

# PLANNING COMMITTEE AGENDA

**Tuesday 6th July 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](http://www.braintree.gov.uk)*

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

**Membership:-**

Councillor J Abbott	Councillor F Ricci
Councillor 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](mailto:governance@braintree.gov.uk) by 3pm on the day of the  
meeting.

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

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

### **Public Question Time – Registration 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](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

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

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](http://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](mailto: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 meetings of the Planning Committee held on 8th June 2021 and 22nd June 2021 (copies 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 applications listed under Part B should be determined “en bloc” without debate.

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

**PART A Planning Applications**

<b>5a</b>	<b>App. No. 20 00694 OUT – Cullen Mill, 49 Braintree Road, WITHAM</b>	<b>6-29</b>
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<b>5b</b>	<b>App No. 21 00365 HH – 5 Abbotts Croft, The Street, STURMER</b>	<b>30-42</b>
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**PART B Minor Planning Applications**

**There are no applications in Part B**

**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

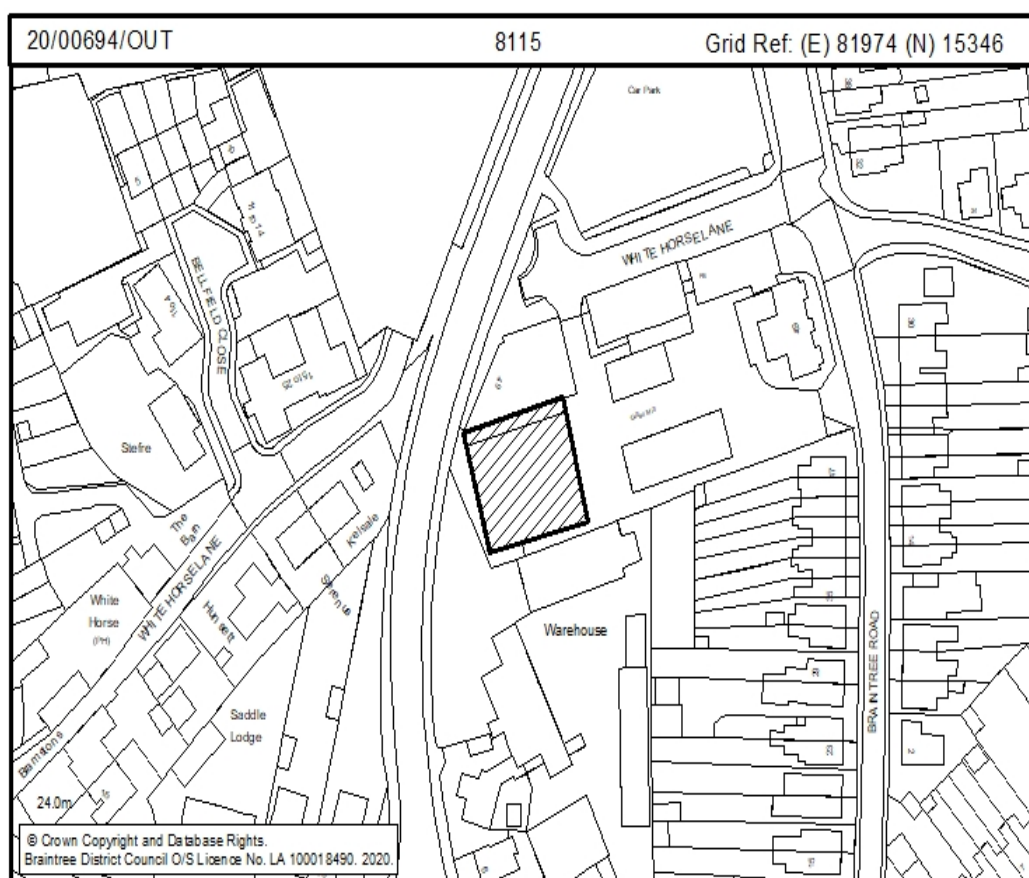
## AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00694/OUT DATE: 18.08.20  
VALID:  
APPLICANT: Kingsland Stock Essex Ltd  
c/o BDA Architecture, Studio on the Green, Ballards Gore  
Golf Club, Canewdon, SS4 2DA, Essex  
AGENT: BDA Architecture  
Mr Scott Fairley, BDA, Studio On The Green, Ballards Gore  
Golf Club, Gore Road, Canewdon (Stambridge), SS4 2DA  
DESCRIPTION: Outline planning application with all matters reserved -  
Demolition of existing factory/warehouse unit and  
construction new apartment development consisting of 10  
flats.  
LOCATION: Cullen Mill, 49 Braintree Road, Witham, Essex, CM8 2DD

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](mailto: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=Q9C6DIBFLZ800>

## SITE HISTORY

88/02544/P	Erection Of Free Standing Illuminated Sign	Granted	22.02.89
80/00637P	Demolition of warehouse (Building no. 12) and sheds (Building nos. 11, 14 _ 15) and erection of warehouse for the preparation, storage and packaging of seeds.	Refused	
80/00638P	Demolition of warehouse (Building no. 12) and sheds (Building nos. 11, 14 _ 15) and erection of warehouse for the preparation, storage and packaging of seeds.	Refused	
83/00264P	Change of use, conversion and sub-division of seed merchants and processors premises to use as light industrial warehousing, retail and office units, including use of existing office building as veterinary surgery with ancillary residential accommodation. Demolition of building no. 6 to provide additional car parking facilities.	Granted	
83/00834P	Change of use of part of first floor and second floor of warehouse building to school of dancing for teaching ballroom dancing (unit 2).	Granted	
84/00282P	Change of use of seed merchants to retail.	Granted	
84/00387P	Variation of condition 6 attached to Planning Permission BTD/263/83. Use of ground floor for Class 1 retail use.	Granted	
84/00977P	Conversion of existing mill into 'I' Tec Centre.	Granted	
84/01504P	Non-illuminated lettering on	Granted	

	front elevation of existing building.		
85/00190P	Change of use from light industrial to private pool club.	Refused	
85/00975P	Change of use from public highway to car parking and public footpath. (Part White Horse Lane)	Granted	
16/00440/COUPA	Notification for prior approval for a proposed change of use of a building from office use Class B1(a) to a dwellinghouse Class C3 - Existing 2no. established office blocks to be converted to 16no. 2 bedroom dwelling units, the proposal will make use of the existing parking on site.	Prior approval required, not given	05.05.16
16/00678/FUL	Additional windows and doors to existing building with new access stairways and gantry/balcony	Withdrawn	27.06.16
16/00982/COUPA	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use Class B1(a) to a Dwellinghouse Class C3 - Existing 2 no. established office blocks to be converted to 16 no. 1 or 2 bedroom dwelling units	Prior Approval Required and Given	01.08.16
16/01227/FUL	Change of use from B1 to C3 creating 9 no. 2 bedroom flats	Granted	09.06.17
16/01228/LBC	Change of use from B1 to C3 creating 9 no. 2 bedroom flats	Granted	09.06.17
17/00449/FUL	Change of use of A3 Cafe to 2no. C3 Dwellings	Granted	03.11.17
17/01978/DAC	Application for approval of details reserved by condition no. 3 of approved application 16/01228/LBC	Refused	27.03.18
17/02072/VAR	Application for variation of Condition 2 of approved application 16/01227/FUL - To allow for an improved quality of living	Granted	27.03.18



18/00506/VAR	<p>accommodation for the top three flats.</p> <p>Application Reference Number: 16/01228/LBC</p> <p>Date of Decision: 09/06/2017 APPLICATION NOT PROCEEDED WITH SEE LBC</p> <p>Condition Number(s): Variation to Condition 2</p> <p>Conditions(s) Removal: The applicant seeks to vary the condition to allow for an improved quality of living accommodation for the top three flats.</p> <p>The applicant seeks to extend the residential living accommodation into the existing roof void and to insert 3no. conservation rooflights.</p>	Application Returned		
18/00730/LBC	<p>Insertion of rooflights and internal alterations to facilitate additional accommodation to flats 7, 8 and 9.</p>	Granted	28.08.19	
18/00972/DAC	<p>Application for approval of details reserved by condition nos. 4, 5, 6, 7 and 8 of approved application 16/01227/FUL</p>	Granted	12.09.19	
18/01483/DAC	<p>Application for the approval of details reserved by condition 4, 6 and 7 of planning permission 17/00449/FUL</p>	Granted	11.10.18	
18/01568/NMA	<p>Application for a non-material amendment following grant of planning permission 17/00449/FUL - to remove approved rear lounge extension and to allow for timber horizontal weatherboarding to match adjacent building.</p>	Refused	14.03.19	
18/01598/LBC	<p>- Replacement of aluminium-framed and UPVC windows with timber joinery painted white with</p>	Granted	11.06.19	

	slimline double glazing. - Replacement of current entrance doors to the west and central rear with vertical timber doors painted black with simple glazed section. - Replacement of internal doors to each flat with plain timber doors with vertical timbers and frame in oak. - Removal of wires on external faces of building. - Retention of door entry systems.		
19/00344/FUL	Repair/partial rebuild of retaining wall at rear of the property	Granted	11.06.19
19/00345/LBC	Repair/partial rebuild of retaining wall at rear of the property	Granted	11.06.19
19/01241/DAC	Application for approval of details reserved by condition nos. 3 and 4 of approved application 18/01598/LBC	Granted	10.10.19
19/01509/FUL	Change of use of office (B1) to 9 No. flats (C3) including alterations and restoration of the existing facade and associated internal alterations	Granted	18.12.19
19/01510/LBC	Change of use of office (B1) to 9 No. flats (C3) including restoration of the existing facade and associated internal alterations	Granted	18.12.19
20/00495/DAC	Application for approval of details reserved by conditions 2 & 3 of approved application 19/01510/LBC	Granted	07.05.20
20/00504/DAC	Application for approval of details reserved by conditions 3, 5 and 6 of approved application 19/01509/FUL	Granted	10.08.20
20/01851/NMA	Non-Material Amendment to permission 18/00011/FUL granted 19.06.2019 for: Redevelopment of the site	Granted	21.12.20

to provide 8 one bedroom flats and 2 two bedroom flats (10 units total) incorporating the remodelling of the existing building to provide a three storey building with associated landscaping, parking & cycle parking. Amendment would allow:  
- Substitute Garage for 9 x Secure Bike Store with Electric Charging (2 x Bikes per Store)

## 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
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

## Braintree District Local Development Framework Core Strategy 2011

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
SP7	Place Shaping Principles

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

LPP1	Development Boundaries
LPP37	Housing Type and Density
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

LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

#### Neighbourhood Plan

N/A

#### Other Material Considerations

Site Allocations and Development Management Plan  
Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement  
Open Space Supplementary Planning Document  
Open Spaces Action Plan

#### 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 site consists of an existing commercial building with a B8 use. It lies within a former industrial estate, wherein all the other units are now converted to residential, with the exception of the adjacent building to the north which remains as commercial (although has planning permission under application reference 18/00011/FUL for the redevelopment of the site to provide 10 units by remodelling of the existing building).

The current building utilises the access through the Cullen Mill site and onto Braintree Road, however, it is noted that the application red edge line is only for the site itself, and it is unclear if any vehicular access is sought. The site is in an elevated position from the B1018.

The site lies outside of, but adjoining the Conservation Area. A number of the buildings within the wider Cullen Mill site are Listed.

The adjacent site to the south is Ramsden Mills which is proposed for allocation in the Local Plan for 30 dwellings (ref: WITN 425).

## PROPOSAL

The application is in outline form with all matters reserved. The proposal seeks the demolition of a 500sq.m B8 unit and the construction of 10 residential units.

The application has been submitted with a Preliminary Ecological Assessment and a Phase One Environmental Desk Study.

## SUMMARY OF CONSULTATION RESPONSES

### ECC Highways

Make no comments to the application. Note the application is submitted with all matters reserved. The reserved matters application will need to demonstrate a site access to the required highway design standard.

### ECC Local Lead Flood Authority

Object to the application and comment that the application lacks sufficient information for them to be able to assess the development.

### ECC Archaeological Advisor

Comments that the site lies within an area of significant archaeological potential and a condition is recommended to properly provide for archaeological evaluation, assessment and recording.

### ECC Historic Building Consultant

No objection to the demolition of the existing building. Note that the site is adjacent to two Grade II listed mill/warehouse buildings and the Witham Chipping Hill Conservation Area. Comment that the proposed development is poorly articulated, featuring a convoluted roof form that will fail to enhance the setting of the listed buildings and will not enhance the setting of the Conservation Area. The proposal will cause less than substantial harm to the significance of the neighbouring listed buildings, detracting from their setting.

### ECC Ecology Section

No objections subject to securing a financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar site and further biodiversity mitigation and enhancement measures.

### BDC Waste Section

Seek evidence to demonstrate the distance from the door of the bin store to the main road. There is a need to check that it is safe for the refuse vehicle to stop at the entrance.

### BDC Environmental Health

Comment that the site contains asbestos which must be carefully removed if the development proceeds to prevent contamination of land.

A contaminated land condition is recommended on any approval to ensure that made ground is assessed. In regards to noise, air quality and overheating, given the close proximity to a busy road where there is often queuing traffic, a noise assessment and air quality assessment would be required. In addition, there shall be restrictions on the hours of working at the time of construction and demolition to protect the nearby residential amenity from noise and any piling must receive prior approval.

### Anglian Water

Note that the foul drainage from this development is in the catchment of Witham Water Recycling Centre which has available capacity. The sewerage system has capacity via connection to the public foul sewer. The preferred method of surface water disposal is via a SUDs system. Recommend a condition to address surface water management.

### Natural England

The site lies within the Zone of Influence for RAMS.

### Essex Police Liaison Officer

Seek the opportunity to assist the developer to achieve Secured by Design.

### Fire and Rescue

Make comments in regards to access, Building Regulations, water supplies and sprinklers.

### PARISH / TOWN COUNCIL

#### Witham Town Council

Witham Parish Council raise no objection subject to sufficient car parking, cycle parking and affordable housing being provided. Comment that there should be provision for electric charging points on site, or if not there should be a contribution towards provision at the nearby White Hart Lane public car park.

### REPRESENTATIONS

The application was advertised by way of site notices, press notice and neighbour notification.

1 letter has been received neither objecting to nor supporting the planning application, raising the following comments:-

- Unsure of the access for flats, or if / where vehicles will park;
- Already enough cars in area. Will create additional noise with coming and goings.

Cllr S. Hicks, supports the application and comments that it will tidy up this area of Witham, which is close to the train station, town centre and river for amenity.

## 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), the Shared Strategic Section 1 Plan (2021).

The application site is located within the Town Development Boundary of Witham, where the principle of development is supported within Policy RLP2 and RLP3 of the Adopted Local Plan. This proposal would be brownfield land within the development boundary and is otherwise not designated or previously identified in the SHLAA.

Although the existing use is as employment, there is no policy objection within the Local Plan in relation to the loss of the employment land.

### 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

The NPPF encourages new homes in locations with good access to services, facilities, and employment opportunities, as this approach limits the need to travel, especially by car, and promotes a genuine choice of sustainable modes of transport. It is equally acknowledged that, as set out within Paragraph 103 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

As identified above, the application site comprises previously developed land located within the Town Development Boundary of Witham. Witham is identified as one of the main towns within the Settlement Hierarchy. The main towns are the locations which are most sustainable in the District and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible and sustainable location for new residential development which is a benefit that weighs in favour of the application.

### Layout, Design and Appearance / Heritage Impacts

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Furthermore, 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. At the national level, the NPPF is also clear in its assertion (Paragraph 124) that ‘good design is a key aspect of sustainable development’ and that (Paragraph 127) developments should ‘function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place’.

The application is submitted with all matters reserved. However, the application has been submitted with an indicative layout plan which demonstrates one way in which the application site could accommodate the proposed quantum of development. The indicative plans portray a 4 storey mainly pitched roof building, to accommodate 6 x 1 bed units and 4 x 2 bed units.

The character of the area is varied, with the commercial units to the south, being single storey and to the north and east higher density residential flats, within 2 and 3 storey height buildings. The height of the proposed development at 4 storeys would therefore dominate those in the locality, and given the elevated position of the site in relation to the B1018, it would appear prominent in the street scene, as well as over dominant to the adjacent listed buildings.

The indicative street scene demonstrates that the scale of the building would be overly dominant and bulky, and the architectural composition incoherent and poorly proportioned. The slack pitched roof detracts from the composition and fails to sympathise with the adjacent pitched roofs that have proportions that are coherent to their related bulk and mass. There is an overly dominant horizontal emphasis to each floor and this sits poorly in the height and shape of the massing, exacerbating the weak roof line. The brick wall/parapet to the southern end is a bland addition to the composition where something much lighter should sit, inset and unobtrusive. The metal railed balconies and soldier course provide a utilitarian appearance and much of the horizontal emphasis that makes the proposal appear incoherent and unsympathetic to the locality.

The access for the flats are shown on the eastern elevation which otherwise is almost devoid of any fenestration and would thus provide for an extremely bland façade. There is no opportunity for natural surveillance of this area which is allocated for car parking and cycle provision (as well as bin storage). The car parking has no visual mitigation as there is no room for planting trees. There is a combined bin store and cycle store without separation and only one point of access. Overall, this featureless elevation is of mass and sits in a prominent location. In addition to the unmitigated car parking, it fails to meet the expectations of good design raised by the National Design Guide. Furthermore, in respect to the poor parking layout in design terms, no evidence has been submitted to demonstrate that the spaces can be accessed or manoeuvred into. The red edge application site area extends only to site itself and not the access.

In regards to heritage matters, the site is not located within a Conservation Area, but runs adjacent to it. Furthermore, there are other designated heritage assets in the form of Grade II listed buildings at Cullen Mill. The existing building on site is not of any architectural or historic value, being a light industrial unit constructed in corrugated metal, and in heritage terms there is no objection to its demolition. However, as noted above, the proposed redevelopment in its indicative form will dominate the listed buildings, meaning their prominence within the locality will be diminished. The design is poorly articulated and the development will fail to enhance the setting of the listed buildings. Whilst the section of the Conservation Area that borders the site would highly benefit from some redevelopment, this application will not enhance or celebrate the special interest of Chipping Hill. The proposals will cause harm to the significance of the neighbouring listed buildings, detracting from their setting.

This harm is classed as less than substantial and should be considered against Section 196 of the NPPF. Whilst the section of the Conservation Area adjoining the site is not of high value, the introduction of inappropriate built form within its immediate setting would be harmful to the appreciation of Chipping Hill's special architectural and historic interest and thus, Section 200 of the NPPF is also relevant. Although there are public benefits with the redevelopment of this brownfield site, which currently does not positively contribute to the character and appearance of the area, any public benefits would not be outweighed by the harm caused.

As a further point in regards to layout, as noted above, Ramsden Mills is the adjacent unit to the south and proposed for allocation in the Local Plan for 30 dwellings (Ref: WITN 425). A narrow gap will separate this application site with the allocated site. At this stage it is unknown what the proposed footprint on site WITN 425 will be, and equally this application is in outline form. As design discussions continue this will need to be a matter of further consideration to ensure that the development does not prejudice the delivery of the allocated site.

#### Impact on Neighbour and Future Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

Given the outline nature of the application, detailed layouts do not form part of the proposal. However, the indicative layout and floorplans demonstrate one way in which the site could be developed for 10 flats.

In terms of the amenity for future occupiers, Officers are not content that the submitted plans adequately demonstrate that the development would provide for high quality provision for future occupiers. The majority of the flats are single aspect and are west facing which would provide poor internal amenity in terms of light and outlook. Each unit is provided with a balcony as the private amenity area / open space, which faces onto the B1018 (there is also a larger shared balcony/terrace). The B1018 is a busy road with traffic often stationary. No noise or air quality assessments have been submitted to demonstrate that the levels would be appropriate. Officers have strong reservations in terms of the viability of the balconies and windows to this elevation and are concerned that acceptable noise levels could not be adhered to (as well as implications for overheating etc. if windows are required to be kept shut to meet with adequate noise levels). As well as falling foul of the abovementioned policies relating to amenity, this is another factor that contributes to the poor layout, design and sense of overdevelopment of the site.

In terms of the impact to neighbouring occupiers, as the application is in outline form the impact cannot be fully assessed. The adjacent site to the

north has full permission for redevelopment for residential use (not yet constructed) and the south is an allocated site for residential use. Officers consider that a scheme could be designed to prevent unacceptable overlooking, loss of light or similar. This would be a matter of full consideration on any forthcoming applications (whether full or a later reserved matters application).

### Highway Issues

The application red edge includes the site only and does not extend to the public highway. It is therefore unclear where pedestrian access would be taken or if there would be any vehicular access to the parking area indicated for the development. The Highway Authority have not objected to the application, but note that appropriate access will be required to form part of the reserved matters application. However, Officers are not content that the application can demonstrate that access and parking can be provided for the number of units proposed. The indicative parking layout does not provide an acceptable layout of spaces that would be accessible or manoeuvrable. This is a further factor that demonstrates a poor layout and overdevelopment of the site.

### Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (a low probability risk of flooding), however, given the change of use in development type to a more vulnerable class, there is a requirement for the application to be supported with a Flood Risk Assessment (FRA). No FRA has been submitted, although the applicant has submitted some information in regards to flood risk and drainage in support of their application.

The Local Lead Flood Authority (LLFA) have reviewed the submission and object to the application, stating that the information does not allow them to assess the application. The application therefore fails to demonstrate if the proposed development is likely to be affected by current or future flooding, (whether that be from groundwater, river (fluvial), surface water (pluvial) or otherwise), nor that the development will not increase the risk of flooding elsewhere.

### Ecology

The application has been submitted with a Preliminary Ecological Assessment. This outlines the likely impacts on Protected and Priority species/habitats and details appropriate mitigation measures. Subject to the ecological mitigation and enhancement measures identified in the Preliminary Ecological Appraisal being secured and implemented in full there would be no adverse impact from the development and the LPA will have demonstrated its compliance with its statutory duties.

### 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 £127.30 per new dwelling erected towards offsite visitor management measures at the above protected sites.

No such payment has been made and there is no draft Section 106 Legal Agreement or Unilateral Undertaking provided to secure this.

### PLANNING OBLIGATIONS

The following identifies those matters that the District Council would seek to secure through a planning obligation. No Section 106 Heads of Terms or Unilateral Undertaking has been submitted. This therefore forms another reason for refusal.

#### Public Open Space

Policy CS10 of the Core Strategy requires new development to make appropriate provision for publically accessible open space or improvement of existing. The Council's Open Space SPD sets out further details on how these standards will be applied. In accordance with the Council's SPD, the development would generate a need for offsite contributions for allotments, outdoor sports, equipped play, informal open space and amenity green space. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

### 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:

#### Capability of the site to accommodate the development

The application submission and indicative plans fail to demonstrate that the amount of development can be accommodated on the site with the required open space, amenity areas and parking provision. Furthermore, the application submission and indicative plans also fail to demonstrate how a satisfactory standard of amenity and high quality design could be provided on the site. Based on the indicative information submitted, the development would appear cramped and congested on the plot, appearing unduly prominent within the locality. There is also concern with the detailed design as indicated. In addition, the 'red edge' application site area, extends only to the site itself. It is unclear if or how both pedestrian access and vehicular access can be achieved.

As such, the development would result in an overdevelopment of the site, to the detriment of the character and appearance of the site, the street scene and wider locality. Substantial harm is assigned to this matter.

### Heritage

The development is considered to result in harm to the setting of the Conservation Area and would further result in some harm to the setting of the Grade II Listed Buildings at Cullen Mill. In accordance with the NPPF, this harm is identified as less than substantial harm. There are no public benefits have been identified which outweigh the harm. The overall harm in the flat balance is moderate.

### Impact to future occupier's amenity

The application does not adequately demonstrate that the development would provide for high quality provision for future occupiers with the majority of the flats being single aspect. The majority of the windows and the balconies would face onto the B1018. No noise or air quality assessment has been submitted to demonstrate that the levels would be appropriate, as well as implications for overheating etc. if windows are required to be kept shut to meet with adequate noise levels. The harm assigned to this is substantial.

### Flood risk / drainage

The application fails to demonstrate if the proposed development is likely to be affected by current or future flooding, nor that the development will not increase the risk of flood elsewhere. The harm assigned to this is substantial.

### Mitigation

No mechanism has been secured in terms of the required of offsite financial contributions towards open space or in regards to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The development would not appropriately mitigate for its impacts in regards to these matters. The harm assigned 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 10 residential units providing a total of 6 x 1 bed units, 4 x 2 bed units. The development does not meet the threshold for affordable housing. Given the number of units proposed and the Councils 5 year housing land supply position, this is only afforded limited weight.

### 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. This is afforded significant weight.

### Economic and Social Benefits

The development will bring both social and economic benefits during construction and thereafter with the spending powers of future residents. Overall, the social and economic benefits are afforded moderate weight.

### **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 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 and the National Planning Policy Framework.

### RECOMMENDATION

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

- 1        The application fails to demonstrate that a satisfactory development for the number of units proposed can be accommodated on the site. The indicative plans would result in a development that is cramped and congested in its layout, is of a poor quality form and detailed design, and fails to provide adequate amenity space, parking provision and access. The development would result in an overdevelopment of the site, to the detriment of the character and appearance of the site, the street scene and wider locality. The development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP9 and RLP90 of the Braintree District Local Plan Review (2005), Policy SP7 of the Shared Strategic Section 1 Local Plan (2021), and Policies LPP50 and LPP55 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 2        The application fails to demonstrate that a satisfactory development for the number of units proposed can be accommodated on the site without harm to the setting of the adjacent Conservation Area or

harm to the setting of the Grade II Listed Buildings at Cullen Mill. The proposed development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP95 of the Braintree District Local Plan Review (2005) and Policies LPP50, LPP56 and LPP60 of the Braintree District Publication Draft Section 2 Local Plan (2017).

- 3 The application does not adequately demonstrate that the development would provide for appropriate amenity for future occupiers in terms of light, outlook, noise disturbance, air quality and overheating. No noise or air quality assessment has been submitted to demonstrate that the levels would be appropriate. The development would be contrary to the National Planning Policy Framework; Policies RLP63 and RLP90 of the Braintree District Local Plan Review (2005); and Policies LPP50 and LPP55 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 4 Insufficient information has been submitted to adequately demonstrate that flood risk matters are addressed or that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 5 In the absence of an obligation to provide for 1) a contribution towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed, and 2) a contribution to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations, the development would be contrary to the National Planning Policy Framework; Policy RLP138 of the Braintree District Local Plan Review (2005); Policy CS10 of the Braintree District Core Strategy (2011); Policy SP2 of the Shared Strategic Section 1 Plan (2021); Policies LPP53 and LPP82 of the Braintree District Publication Draft Section 2 Local Plan (2017); the BDC Open Space Supplementary Planning Document (2009) and the Essex Coast RAMS Supplementary Planning Document (2020).

### SUBMITTED PLANS

Existing Elevations and Floor Plans	Plan Ref: 19.169/01	Version: A
Proposed Elevations	Plan Ref: 19.169/07	Version: A
Proposed Roof Plan	Plan Ref: 19.169/06	Version: B
Proposed 3rd Floor Plan	Plan Ref: 19.169/05	Version: B

Proposed 2nd Floor Plan	Plan Ref: 19.169/04	Version: B
Proposed 1st Floor Plan	Plan Ref: 19.169/03	Version: B
Proposed Ground Floor Plan	Plan Ref: 19.169/02	Version: B
Street elevation	Plan Ref: 19.169/10	Version: A
Location / Block Plan	Plan Ref: 19.169/08	Version: B

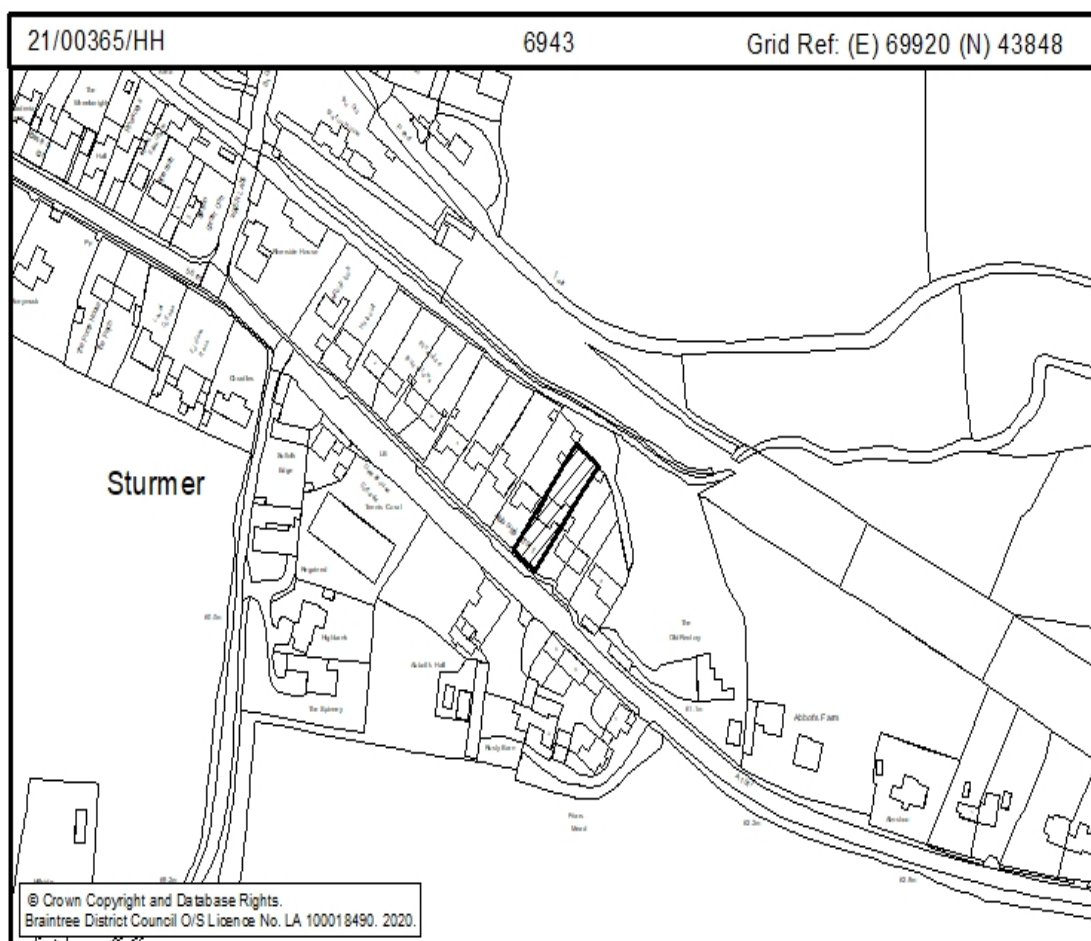
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 21/00365/HH  
 DATE VALID: 03.02.21  
 APPLICANT: Mr Robert James  
 5 Abbots Croft, The Street, Sturmer, CB9 7XL  
 AGENT: Paul Mitchell + Co  
 Mr Paul Mitchell, Saling House , Woods Close, Sturmer, CB9 7ZH  
 DESCRIPTION: Retrospective planning application to retain Annex in the rear garden. Removal of the entrance canopy and open side lean-to store. Landscaping/tree planting. Provision of an extra car parking space at the front.  
 LOCATION: 5 Abbots Croft, The Street, Sturmer, Essex, CB9 7XL

For more information about this Application please contact:  
 Jack Street on:- 01376 551414 Ext. 2515  
 or by e-mail to: [jack.street@braintree.gov.uk](mailto:jack.street@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNY6INBFJ8X00>

## SITE HISTORY

20/00650/PLD	The provision of a mobile home within the curtilage of the dwelling for use as additional accommodation by family members.	Granted	01.06.20
20/01310/HH	Erection of single storey outbuilding	Refused	12.11.20

## 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

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP65	External Lighting
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

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

LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP81	External Lighting

## Neighbourhood Plan

N/A

## Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

## 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 due to the level of public interest in the application.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the Sturmer village envelope as defined by the Adopted Local Plan. The structure proposed for retention is situated within the rear garden space associated with 5 Abbots Croft, a detached residential dwellinghouse.

5 Abbots Croft is set within a collection of dwellings on the northern side of the street. Although a variance of different housing stock is observable in this location, the dwelling closely resembles the forms of Nos. 2, 3 and 8 Abbots Croft. These dwellings feature a gabled roof facing onto the roadway with side dormer windows at first floor level. 5 Abbots Croft appears to benefit from a pronounced side addition, which ties into a porch at ground floor level. The eaves of the property are faced in white boarding.

The application concerns the rear garden space of the property. The site plans indicate that the conclusions of each garden are organised into a stepped arrangement when observed from east to west. The garden of 5 Abbots Croft adjoins a vacant area of woodland understood to be under the ownership of the occupant of The Old Rectory. It is also understood that a small strip of land was purchased by the owner of 5 Abbots Croft from the owner of The Old Rectory, which runs at a right angle from the rear boundary of No. 6 Abbots Croft. Adjacent to the area of neighbouring woodland is a small watercourse.

The structure subject to this application is situated within the rearmost section of the garden space. Officers note that the structure has been subject to an extensive planning history, which shall be summarised below.

The site was subject to an application for a Lawful Development Certificate for the provision of a mobile home within the curtilage of the dwelling. A Lawful Development Certificate was issued on 01.06.2020 based on the information provided at the time of determination.

Following the issuing of the Lawful Development Certificate, it was brought to the attention of the Council that the structure a) did not represent what was deemed lawful under Application Reference 20/00650/PLD, and b) did not constitute a caravan/mobile home. Following receipt of this information, a planning enforcement enquiry was undertaken. Subsequently, a site visit was carried out and findings were deliberated.

The Council reached the opinion that the structure built did not represent that deemed lawful by Application Reference 20/00650/PLD, and did not constitute a mobile home unit with regards to the definitions outlined in the Caravan Sites and Control of Development Act 1960, and the Caravan Sites Act 1968. Construction continued throughout this process. It was recommended that

planning permission would be required to control the structure subject to this assessment.

The subsequent planning application, (Application Reference 20/01310/HH), was considered and ultimately refused on 12.11.2020. Officers held the view that the structure was not ancillary to the main dwelling as the facilities indicated were considered excessive based on the information provided at the time. Combined with the highly domesticated appearance by way of an added porch and side canopy projection, the structure was considered tantamount to the creation of a new dwelling.

Given the secondary enlargements, the proposed building did not demonstrate the expected appearance of an ancillary outbuilding and thus, by reason of its size, siting, bulk and design, was considered to result in an unacceptable form of development. The side extension to the core building of the structure ensured that it spanned the width of the plot, and thus the proportions of the building were considered excessive and contrary to policy.

Furthermore, no screening of the structure was proposed, which created a dominating presence when viewed from neighbouring gardens. As such, the structure read its entirety was considered unneighbourly.

Pre-application advice was subsequently sought following the refusal of Application Reference 20/01310/HH, which has informed the proposals put forth in this application.

## PROPOSAL

The proposal seeks to retain the annexe structure to the rear of the garden, though indicates that the side addition and front porch addition would be removed from the building. As such, the application is for the retention of the core building.

This building measures 8.630 metres in width and 5.640 metres in length, and thus assumes a rectangular form. It is noted that the gardens of properties in this area slope downwards toward the rear given the local topography. The ground has been levelled at the application site, where the structure measures a total height of 3.350 metres from the ground level in this position to the apex formed by the structure's ridge. This measurement of height is formed of an eaves height of 2.650 metres, with the remainder forming the pitched roof. The roof is gable ended on either flank.

The structure subject for retention, that is the core building minus secondary additions to the side and front, is set in excess of 2 metres from the side boundaries on either side. The structure is set along the rear boundary.

With regards to materials, cedar boarding is used to face the eaves whereas cedar tiles cover the roof. The structure includes external lighting, but these are limited in their luminance and are primarily down-lighters. Windows inserted into the structure are indicated to be uPVC.

The applicant states that the structure is ancillary to the host dwelling, and will be occupied by a dependant relative. It is understood that this occupation has been ongoing since the completion of the structure's construction.

Internally, the structure is formed of three separate rooms; a living area, a shower room and a bedroom. Officers do not contest the internal layout of the structure, or the facilities demonstrated on the revised plans (Drawing No. 1247/01 Rev D). The kitchen facilities indicated on these plans are akin to a kitchenette, and Officers have observed during site visits to the property the presence of a sink, fridge and microwave. No domestic appliances such as an oven or washing machine are present, and these are supplied in the main dwelling.

The proposal includes the provision of a hedge on the west flank of the structure, in an attempt to limit the impact on the adjoining neighbour. Further landscaping is proposed in the rear garden space.

The application also proposed the facilitation of an additional parking space in front of the dwelling, adjacent to the existing parking spaces.

## SUMMARY OF CONSULTATION RESPONSES

### BDC Environmental Health

Consulted to provide an opinion on the issues regarding external lighting, however no response was received within the designated consultation period.

## PARISH / TOWN COUNCIL

### Sturmer Parish Council

Sturmer Parish Council raised objection to the application for the following reasons:

1. Too large and overbearing development for the site and the neighbours.
2. Proposed use has changed from the original application.
3. Does not seem to have undergone any formal inspection process.

## REPRESENTATIONS

A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. Representations toward the application were received as follows: three in support, thirteen in objection (sixteen when including three additional accompanying photos), and one general comment. It is noted that comments were received from individual properties on multiple occasions. Relevant planning matters are summarised below.

### Support

- The proposed structure is not overly large.
- The application suits the particular needs of the applicant's family.
- Similar structures are noted in the wider area.
- The structure is on a lower elevation than any of the existing properties.
- No impact on sunlight.
- Light pollution not considered an issue arising from this development.

### Objection

- The structure is incongruent with the surrounding area.
- Concern raised that the building is not 2 metres from the property boundary.
- The structure is overly large for the site.
- Loss of privacy.
- Discrepancy with the front vehicle turning area not shown on plans.
- Has not been subject to a Building Control inspection.
- Contest the use of the building.
- Detriment to wildlife in the area.
- Flood risk.
- Hedge would not alleviate impact on neighbouring amenities.
- Discrepancy with the rear boundary shown on plans; the rear wall of the structure should be shown as 1.35 metres from the rear boundary.
- Detrimental to visual amenity of neighbouring properties.

Though the comments will be addressed in the body of the report, Officers note that several representations have drawn attention to the mode through which this application has been received. Although it is a retrospective application, the planning history as outlined in the 'Description of the Site and Site Context' section clarifies why such an application has been required.

### General Comment

- The proposed landscaping and tree planting in the rear garden space should be appropriately placed as to not overhang into neighbouring gardens.

## REPORT

### Principle of Development

The application site is located within the Sturmer village envelope as outlined in the Adopted Local Plan. The application is supported in principle in accordance with Policies RLP3 and RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Section 2 Plan, though subject to criteria on design, amenity and other material considerations. Policy RLP90 of the Adopted Local Plan and Policies LPP38 and LPP55 of the Section 2 Plan

outline acceptable design and appearance criteria for developments proposed.

The principle of an annexe associated with a dwelling within a development boundary is acceptable in principle. It is noted that additional living accommodation such as the provision of additional bedrooms or sleeping quarters within an outbuilding in the curtilage of a dwelling is not considered an 'incidental use' when applied against the provisions of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This therefore implies that such a use for a new building should be controlled by a planning application.

The policies relevant to the determination of this case do not provide any explicit reference as to the provision of an outbuilding for uses ancillary to the host dwelling. Policy RLP18 of the Adopted Local Plan, whilst not directly applicable, does allude to the fundamental expectation of a proposed annexe as follows:

*"Proposals for self-contained annexes, or the conversion of outbuildings, to existing dwellings, to meet the needs of dependent relatives, will be permitted subject to meeting the above criteria and, ensuring a condition or obligation to ensure that it will remain solely as ancillary accommodation, to be occupied in association with the main dwelling."*

In essence, there is an expectation that an annexe displays a functional and physical relationship with the main dwelling and its dependency on the main dwelling should be legible. This is to ensure applications do not create an additional planning unit within the curtilage of an existing dwelling, which could amount to inappropriate backland development (contrary to Policy RLP3 of the Adopted Local Plan).

The proposed structure would provide an additional bedroom, a living area and a shower room/bathroom facility to be used by the occupier of the structure. Though kitchen facilities are indicated, these are limited to a sink and fridge, with small countertop kitchen appliances such as a microwave and kettle for limited meal preparation. No major domestic appliances, such as an oven or washing machine, are present indicating that primary meal and washing facilities are provided in the house.

In this case, Officers are satisfied that the annexe would be occupied by a dependant relative, and as such, there would be a clear functional ancillary link to the main dwelling. Further, the proposed structure would be sited within the curtilage of the dwelling with a shared area of decking and garden space between the two, and thus a visual relationship is read. The level of accommodation proposed is also considered to be commensurate with an annexe. The occupation of the annexe can also be controlled by way of a suitable planning condition.

The principle for the annexe as proposed is therefore considered acceptable, though assessment must now be undertaken as to the design and

appearance of the structure, potential impact on neighbours and highway considerations relevant to the proposal.

### Design, Appearance and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

In addition to this, Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Section 2 Plan outline that the siting, bulk, form and materials of the extension should be compatible with the original dwelling; extensions should be subordinate to the original dwelling in terms of bulk, height and position; and that regard will be as to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

The structure due assessment is solely for that shown on the plans, that is the core building minus the side extension and front porch extension. The core building is thus a rectangular structure measuring 8.630m x 5.640m and 3.350 metres in height. The structure is set two metres from both boundary, and approximately 1.257 metres from the rear boundary.

The removed elements of the structure is considered to reduce the bulk and massing of the structure considerably, with the proposed structure no longer shown on plans to span a great width across the garden space. The structure is centred within the residential plot, retaining a sufficient degree of space on either flank and to the rear although, with reference to the latter, the adjoining land to the rear is woodland and not habitable at present.

With regards to the resultant arrangement, the position and bulk of the structure are considered consistent with regards to policy criteria. In terms of height, Officers note the slope in topography in the area, which limits the perception of the structure's height when viewed from the ground level consistent with the dwellings in this location. As such, the height of the structure is not considered inconsistent with policy criteria.

It is noted that the General Permitted Development Order 2015 allows for outbuildings of up to 4 metres in the curtilage of dwellinghouses, provided criteria outlined in Schedule 2, Part 1, Class E of the Order is accorded with. Though Officers do not wish to state the structure is permitted development,

given the intended use of the structure for accommodation and given that this 4 metre height is only pursuant with the structure sited 2 metres from any boundary, it demonstrates a governmental expectation of what is reasonably allowed to constitute an outbuilding. Should the structure be moved 800mm into the garden space, an allowance of a structure measuring 4 metres would be allowed by Class E of the Order.

The structure due assessment is considerably below this allowance, and thus on balance, the built form of the building is considered consistent with both local and national design expectations. It is again stressed, however, that the structure is not considered permitted development given its intended use for accommodation; this exercise is directed toward the built form of the structure only.

Given the height, bulk and position of the structure, Officers consider the building to be subordinate to the dwelling, which is further aided by the local topography. The annexe is of a proportion consistent with expectations of how an annexe should appear and function, and no longer demonstrates a highly domesticated appearance akin to the creation of a new dwelling. The structure appears as an outbuilding ancillary to the host dwelling.

Although it is accepted that the introduction of the structure is noticeable and impacts upon the outlook of neighbouring adjoining countryside, the loss of a view or outlook is not protected by the planning system unless explicitly stated (i.e. by way of a 'Protected Vista'). There is no such protection afforded in this case, whereby this is not a matter for consideration.

The landscaping and planting proposed is considered acceptable, with no detrimental impacts noted. It is acknowledged that there is no requirement for planning permission to plant a tree or hedge, and thus Officers accept the planting can be undertaken.

With regards to the front parking space, no unacceptable impact is read in this regard. The parking space would be adjacent to an existing area of parking associated with the host dwelling, and the additional space is not considered excessive nor detrimental to the street scene or local character. It is noted that a fence obscures views of the parking area in this location from the street scene.

It is considered reasonable that conditions are applied to any grant of consent requiring the modifications to the building and the additional landscaping to be undertaken within 2 months of a permission in the interests of visual and residential amenity.

In terms of design, appearance and layout, the scheme is considered to comply with the criteria as outlined in Policies RLP3, RLP17 and RLP90 of the Adopted Local Plan, and Policies LPP1, LPP38 and LPP55 of the Section 2 Plan.

### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.

With the removal of the side extension from the core building, the structure would subsequently be set a considerable distance from the boundary shared with No. 6 Abbots Croft. Following this, it is not considered that the structure would introduce any unacceptable impacts on this particular neighbour in terms of overlooking, overshadowing, loss of light or loss of privacy.

It is noted that the structure commands a dominant presence when viewed from the rear garden space of No. 4 Abbots Croft. The applicant has expressed a desire to alleviate this concern by way of planting a hedge across the boundary. It is reasonable to assume that this would address concerns. However, it is also noted that the structure is set to the rearmost section of the garden spaces, and would not prejudice current and future occupiers of the neighbouring dwellings given the extent of garden spaces that does not adjoin the structure.

Given the reduction in the overall bulk and massing of the structure, and the proposed planting across the boundaries, it is not considered that the impact on neighbouring amenity would be detrimental to the extent by which planning permission should be withheld.

### Highways Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards, which state that “prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided”. The Parking Standards suggest that a house of two bedrooms or more should demonstrate at least two off-road parking spaces.

The property can already demonstrate the parking provision required by the abovementioned policies. The introduction of a further parking space is considered acceptable, with no detrimental impacts read in terms of safety or design.

### CONCLUSION

The reduction in the bulk, massing and width of the structure, by way of the removal of the side extension and front porch addition, would reduce the



overall prominence of the building. It is considered that the structure proposed reasonably accords with relevant policy criteria, given that the siting, bulk, form and materials of the building would be compatible with the original dwelling, and it would appear subordinate to the dwelling in terms of bulk, height and position, the latter of which is further guaranteed by the topography of the area.

The reduction in the bulk of the structure is considered to limit its prominence, and addressed concerns that the structure would be unneighbourly. It is of a sufficient distance from neighbouring boundaries, and is not of an excessive height. No unacceptable neighbouring impacts are considered to arise.

The use of the structure as an annexe for a dependant relative is considered reasonable. The annexe is considered to represent a clear functional and visual link in association with the host dwelling. The proposed additional parking space to the front of the dwelling does not introduce any detrimental impacts that would be contrary to policy.

The application is therefore recommended for approval, subject to a condition to ensure the occupation of the annexe is not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Abbots Croft, and shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

### 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 / Block Plan	Plan Ref: 1247/02	Version: C
General Plans & Elevations	Plan Ref: 1247/01	Version: D

- 1 Within 2 months of the date of this permission the building shall be modified strictly in accordance with the approved plans listed above, by way of the removal of the side canopy/lean too and the front porch and shall thereafter be retained in the approved form.

#### Reason

To ensure the development on site reflects the approved plans in the interest of the amenity afforded to the locality.

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

Reason

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

- 3 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Abbots Croft. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

- 4 Within 2 months of the date of this permission the hedging as shown on approved plan no. 1247/01 Rev D and additional planting as shown on approved plan 1247/02 Rev C shall be planted on site and thereafter retained in the approved form.

Reason

In the interests of residential amenity.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER