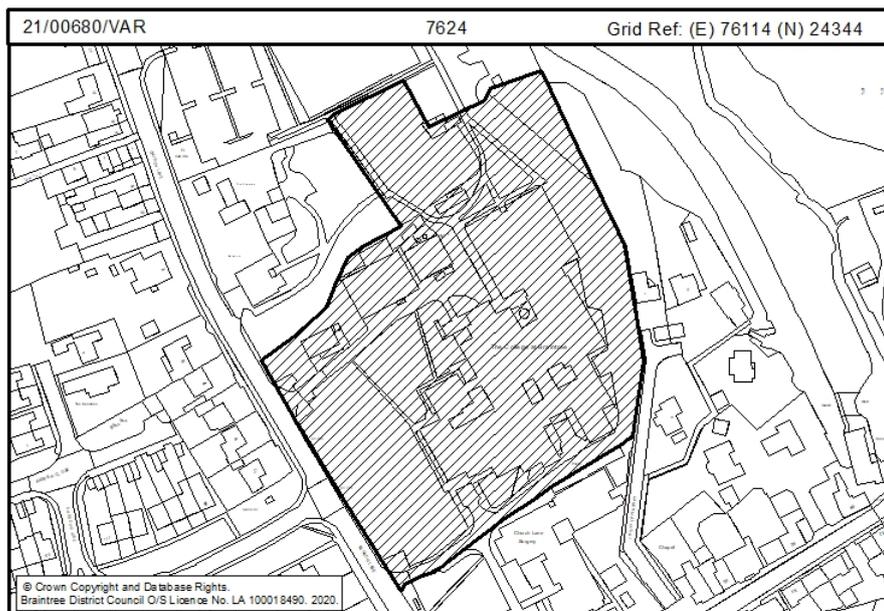
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 21/00680/VAR DATE: 12.03.21
VALID:
APPLICANT: Mr Adrian Doyle
3 Cygnet Drive, Swan Valley, Northampton, NN4 9BS
AGENT: Mr Adrian Kearley
Wesley House, Bull Hill, Leatherhead, KT22 7AH
DESCRIPTION: Variation of Conditions 2 (Approved Plans), 5 (Materials), 6 (Materials), 12 (Lighting), 14 (Transport Improvements), 15 (Remediation), 17 (Piling), 18 (Surface Water), 19 (Surface Water) and 22 (Piling) of permission 19/01743/FUL granted 15/10/2020 for Demolition of existing college buildings, structures and facilities and the erection of a 75 bedroom care home and 19 No. age-restricted LifeLong Homes for those 55 years of age and over (and/or those living with, or supporting someone with a disability), alteration to access; supporting site infrastructure including sub-station, visitor parking, hard and soft landscaping, fences, boundary screening and SuDS; new public access to an established open space; widening of public footpath along Church Lane to improve pedestrian access.
LOCATION: Braintree College Further Education, Church Lane, Braintree, Essex, CM7 5SE

For more information about this Application please contact:
Melanie Corbishley on:- 01376 551414 Ext. 2527
or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPA92GBFJSP00>

SITE HISTORY

02/02225/FUL	Renewal of Application No. 97/00436/FUL - Change of use of land for stationing of 4 Hallam Cabins for a Further 5 years	Granted	07.01.03
76/00151/P	Change of use to showroom	Granted	23.03.76
77/01170/LB	Erection of trade sign	Granted	24.01.78
80/00805/P	Change of use from showroom/warehouse to office.	Granted	22.07.80
82/01205/P	Change of use from office/showroom to showroom/warehouse including wholesale and limited retail outlets for sports, ballet leisure and dance gear.	Granted	06.01.83
76/00209/P	Erection of changing rooms at rear of foundry classroom (CC/1/76)	Deemed Permitted	21.04.76
76/00764/P	Two relocatable classrooms (CC10/76)	Deemed Permitted	24.08.76
81/00995/P	Renewal of temporary permission for provision of two relocatable classrooms. (CC/16/81)	Deemed Permitted	28.10.81
83/00767/P	Provision of four temporary classrooms. (for youth training scheme) (CC/13/83)	Deemed Permitted	
86/01388/P	Continued use of additional teaching accommodation	Deemed Permitted	26.11.86
78/01683/	Proposed provision of 3m high chain link fencing to car park front boundary.	Granted	15.08.79
89/00216/P	Change Of Use To Offices (Architectural Design)	Granted	31.03.89
89/01670/P	Erection Of Extensions And Alterations As Part Of Its Conversion Into A Tertiary College	Deemed Permitted	23.10.89

90/00562/PFBN	Provision Of Two Relocatable Classrooms		02.05.90
90/01803/PFBN	Continued Use Of Four Jack Leg Cabins And Two RI3 Relocatable Classrooms		15.01.91
93/00784/FUL	Erection of double relocatable classroom	Granted	02.08.93
94/00283/FUL	Erection of single storey extension to reception and refectory	Granted	20.05.94
95/00868/TEL	Proposed telecommunications installation on the roof of Braintree College	Permission not Required	22.08.95
95/01427/FUL	Demolition of existing sports hall and temporary classrooms and redevelopment with new sports hall, teaching facilities, offices and ancillaries	Granted	09.04.96
97/00436/FUL	Retention of 4 Hallam cabin classrooms	Granted	13.06.97
98/00486/FUL	Erection of extension to existing music and drama department to form 2 new changing rooms and 1 additional spare/music room	Granted	01.06.98
99/01002/TEL	Installation of replacement cabin - Amendment to application no. 95/868/TEL	Permission not Required	28.07.99
05/02433/FUL	Erection of rear timber canopy to the back of C block	Granted	10.02.06
06/02260/FUL	Provision of 2 no. portakabins to provide additional teaching facilities	Granted	10.04.07
09/00150/FUL	Change of use of land for stationing of 4 no. portacabins - Renewal of expired planning application (02/02225/FUL)	Granted	12.03.09
14/01005/FUL	Retrospective application - conversion to a residential teaching and learning facility.	Part Grant, Part Refused	11.11.14
14/01008/FUL	Natural ventilation upgrade to the existing sports hall fabric.	Granted	17.09.14

15/01377/FUL	Erection of new (STEM) 2 storey teaching accommodation block	Withdrawn	01.02.16
16/01013/FUL	Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. Provision of an external material store to the northern corner of the site	Granted	09.08.16
16/01810/VAR	Application for variation of Condition 2 of approved application 16/01013/FUL (Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. - Amendments include an increase in the size of the substation and alterations to the elevations and site plan including louvre sizes, cycle racks, extension to store and materials store, proposed flue.	Granted	02.12.16
18/00847/FUL	Removal of high level windows, doors and fascias throughout. Installation of new high level windows, full height curtain walling doors and fascias.	Granted	03.07.18
18/01253/FUL	Proposed two-storey STEM (Science Technology Engineering Mathematics) building with associated landscaping including external spaces, car park provision, new gate/barrier, provision of cycle hoops and bin/refuse storage.	Granted	14.11.18
19/00287/VAR	Application for variation of condition 11 following grant of planning permission 18/01253/FUL - to amend the weekday working hours to 0730-1730 hours and to amend Saturday working hours to 0800-1600 hours.	Application Returned	
19/00319/DAC	Application for approval of details reserved by	Granted	24.10.19

	conditions 5 and 9 of approved application 18/01253/FUL.		
19/00654/VAR	Application for variation of condition 11 relating to hours of working following grant of planning permission 18/01253/FUL	Granted	19.07.19
19/00676/VAR	Application for variation of condition 2 following grant of planning permission 18/01253/FUL - Alterations to submitted plans to facilitate reduction in building height, change of cladding material, alterations to fenestration, alterations to parking area and relocated and revised capacity of soakaway tank.	Granted	31.10.19
19/01317/FUL	The installation of a 30 metre high tower supporting 6 no. antennas and 4 no. dishes for EE and H3G and 3 no. antennas and 2 no. dishes for CTIL, and the installation of 8 no. equipment cabinets for EE and H3G and 3 no. cabinets for CTIL, all within a secure compound, and development ancillary thereto.	Refused	07.11.19
19/01743/FUL	Demolition of existing college buildings, structures and facilities and the erection of a 75 bedroom care home and 19 No. age-restricted LifeLong Homes for those 55 years of age and over (and/or those living with, or supporting someone with a disability), alteration to access; supporting site infrastructure including sub-station, visitor parking, hard and soft landscaping, fences, boundary screening and SuDS; new public	Granted with S106 Agreement	15.10.20

	access to an established open space; widening of public footpath along Church Lane to improve pedestrian access.		
20/00006/TEL	Stationing of temporary (Up to 18 months) 30 metre mast	Planning Permission Required	02.03.20
20/00555/FUL	Demolition of block B and extension to hardstanding to form a carpark.	Granted	28.08.20
20/01305/FUL	The installation of a 25.10-metre-high telecommunications lattice tower accommodating 6no antenna apertures, 4no transmission dishes and 9no ground-based equipment cabinets within a secure fenced compound, and ancillary development thereto.	Granted	19.02.21
20/01983/DAC	Application for approval of details reserved by condition 7, 8, 10 and 13 of approved application 19/01743/FUL	Granted	06.01.21
21/00506/DAC	Application for approval of details reserved by condition 9 and 11 of approved application 19/01743/FUL	Granted	20.04.21

Confirmation of Ecological Clerk of Works
Ecological Mitigation and a Construction Environmental management Plan: Ecology. (CEMP)

Biodiversity Enhancement Strategy.

Note: Details of the enhancement strategy relating specifically to trees and planting will be detailed in the Landscaping Scheme under Condition 22

21/00581/NMA	Amendments to conditions 5, 6, 11, 12, 14, 15, 17, 18, 19 and 22 to allow the development to be brought forward in two phases.	Application Returned
21/00582/NMA	Amendments to the list of approved drawings numbers	Application Returned

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
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
RLP138	Provision of Open Space in New Housing Developments
RLP150	Educational Establishments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP35	Specialist Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision

- LPP50 Built and Historic Environment
- LPP53 Provision of Open Space, Sport and Recreation
- LPP55 Layout and Design of Development
- LPP56 Conservation Areas
- LPP60 Heritage Assets and their Settings
- LPP67 Natural Environment and Green Infrastructure
- LPP68 Protected Species, Priority Spaces and Priority Habitat
- LPP69 Tree Protection
- LPP70 Protection, Enhancement, Management and Monitoring of Biodiversity
- LPP73 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- LPP78 Flooding Risk and Surface Water Drainage
- LPP79 Surface Water Management Plan
- LPP80 Sustainable Urban Drainage Systems
- LPP81 External Lighting

Neighbourhood Plan

None

Other Material Considerations

- Affordable Housing Supplementary Planning Document (2006)
- Essex Design Guide for Mixed Use and Residential Areas (2005)
- Essex Design Guide Urban Place Supplement (2007)
- External Lighting Supplementary Document
- 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 application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager as the application is categorised as a Major planning application which was previously reported to Planning Committee for determination.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises the former Braintree College, a use that has now ceased. To the west of the site is Church Lane, of which both vehicular accesses are served. To the south is the Church Land Doctors Surgery and Canes Mill Court which continues to the east of the site and serves 5 residential dwellings. To the north west of the site are a number of listed buildings, included a Grade 2* building known as Boleyns. The application site wraps around the rear of this property to the east. To the north of the site are the new college premises known as the STEM building, and to the east of the

site is the River Blackwater, however none of the application site lies in a flood zone.

To the south of the site is the boundary of the Bradford Street Conservation Area and therefore there are a number of trees protected on the land located to the south of the proposed care home vehicular access.

The site currently comprises 7,950sq.m of floorspace related to the college, spread over approximately half of the application site. The site comprises nine buildings ranging in design and height from single storey up to seven storeys (21m). The large seven storey building was constructed during the 1960s, being of a functional typical design of the era. To the west of the existing buildings within the site is a large landscaped area, containing a variety of mature trees. Beyond this area is a red stock brick wall, of which parts are in a poor state of repair.

PROPOSAL

This s.73 application seeks a minor material amendment to planning permission 19/01743/FUL which permitted the demolition of existing college buildings, structures and facilities and the erection of a 75 bedroom care home and 19 No. age-restricted Life Long Homes for those 55 years of age and over (and/or those living with, or supporting someone with a disability), alteration to access; supporting site infrastructure including sub-station, visitor parking, hard and soft landscaping, fences, boundary screening and SuDS; new public access to an established open space; widening of public footpath along Church Lane to improve pedestrian access.

Primarily, the current application seeks to vary the drawings approved under Condition 2 of planning permission 19/01743/FUL, for the purpose of facilitating alterations to the exterior appearance of the care home and the car park layout, siting of the bin and refuse store.

The second part of the application relates to the amendment to a number of conditions (5, 6, 12, 14, 15, 17, 18, 19 and 20) of planning permission 19/01743/FUL.

- Condition 5- Samples of materials
- Condition 6- Additional drawings
- Condition 12- Lighting
- Condition 14- Residential travel pack information
- Condition 15- Contamination remediation
- Condition 17- Piling
- Condition 18- Surface water drainage
- Condition 19- Surface water drainage
- Condition 22- Landscaping

An extra condition is proposed which will introduce a phasing plan which will clearly define the two elements of the scheme, the care home and the 19no. age-restricted dwellings.

It is proposed that the wording for each of the above conditions is amended to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition. In this way, should one of the elements come forward in advance of the other, the applications for the approval of details would be submitted in part.

The changes sought to these conditions are discussed in the report below.

SUMMARY OF CONSULTATION RESPONSES

Anglian Water

No comments received.

ECC Independent Living/ Extra Care

No comments received.

BDC Economic Development

No comments received.

BDC Ecology

No comments received.

ECC Education

No comments received.

BDC Environmental Health

No comments received.

Historic Buildings Consultant

No objections.

ECC Highways

No comments received.

BDC Housing Research and Development

No comments received.

Health and Safety Executive

No comments received.

BDC Landscape Services

No comments received.

NHS

No comments received.

Environment Agency

No comments received.

ECC Suds

No objection to the change of the wording of conditions 18 and 19.

BDC Waste Services

No comments received.

REPRESENTATIONS

No comments received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the

Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

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

Planning permission (Application Reference 19/01743/FUL) was previously granted for the demolition of existing college buildings, structures and facilities and the erection of a 75 bedroom care home and 19 No. age-restricted Life Long Homes for those 55 years of age and over (and/or those living with, or supporting someone with a disability), alteration to access; supporting site infrastructure including sub-station, visitor parking, hard and soft landscaping, fences, boundary screening and SuDS; new public access to an established open space; widening of public footpath along Church Lane to improve pedestrian access.

This application proposes to amend a number of conditions attached to this original extant permission.

The Planning Practice Guidance states that in deciding an application under Section 73 of the Town and Country Planning Act 1990, the local planning authority must only consider the condition(s) that are the subject of the application – it is not a complete re-consideration of the application. It also states that the original planning permission will continue to exist whatever the outcome of the application under Section 73.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this

trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

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

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

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

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

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

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

SITE ASSESSMENT

Condition 2 - Drawings

This application seeks to vary a number of conditions. The first of which is Condition 2 of application reference 19/01743/FUL which related to the approved plans.

The application is seeking permission to alter the external appearance of the approved care home. The overall form, scale and design of the building remains as approved with some minor revisions to the elevations to accommodate internal changes. The internal alterations are proposed to meet the operational and staffing requirements of a new care home operator. In order to accommodate these changes the footprint of the building has increased very marginally by 50sq.m. This is an uplift from 1,390sq.m as

approved to 1,440sq.m as proposed, an increase of 3.5%. This is achieved largely by the loss of the balcony and terrace area at first and second floor and the inclusion of this floor space within the building.

Following negotiations between the developer and Officers the revised elevations still result in a simple, modern appearance as was achieved with the initial approval. The scale of the building is broken down in different elements, which is emphasised by the use of a varied pallet of materials.

The parking and bin store layout has been revised to increase efficiency and to provide a dedicated service bay.

Officers consider that the overall design of the care home building and its environs is acceptable, achieving a high standard of design and layout.

To the west of the care home the large area of open space is to be retained. This area incorporates a significant number of existing mature trees which are to be retained. Care Home residents along with residents of the 19no. new dwellings will have access to the open space. This large tree filled area contributes to the character of the site and the retention of the trees would ensure that the new development beyond will successfully integrate into the existing street scene along Church Lane.

The design and layout of the residential portion (19no. dwellings) of the site remains unchanged.

Condition 5 - Materials

Condition 5 relates to the submission of material samples and states the following:

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

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

No above ground development for either the care home or the age-restricted units shall commence until samples of the materials to be used in the external finishes for that part of the scheme have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Condition 6 - Additional drawings

Condition 6 relates to the submission of additional drawings and states the following:

No above ground development shall commence until additional drawings that show details of verge and ridge details together with windows, doors, eaves, fascia and the terminations of the weatherboarding have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

No above ground development for either the care home or the age-restricted units shall commence until additional drawings that show details of verge and ridge details together with windows, doors, eaves, fascia and the terminations of the weatherboarding for that part of the scheme 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 shall be permanently retained as such.

Condition 12 - Lighting

Condition 12 relates to the submission of a lighting design scheme and states the following:

Prior to first occupation, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats, otters and water voles and where lighting is likely to cause disturbance. This should include along important routes used for foraging and commuting, resting places and river banks. It should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats, otters or water using their territory/habitat.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

Prior to first occupation of either the care home or the age-restricted units, a lighting design scheme to protect biodiversity for that part of the site shall be submitted to and approved by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats, otters and water voles and where lighting is likely to cause disturbance. This should include along important routes used for foraging and commuting, resting places and river banks. It should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats, otters or water using their territory/habitat.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Condition 14 - Highways

Condition 14 relates to highways improvements and residential travel information packs and states the following:

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

a) Residential Travel Information Packs in accordance with Essex County Council guidance

b) A min 2-metre-wide footway between the northern and southern site accesses as shown in principle on submitted drawing 904-10D

c) Improvements to the southern site access as shown in principle on submitted documents W721/206

d) Improvements to the bus stop opposite the southern site access on Church Lane, to include a new pole, flag and timetable case.

The applicant is seeking to alter the wording of part 'a' of this condition so that it relates to the dwelling portion of the site.

The following re-worded is suggested:

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

- a) For the age-restricted units, Residential Travel Information Packs in accordance with Essex County Council guidance*
- b) A min 2-metre-wide footway between the northern and southern site accesses as shown in principle on submitted drawing 904-10D*
- c) Improvements to the southern site access as shown in principle on submitted documents W721/206*
- d) Improvements to the bus stop opposite the southern site access on Church Lane, to include a new pole, flag and timetable case.*

Condition 15 - Contamination remediation

Condition 15 relates to the submission of a details remediation scheme and states the following:

Development shall not be commenced (with the exception of works relating to demolition and clearing of the site) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

Development of either the care home or the age-restricted units shall not be commenced (with the exception of works relating to demolition and clearing of the site) until a detailed remediation scheme to bring that part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Condition 17 - Piling

Condition 17 relates to the submission of details regarding piling, noise and vibration details and states the following:

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

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

No piling shall be undertaken on the site in connection with the construction of either the care home or the age-restricted units until a system of piling and resultant noise and vibration levels for that part of the site has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Condition 18 - Surface water drainage

Condition 18 relates to the submission of a detailed surface water drainage scheme and states the following:

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

- *Discharge water through infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.*
- *Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.*
- *Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.*
- *Final modelling and calculations for all areas of the drainage system.*

- *The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.*
- *Detailed engineering drawings of each component of the drainage scheme.*
- *A final drainage plan which details exceedance and conveyance routes,*
- *FFL and ground levels, and location and sizing of any drainage features.*
- *A written report summarising the final strategy and highlighting any minor changes to the approved strategy.*

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

No works in connection with either the care home or the age-restricted units shall take place until a detailed surface water drainage scheme for that part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- *Discharge water through infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.*
- *Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.*
- *Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.*
- *Final modelling and calculations for all areas of the drainage system.*
- *The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.*
- *Detailed engineering drawings of each component of the drainage scheme.*
- *A final drainage plan which details exceedance and conveyance routes,*
- *FFL and ground levels, and location and sizing of any drainage features.*
- *A written report summarising the final strategy and highlighting any minor changes to the approved strategy.*

Condition 19 - Surface water drainage

Condition 19 relates to the submission of a drainage maintenance plan and states the following:

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the

surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

Prior to occupation of either the care home or the age-restricted units a maintenance plan detailing the maintenance arrangements for that part of the site including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Condition 22 - Landscaping

Condition 22 requires the submission of a landscaping scheme and states the following:

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

The applicant is seeking to alter the wording in this condition to allow the approval of detail submissions to relate to either of the two land parcels defined within the new condition (19). In this way, should one of the elements come forward in advance of the other, an application for the approval of details would be submitted in part.

The following re-worded is suggested:

Prior to the occupation of either the care home or the age-restricted units development hereby approved a scheme of landscaping for that part of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Extra condition

In order to allow the phasing of the approved development, the following additional planning condition is suggested:

The development hereby permitted shall be constructed in full accordance with the agreed phasing plan (Drawing Number DR-A-0109).

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a designated development boundary where the principle of development is generally considered to be acceptable in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.

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

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

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

As the Council can demonstrate the required 5 Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan and Policies RLP2, RLP3 and RLP90 of the Adopted Local Plan.

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

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential development within village envelopes and town development boundaries, where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. As with Policy RLP2, it is considered that the policy remains broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given more than moderate weight.

Policy RLP90 of the Adopted Local Plan relates to layout and design of a development and requires the Council to seek a high standard of layout and design in all developments, large or small in the District. It is considered that this policy and its criteria is compliant with the Framework and full weight can be given.

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

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

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and

- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

Officers do not consider there to be any adverse impacts related to this variation application.

Summary of Public Benefits

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

Delivery of Market Housing

The development would facilitate the provision of 19 age restricted dwellings and a 75 bed care home. This is afforded moderate weight, given the scale of the development.

Heritage

The proposed redevelopment and the demolition of the existing 1960s college buildings would have an enhanced effect on the heritage assets identified in the vicinity of the site and the Conservation Area. This is afforded significant weight.

Economic and Social Benefits

During the construction period and beyond, there would be economic benefits by providing new residents in the District. A further benefit would be the provision of the above policy compliant amount of public open space, including the retention of the existing mature trees. This is afforded significant weight.

Section 106 Obligations

The provision of financial support to the delivery of healthcare services and infrastructure, is to be secured via condition, and includes open space, off-site outdoor sports facilities and HRA/RAMS contribution. These benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with local planning policy.

Planning Balance

When considering the planning balance and having regard to the benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the

adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Elevations	Plan Ref: 004-0001	Version: P2
Elevations	Plan Ref: 004-0002	Version: P2
Roof Plan	Plan Ref: 27-0001	Version: P3
Site Plan	Plan Ref: 0107	Version: P3
Site Plan	Plan Ref: 0108	Version: P3
Floor Plan	Plan Ref: 02-001	Version: P6
Floor Plan	Plan Ref: 02-002	Version: P6
Floor Plan	Plan Ref: 02-003	Version: P6
Site Plan	Plan Ref: 0109	Version: P3
Proposed Bin Collection Plan		Plan Ref: 0103

- 1 The development hereby permitted shall begin on or before the 15th October 2023.

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement or alteration of the 19 no. dwelling-houses/provision of any building within the curtilage of the 19. no dwelling-houses as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and visual amenity.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

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

- 5 No above ground development for either the care home or the age-restricted units shall commence until samples of the materials to be used in the external finishes for that part of the scheme have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 6 No above ground development for either the care home or the age-restricted units shall commence until additional drawings that show details of verge and ridge details together with windows, doors, eaves, fascia and the terminations of the weatherboarding for that part of the scheme 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 shall be permanently retained as such.

Reason

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

- 7 The development shall be carried out in accordance with the details approved under reference 20/01983/DAC and 21/00506/DAC.

Reason

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

- 8 Prior to first occupation of either the care home or the age-restricted units, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas

of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

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

Reason

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

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

- a) For the age-restricted units, Residential Travel Information Packs in accordance with Essex County Council guidance
- b) A min 2-metre-wide footway between the northern and southern site accesses as shown in principle on submitted drawing 904-10D
- c) Improvements to the southern site access as shown in principle on submitted documents W721/206
- d) Improvements to the bus stop opposite the southern site access on Church Lane, to include a new pole, flag and timetable case.

Reason

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

- 10 Development of either the care home or the age-restricted units shall not be commenced (with the exception of works relating to demolition and clearing of the site) until a detailed remediation scheme to bring that part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 11 The approved remediation scheme as required by condition 10 of this permission must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12 No piling shall be undertaken on the site in connection with the construction of either the care home or the age-restricted units until a system of piling and resultant noise and vibration levels for that part of the site has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

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

- 13 No works in connection with either the care home or the age-restricted units shall take place until a detailed surface water drainage scheme for that part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - o Discharge water through infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - o Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
 - o Final modelling and calculations for all areas of the drainage system.
 - o The appropriate level of treatment for all runoff leaving the site, in line

with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual
o C753.

o Detailed engineering drawings of each component of the drainage scheme.

o A final drainage plan which details exceedance and conveyance routes,

o FFL and ground levels, and location and sizing of any drainage features.

o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 14 Prior to occupation of either the care home or the age-restricted units a maintenance plan detailing the maintenance arrangements for that part of the site including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 15 The applicant or any successor in title must maintain yearly logs of SuDS maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 16 Prior to the first occupation of the care home element of the development hereby approved, a travel plan shall be submitted to and approved by the Local Planning Authority. Once approved the development shall be

carried out in accordance with the details approved.
The travel plan shall include but not be limited to, bus networks, cycle routes, safe walking routes and car share initiatives.

Reason

In the interests of sustainable development and promoting sustainable modes of transport.

17

Prior to the occupation of either the care home or the age-restricted units development hereby approved a scheme of landscaping for that part of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

18 The development hereby approved shall be carried out in accordance with the Arboricultural Implications Assessment (AIA) 3980,AR/AIA/RF,KL/17-08-20/V6 dated 17.8.2020.

Reason

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

19 The development hereby permitted shall be constructed in full accordance with the agreed phasing plan (drawing number DR-A-0109).

Reason

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

INFORMATION TO APPLICANT

- 1 For the avoidance of doubt, this planning consent should be read in conjunction with planning permission 19/01743/FUL.
- 2 When applying to the Local Planning Authority to discharge conditions, the developer is requested to clearly indicate within the application submission whether the details submitted relate to the care home, the age-restricted units, or both aspects of the development.

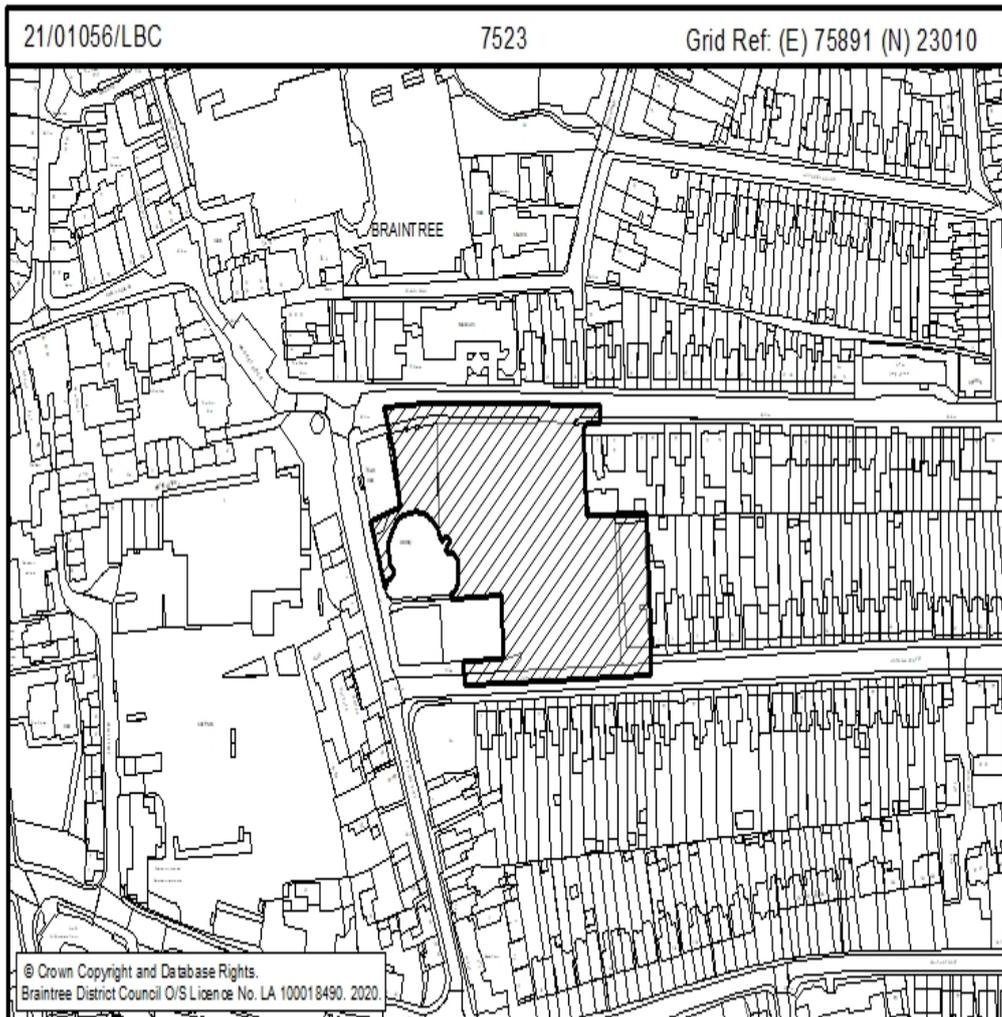
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 21/01056/LBC
DATE VALID: 01.04.21
APPLICANT: Kier Construction Ltd
C/O Resolution Planning, Northampton, NN1 5AW,
AGENT: Mr Inderjit Shokar
Resolution Planning, Beckett House, 14 Billing Road,
Northampton, NN1 5AW, United Kingdom
DESCRIPTION: Removal of part of an external wall to rear of the Town Hall.
LOCATION: Existing Carpark Sites Between Manor Street & Victoria Street/Rear Of The Town Hall, Braintree, Essex, ,

For more information about this Application please contact:
Lisa Page on:- 01376 551414 Ext. 2516
or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQVQIGBFK G000>

SITE HISTORY

04/00520/LBC	Installation of upgraded security alarm system	Granted	20.12.04
91/00433/E 92/00429/PFBN	Access By Disabled Alterations And Construction Of Ramp For Access For The Disabled	Withdrawn	15.06.93
94/00040/BDC	Proposed access for the disabled; Construction of ramp on part Manor Street footpath & internal alterations and alteration to Manor street carriageway, footpath and taxi rank to accommodate ramp	Withdrawn	28.09.94
94/00041/LBC	Proposed access for the disabled; construction of a ramp and steps on part Manor Street footpath and general internal alterations and alterations to Manor street carriageway, taxi rank to accommodate ramp.	Withdrawn	28.09.94
96/00721/FUL	Provision of disabled toilet. Proposed alterations to existing south and east elevations to create new access and escape doors including minor internal modifications and related external works	Granted	11.11.96
96/00722/LBC	Alterations to existing south and east elevations to create new access and escape doors including internal modifications and related external works	Granted	11.11.96
05/00094/LBC	Installation of lift and alterations to toilet	Granted	23.09.05
05/01911/LBC	Installation of a cabled computer data network	Granted	18.11.05
06/00556/LBC	Installation of CCTV system, replacement of inner lobby front entrance	Granted	06.06.06

	doors, installation of first floor ceiling crawlway access, installation of anti-pigeon netting to clock tower and repairs and remedial works to floorboards in art gallery		
07/01391/LBC	Removal of existing window to boiler room and replacement with ventilation grille	Granted	04.10.07
10/01065/LBC	Interior and exterior cleaning of limestone cladding and adaption of Art Gallery, Arts Development, Tourism and Manager's Offices into rooms suitable for meetings	Granted	07.12.10
10/01570/LBC	Installation of secondary double glazing window units fitted to all meeting rooms excluding Council Chamber French doors, stained glass window on staircase and basement windows	Withdrawn	01.08.11
12/00314/LBC	Erection of a blue plaque to commemorate the Protestant martyr William Pygot who was publicly burnt near to this spot on 28 March 1555	Granted	01.05.12
16/00089/LBC	Installation of aluminium framed secondary glazing units to first and ground floor	Granted	10.08.16
16/02138/LBC	Installation of external flue as part of boiler installation	Granted	15.02.17
17/00618/LBC	Installation of aluminium framed secondary glazing units to Chairman's office, doors in main council chamber and ground floor kitchen	Granted	21.06.17
18/00437/LBC	Internal alterations	Granted	16.05.18
20/00492/LBC	Repair and refurbishment of existing gates to the library and Fairfield Road elevation.	Granted	07.08.20
08/01367/FUL	Formation of new entrance at Manor Street, near to	Granted	29.08.08

	Town Hall car park and closure of current entrance. The road that leads to the bus park from Manor Street will solely become "Buses Only"		
18/01337/FUL	Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works.	Granted	04.04.19
19/02031/DAC	Application for approval of details reserved by condition 12 of approval 18/01337/FUL	Part Grant, Part Refused	17.12.19
19/02032/DAC	Application for approval of details reserved by condition 13 of approved application 18/01337/FUL	Granted	17.12.19
19/02236/DAC	Application for approval of details reserved by condition 23 of approved application 18/01337/FUL	Granted	03.04.20
19/02308/LBC	Removal of part of an external wall to rear of the	Granted	12.06.20

20/00213/DAC	<p>Town Hall and re-instatement</p> <p>Application for approval of details reserved by conditions 6 & 7 of approved application 18/01337/FUL</p>	Part Grant, Part Refused	06.03.20
20/00254/NMA	<p>Non-Material Amendment to permission 18/01337/FUL granted on 04.04.2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. Amendment would allow</p> <ul style="list-style-type: none"> - The standing seam roof to be changed to ribbed ply - Shadow gap size to be modified - Building basement modified - Alteration to Louvres above first floor - East block to be moved 	Granted	29.04.20

20/00380/DAC	from the north boundary and widened Application for approval of details reserved by condition 20 of approved application 18/01337/FUL	Granted	10.03.20
20/00531/DAC	Application for approval of details reserved by conditions 3 & 4 of approved application 18/01337/FUL	Granted	06.08.20
20/00645/DAC	Application for approval of details reserved by condition 6 of approved application 18/01337/FUL	Granted	05.05.20
20/00729/DAC	Application for approval of details reserved by condition 12 of approved application 18/01337/FUL		16.06.20
20/00787/VAR	Variation of Condition 2 'Approved Plans' of permission 18/01337/FUL granted 04/04/2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity	Granted	26.01.21

space, public open space, landscaping and associated works. Variation would allow alterations to the approved plans to include:-
 Public toilets added to the scheme, by converting half a current retail unit;
 Lift Overruns shown to meet current regulations;
 Roof maintenance requirements;
 Louvre removed from the top of the curtain walling in the retail units;
 Vertical fin removed to 2 balconies;
 The ramp to provide direct access to the library plant changed to a metal staircase;
 Ventilation added to the car park entrance off Manor Street due;
 The bus station roof changed from monolithic to individual units;
 Change to the design of the balconies on the residential units;
 Tenure change (from 12 shared ownership and 23 outright sale, to 12 affordable rent and 23 shared ownership).
 and change to incorporate standing seam zinc.

Application for approval of details reserved by conditions 5 (window, door details and other detailed elements), 14 (hard and soft landscaping), 15 (cycle provision), 21 (trees) & 27 (highway matters) of approved application 18/01337/FUL (as amended by 20/00787/VAR - new amended Condition No. 4, 13, 14, 20 and 25).

20/00819/DAC

Part Grant, 17.03.21
 Part
 Refused

20/00845/DAC	Application for approval of details as reserved by condition 13 of approved application 18/01337/FUL		01.07.20
20/01062/DAC	Application for approval of details reserved by condition 8 (external flues, vents, condensers, metre boxes and similar) of approved application 18/01337/FUL (as amended by 20/00787/VAR - new Condition No. 7)	Granted	24.02.21
20/01261/ADV	Installation of 6 externally illuminated signs	Granted	18.12.20
20/01414/DAC	Application for approval of details as reserved by conditions 10 (external lighting) & 18 (refuse) of approved application 18/01337/FUL (as amended by 20/00787/VAR - new Condition No. 9 and 17)	Part Grant, Part Refused	19.04.21
20/02197/DAC	Application for approval of details as reserved by condition 11 of approved application 18/01337/FUL (as amended by 20/00787/VAR - Condition 10) RE: Contamination	Refused	01.03.21
21/00652/DAC	Application for approval of details as reserved by condition/s 4 (sample materials) of approved application 18/01337/FUL (and subsequently amended S73 permission 20/00787/VAR)	Granted	17.03.21
21/00683/DAC	Application for approval of details as reserved by condition/s 16 and 17 (Car Park Management Plan) of approved application 18/01337/FUL (and Conditions 15 and 16 of subsequently amended S73 permission 20/00787/VAR)	Granted	08.06.21
21/00684/DAC	Application for approval of details as reserved by condition/s 28 (CCTV	Pending Considerati on	

21/01057/VAR	<p>Details) of approved application 18/01337/FUL (and Condition 26 of subsequently amended S73 permission 20/00787/VAR) Variation of Condition 1 (Approved Plans) of Section 73 permission 20/00787/VAR granted 26/01/2021, originally condition 2 of consent 18/01337/FUL granted 04/04/2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. Variation would allow relocation of the garden area to create a more events-friendly space.</p>	Pending Decision
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP99 Demolition of Listed Buildings
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

Braintree District Shared Strategic Section 1 Local Plan (2021)

Braintree District Draft Section 2 Local Plan (2017)

LPP60 Heritage Assets and their Settings
LPP61 Demolition of Listed Buildings or Structures

NEIGHBOURHOOD PLAN

N/A

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the applicant is Braintree District Council.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located within the town centre of Braintree and within the Braintree Conservation Area.

The wall, subject of this application, is to the rear of the Town Hall and formally formed part of the enclosure of the Town Hall parking area and also formed the boundary with the public carpark beyond. The wall is attached to The Town Hall, a Grade II* Listed Building.

Although there was a previous application to demolish and re-build the wall, it currently remains in situ.

PROPOSAL

Listed Building Consent has already been approved for the demolition of the wall (Application Reference 19/020308/LBC), but conditions on that approved required the wall to be re-built in accordance with the approved details (prior to the first occupation of any residential units on the wider Manor Street redevelopment site). As the extent of demolition and re-building of the wall now proposed differs from the earlier proposal (primarily due to the change to the layout and design of the proposed public square as proposed under Application Reference 21/01057/VAR), a new listed building consent is required.

The proposal comprises the demolition of a stretch of wall that serves as the existing boundary between the Town Hall car park and the public car park (running north to south). The existing total length of wall to this location is 23 metres and the wall varies in height between 1.0 and 1.3 metres. The length wall to be demolished measures 16.5 metres. For clarity, and as with the earlier application, the existing enclosure fronting Manor Street, including the wall, pillars, archways and gates are to be retained.

It was previously understood that the entire section of wall was required to be demolished to facilitate the building out of the wider mixed use redevelopment on site. (The wall was understood to be a constraint in terms of the construction for piling and installing gas mains). However, works have commenced on site and the wall has been retained.

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

No objection, commenting that the wall has no historic interest and that the proposed partial reinstatement and retention of the boundary line, through the proposed use of railings, will retain a sense of enclosure to the Town Hall, which contributes to its setting and appreciation of the heritage asset. The proposed garden layout will be a positive contributor to the overall appearance of this section of the Conservation Area.

Historic England

Do not wish to offer any comments and recommend that the views of the Authority's specialist conservation adviser sought be sought.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

The application has been advertised by way of newspaper advert, site notice and neighbour notification. No representations have been received.

REPORT

Design, Appearance and Impact on Heritage Asset

The main issue for consideration relates to the heritage impacts associated with the demolition of the curtilage listed wall.

The application has been submitted with a detailed Heritage Statement, which has been reviewed by Officers and the Historic Building Consultant. The section of wall affected by this application is part of a later phase of development and this section is not the screen wall explicitly mentioned within the list description for the Town Hall. Officers are content that there is limited heritage significance of the fabric of the wall, which appears to have been partially rebuilt and is, of a lower quality brick and workmanship comparative to other sections of boundary walls which surround the building. The significance of the wall is from its contribution to the wider setting of the Town Hall, demarking its curtilage within the wider streetscape. Indeed, this can be seen on the 1955 OS map, which is the first to demark the location of the Town Hall following its completion in 1928.

Paragraph 193 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of

whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF, details 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.

Also of relevance is Policy RLP100 of the Adopted Local Plan and Policy LLP60 of the Section 2 Plan, which state that development involving alterations or demolition to a listed structure will only be permitted if the proposed works do not result in the loss of, or significant damage to the structure's historic and architectural elements of special importance.

Officers have reviewed the Heritage Statement and can accept that although the application does result in the removal of the majority of the wall, wherein the harm would be classed as 'less than substantial', as the wall is not significant in terms of historic fabric, its removal, subject to an appropriate replacement wall or other appropriate means of enclosure, being erected to maintain the historic sense of enclosure and demarking of the Town Hall and therefore its setting, can be supported.

6.5 metres of wall are being retained, and this section is the closest to the listed wall, pillars and gates fronting Manor Street. As noted above, the significance of the wall is from its contribution to the wider setting of the Town Hall and demarking its curtilage within the wider streetscape, rather than in terms of heritage significance within the fabric of the wall. As part of the wall is being retained, with additional railings being erected (secured under Application Reference 21/01057/VAR for the re-design of the public square), this sense of enclosure will be maintained. This reduces the level of harm to the lower end of 'less than substantial'.

In terms of the public benefit, the removal of the wall will facilitate a high quality layout and design for the public square. The proposed garden layout will be a positive contributor to the overall appearance of this section of the Conservation Area. Furthermore, the layout now proposed will open up the area further with the development site and increase pedestrian movement in this east - west location between and from the town centre and the bus interchange. Repairs and making good will be undertaken to the retained section of wall, with new tile coping to replace those missing. This will enhance the listed wall and the setting of the Town Hall. (Such repairs and maintenance will be secured via condition). These factors result in clear public benefits. The 'less than significant harm' identified are considered to be outweighed by the public benefits.

CONCLUSION

The application would result in the removal of a section of the existing wall that is part of a later phase of development where there is limited heritage significance in the fabric of the wall itself. The significance of the wall is from

Authority. Thereafter the works shall be carried out in accordance with the approved plans, prior to the first use of the public square.

Reason

In the interests of the appearance of the wall and the setting of the Town Hall and Conservation Area.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 21/01057/VAR DATE VALID: 01.04.21

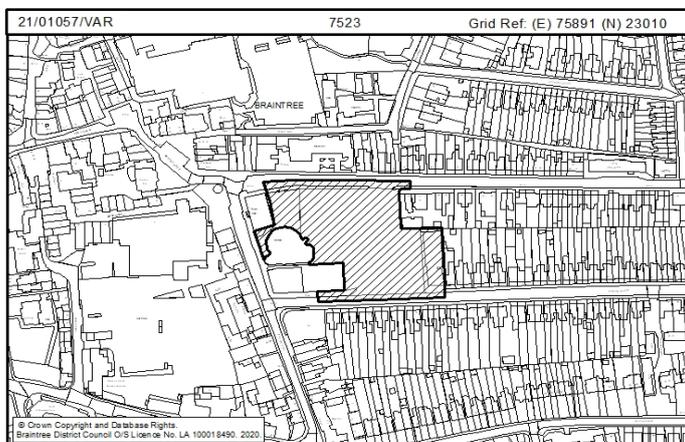
APPLICANT: Kier Construction Ltd
C/O Resolution Planning, Northampton, NN1 5AW,

AGENT: Mr Inderjit Shokar
Resolution Planning, Beckett House, 14 Billing Road,
Northampton, NN1 5AW, United Kingdom

DESCRIPTION: Variation of Condition 1 (Approved Plans) of Section 73 permission 20/00787/VAR granted 26/01/2021, originally condition 2 of consent 18/01337/FUL granted 04/04/2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. Variation would allow relocation of the garden area to create a more events-friendly space.

LOCATION: Existing Carpark Sites Between Manor Street & Victoria Street/Rear Of The Town Hall, Braintree, Essex

For more information about this Application please contact:
Lisa Page on:- 01376 551414 Ext. 2516
or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQVTAXBF KG300>

SITE HISTORY

08/01367/FUL	Formation of new entrance at Manor Street, near to Town Hall car park and closure of current entrance. The road that leads to the bus park from Manor Street will solely become "Buses Only"	Granted	29.08.08
18/01337/FUL	Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works.	Granted	04.04.19
19/02031/DAC	Application for approval of details reserved by condition 12 of approval 18/01337/FUL	Part Grant, Part Refused	17.12.19

19/02032/DAC	Application for approval of details reserved by condition 13 of approved application 18/01337/FUL	Granted	17.12.19
19/02236/DAC	Application for approval of details reserved by condition 23 of approved application 18/01337/FUL	Granted	03.04.20
19/02308/LBC	Removal of part of an external wall to rear of the Town Hall and re-instatement	Granted	12.06.20
20/00213/DAC	Application for approval of details reserved by conditions 6 & 7 of approved application 18/01337/FUL	Part Grant, Part Refused	06.03.20
20/00254/NMA	Non-Material Amendment to permission 18/01337/FUL granted on 04.04.2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated	Granted	29.04.20

	works. Amendment would allow		
	- The standing seam roof to be changed to ribbed ply		
	- Shadow gap size to be modified		
	- Building basement modified		
	- Alteration to Louvres above first floor		
	- East block to be moved from the north boundary and widened		
20/00380/DAC	Application for approval of details reserved by condition 20 of approved application 18/01337/FUL	Granted	10.03.20
20/00531/DAC	Application for approval of details reserved by conditions 3 & 4 of approved application 18/01337/FUL	Granted	06.08.20
20/00645/DAC	Application for approval of details reserved by condition 6 of approved application 18/01337/FUL	Granted	05.05.20
20/00729/DAC	Application for approval of details reserved by condition 12 of approved application 18/01337/FUL		16.06.20
20/00787/VAR	Variation of Condition 2 'Approved Plans' of permission 18/01337/FUL granted 04/04/2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3	Granted	26.01.21

Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses).

Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. Variation would allow alterations to the approved plans to include:-

Public toilets added to the scheme, by converting half a current retail unit;

Lift Overruns shown to meet current regulations;

Roof maintenance requirements;

Louvre removed from the top of the curtain walling in the retail units;

Vertical fin removed to 2 balconies;

The ramp to provide direct access to the library plant changed to a metal staircase;

Ventilation added to the car park entrance off Manor Street due;

The bus station roof changed from monolithic to individual units;

Change to the design of the balconies on the residential units;

Tenure change (from 12 shared ownership and 23 outright sale, to 12 affordable rent and 23 shared ownership).

and change to incorporate standing seam zinc.

20/00819/DAC	Application for approval of details reserved by conditions 5 (window, door details and other detailed elements), 14 (hard and soft landscaping), 15 (cycle provision), 21 (trees) & 27 (highway matters) of approved application 18/01337/FUL (as amended by 20/00787/VAR - new amended Condition No. 4, 13, 14, 20 and 25).	Part Grant, Part Refused	17.03.21
20/00845/DAC	Application for approval of details as reserved by condition 13 of approved application 18/01337/FUL		01.07.20
20/01062/DAC	Application for approval of details reserved by condition 8 (external flues, vents, condensers, metre boxes and similar) of approved application 18/01337/FUL (as amended by 20/00787/VAR - new Condition No. 7)	Granted	24.02.21
20/01261/ADV	Installation of 6 externally illuminated signs	Granted	18.12.20
20/01414/DAC	Application for approval of details as reserved by conditions 10 (external lighting) & 18 (refuse) of approved application 18/01337/FUL (as amended by 20/00787/VAR - new Condition No. 9 and 17)	Part Grant, Part Refused	19.04.21
20/02197/DAC	Application for approval of details as reserved by condition 11 of approved application 18/01337/FUL (as amended by 20/00787/VAR - Condition 10) RE: Contamination	Refused	01.03.21
21/00652/DAC	Application for approval of details as reserved by condition/s 4 (sample materials) of approved application 18/01337/FUL (and subsequently	Granted	17.03.21

21/00683/DAC	amended S73 permission 20/00787/VAR) Application for approval of details as reserved by condition/s 16 and 17 (Car Park Management Plan) of approved application 18/01337/FUL (and Conditions 15 and 16 of subsequently amended S73 permission 20/00787/VAR)	Granted	08.06.21
21/00684/DAC	Application for approval of details as reserved by condition/s 28 (CCTV Details) of approved application 18/01337/FUL (and Condition 26 of subsequently amended S73 permission 20/00787/VAR)	Pending Consideration	
21/01056/LBC	Removal of part of an external wall to rear of the Town Hall.	Pending Decision	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP112	Town Centre Uses
RLP115	Accessibility
RLP120	Braintree Town Centre Improvements

RLP130 Indoor Sport and Leisure Site, Braintree Retail Park
RLP146 Tourist Accommodation
RLP163 Infrastructure and Community Facilities

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP57	Demolition in Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

Neighbourhood Plan

N/A

Other Material Considerations

Essex Parking Standards/Urban Space Supplement
Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2007)
External Lighting Supplementary Document
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 application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the applicant is Braintree District Council.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the south-eastern corner of the town centre and measures an area of approximately 0.7 hectares. The site is bounded by Manor Street to the north, Victoria Street to the south, the Public Library and Town Hall to the west and residential properties to the east.

The site previously comprised a pay and display public car park (total 123 spaces), a bus station and toilet block and vacant community centre and former commercial building on the eastern boundary. These uses have all ceased as the extant permission is being advanced on site.

There is a fall in gradient across the site from north to south.

The site is located within Braintree town centre and the Conservation Area. There are a number of listed buildings in the locality, most notably the Grade II* Listed Town Hall to the west of the site, which includes the immediately adjacent walls. The site is located within Flood Zone 1 (lowest probability of flooding).

The surrounding buildings are in a mix of uses and are a range of heights. The buildings to the west and southwest of the site, along Fairfield Road, represents a concentration of urban scaled buildings, providing mainly civic buildings and other town centre uses, spanning up to an equivalent height of around four storeys. To the north there are a mix of commercial and residential buildings, mainly of 2 storey scale. The east and south of the site is predominantly residential in character and comprises two-storey dwellinghouses.

PROPOSAL

Members will be aware of the extant permission currently being built out at the site which provides a mixed use redevelopment of this town centre site, with the introduction new uses including an NHS 'live well hub'; a hotel; residential development; retail/restaurant uses; new public realm; and associated parking.

The built form and mix of uses does not alter with this application. The development will still provide for the following:

- 35 residential units (100% affordable);
- A 70 bed hotel;
- A Live Well Hub operating an extended GP service and surgeries;
- 3no. restaurant / retail units (Use Class E);
- The realignment and improvements to the bus station, to provide 8 parking bays;
- A new landscaped public space;
- The provision of a vehicle car park for 104 spaces for the above uses and other town centre parking demand;

The changes this variation application seek, relate to:

- The layout and detailed design of the 'public square'.

The main matters for consideration therefore, over that already established on the extant permission, are in relation to how the change impacts upon the overall layout, design and impact on visual appearance of the site, including any changed impact to heritage, neighbouring amenity and similar.

SUMMARY OF CONSULTATION RESPONSES

ECC SUDS

No further consultation required. On the original extant permission they raised no objections subject to conditions to provide for a detailed surface water drainage scheme and its management and long-term maintenance, including yearly logs.

Environment Agency

No further consultation required. On the original extant permission they raised no objections subject to conditions in respect of unidentified contamination and remediation; drainage systems for the infiltration of surface water drainage; and in regards to piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

ECC Highways

No further consultation required. On the original extant permission they commented that from a highway and transportation perspective, the impact of the proposal is acceptable subject to conditions for a construction management plan; bus station access and egress arrangements; car park accesses and visibility splays; and that a residential travel information pack be provided for each dwelling.

Historic England

Commented that they do not wish to provide any further comments. On the original extant permission they commented that they welcomed the proposals in principle and generally consider the detailed design and materials of the overall development to be contextually appropriate. However, raise concerns regarding the quantum, scale and massing of the development which would have a significant impact on the surrounding Conservation Area and on the setting of the Grade II* Town Hall in particular which is sited immediately adjacent to the application site. Further, they noted buildings in the vicinity of the site to be generally no more than four storeys in height and the introduction of blocks would create a precedent within the Conservation Area. The view from the south east in particular, with Victoria Street in the foreground the Town Hall to the rear clearly demonstrates the disparity in scale between the application site and its immediate context.

Historic Building Consultant

No objections to the amendments sought within the application, subject to conditions. On the original extant permission they commented that the site lies within the Conservation Area and within the immediate setting of the Grade II* listed Town Hall with a number of additional Grade II listed buildings within the immediate context. Comment that the new public open space to the rear of the Town Hall gives a purpose to this area whilst ensuring the development is clearly separated from the listed building and the general site layout which retains a north-south access route through the site and relocates the bus station to the east is supported. However, they do raise reservations regarding the massing which is over proportioned for the site and would not integrate successfully with the existing townscape of Victoria Street and Manor Street or respect the datum level of the Town Hall. They conclude that the proposed massing would result in considerable harm to the Grade II* listed Town Hall by removing irrevocably long distance views of the clock tower from Manor Street and Victoria Street as well as introducing an over proportioned building which would detract from highly significant views of the principle facade from Market Place. The proposed would also cause considerable harm to the character and appearance of the Conservation Area.

ECC Archaeology

No further consultation required. On the original extant permission they commented that there was the potential for multi-period archaeological deposits being present on the site and therefore recommended a condition be imposed for archaeological evaluation to properly provide for archaeology. (The previously imposed condition has been discharged).

Anglia Water

No further consultation required. On the original extant permission they commented that in regards to foul drainage, the site is in the catchment of Braintree Water Recycling Centre which currently does not have capacity to treat the flows the development site. However, stated that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should permission be granted. In regards to used water network, they noted that the development would lead to an unacceptable risk of flooding downstream and a drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures (request a condition requiring the drainage strategy). In respect of surface water disposal, the preferred method would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Conditions were recommended to be imposed in terms of foul water strategy and surface water disposal.

NHS

No further consultation required. On the original extant permission commented that they are working with the Council to deliver and retain the Live Well Hub and are fully supportive of the development. Would encourage the inclusion of key worker housing in the affordable housing scheme to support the recruitment of clinical staff within the area. Confirm they are not seeking mitigation in the form of a S106 planning obligations.

ECC Education

No further consultation required. On the original extant permission commented that there is sufficient capacity within the ward to accommodate this development in terms of early years and childcare.

National Grid

No further consultation required. On the original extant permission commented that there is operational gas apparatus within the application site boundary. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

Essex Fire and Rescue

No further consultation required. On the original extant permission they commented that the nearest statutory fire hydrants are considered to be within a reasonable distance, but that they have not been able to ascertain if a fire appliance is able to gain access to be within 45 metres of all part of each dwelling (as required by Building Regulations). If this requirement cannot be satisfied then an alternative solution will be required.

BDC Environmental Health

No further consultation required. On the original extant permission they raised no objection but recommended conditions in respect of hours of working and no burning of refuse, waste materials or vegetation; a dust and mud control management schemes; no piling shall be undertaken on the site in connection with the construction until a system of piling and resultant noise and vibration levels has been submitted to and agreed; work involving the removal or disposal of asbestos should be undertaken in accordance with Guidance from the Health and Safety Executive; and timings of deliveries by HGV's. Further comment in regards to noise from the library stating that the applicant must provide a report once the development has been completed to demonstrate that the required mitigation measures have been fully completed.

BDC Economic Development

No further consultation required. On the original extant permission they supported the application through its proposal to create jobs; its positive impact upon the town centre economy, including night time economy and the tourism economy; and the increasing car park income generation.

BDC Ecology

No further consultation required. On the original extant permission they noted that a Preliminary Ecological Appraisal and a bat survey report had been submitted, and commented with no objections subject to conditions in respect of a lighting design strategy for light sensitive biodiversity; nesting birds and an ecological enhancement plan.

REPRESENTATIONS

The application was advertised by way of site notices, newspaper notice and neighbour notification. No comments have been received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree

District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Shared Strategic Section 1 Plan (2021).

The application site is located within the Town Development Boundary in Braintree, where new development is considered acceptable in principle. New development for key town centre uses, including retail, residential and hotel uses are encouraged within Braintree, in accordance with Policies RLP2, RLP112 and RLP146 of the Adopted Local Plan. In addition, Policy CS6 of the Core Strategy, relating to 'retailing and town centre regeneration', outlines that the town centre of Braintree (amongst others) will be the primary location for retail, office, leisure and cultural provision in the District and this site is identified for improvements and regeneration to meet the identified need for additional retailing and other town centre uses.

Furthermore, the NPPF seeks to ensure the vitality of town centres, setting out that planning policies should be positive and promote competitive town centre environments. The site lies within Braintree Town Centre (as defined on the Proposals Maps) and therefore the principle of a mixed use scheme for town centre uses and residential uses accords with Adopted Local Plan Policies in respect of its location.

Overall, in terms of both Local Plan policy and the NPPF, the principle of the mixed use re-development of the site is strongly supported in planning policy terms. There is also an extant permission on the site for a mixed use scheme incorporating the same mix of uses and amount as now sought, and that approved scheme is currently being built out. The principle of development is therefore established.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Whether the development provides an appropriate mix of land uses for the site within the town centre / Impact on vitality and viability of the town centre

The proposed mix of uses does not alter from the extant scheme and remain acceptable in accordance with Adopted Local Plan policies and the NPPF.

The provision of a Live Well Hub to house health services and a purpose built provision would provide GP services alongside other allied healthcare services and overall would provide a high quality and modern building which is assigned significant benefit.

The provision of a 70 bedroom hotel would provide visitor accommodation within the town centre, and visitors would add to the vitality and viability of the wider town centre and would assist with contributing towards improving local tourism. The positive aspects from tourism, which would result in associated spending in the locality, is an economic benefit of significant weight.

Furthermore, the retail/restaurant floorspace proposed would provide a complementary provision to the other types of retailing and leisure uses within the town centre and would further assist in the vitality and viability of the town. The development will lead to the creation of jobs during construction, and further once completed and operational. This is a clear economic benefit to the immediate area and would be assigned positive weight in the consideration.

A further key element of the proposed development and associated positive impact on the vitality and viability of the town centre is in relation to the expansion and improvement of the bus station provision on the site. The

aspect would add positively to the town centre and weighs in favour of the proposal.

Housing Delivery

No change is proposed to housing delivery. As per the extant permission, the application proposes the construction of 35 residential units providing a total of 9no.x1 bed units, 24no.x 2 bed units and 2no.x 3 bed units. All of the units are to be provided as affordable with 12no. affordable rent and 23no. shared ownership.

Layout, design and impact on visual appearance

The changes sought within this Section 73 application are limited to a change in the detailed layout of the public square sited between the rear of the Town Hall and the new built form. To clarify, the overall layout and siting of buildings and uses does not alter and there are no changes to the scale and proportions of buildings. The height and scale of the proposed development has been designed to respond to the surrounding context and character of the locality by providing the majority of the massing and built form from the centre to the west of the site.

In regards to the public square, the overall size of the area remains as per the extant permission. The changes sought relate to the detailed articulation of the space, although the general approach of the layout and design, and the balance of hard to soft landscaping ratio is maintained.

The new public open space is designed to give a purpose to this area and would create a generally quiet and enclosed space within the town centre that compliments Market Place. It provides a break of built form to ensure that the wider re-development is clearly separated from the listed Town Hall building. The historic wall is partly re-built (see Application Reference 21/01056/LBC), and otherwise a replacement means of enclosure erected on the same line to retain the historic enclosure created by the wall.

The layout does still provide permeability through the site, both in a north to south direction from Manor Street towards the library, and in an east-west direction from and between the town centre and the new bus station interchange. This movement through the site is a positive aspect of the development. It is acknowledged that movement from the new public square to the library is not fully accessible to all users given the presence of only steps at this point. The step access is as a result of the change in land level across the site and general constraints due to the relatively limited size of the public square site. A number of design options have been explored in seeking to make the public square fully accessible with a compliant ramp, but these options created a layout that was inappropriate in wider design terms. It is considered that the layout now presented is the most appropriate overall.

The public square is provided with a large central area of hard surfacing which could serve a number of uses, including an area for wedding photographs /

gathering after a ceremony in the Town Hall; exhibitions from the adjacent museum; or outside reading classes / toddler sessions from the library. Indeed both the Town Hall, museum and the library have outlined their desire to utilise the space for such uses. It is also anticipated that the space could be utilised by the adjacent NHS, such as for physiotherapy and similar, or for wider town centre events with market stalls, live music etc.

The space is also provided with seating, with the provision of 6no. timber and concrete benches. (Full details of the design of the benches is to be secured via condition). This will allow people to stop and enjoy the space, and provides a rest point between the bus station and the town centre. The space could also serve as some outdoor amenity to future occupiers within the residential element of the wider development, and well as existing nearby occupiers.

There is a mix of hard surfacing materials proposed within the space. The block paving mix in silver, mid grey and granite (in a 50:30:20 mix) laid in stretcher bond, will align with the adjoining surfacing treatment around the wider development being built out. The other materials within the square are consisting of a natural stone resin bound aggregate and granite sets laid within a radial pattern, will be appropriate for its setting and the wider mix of materials within the locality. The circular layout replicates other circular architectural features within the locality, namely the library building, the clock tower on the town hall, and the fountain structure within Market Square.

In terms of soft landscaping, this will comprise of low level shrub planting and 2no. established urban trees (at a height of 350 – 425cm when planted). These will be appropriate species to thrive within the location. The overall mix of hard and soft landscaping is appropriate and contributes to the quality of the space. There is a requirement for a bin store within the area to meet existing needs for the library and town hall. There have been many options explored as to where this can be sited in the locality, but due to constraints of size and access arrangements, this location has been selected as the most appropriate. It has been designed to minimise its impact in terms of scale and materials, with planting to assist in screening it further.

Impacts on Heritage, the Conservation Area, listed buildings and their settings

The site is located within the Bradford Street Conservation Area. The site itself does not contain any statutory listed buildings, although to the west is the Grade II* Town Hall, The Corner House (Grade II) and The Bull Hotel (Grade II). The Museum building to the northern side of Manor Street is a non-designated heritage building. Within the site, the Drill Hall building located on the eastern boundary is considered a non-designated heritage asset. Furthermore, other notable heritage assets within the immediate vicinity include the Braintree Museum to the north, Our Lady Queen of Peace Church also to north, a Drinking Fountain to the north-west, the former Embassy Cinema to the south, the former Post Office to the south-west and the former Drill Hall which falls within the site boundary.

The NPPF identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (Paragraph 184). In accordance with Paragraph 189 of the NPPF, which requires identification and assessment of the significance of any heritage asset that may be affected by a proposal, including its setting, the application has been submitted with a comprehensive Heritage Statement.

Paragraph 192 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 also states 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 (and the more important the asset, the greater the weight should be), irrespective of the level of harm. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In terms of the wider scheme, the design approach to develop a sensitive and cohesive response to the materiality and form of the locality in a modern manner is accepted as appropriate and has resulted in many positives to the final scheme. However, there have been concerns raised by Historic England and the Historic Buildings Consultant in terms of the scale and massing of the buildings which are not considered to integrate successfully with the existing townscape of Victoria Street and Manor Street. Further, the scale and massing is seen to result in harm to the Grade II* listed Town Hall by removing irrevocably long distance views of the clock tower from Manor Street and Victoria Street in particular. This identified harm has been considered as 'less than substantial'. Furthermore, the development due to the scale, massing and design, would fail to preserve or enhance the character and appearance of the Conservation Area. This identified harm is also considered as 'less than substantial'. The changes sought within this Section 73 application do not alter this impact, or would it have any further impact upon the setting of listed buildings or to the impact on the significance of the Conservation Area.

Paragraph 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. In this instance the public benefits of the scheme are notable. The development would provide a significant regeneration scheme for this key town centre location, facilitating an appropriate mix of key town centre uses including a hotel and new retail and commercial uses with associated economic benefits; an appropriate mix of new residential accommodation (including policy compliant provision of affordable housing) that would add to the supply of housing for the District; the provision of a Live Well Hub for the health and wellbeing benefit of the town; and an expanded and upgraded bus station facility. Cumulatively, these benefits are considered to result in significant

public benefits, which would outweigh the less than substantial harm to the significance of the designated heritage assets.

In terms of the changes to the public square, the impact to the Conservation Area and setting of listed buildings will remain unchanged.

Standard of residential accommodation/ Impact to neighbour amenity

The changes to the extant permission sought within this current Section 73 application, would have no greater impact upon the amenity for future occupiers or to neighbouring amenity. Overall, an adequate residential environment would be created and this would have a neutral impact in the planning balance.

Highway, parking and transport impacts

The application proposes no changes to the scheme that would affect highway, parking or transport considerations.

In terms of highway layout and access arrangements, this is as per the extant permission, wherein vehicular access would be via two new access points; a new access off Manor Street to the north of the site into the upper level parking and a new access off Victoria Street into the lower level parking. The bus station would continue to operate a one-way layout with access off Manor Street and egress onto Victoria Street.

As with the extant permission, the development proposes a total of 104 car parking spaces provided within split-level parking which would include on-surface and sub-surface parking space provision. The upper ground floor car park would be accessed from Manor Street and would contain 40 parking spaces, of which 4 are accessible parking bays for disabled persons. The lower ground floor car park would be accessed from Victoria Street and would contain 64 spaces, of which 5 are accessible parking bays. The allocation of spaces remains as per the extant permission.

In terms of an assessment on the acceptability of the parking provision, the site is ideally located in terms of meeting sustainable objectives. It is situated in a town centre location adjacent to a new and improved bus station with the train station also situated within easy reach of the site on foot, which provides an excellent opportunity for sustainable travel to and from the site. As justified with the extant permission, the mix of uses, likelihood of linked trips between the uses and the capacity of car parking within the town centre more generally, the development would remain acceptable in terms of parking provision.

In relation to other transport matters, the bus station access and layout would be as per the extant permission and remains acceptable. Whilst the covered waiting bays alters in design, as discussed above, this is acceptable. As part of the proposal, the existing bus station facilities would be upgraded and 'real time' timetables would be provided. The development would still provide for 80

cycle spaces proposed in total with separate cycle provision for the residential units.

Drainage / Flood Risk

Given the nature of changes sought within this application, there would be no increased impact in terms of drainage and flood risk. The site is located within Flood Zone 1, which is land defined as land having a less than 1 in 1,000 annual probability of river or sea flooding, the lowest probability of flooding. The development would not give rise to flood risk and as a sustainable drainage system is proposed.

Contamination

Given the nature of changes sought within this application, there would be no increased impact in terms of contamination. BDC Environmental Health had previously reviewed the above Land Contamination Assessment and Report, and raised no objections subject to conditions to properly provide for contamination.

Ecology

Given the nature of changes sought within this application, there would be no change in terms of the impact in terms of protected species or similar. A Preliminary Ecological Appraisal was previously submitted, and concluded that the site has a low ecological value. Subject to conditions to secure a lighting design strategy for light sensitive biodiversity; nesting birds; and an ecological enhancement plan, would ensure the ecological protection and enhancement of the site.

Habitat Regulations Assessment (HRA / RAMS)

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

The application site sits within the identified 'Zone of Influence' where new development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites.

It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of the securing of a financial contribution of £125.58 per new dwelling erected towards offsite visitor management measures at the

above protected sites. An 'HRA Form' has been completed for the earlier Section 73 application and the payment made.

PLANNING OBLIGATIONS

With regard to the provision of financial support to the delivery of services and infrastructure, these remain as per the extant permission with contributions required towards the shortfall in open space (£3442.50), off-site outdoor sports facilities (£24,493.12), equipped play (£16,450.61) and allotments (£771.31). A Grampian style condition is imposed to secure this.

The application proposes all the residential units to be affordable. In this instance the provision of affordable housing will be secured via condition.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a designated development boundary where the principle of development is generally considered to be acceptable in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.

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

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

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

As the Council can demonstrate the required 5 Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the

policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan and Policies RLP2, RLP3, RLP95 and RLP100 of the Adopted Local Plan.

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

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential development within village envelopes and town development boundaries, where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. As with Policy RLP2, it is considered that the policy remains broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given more than moderate weight.

Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 193 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 (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 195 and 196 then set out the criteria for

circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

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

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

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

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

Heritage

The scale and mass of the buildings, particularly the hotel southern end that would appear large in relation to its wider context. The development is considered to fail to enhance or preserve the Conservation Area and would result in some harm to the setting of the Grade II* Listed Building. In accordance with the NPPF, this harm is identified as less than substantial harm. Although public benefits have been identified which outweigh the harm, the overall harm in the flat balance is moderate.

Summary of Public Benefits

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

Delivery of Market Housing

The development would facilitate the provision of 35 residential units providing a total of 9no.x 1 bed units, 24no.x 2 bed units and 2no.x 3 bed units. All of the units are to be provided as affordable with 12no. affordable rent and 23no. shared ownership. This is afforded moderate weight, given the scale of the development.

Location and Access to Services and Facilities

A key objective of planning is to bring forward development that is appropriate and in the right place. In this respect, the site is well-placed for a redevelopment of this scale – it is a sustainable and accessible brownfield site within the town centre with strong public transport connections. The mixed use redevelopment of the former town centre car park complies, in principle, with local and national planning policy. This is afforded significant weight.

Economic and Social Benefits

In the longer term it is considered that the proposed development would bring significant benefits to site and the town centre, in terms of the social and economic benefits during and after completion. This scheme offers the creation of a purpose built NHS provision; supportive retail and restaurant units; a new hotel attracting significant visitor numbers (which will have associated spending in the area); and new residential accommodation. The expanded provision and quality of the bus station is a further significant positive social benefit. Overall, the social and economic benefits are afforded significant weight.

Environmental Benefits

The main environmental benefit relates to the creation of a new high quality public space, with the use of high quality hard and soft landscaping. Moderate weight is assigned to this.

Section 106 Obligations

The provision of financial support to the delivery of services and infrastructure, is to be secured via condition, and includes public open space, off-site outdoor sports facilities, equipped play, allotments and the aforementioned provision of affordable housing. These benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with local planning policy.

Planning Balance

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

RECOMMENDATION

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

APPROVED PLANS

Elevations	Plan Ref: BRT-AHR-BU1-ZZ-DR-A-20-100-S0 24
Elevations	Plan Ref: BRT-AHR-BU1-ZZ-DR-A-20-101-S0 25
Location Plan	Plan Ref: BRT-AHR-S0-ZZ-DR-A-20-001 3
Existing Plans	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0111 S1 P0
Site Plan	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0151 S8 P01
Landscape Masterplan	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0152 S8 P01
Landscape Masterplan	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0153 S8 P01
Landscape Masterplan	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0350 S8 P01

Section	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0450 S1 P01
Elevations	Plan Ref: BRT-AHR-BU2-ZZ-DR-A-20-105-S0 Version: 14
Elevations	Plan Ref: MSBT-WWA-00-ZZ-DR-L-0401 S1 Version: P02
Street elevation	Plan Ref: MSBT-AHR-ZZ-ZZ-DR-A-1002 Version: 1
Street elevation	Plan Ref: MSBT-AHR-ZZ-ZZ-DR-A-1000 Version: 1
Roof Plan	Plan Ref: MSBT-AHR-ZZ-RF-DR-A-1001 Version: 4
Floor Plan	Plan Ref: BRT-AHR-S0-UG-DR-A-20-010 Version: 2
Floor Plan	Plan Ref: BRT-AHR-S0-UG-DR-A-10-001 Version: 6
Floor Plan	Plan Ref: BRT-AHR-S0-LG-DR-A-20-010 Version: 2
Floor Plan	Plan Ref: BRT-AHR-S0-LG-DR-A-10-001 Version: 6
Floor Plan	Plan Ref: BRT-AHR-S0-04-DR-A-20-010 Version: 2
Floor Plan	Plan Ref: BRT-AHR-S0-04-DR-A-10-001 Version: 6
Floor Plan	Plan Ref: BRT-AHR-S0-03-DR-A-20-010 Version: 2
Floor Plan	Plan Ref: BRT-AHR-S0-03-DR-A-10-001 Version: 6
Floor Plan	Plan Ref: BRT-AHR-S0-02-DR-A-20-010 Version: 2
Floor Plan	Plan Ref: BRT-AHR-S0-02-DR-A-10-001 Version: 6
Floor Plan	Plan Ref: BRT-AHR-S0-01-DR-A-20-010 Version: 2
Floor Plan	Plan Ref: BRT-AHR-S0-01-DR-A-10-001 Version: 6

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

Reason

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

- 2 The development shall only be carried out in accordance with the site wide phasing details approved under Condition Discharge Application 20/00531/DAC.

Reason

In order to ensure that the approved development takes place in its

entirety and delivers optimal benefits for the town centre and the Conservation Area.

- 3 The development shall only be carried out in accordance with the material schedule approved under Condition Discharge Application 20/00531/DAC.

Reason

In the interests of appearance and securing a high quality development within the Conservation Area.

- 4 The development shall only be carried out in accordance with the details of door, windows, roof eaves and other miscellaneous details approved under Condition Discharge Application 20/00819/DAC.

Reason

In the interests of appearance and securing a high quality development and appearance of the development within the Conservation Area.

- 5 The development shall only be carried out in accordance with the Surface Water Drainage Scheme approved under Condition Discharge Application 20/00645/DAC.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 6 The Maintenance Plan for the surface water drainage system and the maintenance activities/frequencies shall be as per the details approved under Condition Discharge Application 19/02236/DAC.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk for the lifetime of the development. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 7 The details of any external extractor vents, condenser units, heater flues or meter boxes shall be as per the details approved under Condition Discharge Application 20/01062/DAC.

Reason

In the interests of the appearance of the development.

- 8 The provision of affordable housing shall be as per the approved plans detailing tenure split and location. Prior to the first occupation of any residential unit, details of i) the arrangements for the transfer of the affordable housing to a Registered Provider or for the management of any affordable housing if no Registered Provider is involved; ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing including arrangements (where appropriate) for the subsidy to be recycled for alternative affordable housing provision; iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; and iv) that the affordable homes are built to the standards set by the Homes and Communities Agency at the time of development. The affordable units must always be maintained as affordable in accordance with the approved details. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason

To ensure the appropriate provision and long term retention of affordable housing at the site.

- 9 Prior to the installation or erection of any external lighting at the site, full details of any lighting proposed for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority and no external lighting shall be provided without such written consent. The lighting design strategy shall identify areas and features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, and the details shall clearly demonstrate that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places. The development shall then be carried out in accordance with the approved details.

Reason

In the interests of the visual amenity of the area and to ensure there is no harm or disturbance to a protected species.

- 10 Prior to the commencement of the above ground development, details of a remediation scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in full with the approved details, unless agreed otherwise. Should contamination be found that was not previously identified or not considered in the agreed remediation scheme, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority.

Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development. The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To protect human health and the environment and to protect the residential amenity of existing and any future occupiers.

- 11 The development shall only be carried out in accordance with the Construction Traffic Management Plan as approved under Condition Discharge Application 19/02032/DAC.

Reason

In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 12 Prior to the planting, erection or carrying out of any of the hard and soft landscape items /works being secured by this condition, full details of the items / works for each phase of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:
- (a) A full planting schedule for the proposed roof terrace, noting species, sizes, densities, means of drainage, implementation timetables and any means of enclosure;
 - (b) A full planting schedule for the proposed public square, noting species, sizes, densities, details of tree pits and implementation timetables;
 - (c) Ground level hard surfacing materials across the site;
 - (d) Details of any railings or other means of enclosure across the site;
 - (e) Benches and any public seating, including those designed as planters;
 - (f) A full schedule of soft planting across the rest of the site, noting species, sizes, densities, details of tree pits and implementation timetables;
 - (g) A proposed ecological enhancement plan detailing the provision of bird nesting, including swift boxes, and bat roosting boxes.
- Thereafter the development shall proceed in accordance with the approved details. All hard and soft landscape works shall be carried out in

accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation

Reason

To ensure the provision of amenity afforded by appropriate landscape design and securing a high quality development and appearance of the development within the Conservation Area and in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 13 Prior to the first use, opening or occupation of each phase of the development, details for the provision of a minimum of 76 cycle spaces, including 30 secure spaces for town centre users, shall be submitted to and approved in writing with the local planning authority. The cycle parking shall be delivered in full prior to the first use of each phase and thereafter maintained in accordance with the approved details.

Reason

To promote the use of sustainable transport modes and to ensure the development is provided with adequate cycling parking provision.

- 14 The operation of the carparks shall be carried out in accordance with the details included within the Car Park Management Plan, as approved under Condition Discharge Application 21/00683/DAC.

Reason

In order to retaining adequate public parking for the benefit of the town centre.

- 15 The carpark allocation shall be as per the details included within the Car Park Management Plan, as approved under Condition Discharge Application 21/00683/DAC.

Reason

To ensure clarity with regard to the allocation of spaces and to ensure that provision is made.

- 16 Within 2 months of the decision hereby approved, full details of facilities to be provided for the storage and removal of refuse from the development in each Phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried and thereafter retained in accordance with the approved details.

Reason

In the interests of amenity and appearance and securing a high quality town centre environment.

- 17 Prior to the first occupation of any building hereby permitted, a Delivery and Servicing Management Plan will be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Delivery and Servicing Plan shall include restrictions on delivery times, vehicle tracking and contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles such plans. Once agreed, the development shall be constructed to enable the agreed arrangements to be implemented and shall subsequently be operated as agreed.

Reason

In the interests of maintaining highway efficiency and safety; the amenity of public shopping areas and to reduce conflicts with users.

- 18 The relocation of the existing bus station provision and taxi ranks shall be carried out in accordance with the details approved under Condition Discharge Application 20/00380/DAC.

Reason

To ensure the continued provision of such bus service and taxi provision.

- 19 All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges.

- 20 The restaurant / cafe units hereby granted planning permission shall cease trading and all visiting members of the public shall have departed the units by 23:30.

Reason

In the interests of neighbour amenity.

- 21 Any piling undertaken on the site in connection with the construction of the development shall be carried out as per the details approved under Condition Discharge Application 19/02236/DAC.

Reason

To protect the residential amenity of existing and any future occupiers.

- 22 The plant rating level of the noise emitted from the site shall not exceed the following levels:-
Manor Street Daytime (07:00-23:00) 38dB
Night-time (23:00-07:00) 33dB
Victoria Street Daytime (07:00-23:00) 36dB
Planning Decision Notice
20/00787/VAR Page 8 of 12
Night-time (23:00-07:00) 27dB
The noise levels shall be determined at the boundary of the nearest noise-sensitive premises. The measurements and assessments shall be made in accordance with BS4142:2014.

Reason

To protect the residential amenity of existing and any future occupiers.

- 23 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-
Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

To safeguard the amenities of residents of nearby properties.

- 24 a) The bus station access and egress arrangements as show in principle on submitted plan 106476-107 Rev D, with the egress from the bus station shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.
b) The car park accesses from Manor Street and Victoria Street as shown in principle on submitted plan 106467-101 Rev D. Each access shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times

c) A Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason

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

- 25 Prior to the occupation of each Phase of the development, a CCTV Plan shall be submitted to and agreed in writing by the local planning authority, such plans to show the model, location, height and surveillance area of all CCTV cameras to be installed. The applicant shall also submit details setting out how the installed CCTV cameras are to be maintained and operated. Once agreed, the cameras will be installed and operated in full accordance with the approved CCTV Plan prior to the first occupation of any building in that Phase.

Reason

To ensure that security surveillance is effective and co-ordinated between services and to ensure that the safety and security of residents and visitors to the site is safeguarded.

- 26 Prior to the first occupation of any of the residential units hereby approved, a strategy detailing the mechanisms and means for securing contributions for outdoor sports, open space, equipped play and allotments, together with associated timescales, shall be submitted to and approved in writing by the Local Planning Authority and thereafter, the approved strategy shall be fully implemented.

Reason

To properly provide for the impacts of the development and in the interests of amenity.

- 27 Prior to the first installation of any zinc standing seam, full details of its application to the building, including additional drawings and sections to show the projection of seam, position of the seam with window openings, the finish with the edge of the roof, and similar, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the appearance of the development and the character and appearance of the Conservation Area and setting of nearby listed buildings.

- 28 Full details of the means of refuse enclosure within the public square shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be built out in accordance with the approved details, prior to the first use of the square to the public.

Reason
In the interests of amenity of the locality.

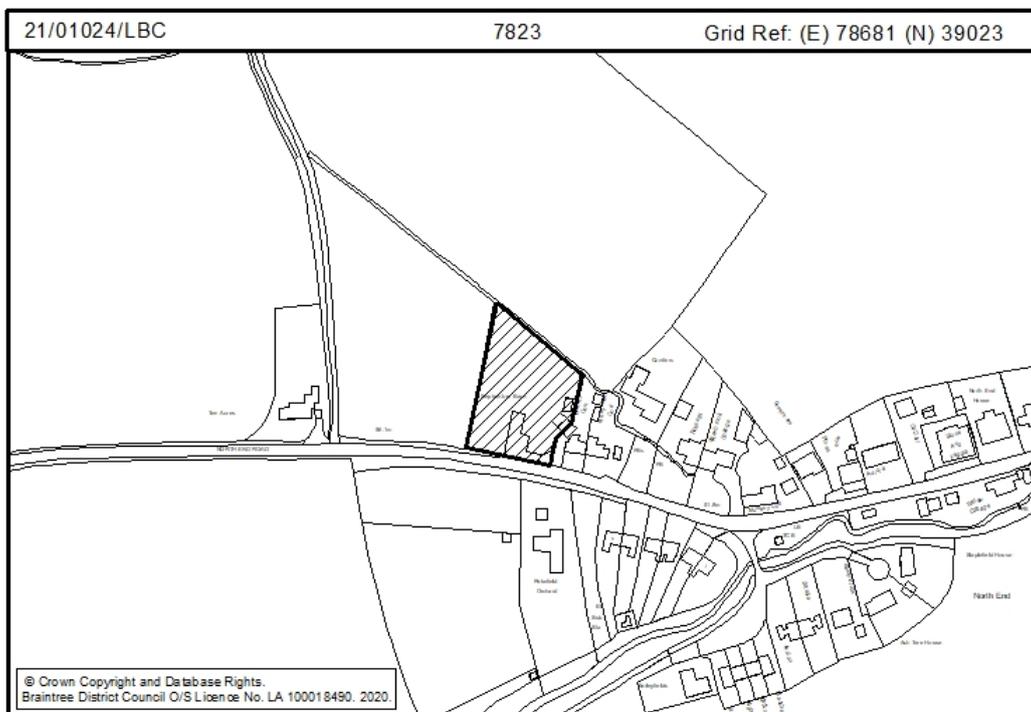
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 21/01024/LBC DATE: 14.04.21
VALID:
APPLICANT: Mr And Mrs Corbishley
September Barn, North End, Little Yeldham, Essex, CO9 4LG
DESCRIPTION: Replacement of window in North elevation and window/door panel in West elevation.
LOCATION: September Barn, North End, Little Yeldham, Essex, CO9 4LG

For more information about this Application please contact:
Harrison Lockwood on:- 01376 551414 Ext. 2543
or by e-mail to: harrison.lockwood@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQQHBBF00A00>

SITE HISTORY

84/00081/P	Proposed conversion of barn to dwelling	Granted	
84/01200/P	Stationing of mobile home whilst building works in progress	Granted	
85/01220/P	Proposed conversion of barn to dwelling	Granted	
85/01221/LB	Proposed conversion of barn to dwelling	Granted	
86/00672/P	Proposed garages and improvements to vehicular access	Granted	
86/00673/LB	Proposed garages and improvements to vehicular access	Granted	
87/01099/P	Erection of two detached dwellinghouse with garages and construction of vehicular access	Refused	
06/01650/FUL	Erection of extension to conservatory and additional windows to west elevation	Refused	18.09.06
06/01651/LBC	Erection of extension to conservatory and additional windows to west elevation	Refused	18.09.06
06/02137/FUL	Additional windows to west elevation and internal alterations	Granted	28.12.06
06/02138/LBC	Additional windows to west elevation and internal alterations	Granted	28.12.06
13/00326/LBC	Replacement front door and frame	Granted	14.05.13
13/00275/DAC	Application for approval of details reserved by condition no. 3 of approved application 13/00326/LBC	Granted	17.01.14

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

Braintree District Shared Strategic Section 1 Local Plan (2021)

Braintree District Draft Section 2 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 reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the Applicant is a member of staff at Braintree District Council.

DESCRIPTION OF THE SITE AND SITE CONTEXT

September Barn is Grade II listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest (List Entry No. 1165126). The site lies within North End, to the south east of Little Yeldham. The dwelling sits on the western most edge of the village envelope and benefits from a large garden, with no neighbours to the west.

PROPOSAL

The proposal seeks Listed Building Consent for works to replace a window in the north elevation, and a window/door panel in the west elevation.

The existing large picture window and glazed window/door panel, fitted at the time of conversion, are in a poor state of repair. All windows within the property contain double glazed units. It is proposed to replace both with new stained oak window/door frames and double glazed casements to match existing and would be painted black to match all of the other window openings in the barn.

SUMMARY OF CONSULTATION RESPONSES

Historic Building Consultant

No objection.

PARISH / TOWN COUNCIL

Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council

Support this application.

REPRESENTATIONS

A site notice was displayed at the entrance to the site, and immediate neighbours were notified of the application. No representations have been received.

REPORT

September Barn is Grade II listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest (List Entry No. 1165126). The large picture window in the north elevation and glazed window/door panel in the west elevation were fitted at the time of its conversion and are now in a poor state of repair. This application seeks consent to replace these on a like for like basis, with new stained oak frames and double glazed casements which would be painted black to match the rest of the barn.

Paragraph 184 of the NPPF recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 states 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 (and the more important the asset, the greater the weight should be).

This is reflected in Policy RLP100 of the Adopted Local Plan, and Policy LPP60 of the Section 2 Plan which 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 Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.

Necessary expertise has been sought from a Historic Buildings Consultant in accordance with Paragraph 190 of the NPPF given that the works impact a Grade II listed building. No objection has been raised given that the works propose a like for like replacement, and as such there would be no alteration to the appearance of the listed building.

CONCLUSION

The proposed works would not result in harm to the identified heritage asset being the Grade II Listed Building and would therefore comply with Policy RLP100 of the Adopted Local Plan, Policy LPP60 of the Section 2 Local Plan and the NPPF.

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

Window details	Plan Ref: West
Window details	Plan Ref: North
Location Plan	
Block Plan	
Elevations	Plan Ref: 001
Elevations	Plan Ref: 002

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER