

PLANNING COMMITTEE AGENDA

Tuesday, 19 January 2021 at 7.15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (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:

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, the order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

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

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 24th November 2020 and 15th December 2020 (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 application listed under Part B should be determined “en bloc” without debate.

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

PART A

Planning Applications

- | | | |
|-----------|--|----------------|
| 5a | Application No. 20 00787 VAR - Car parks between Manor Street and Victoria Street, rear of the Town Hall, BRAINTREE | 6 - 42 |
| 5b | Application No. 20 01112 FUL - Land South of Hedingham Road, BULMER | 43 - 55 |
| 5c | Application No. 20 01415 FUL - 8 Alienor Avenue, GREAT BARDFIELD | 56 - 68 |
| 5d | Application No. 20 01465 FUL - Land to the rear of Heathers and Candletree, The Green, HATFIELD PEVEREL | 69 - 98 |

PART B

Minor Planning Application

- | | | |
|-----------|---|-----------------|
| 5e | Application No. 20 01842 HH - 9 Gardeners Road, HALSTEAD | 99 - 105 |
|-----------|---|-----------------|

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.

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.

PRIVATE SESSION

Page

7 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

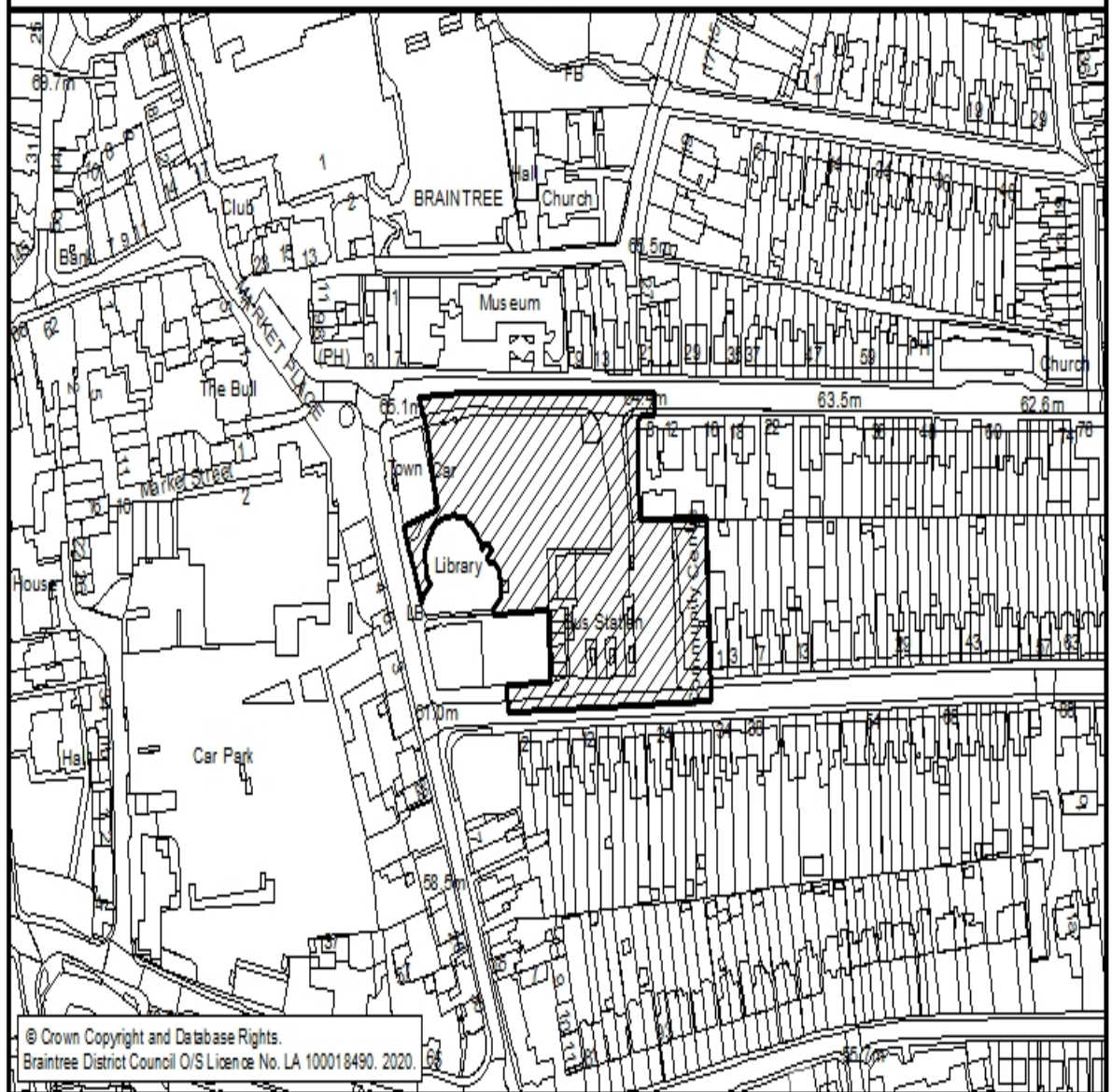
APPLICATION NO: 20/00787/VAR DATE: 15.05.20
VALID:
APPLICANT: Kier Construction Ltd
c/o Resolution Planning, Northampton, NN1 5AW
AGENT: Mr Inderjit Shokar
Beckett House, 14 Billing Road, Northampton, NN1 5AW,
United Kingdom
DESCRIPTION: Variation of Condition 2 'Approved Plans' of permission
18/01337/FUL 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 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.
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

20/00787/VAR

7523

Grid Ref: (E) 75891 (N) 23010



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QADOEGBF MAT00>

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 | Granted | 17.12.19 |

| | | | |
|--------------|---|--------------------------|----------|
| 19/02236/DAC | details reserved by condition 13 of approved application 18/01337/FUL 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 works. Amendment would allow | Granted | 29.04.20 |

| | | | |
|--------------|---|-----------------------|----------|
| | <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 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 |
| 20/00819/DAC | Application for approval of details reserved by conditions 5,14,15,21 & 27 of approved application 18/01337/FUL | Pending Decision | |
| 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 of approved application 18/01337/FUL | Pending Consideration | |
| 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 & 18 of approved application 18/01337/FUL | Pending Consideration | |
| 20/02197/DAC | Application for approval of details as reserved by | Pending Consideration | |

condition 11 of approved on
application 18/01337/FUL

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the 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 emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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

| | |
|------|--|
| CS1 | Housing Provision and Delivery |
| CS2 | Affordable Housing |
| CS4 | Provision of Employment |
| CS6 | Retailing and Town Centre Regeneration |
| CS7 | Promoting Accessibility for All |
| CS8 | Natural Environment and Biodiversity |
| CS9 | Built and Historic Environment |
| CS10 | Provision for Open Space, Sport and Recreation |
| CS11 | Infrastructure Services and Facilities |

Braintree District Publication Draft Local Plan 2017

| | |
|-----|--|
| SP1 | Presumption in Favour of Sustainable Development |
|-----|--|

| | |
|-------|--|
| SP3 | Meeting Housing Needs |
| SP4 | Providing for Employment and Retail |
| SP5 | Infrastructure & Connectivity |
| SP6 | Place Shaping Principles |
| LPP1 | Development Boundaries |
| LPP10 | Retailing and Regeneration |
| 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 |

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 (2005)
 External Lighting Supplementary Document
 Open Space Supplementary Planning Document
 Open Spaces Action Plan
 Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

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, an existing bus station, toilet block, vacant community centre and former commercial building on the eastern boundary. These uses have all ceased as the extant permission is now being built out.

When the site was operating for the uses described, Manor Street provided a point of access into the site for all vehicles including buses, although buses only exit onto Victoria Street. The site provided for 123 parking spaces (including Manor Street and Victoria Street car parks, as well as spaces serving the Braintree Library, Town Hall and adjacent Jobcentre Plus) and there was pedestrian access to the application site from Manor Street, Victoria Street and Fairfield Road.

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 and gateway providing access to the Public Library.

The site is located within Flood Zone 1 (lowest probability of flooding) as detailed on the Environment Agency's interactive map.

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 the largest concentration of urban scaled buildings, providing mainly civic buildings and other town centre uses for Braintree, 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 mainly semi-detached dwellinghouses with their associated curtilages.

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.

As before, this application proposes a mixed use redevelopment and will still provide for the following:

- 35no. residential units;
- A 70 bed hotel;
- A Live Well Hub operating an extended GP service and surgeries;

- 1no. restaurant units and 2no. retail units (1 is anticipated to be for a pharmacy).
- The realignment and improvements to the bus station, to provide 8 parking bays (with bus waiting area for 3 buses);
- 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 provision of cycle parking spaces (residential and general public/town centre users).

The changes this variation application seek, relate to:

- The introduction of public toilets (achieved by converting half of a current retail unit);
- Change from the zinc 'patterned' material to standing seam zinc;
- Provision of a lift over-run and other roof maintenance plans updated;
- The bus stop roof changed from a single monolithic roof to individual units;
- Architectural fin to 4 windows removed;
- An approved ramp to provide plant access to the library changed to steps;
- The louvres to the top of the retail changed to spandrel panels;
- A vent added to the main entrance on Manor Street to naturally vent lobbies;
- Tenure change from 12no. shared ownership and 23no. market dwellings, to 12no. affordable rent and 23no. shared ownership;
- Amendments to the balcony design on the residential units.

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

ENVIRONMENTAL IMPACT ASSESSMENT

As with the extant permission, the proposed development does not fall within the threshold outlined in category 10 (b) Schedule 2 of the Regulations: Urban Development Projects and has not been subject of a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to determine whether or not the proposed development should be accompanied by an Environmental Impact Assessment (EIA).

CONSULTATIONS

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

Do not wish to offer any further comments. On the original extant permission they commented that they welcomed the proposals in principle and generally considered the detailed design and materials of the overall development to be contextually appropriate. However, raised 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. 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.

Historic Building Consultant

Note that with regard to the consented scheme (Application Reference 18/01337/FUL), less than substantial harm was identified to the setting and significance of the Braintree Conservation Area, Grade II* Town Hall and other nearby designated and non-designated heritage assets.

Comment that the changes to the fins, balconies, louvres and lift runs have been altered and an appropriate solution found; and consider that these changes will not result in a collective diminishment of the developments integrity. Notes that the change from a fish scale pattern to a linear, straight application of zinc on the top floor is positive. Remains unconvinced that the proposed shelters are acceptable for the development, lacking the design intent and aspiration expected for the location.

Overall, with the revisions proposed, it is no longer felt that there will be an increase of harm to the surrounding heritage assets through the variation of the consented plans, yet remain in agreement with the conclusions provided as part of the original application that less than substantial harm would result.

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.

Anglian 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 of 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.

Natural England

No further consultation required. On the original extant permission noted that the site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The scheme is to be subject to a project level Habitats Regulations Assessment (HRA) and advise that appropriate funding should be secured to fund strategic 'off site' measures in and around the relevant European designated sites.

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 Housing Enabling Officer

Support the application. Comment that the proposed change would allow all 35 homes to be delivered as affordable housing with 12 being offered on social rented tenure and 23 on shared ownership. With funding support from Homes England the proposal introduces significant additionality to this town centre development and assists in meeting demand for affordable homes.

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.

To the original round of consultation, 1 letter of objection and 1 letter neither supporting nor objecting (but querying what the amendments are) were received, raising the following comments:

- The design of the apartments and hotel rooms with open balconies onto Victoria street will be detrimentally effected from noise;
- Proposed balconies are directly adjacent to the bedrooms of the residential homes in Victoria street;
- Overlooking to neighbours from residential and hotel use;
- Adverse effect on traffic in the area, particularly parking for residents for which permits are already oversubscribed;
- No provision for disabled residents to park within a reasonable distance of their homes;
- Question what provisions are made for welfare facilities for bus drivers (toilets, rest areas, washing facilities and similar);
- Site is within a Conservation Area - the proposed development is far too large for its surrounding buildings which will be overbearing and out of scale.
- Increased noise levels and air pollution (from air conditioning handling units, and a build-up of fumes from vehicle deliveries and stationary busses).

Following the submission of amended plans (relating primarily to the public toilet provision), further re-consultation was undertaken. In response to this re-consultation, 8 letters of support have been received, raising the following comments:-

- Inclusion of the toilet block is welcomed. (A question is raised in terms of opening hours and general operation of the toilets).

1 further letter was received which supported the toilet provision but noted that concerns remained with the rest of the scheme.

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

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. These policies seek to concentrate development within built up areas and to strengthen town centres to ensure they retain a vital role in supporting the community. 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.

There is further support within the Adopted Core Strategy, which seeks to maintain and develop vibrant and prosperous main towns in the District by encouraging new development and regeneration schemes that support their function as major service centres, with a range of good quality employment, shops, services and cultural provision. In accordance with the high priority for the regeneration of the market towns, Policy CS6 of the Adopted 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.

Overall, in terms of the Adopted Local Plan, the Adopted Core Strategy, the Publication Draft Local Plan and the NPPF, the principle of the mixed use re-development of the site is strongly supported in planning policy terms.

Furthermore, there is 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

A material consideration in this case, and a change of position from when the extant permission was determined, is in relation to the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

SITE ASSESSMENT

Housing Delivery

As per the extant permission, the application proposes the construction of 35 residential units providing a total of 9no.x 1 bed units, 24no.x 2 bed units and 2no.x 3 bed units.

The extant permission proposed 12no. shared ownership and 23no. market dwellings. However, due to the funding requirement from Homes England to support the Social Landlord, (Eastlight), the application now seeks all the units as affordable with 12no. affordable rent and 23no. shared ownership.

The Council's Housing Enabling Officer is supportive of the application and overall, the delivery of 35no. windfall affordable dwellings falls to be a positive aspect of the development and weighs in favour of the proposed development.

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 meet an identified shortfall for need and is likely to 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 in this location 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 commercial 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, to which positive weight is assigned. The development will lead to the creation of jobs during construction, and further once completed and operational. Although there is a reduction in the amount of retail provision from the extant consent, due to half of one of the retail units being used to facilitate the public toilets, there are clear economic benefit to the immediate area and this is 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 re-provision and improvement of the existing bus station on the site. The development would facilitate an expansion of provision in terms of total bus parking bays, from the existing 6 bays, to provide 8 parking bays and covered shelter/waiting areas with seating would be provided together with public transport information and electronic real-time travel information system. The aspect would add positively to the town centre and weighs in favour of the proposal.

Following the submission of amended plans, the scheme now incorporates public toilet provision. The provision is for 3 separate toilets with handwash facilities (1 being an accessible toilet for disabled persons). The former Manor Street site did previously have such public toilet facilities, but replacements were not being delivered in the earlier planning application. The inclusion of such toilet facilities is now a positive addition to the development and one which weighs in favour of the development.

In conclusion on this point, with regard to the principle of development, the mix and extent of uses is appropriate and in accordance with policies within the Adopted Local Plan, Adopted Core Strategy, the Publication Draft Local

Plan and the NPPF. Overall, the development would provide a positive and complimentary contribution to the mix of uses within the town centre; would provide a purpose built and much needed NHS facility; would strengthen the bus service provision; and would add to the town's vitality and viability and would positively contribute to the economy. Significant positive weight can be assigned to these factors.

Layout, design and impact on visual appearance

This Section 73 variation application seeks a number of changes to the approved scheme in relation to the detailed architectural design elements, rather than to the layout or scale of the buildings or uses. A full and detailed justification for each of these changes has been submitted by the applicant.

The design changes sought on this application include:

- Change from the zinc 'patterned' material to standing seam zinc;
- Provision of a lift over-run and other roof maintenance plans updated;
- The bus stop roof changed from a single monolithic roof to individual units;
- Architectural fin to 4 windows removed;
- The approved ramp to provide plant access to the library changed to steps;
- The louvres to the top of the retail changed to spandrel panels and a vent added to the main entrance on Manor Street;
- Amendments to the balcony design.

The scheme now presented, changes the approved zinc 'patterned / fish scale' material to the top floor, to a standing seam zinc. This is proposed in the interests of appearance. Although Officers were previously content with the material and its application on the building, the 'patterned / fish scale' zinc cladding is not reflective of the mix of materials in the locality, and therefore there would be no concern with it being omitted from the scheme. The proposed standing seam zinc would be a more traditional application of zinc and would be sympathetic to the character and appearance of the locality, including that of the wider Conservation Area.

The plans include the provision of a lift over-run and other roof maintenance plans have also been updated. The lift-over-run is required to meet current regulations and is required to prevent a lift engineer facing a life-threatening hazard if they were working on top of the lift and the lift then moves to the top of the lift shaft. As demonstrated in the 'Street View' plans, the lift overruns will be unnoticeable at street level from surrounding public vantage points, and thus its visual impact on the building itself, the wider surroundings and relevant heritage assets would be acceptable. Furthermore, the roof maintenance requirements have been updated to ensure that the development meets with current Construction, Design and Management (CDM) Regulations which seek to minimise access on to the roofs where possible but maintaining the ability to access plant safely. This element also has no wider impact upon the character and appearance of the locality.

This Section 73 application also proposes a change to the bus shelter roof. The scheme as approved has the provision of a covered bus stop shelter that extends across all of the 8 bays. The amendments sought within this application relate to individual shelters being proposed for each of the bays, with 8 separate covered shelters at the end of each bus stand/bay. The reasoning for the change to the bus station roof from monolithic to individual units, is for buildability reasons as this part of the site is on a slope. In addition, the individual roofs allow greater ventilation, which is a benefit for current Covid-19 reasons. The impact of the change to the bus shelters, is that it would break up the extent of built form on the site. Although the shelters are no longer of a bespoke design, they remain of an appropriate size, scale and design for the site, and would ensure that if damaged they can be more readily repaired or replaced in the future.

In regards to the removal of the architectural fin to 4 windows, this is required as the fin was too thin to be built with any stability. This change is modest and would not be noticeable to a large extent. It relates to only 4 windows on the 2nd and 3rd floors serving the residential use and as such the removal would be appropriate to the appearance of the building.

The proposed change to the approved ramp which provides plant access to the library is required to be changed as a DDA (Disability Discrimination Act) compliant ramp could not be accommodated within the space. Steps are therefore proposed. This area of change is not open to public access, being sited in a very discreet location on the site. It would not result in a significant change to the character and appearance of the development and is acceptable.

A further change that this application seeks is in relation to the louvres to the top of the retail units which front onto Manor Street. It is proposed that these are changed to spandrel panels as per the first floor. The reasoning relates to sustainability, as with louvres to the front face of retail units, it would provide a cold air route into the units, which will lead to a greater need for heating in the colder months increasing the energy need of the building. The proposed spandrels, with a ribbed effect will prevent the cold air entering the building, thus making the building more thermally efficient. Furthermore, a vent is added to the main carpark entrance on Manor Street. This is required for construction reasons and to naturally vent lobbies for fire compliance. Although these changes are on the prominent Manor Street elevation, they would not dilute the architectural finish of the building, nor result in any significant reduction in the quality of the scheme and as such are acceptable.

Lastly, this application seeks amendments to the balcony design. The balconies have been amended to meet a 'Class A' rating for fire due to residential flats sitting over a multi-use area. This has been achieved with a framed balustrade and for consistency, this has been taken across the residential flats. The changes are modest and would now, unlike the extant permission, provide a uniform approach to balconies across the site, and

would result in a high quality design of balcony that would be appropriate for the building and the wider locality.

The changes sought within this application are limited to those matters discussed above. The reasoning for the changes are clearly set out and justified, and overall are limited to an extent that would not harmfully dilute the quality of the scheme. The overall layout and siting of buildings and uses does not alter and there is no change to the scale and proportions of buildings. The height and scale of the proposed development remains responsive 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. The treatment of the spaces around and between buildings and the provision of the new public realm to the rear of the Town Hall does not alter and would, by reason of the layout of the buildings and their orientation of active facades, increase permeability and strengthen the link between the Bus Station.

Impacts on Heritage, the Conservation Area, Listed Buildings and their settings

The site is located within the 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.

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. The new public open space to the rear of the Town Hall gives a purpose to this area, compliments Market Place, whilst ensuring the development is clearly separated from the listed building. The general site layout which retains a north-south access route through the site and relocates the bus station to the east is also supported.

Concerns have been raised by Historic England and the Historic Buildings Consultant on the original application 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. Although this is a town centre location where listed buildings do not have extensive open settings and each is framed by other buildings in the area, the proposals would have an impact upon the setting of this heritage asset, with the proposed roofline slightly higher than the Town Hall, albeit the bell tower will remain taller. It is accepted that the design of the principle block is well considered and of some architectural merit with elements of high quality detailing. However, the positive architectural qualities of the principle block is also undermined by the quality of those elements which address Victoria Street and the north-south access route. This identified harm is considered as less than substantial.

In regards to the Conservation Area, the site in its current state has a minor negative impact on the significance of the Conservation Area. The proposals would introduce new large scale buildings within the Conservation Area and the redevelopment of the site encloses an area which currently has a relatively open character and thus would have a physical impact on the Conservation Area. 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 considered as less than substantial.

The changes to the scheme within this current application would have no greater impact upon the setting of listed buildings or to the impact on the significance of the Conservation Area, compared to the previously approved development.

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.

Overall, the development, by reason of its scale and massing, would result in a harmful impact upon the setting of the Grade II* Town Hall and further it is considered that the development would neither enhance nor preserve the Conservation Area. In accordance with the NPPF, this harm is considered less than substantial, and therefore needs to be weighed against the public benefits. Officers have undertaken that balancing exercise and conclude that there are public benefits that outweigh the harm to the significance of these designated heritage assets. However, the harm identified would still weigh against the proposal in the overall planning balance.

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 justified and considered acceptable. As part of the proposal, the existing bus station facilities would be upgraded and 'real time' timetables would be provided.

The development would provide for secure cycle spaces for the residential units, as well as generous provision for general town centre visitors. These are proposed to be sited in a bank near to the bus station, a rack adjacent to the Travelodge, with further provision within the carpark itself. The cycle storage is to be secured via condition.

A bay would be marked on Manor Street to the north of the development site for sole use of ambulances and drop-offs associated with the NHS facility. The siting of the taxi ranks and their total number does not alter.

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 on 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)

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards off site visitor management measures for the Blackwater Estuary SPA & Ramsar site (J125.58 per dwelling). In accordance with S111 of the 1972 Local Government Act, and as a HRA contribution was not previously secured, the Applicant has agreed to pay this contribution (J3,139.50) up-front prior to any decision on the application being issued. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

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 (J3442.50), off-site outdoor sports facilities (J24,493.12), equipped play (J16,450.61) and allotments (J771.31). A Grampian style condition is imposed to secure this.

As noted above, the application now proposes all the 35no. residential units to be affordable. The tenure split includes 12no. as affordable rent and 23no. as shared ownership. 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 town development boundary where the principle of development is acceptable.

There is a material difference in this application to the extant permission and that relates to the Council's 5 Year Housing Land Supply position (5YHLS). Whereas in determining the previous application, the Council was able to demonstrate 5yhls, this has altered, and as outlined above, has reduced. The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years, with this figure being challenged at a Public Inquiry where the Inspector concluded that the housing land supply figure lay between 3.72 years and 4.52 years.

Therefore, as the Council cannot now demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In regards to Paragraph 11d (i), although the development would result in 'less than substantial' harm to the setting of heritage assets, there are clear public benefits which outweigh the harm. When applying the policies in the Framework that protect areas or assets of particular importance, it does not provide a clear reason for refusing the development proposed.

In applying Paragraph 11d (ii) and whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance. The presumption in favour of sustainable development sits at the heart of the NPPF and 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).

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. The scheme largely complies with such policies (some modest harm in this respect being noted in the body of this report). In the longer term it is considered that the proposed development would bring significant benefits to site and the town centre. This scheme offers; the creation of a purpose built NHS provision; supportive retail and restaurant uses; public toilet provision; a new hotel attracting significant visitor numbers; new affordable housing to meet a housing need; the expanded provision of the bus station; and the creation of a new public space. It is considered that the proposals attract significant positive weight in relation to these matters.

Balancing against the proposal is 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. Public benefits have been identified which outweigh the harm.

Matters in relation to highway safety and capacity are acceptable and lower levels of provision are considered justified given the very sustainable location of the development and as there is capacity in other town centre car parks.

In respect of all other matters set out in this report the impact of the proposals is considered to be acceptable.

The overall planning balance then is one of considering the identified benefits of the proposals, namely; the provision of residential units; the introduction of the hotel use and its associated tourism and wider economic benefits; improvement to the bus station, public toilet and the wider public realm; and other benefits, against the harm. As before, harm is considered to result from the scale and mass of the proposals and the associated impact upon the setting of a number of listed buildings and the setting of the Conservation Area. The amendments sought within this application create no further impacts and therefore overall, the balance is considered to be such that the benefits involving the utilisation and enhancement of this key site in the town and the mix of uses that are brought forward are such as to outweigh the identified harm.

It is therefore recommended that planning permission can be granted in this case, subject to the necessary safeguards provided by the imposition of conditions.

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 Version: 22 |
| Elevations | Plan Ref: BRT-AHR-BU1-ZZ-DR-A-20-101-S0 Version: 23 |
| 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 |
| Landscaping | Plan Ref: MSBT-WWA-00-ZZ-DR-L-0101-S1 |
| Landscape Masterplan | Plan Ref: MSBT-WWA-00-ZZ-DR-L-0100-S1 |
| 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 |
| Location Plan | Plan Ref: BRT-AHR-S0-ZZ-DR-A-20-002-S0 Version: 3 |
| 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, with the inclusion of standing seam zinc.

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 Prior to the commencement of above ground development for each phase of the development, details of all external extractor vents, condenser units, heater flues and meter boxes to be used in that Phase as appropriate shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the development.

- 8 Prior to the first occupation of any residential units hereby approved, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. 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. The scheme shall include:-
 - i) 35 affordable units;
 - ii) details of the tenure mix/split of units, which shall include 12no. affordable rent and 23no. shared ownership;
 - iii) 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;
 - iv) 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;
 - v) 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;
 - vi) 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.

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 programme of archaeological work approved under Condition Discharge Application 20/00729/DAC.

Reason

To secure the protection of and proper provision for any archaeological remains.

- 12 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.

- 13 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) 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.

- 14 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.

- 15 Prior to the first use of the carparks, the first occupation of the residential units or the opening of the hotel to the public, whichever occurs first, details including a Car Park Management Plan, to include car park opening times, charges and signage, together with the provision of electric charge facilities, shall be submitted to and approved in writing by the local planning authority and thereafter carried out in accordance with the approved details.

Reason

In order to retain adequate public parking for the benefit of the town centre.

- 16 Prior to the first occupation of any of the residential units, details of carpark allocation shall be provided to and approved in writing by the local planning authority. The details shall include setting out the allocation of the spaces to all the units including the affordable units. Once approved, parking space allocation shall be implemented and retained as such.

Reason

To ensure clarity with regard to the allocation of spaces and to ensure that provision is made to both open market and affordable units.

- 17 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.

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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

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.

- 24 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.

- 25 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 being 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.

- 26 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.

- 27 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.

- 28 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.

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 The introduction of 'loading only' bay(s) on the highway would require the applicant to apply for a Traffic Regulation Order(s). The outcome of any application cannot be guaranteed and all costs would need to be met by the applicant. Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the

highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

- 3 All highway related details should be agreed with the Highway Authority. The applicant should be advised to contact the Development Management Team by email at:- development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ.

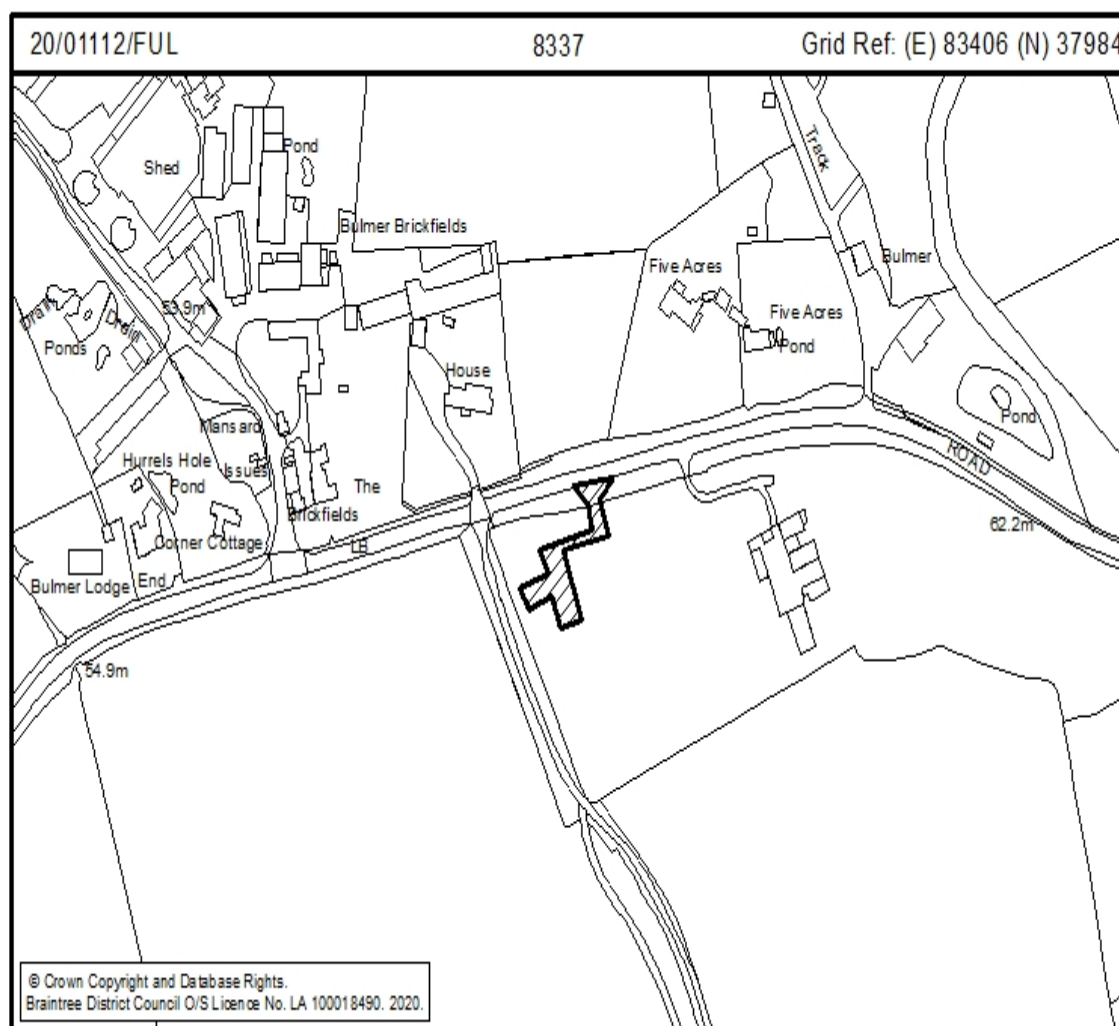
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01112/FUL DATE: 10.07.20
VALID:
APPLICANT: Mr E Whittle
C/O Acorus Rural Property Services, 10 Risbygate Street,
Bury St Edmunds, IP33 3AA
AGENT: Acorus Rural Property Services
Mr Henry Doble, The Old Market Office, 10 Risbygate
Street, Bury St Edmunds, IP33 3AA
DESCRIPTION: Proposed new access
LOCATION: Land South Of, Hedingham Road, Bulmer, Essex

For more information about this Application please contact:
Kathryn Oelman on:- 01376 551414 Ext. 2524
or by e-mail to: kathryn.oelman@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QD9883BFF/N00>

SITE HISTORY

| | | | |
|--------------|---|------------------|----------|
| 18/00051/REF | New vehicular access | | |
| 18/00087/REF | Erection of storage and workshop building. | Appeal Dismissed | 01.02.19 |
| 20/00077/REF | Application for replacement of existing buildings with offices | Appeal Dismissed | 11.12.20 |
| 18/00210/FUL | Erection of storage and workshop building. | Refused | 08.06.18 |
| 18/00211/FUL | New vehicular access | Refused | 08.06.18 |
| 18/01487/FUL | Erection of agricultural storage building and new vehicular access. | Withdrawn | 09.10.18 |
| 18/02145/FUL | Erection of agricultural storage building and new vehicular access | Withdrawn | 02.04.19 |
| 19/01516/FUL | Proposed agricultural building | Granted | 21.02.20 |
| 20/00387/FUL | Application for replacement of existing buildings with offices | Refused | 27.07.20 |
| 20/00428/DAC | Application for approval of details reserved by condition 3 of approval 19/01516/FUL | Granted | 28.09.20 |
| 20/00456/VAR | Variation of Condition 2 Approved Plans of permission 19/01516/FUL granted 21/02/20 - Proposed agricultural building. Amendment would allow resiting of the building 5m north west. | Granted | 07.08.20 |
| 20/00457/VAR | Variation of Condition 6 of permission 19/01516/FUL granted 21.02.2020 for: Proposed agricultural building | Granted | 22.07.20 |
| 20/00470/DAC | Application for approval of details reserved by condition 6 Part D of approved application 18/00121/OUT | Granted | 17.07.20 |

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the 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 emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

| | |
|-------|--|
| RLP80 | Landscape Features and Habitats |
| RLP90 | Layout and Design of Development |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|--------------------------------------|
| CS8 | Natural Environment and Biodiversity |
| CS9 | Built and Historic Environment |

Braintree District Publication Draft Local Plan 2017

| | |
|-------|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP6 | Place Shaping Principles |
| LPP50 | Built and Historic Environment |
| LPP55 | Layout and Design of Development |
| LPP71 | Landscape Character and Features |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |

Neighbourhood Plan

None.

Supplementary Planning Guidance

None.

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 Bulmer Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site is located south of Hedingham Road, with a private access to Butler's Hall Farm to the west. The site is an agricultural field which has been the subject of previous appeals, one of which was for an access (Application Reference 18/00211/FUL), another for a storage building (Application Reference 18/02110/FUL). An agricultural building has recently been approved on the land under application reference 18/01516/FUL, which was then varied under application reference 20/00457/VAR.

PROPOSAL

The application proposes to remove 4m of hedgerow along the frontage and provide a separate access to serve the new agricultural building as the existing access is currently shared with the owners of The Piggeries on adjoining agricultural land to the east.

CONSULTATIONS

ECC Local Highway Authority

No objections, recommend conditions.

EPS Ecology

Initially objected, but following submission of a plan showing sufficient biodiversity compensation and enhancement for loss of the hedgerow, now raise no objections subject to conditions.

BDC Landscape

Initially responded querying the extent of hedgerow removal to provide the access. Were consulted again when the hedgerow planting plans were received and no further comments have been received (deadline expired 19.11.20).

PARISH / TOWN COUNCIL

Bulmer Parish Council

The Parish Council have objected on the following grounds: *“Bulmer Parish Council does have concerns about Highways safety issues near the site, which includes but is not limited to large vehicles turning.*

*The Parish Council supports the application, providing that if the access is granted, the following condition is put in place –
That the existing access will be taken out, which will help to reduce problems on this stretch of road by taking the access away from the corner to a straighter part of the road.”*

REPRESENTATIONS

One letter of support and one of objection have been received. The points raised are summarised below:

- The access will be a positive improvement and will provide improved visibility splays
- It is incorrect for the Planning Statement to say that the current access falls on land outside the applicant's ownership as some of it is within the area lined blue on the plan.
- A Planning Officer should confirm that the site is only being used for agricultural purposes.
- An additional access on this unsafe stretch of road will increase the risk of accidents.
- The applicant has previously stated that the current access was safe.

REPORT

Principle of Development

An access is acceptable in principle in this location, however its design must promote the safety of users, promote biodiversity, reflect local distinctiveness and not be harmful to landscape character or residential amenity; in accordance with Policies RLP84 and RLP90 of the Adopted Local Plan, and Policies CS5, CS8 and CS9 of the Adopted Core Strategy.

Design and Appearance

The proposed access would need to be constructed of a bound material for 12m of its length (tarmac) and then is likely to be hard-core. This would necessitate loss of 4m of hedgerow to construct the access. It is considered that the remaining hedgerow can be retained as it is not shown to be in the visibility splay; see Transport Assessment Appendix B drawing 210337-01 which shows how a 120m visibility splay can be accommodated in the existing deep highway verge.

In the previous appeal decisions the Inspectorate considered the provision of a larger building for B8 use on the site. At that time the proposed access was in a slightly different position; further west than currently proposed. The Inspector refused both proposals commenting as follows:

“7. The proposed building and access route would result in a substantial built form within the countryside. Regardless of the materials proposed, the introduction of the building and access providing a use which I find not to be appropriate to the countryside would introduce a more developed nature to this currently open site. This would be harmful to the open countryside character of the site, failing to protect and enhance the area’s landscape character.

8. In relation to Appeal B, a part of the hedgerow would need to be removed to create the proposed access. The access shown on the plans (including the extent of hedging to be removed) would appear to provide reasonable visibility for drivers exiting the site, and I am not presented with substantive evidence to persuade me otherwise. As such, the relatively small opening in the hedge as proposed would be in keeping with the character and appearance of boundaries fronting this part of Hedingham Road. For these reasons I do not find that the proposed loss of hedgerow would be harmful to the character and appearance of the area.

9. Whilst I do not find harm in relation to the loss of hedgerow, this does not overcome the harm to the area’s landscape character identified above.”

A copy of the appeal decision is appended to this report. It would appear that whilst the Inspector raised no concerns with highway safety or the loss of

hedgerow, there were concerns that the access at the time would be unduly urbanising when seen in combination with the building proposed at the time.

An agricultural building (for a countryside use) has since been approved on the site which would sit back from the road behind the new access proposed. This building is of reduced size and scale to that proposed previously. In addition, the applicant has provided a plan which shows that 4m of existing hedgerow would be translocated and a further 16m of hedgerow planted around the access point to help screen sight lines of the new building from the road. This would also assist with providing biodiversity mitigation which would represent an enhancement in ecological terms. It is considered that, also taking into account the fact that the site is already screened to a degree by the existing hedgerow to its boundary, it is considered that there would no longer be sufficient grounds to resist a new access on this site and the proposal therefore complies with the aforementioned policies.

Impact on Neighbouring Residential Amenities

The access would not create any additional impacts upon residential amenity which are over and above the existing access.

Highway Considerations

The Highway Authority have no concerns regarding the safety of the access. It has been mentioned by the local community that the existing access is unsafe in the past. It would therefore appear that the provision of a new access which complies with highway specifications would therefore represent an improvement in highway safety terms.

Other Issues

An officer has visited the site. Whilst local residents have raised concerns in the past that it is not the intention of the owner to use the building approved for agricultural use, no concerns have been presented to the Council's enforcement department to suggest the site is not being used for agricultural purposes. If it became apparent that it were being used for other purposes then this would likely require planning permission and, in the absence of planning permission, enforcement action could be taken as a breach of condition would have been caused.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to comply with the development plan, therefore is recommended for approval as other material considerations do not indicate otherwise.

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

| | |
|----------------------|--|
| Section | Plan Ref: WHITTLE SPA 20-01 |
| Landscape Masterplan | Plan Ref: WHITTLE HD S1 20-01 |
| Access Details | Plan Ref: WHITTLE S2 20-01 Version: Rev.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 Prior to first use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 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 any obstruction over 0.6m in height at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 4 Prior to first use, the access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4 metres, shall be retained at that width for 10 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 5 Notwithstanding the submitted details, no unbound material shall be used

in the surface treatment of the vehicular access within 12 metres of the highway boundary.

Reason

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

- 6 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 12 metres from the back edge of the carriageway.

Reason

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

- 7 The development hereby permitted shall translocate and plant a native hedgerow in accordance with the details shown in the submitted plan Hedge Drawing Whittle HD S1 20-01, and as described within email from Henry.doble@acorus.co.uk dated 29/10/2020 at 17:04, within 12 months of the consent of this application. The translocation and new hedge planting shall be undertaken at the appropriate time of year in accordance with standard guidelines and shall be maintained appropriately to allow establishment. Any plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of development, shall be replaced with the next planting season, with other of similar size and species, unless the LPA gives written consent to any variation.

Reason

In the interests of visual amenity and to conserve and enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

INFORMATION TO APPLICANT

- 1 There shall be no discharge of surface water onto the Highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decisions

Site visit made on 29 January 2019

by H Miles BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2019

Appeal A: Appeal Ref: APP/Z1510/W/18/3207018

Land South of Hedingham Road, Bulmer, Sudbury CO10 7EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Whittle against the decision of Braintree District Council.
 - The application Ref 18/00210/FUL, dated 2 February 2018, was refused by notice dated 8 June 2018.
 - The development proposed is erection of storage and workshop building for agricultural contractor.
-

Appeal B: Appeal Ref: APP/Z1510/W/18/3207019

Land South of Hedingham Road, Bulmer, Sudbury CO10 7EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Whittle against the decision of Braintree District Council.
 - The application Ref 18/00211/FUL, dated 2 February 2018, was refused by notice dated 8 June 2018.
 - The development proposed is new vehicular access.
-

Decision

1. The appeals are dismissed.

Procedural Matters

2. During the consideration of this appeal the revised National Planning Policy Framework (the revised Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the revised Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the revised Framework.

Main Issue

3. The main issue in relation to Appeal A and Appeal B is whether the appeal site would provide a suitable location for the development proposed having particular regard to the effect of the proposed development on the landscape character and appearance.

Reasons

4. Together, Policy RLP2 of the Braintree District Local Plan Review, Adopted Plan July 2005 (the Local Plan) and Policy CS5 of the Braintree District Council Local Development Framework Core Strategy (2011) (the Core Strategy) seek to

support development within the 'Town Development Boundaries' and 'Village Envelopes'. Policy CS5 goes on to state that outside these boundaries development should be for 'uses appropriate to the countryside, in order to protect and enhance the landscape character... and amenity of the countryside'.

5. The site lies outside the built up area boundaries as defined by Policy CS5 of the Core Strategy. It comprises an open field bounded by hedgerow, trees and vegetation on three sides, and incorporates an existing access from Hedingham Road. The boundary treatment fronting this part of Hedingham Road is generally vegetation with some openings for accesses to properties and land. The appeal site is part of a larger plot including open grassland with some existing buildings. A bridleway runs along the boundary broadly to the west. Notwithstanding the limited amount of built development on the other side of Hedingham Road, including residential properties opposite, the site its character, in the main, from its direct association with the adjoining open countryside land which provides its setting.
6. These applications are for a B8 'Storage and Distribution' use in the countryside (with incidental B2 use), and an associated access. Although I am provided with a list of items that would be stored, I am not presented with any mechanism to secure that storage would be restricted to those on that list – or indeed restricted to only those associated with agriculture or other use appropriate to the countryside. Therefore I am not presented with evidence that persuades me that the proposed storage and workshop use would be appropriate to the countryside.
7. The proposed building and access route would result in a substantial built form within the countryside. Regardless of the materials proposed, the introduction of the building and access providing a use which I find not to be appropriate to the countryside would introduce a more developed nature to this currently open site. This would be harmful to the open countryside character of the site, failing to protect and enhance the area's landscape character.
8. In relation to Appeal B, a part of the hedgerow would need to be removed to create the proposed access. The access shown on the plans (including the extent of hedging to be removed) would appear to provide reasonable visibility for drivers exiting the site, and I am not presented with substantive evidence to persuade me otherwise. As such, the relatively small opening in the hedge as proposed would be in keeping with the character and appearance of boundaries fronting this part of Hedingham Road. For these reasons I do not find that the proposed loss of hedgerow would be harmful to the character and appearance of the area.
9. Whilst I do not find harm in relation to the loss of hedgerow, this does not overcome the harm to the area's landscape character identified above.
10. I note that the detailed design of the building is not in dispute between the main parties and that the Council's landscape services did not object to the application. I also note that the building would be partially screened by hedges, although it would be visible in some public viewpoints, particularly through the proposed access. Nevertheless, these issues do not overcome my concerns relating to the harm to the landscape character relating to the presence of built form on what is currently an open site.

11. For these reasons, therefore, the proposed development would not provide a suitable location for the development proposed given the harmful effect it would have on the landscape character and appearance. Consequently, in that regard, it would conflict with the following policies: Policy RLP2 of the Local Plan and Policy CS5 of the Core Strategy, the aims of which are set out above, and Policy CS9 of the Core Strategy, in part, in that it seeks to secure high standard of design and layout in all new development, and to the relevant advice in the Framework.

Other Matters

12. I note that the proposed development would provide a more secure place for the storage of items that are currently housed elsewhere on the site. However this benefit would primarily be for the individual benefit of the appellant, and as such this does not outbalance the wider harm to landscape character identified above. I am also aware that the Parish Council did not object to the proposed building, although they did object to the proposed access, nevertheless, this is a neutral point that does not weigh in favour of the development.
13. My attention has been drawn to another agricultural building nearby. However, I am not provided with the full details of this case and therefore I afford limited weight to these specific circumstances.
14. I understand that the arrangement proposed is as envisaged in the appellant's late father's will. Although I have sympathy with this position, this is not something to which I can afford significant weight in the determination of a S78 appeal.
15. While I am aware of the appellant's concerns regarding the Council's handling of the planning application, they do not alter my assessment of the planning merits of the proposal.

Conclusion

16. For the above reasons, Appeal A and Appeal B are both dismissed.

H Miles

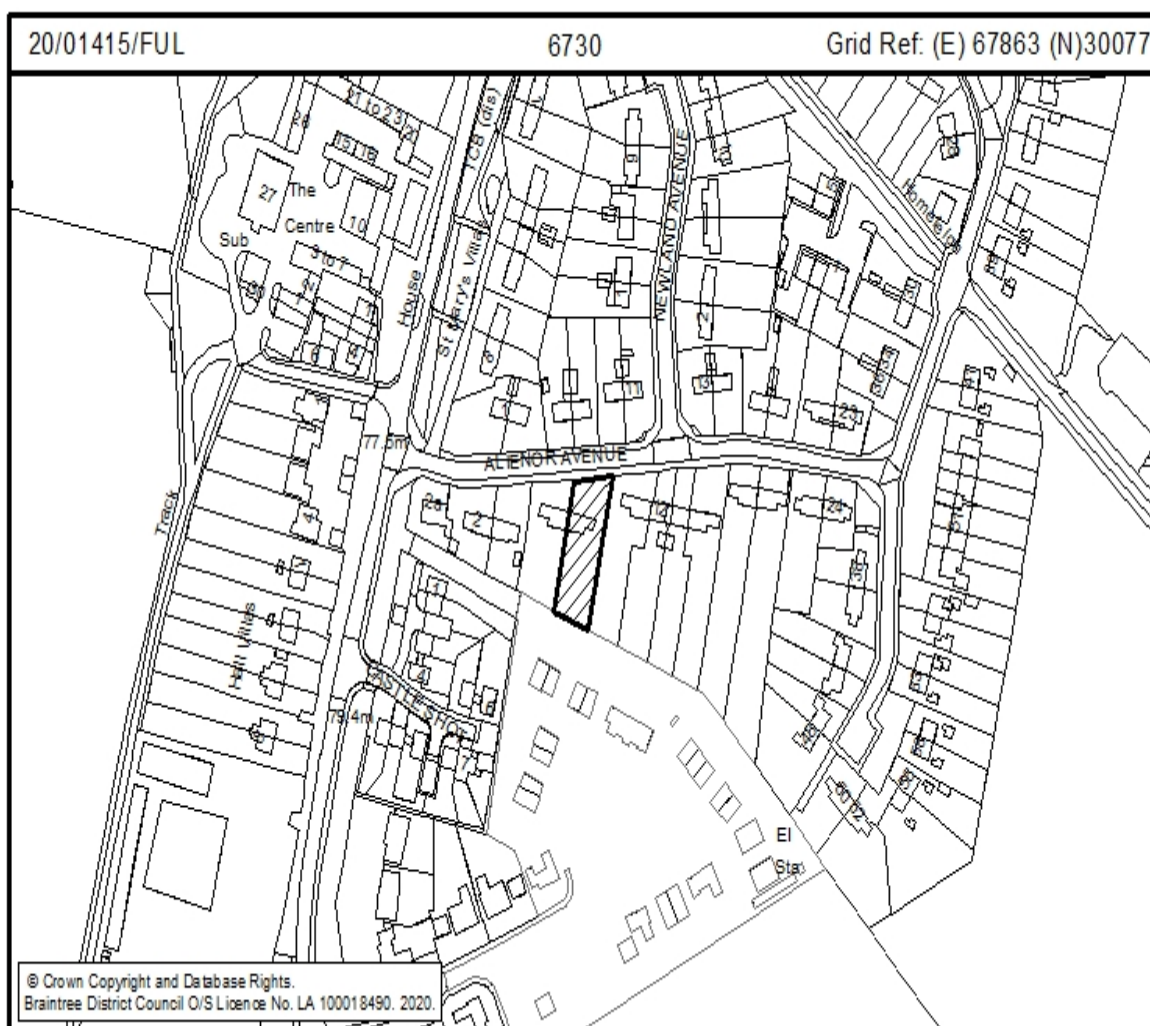
INSPECTOR

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01415/FUL DATE: 28.08.20
 VALID:
 APPLICANT: Mark Hitchcock
 The Flintstones, Bell Lane, Great Bardfield, CM7 4TH
 AGENT: Scott Andrews
 West End Barn, The Street, Rayne, Braintree, CM77 6RY,
 United Kingdom
 DESCRIPTION: Conversion of existing outbuilding to form 1 x 1 bedroomed
 dwellinghouse
 LOCATION: 8 Alienor Avenue, Great Bardfield, Essex, CM7 4RT

For more information about this Application please contact:
 Fay Fisher on:- 01376 551414 Ext. 2507
 or by e-mail to: fay.fisher@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFRYWXBFGCT00>

SITE HISTORY

| | | | |
|--------------|---|-----------|----------|
| 15/00170/FUL | Proposed demolition of single storey side extension and erection of new dwelling | Refused | 09.04.15 |
| 15/01109/FUL | Proposed demolition of single storey side extension and erection of new dwelling | Withdrawn | 26.10.15 |
| 15/01540/PLD | Application for a proposed lawful development certificate - Erection of single storey outbuilding | Granted | 04.05.16 |

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the 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 emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 |
| RLP9 | Design and Layout of Housing and Mixed Use Areas |
| RLP56 | Vehicle Parking |
| RLP90 | Layout and Design of Development |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|---------------------------------|
| CS7 | Promoting Accessibility for All |
| CS9 | Built and Historic Environment |

Braintree District Publication Draft Local Plan 2017

| | |
|-------|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP6 | Place Shaping Principles |
| LPP1 | Development Boundaries |
| LPP17 | Housing Provision and Delivery |
| LPP37 | Housing Type and Density |
| LPP50 | Built and Historic Environment |
| LPP45 | Parking Provision |
| LPP55 | Layout and Design of Development |

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 the transitional arrangements for the Council's new scheme of delegation as Great Bardfield Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

8 Alienor Avenue is a semi-detached dwelling with a large outbuilding positioned alongside it. The site is located within the Village Development Boundary of Great Bardfield. The main dwelling is a typical two-storey ex-local authority style dwellinghouse with a fair sized front and rear garden. The outbuilding is a box type structure previously erected under Permitted Development rights. There is parking on the frontage of the site for 4 vehicles.

The site is not located in a Conservation Area and there are no listed buildings in the vicinity.

PROPOSAL

This application seeks planning permission for the conversion of the existing outbuilding to a one bedroomed dwellinghouse.

The dimensions of the outbuilding are 15 metres deep by 5.5 metres wide extending to 6.7 metres wide towards the rear. The height of the building is 2.5 metres high at the rear, extending to 3 metres at the front (owing to a change in ground level from front to back). The building is built on a brick plinth with vertical timber boarding and an aluminium flat roof and grey framed windows.

SUMMARY OF CONSULTATION RESPONSES

Essex Fire and Rescue

No objections

Essex County Council Highways Department

No comments to make.

PARISH / TOWN COUNCIL

Great Bardfield Parish Council

Object – development would result in an incongruous form of development due to its detached nature and loss of spaciousness, eroding the sense of spaciousness and conflicting with the established layout of the local area. The

gable end of the dwelling facing Alienor Avenue is an uncharacteristic feature, not in harmony with the existing street scene.

REPRESENTATIONS

One letter of support has been received. Comments refer back to a previously approved scheme in 2012 whereby a precedent was set for the subdivision of a plot for residential use. Also, the comments state that the building being converted into a dwelling has replaced a utility block garage. The building is already there and this is purely a change of use being requested.

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

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the

evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

SITE ASSESSMENT

Location and Access to Services and Facilities

The strategy set out in the Publication Draft 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, Witham, and the A12 corridor, and Halstead”.

The site is located within the Village Boundary of Great Bardfield which is identified as a Second Tier Village within the Draft Local Plan. Second Tier Villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Village. Development of a small scale may be considered sustainable within a Second Tier Village, subject to the specific constraints and opportunities of that village.

In accordance with Policies RLP2 and RLP3 of the Adopted Local Plan, the principle of development on this site is acceptable, providing it satisfies amenity, design, heritage, environmental and highway criteria and subject to compliance with other relevant Local Plan policies. These issues are discussed below. In this case, taking into account the scale of the development proposed, and the fact that the site is close to the village centre wherein occupiers can access a range of services and facilities, the proposal is considered to comply with the emerging Draft Local Plan and can be considered to be sustainable.

Layout, Design and Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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 LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

In terms of design and appearance, there is a fairly defined settlement character within Alienor Avenue of semi-detached dwellings of 1950's local authority style, some of which are now in private ownership. The introduction of a large modern block style building to the street scene has added a feature which appears at odds with the design of the surrounding dwellings, however, it should be also noted that most dwellings in the street have had a flat roofed single storey outhouse or garage located to the side of the houses, and therefore flat roofed structures cannot be said to be an alien feature within the streetscene. In this case, the outbuilding is of a contemporary design and whilst it stands out in the street when seen alongside the other dwellings, it has been appropriately sited, respecting established building lines being set back from the road and built in line with No.8 Alienor Avenue.

In terms of concerns raised by Great Bardfield Parish Council in relation to the appearance of the outbuilding, it should be acknowledged that the outbuilding has been erected in line the criteria permissible within Class E of Part A of the General Permitted Development Order (GPDO), where there is no control

over design and appearance. Therefore, whilst Officers are required to assess the impact of the proposal as a whole, the application is for the change of use of an outbuilding which currently lawfully exists on the site. Even if Officers had objections to the design and appearance of the outbuilding, they cannot apply sufficient weight to refuse permission for the change of use, solely on the appearance of the existing building, given that the building would remain on site regardless of its use.

The use of the outbuilding as a dwelling is required to comply with the minimum standards for internal space as set out in the Nationally Described Space Standards (NDSS). In this case, the case officer has negotiated to secure alterations to the internal layout to ensure that it complies with the requirements of the NDSS. As such, the scheme has been reduced to provide a one bedroomed dwelling rather than a two bed dwelling and the front door and a separate hallway have been provided to aid legibility to the front entrance of the building. Also, the habitable spaces proposed now benefit from a suitable provision of light, outlook, and privacy.

It is therefore considered that the proposal would provide suitable living accommodation for any future occupiers and in terms of external amenity, the property would be provided with in excess of 100sq.m of private garden space which complies with the councils adopted standards.

In conclusion, Officers consider that whilst the appearance of the building could be considered out of keeping with other dwellings in the street, the building has been constructed to a high standard and finish. With the alterations proposed as part of this development, the change of use of the outbuilding is considered to be compliant with the abovementioned policies.

Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The outbuilding is currently in situ and is of low height and form with no overlooking windows. Officers therefore consider that the proposal would comply with the abovementioned policies in terms of impact on residential neighbouring amenity.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009) states that "prior to any extension or change of use, the developer must

demonstrate that adequate parking will be provided". A reduction in the vehicle standards may be considered if there is development within an urban area (including Town Centres) that has good links to sustainable transport.

Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The frontage of the site has already been split into two but can clearly provide adequate parking for both No.8 Alienor Avenue and the proposed new dwelling. The Council's adopted parking standards require that 1 space is required for a 1 bedroomed dwelling. It is proposed to provide 1 parking space and a short driveway with the rest of the frontage being landscaped.

The proposal is therefore considered to be compliant with the Council's adopted parking standards.

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.

In this case, the site is situated outside the Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site, and Essex Estuaries SAC and therefore requires no consideration of the impact and will not trigger a financial contribution in line with the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS).

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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).

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 town development boundary where the principle of new residential development is acceptable.

The site is in a sustainable location and close to the village centre wherein occupiers can access a range of services and facilities. This application relates to the change of use of an existing outbuilding to a dwelling and as such there is a social benefit generated as a result in providing a low cost open market dwelling which would be counted towards the councils housing supply target. There would have been economic benefits during the construction and some small environment benefits resulting in the removal of a much older outbuilding and its replacement with a structure built to modern standards.

The change of use of the outbuilding to a dwelling is considered acceptable in this location. No adverse impacts would occur to neighbours amenity or in

regards to highway matters, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would be acceptable and it is recommended that planning permission be granted.

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: 9383 P-01 |
| Proposed Elevations | Plan Ref: 9383 P-06 |
| Section | Plan Ref: 9383 P-07 |
| Proposed Elevations | Plan Ref: 9383 P-08 |
| Proposed Floor Plan | Plan Ref: 9383 P-05 rev.B |
| Location / Block Plan | Plan Ref: 9383 P-09 rev.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.

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

- 6 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 where appropriate. 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. 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.

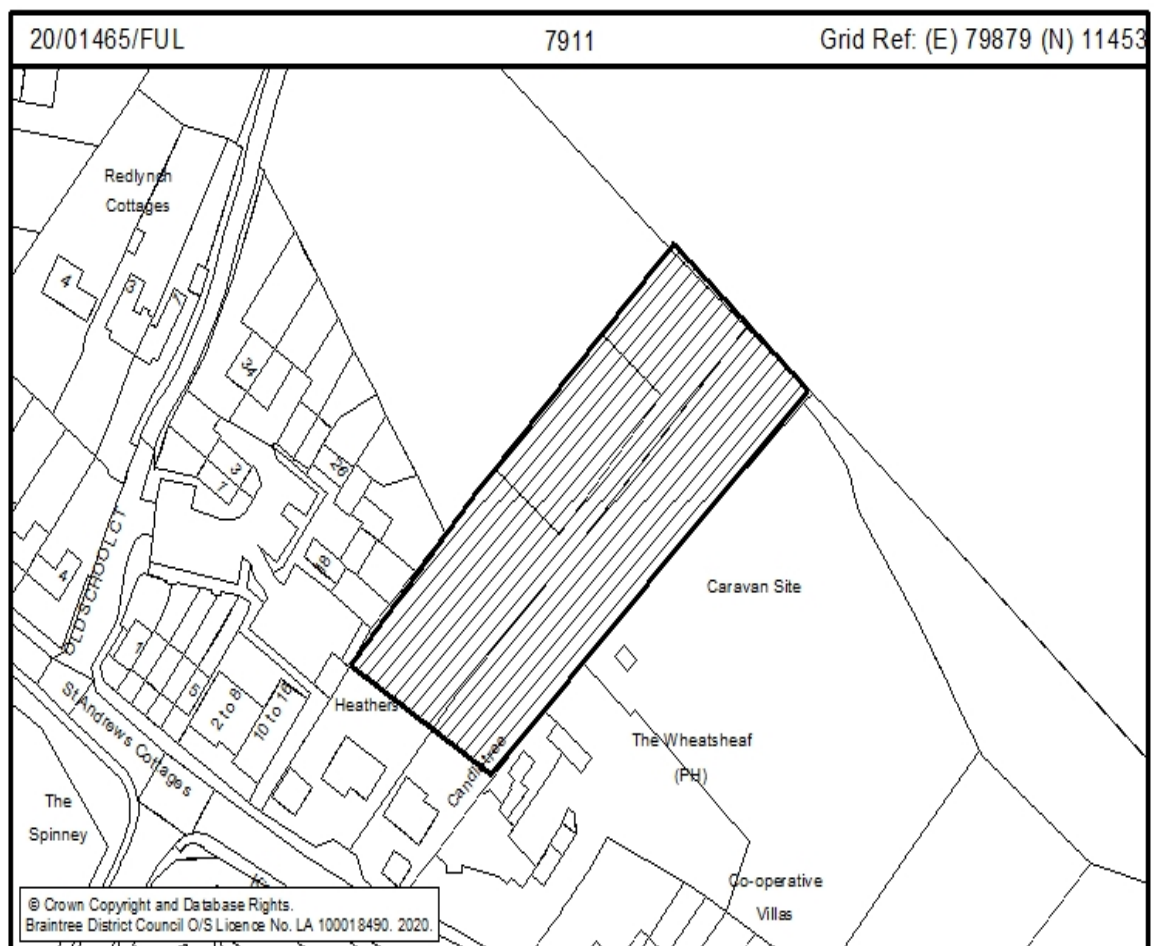
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/01465/FUL DATE: 02.10.20
VALID:
APPLICANT: Mr Ian Newman
17-18 Great Pulteney Street, London, W1F 9NE, UK
DESCRIPTION: Erection of 7 No. two storey dwelling houses, accompanied with 17 dedicated parking spaces.
LOCATION: Land To The Rear Of Heathers And Candletree The Green
Hatfield Peverel, CM3 2JF

For more information about this Application please contact:
Mathew Wilde on:- 01376 551414 Ext. 2512
or by e-mail to: mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QG537PBFGHQ00>

SITE HISTORY

| | | | |
|---------------|---|---------|----------|
| 88/00210/P | Erection Of Double Garage And Conversion Of Existing Integral Garage To Playroom. | Granted | 08.03.88 |
| 92/00138/PFWS | Change Of Use From Agricultural To Domestic Garden | Granted | 06.03.92 |

POLICY CONSIDERATIONS

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On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the 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 emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 |
| RLP7 | Housing and Mixed Use Sites |
| RLP8 | House Types |
| RLP10 | Residential Density |
| RLP56 | Vehicle Parking |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP69 | Sustainable Urban Drainage |
| RLP90 | Layout and Design of Development |

Braintree District Local Development Framework Core Strategy 2011

| | |
|------|--|
| CS9 | Built and Historic Environment |
| CS10 | Provision for Open Space, Sport and Recreation |
| CS11 | Infrastructure Services and Facilities |

Braintree District Publication Draft Local Plan 2017

| | |
|-------|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP2 | Spatial Strategy for North Essex |
| SP3 | Meeting Housing Needs |
| SP6 | Place Shaping Principles |
| LPP1 | Development Boundaries |
| LPP17 | Housing Provision and Delivery |
| LPP37 | Housing Type and Density |
| LPP44 | Sustainable Transport |
| LPP45 | Parking Provision |
| LPP50 | Built and Historic Environment |
| LPP51 | An Inclusive Environment |
| LPP55 | Layout and Design of Development |
| LPP69 | Tree Protection |
| LPP81 | External Lighting |

Neighbourhood Plan

The Hatfield Peverel Neighbourhood Plan has been formally adopted and forms a material consideration in the determination of the planning application. Relevant policies to this application include inter alia:

- HO1 - Design of New Developments
- HO3 - Minimum Garden Sizes
- HO4 - Creating Safe Communities

- FI1 - Transport and access
- FI2 – Parking
- ECN3 - Broadband and Mobile Connectivity
- HPE1 - Natural Environment and Bio-diversity
- HPE5 - Protection of Landscape Setting
- HPE6 - Flooding and SuDS

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

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 Hatfield Peverel Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site comprises a significant proportion of the rear gardens of Heathers and Candletree, which are two dwellings with a frontage onto Maldon Road. These properties contain narrow but long plots (approx. 130+m) from the road to the rear field boundary. The gardens of these properties do not contain much more than ancillary domestic paraphernalia and vegetation, however one does have a tennis court which would be removed. The site also partially adjoins properties which are accessed off of Old School Court.

The site would take access through the existing adjacent development (under construction and nearly complete) on land to the rear of the Wheatsheaf. The access serving these properties is taking off of Maldon Road. The access is also utilised for patrons of the Wheatsheaf Public House (PH).

PROPOSAL

The application in this case proposes to erect 7 dwellings on land to the rear of Candletree and Heathers. The proposal would be a continuation of a recently constructed new development for 7 houses (Application Reference 18/00851/FUL which was allowed at appeal). It would utilise the same access and would comprise similar house types. The site continues the line of houses on the northern tip with two proposed dwellings, and then introduces a turn in the road which facilitates five dwellings. These would be perpendicular to the northern tip and front onto the re-configured pub car park area and outside amenity space.

The proposal includes three house types; a larger four bedroom detached house, two pairs of semi-detached three bedroom properties and one corner turning three bedroom unit. The style and design of the houses would reflect that of the existing development which is nearly complete.

CONSULTATIONS

Essex Fire

No objection at this stage.

Highways England

No objection.

BDC Ecology

No objection subject to conditions

BDC Waste

Set out requirements for refuse collection

ECC Archaeology

No objection subject to conditions.

ECC Highways

No objection subject to a condition.

BDC Environmental Health

No objection subject to securing the same mitigation measures as previously agreed for the adjacent site.

PARISH/TOWN COUNCIL

Hatfield Peverel Parish Council

Objected to the initial proposal for the following summarised reasons:

- Outside of settlement limits and not included for allocation
- Backland development not characteristic of the area – development would be unrelated to the main built form in the locality and contrary to the prevailing linear pattern of development
- Unwarranted encroachment into the countryside
- Conflicting with policies in development plan
- Possible access issues from doubling the numbers using it
- Not a brownfield site

- 'Phase 2' development – should provide developer contributions

Hatfield Peverel Parish Council submitted further comments following a re-consultation period but did not raise any new grounds comparatively to the above.

REPRESENTATIONS

Two representations of objection have been received from the Wheatsheaf Public House and 20 Old School Court setting out the following summarised concerns:

- Unsuitable road with no footway – conflict with road users and pedestrians
- Access unsafe – not suitable to accommodate additional housing
- Proposal would lead to unacceptable overlooking (No.20)

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

The application site is located outside of a designated town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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 Adopted 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 in this case seeks planning permission for the erection of 7 new dwellings outside of settlement limits. The application would therefore be contrary to the Adopted Development Plan. The site would also be located outside of settlement limits contained within the Draft Local Plan. As such, the proposal would also be contrary to the Draft Local Plan.

5 Year Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

History

The site itself does not benefit from any relevant planning history. However, the site adjacent, from which access would be taken, has recent planning history of relevance. An application for 7 dwellings (Application Reference 18/00851/FUL) behind the Wheatsheaf PH was refused by the Council for the following summarised reasons:

- Detrimental impact on the character and appearance of the area
- Effect on living conditions
- Viability of the PH
- Loss of the caravan site

The decision was subsequently appealed and the Planning Inspector disagreed with all of the Council's reasons, concluding the following:

"29. The delivery of 7 family-sized homes on previously developed land would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing. The proposed development would also moderately improve the viability of the Public House and would create economic benefits through

local spending by the new occupiers. Overall, the benefits of the proposal are matters of significant weight in favour of the development.

30. The parties are in dispute as to whether the Council can demonstrate a 5-year housing land supply. Were I to find that this was not demonstrated, the tilted balance in Paragraph 11d) of the Framework would be engaged. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

31. For the reasons I have given, in my judgement there would be no adverse impacts arising from the proposal. Even were I to find that the Council could demonstrate a 5-year housing land supply, the lack of harm and significant benefits of the proposal outweigh the limited weight I afford to the conflict with the development plan arising from its location outside of the village envelope.

32. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed with conditions.”

The appeal was allowed. A copy of the appeal decision is included as an appendix to this report for information. Some of the Inspectors comments on Application Reference 18/00851/FUL will be discussed further in this report. As highlighted above, this development is now nearly complete.

Location and Access to Services and Facilities

The NPPF encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103). Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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

Whilst located outside of a development boundary, the site is closely connected to the Key Service Village of Hatfield Peverel, and thus would not be isolated by virtue of Paragraph 79 of the NPPF. The sites location adjacent to the development boundary for a Key Service Village means that there is a higher level of shops, services and facilities which meet day-to-day needs, and regular, sustainable transport links or good strategic transport links to larger towns. The accessibility of the location is a material factor which weighs in favour of the proposal in the overall planning balance.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Government's 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

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 LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy HO1 of the Adopted Neighbourhood Plan provides an extensive list of criteria which a new residential development should meet in order to be considered acceptable. This criteria states inter alia; providing an appropriate mix of housing types, appropriate density for the surrounding area, layout, height and overall elevation design should be in harmony with the character and appearance of the surrounding area, good connections, sustainability measures (encouraged), creation of shared spaces, high quality materials and landscaping, efficient waste collection and reduce risks from pollution. In addition, Policy HO4 of the Adopted Development Plan states inter alia that developments will provide safe play spaces and design out crime. Policy HPE 5 of the Adopted Neighbourhood Plan states inter alia that the landscape setting of the village will be protected.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009. Policy HO3 of the Adopted Neighbourhood Plan aligns with the standards set out in the Essex Design Guide for the private amenity of any new development.

The proposed development in this case would be in a backland location behind existing residential development on the north side of Maldon Road and the Wheatsheaf Public House. Prior to the construction of the adjacent 7 dwellings allowed on appeal, there was a prevailing linear character on the northern side of Maldon Road. Now the character is more mixed and less defined. The south of Maldon Road comprises more dense development.

In considering the 7 dwellings allowed on appeal, the Inspector considered that the development would have a very limited material effect on the character of the street scene and transition of the development to the countryside when viewed from the highway. When viewed from the countryside beyond, the Inspector considered that the development would be seen in the context of an urban setting and was satisfied no harm would also arise (Paragraphs 7-10 of the Inspectors Decision).

This development seeks a continuation of the approved (and now built) 7 dwellings at the site utilising the garden areas of Heathers and Candletree. The development would introduce two additional dwellings to continue the existing built line on the northern aspect of the site, while the remaining five dwellings would be perpendicular and turn back towards the village. In terms of the wider setting, a small part of the site would be adjacent to an open field to the north east, and a larger part would be adjacent to properties on Old School Court. The five properties would also overlook into the reconfigured public house car parking area. As such, it is considered that the development would not encroach much further into the countryside than the approved development, and would instead be seen in the context of the existing settlement.

Taking into account the Inspectors comments, coupled with the nature and characteristics of the proposed development as described above, it is considered that the development would not have a detrimental impact on the character or landscape setting of the area.

In terms of scale and appearance, the properties would be a continuation of the style and scale of the appeal development; comprising contemporary appearing designs and fenestration. There are three house types; a four bedroom detached property (2), a pair of semi-detached two bedroom dwellings (4) and a single detached 3 bedroom corner turning unit (1). It is considered that the proposed dwellings are appropriate in the context of the appeal development, and would facilitate an appropriate sense of place to be created in conjunction with the approved development. As such, from a scale and appearance perspective it is considered that the development is also acceptable.

In terms of amenity for future occupiers, externally each dwelling would comprise 100sq.m or more of garden amenity space. Which would comply with the standards and is acceptable. In terms of internal amenity, all dwellings would comply with the NDSS and have good outlook. The other consideration in regards to internal amenity is the proximity of the public house to the proposed development.

In the allowed appeal decision, the Inspector was satisfied that there would not be a detrimental impact on the amenity of future occupiers by virtue of the PH or its car park. This was with the condition that acoustic fencing was installed, as well as noise insulation and partial air conditioning for the dwellings relating to first-floor bedrooms facing the public house and car park. In this case, it is considered that there is also scope to include a further acoustic fence, as well as the noise mitigation measures. The Environmental Health Officer considered this and raised no objection subject to the imposition of these conditions. As such, in this case it is considered the amenity of future occupiers would be protected from noise and disturbance from the public house.

In terms of other considerations, a refuse strategy condition has also been recommended – this would be in line with the adjacent site which has discharged the refuse collection strategy after much negotiation. In terms of other matters, a boundary wall is shown on the plans which would adjoin the highway. Matters of boundary treatments are also recommended to be conditioned.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Due to the location of the development, the main neighbours which would be directly impacted by the development are those in Old School Court. The amenities of both Heathers and Candletree would also be affected.

Focusing firstly on the impact on Old School Court, there are three dwellings (No.18, 20, 22) all of which back onto the south west boundary of the site. As originally submitted, the proposed dwellings (Plots 6 and 7) were located approximately 19m back-to-back distance away. This was below back to back distance guidance in the Essex Design Guide and could have led to unacceptable overlooking of existing neighbouring properties which have relatively short gardens. As a consequence, the proposed plots were moved further forward into the development site, to increase the back to back separation distance to 25m and 26m respectively. The back to back distance now complies with the standards which are designed to protect amenities between neighbouring properties. As such, it is considered that the proposed development would now not have a detrimental impact on the amenity of No.18, 20 and 22 Old School Court by virtue of overlooking, overshadowing or overbearing.

In regards to the impact on Heathers and Candletree, these properties would retain a sufficiently large garden area and general separation in order to not be detrimentally affected by the proposal.

Overall, due to the above, it is considered that neighbouring amenity will not be detrimentally affected by the proposed development.

Highway Issues

Policy FI1 of the Adopted Neighbourhood Plan states inter alia; new developments should prevent unacceptable risks from emissions, provide appropriate safe pedestrian and cycle routes and the introduction of shared spaces where appropriate.

Policy FI2 of the Adopted Neighbourhood Plan states inter alia that development should accord with the Adopted Parking Standards, while also garages must be designed away from the street frontage.

The site would utilise the existing shared access between the appeal development and the public house. While some concerns have been raised about the access, Essex Highways raise no objection to the development and are satisfied that the access is satisfactory for the quantum of development sought.

In terms of parking, the development would provide each dwelling with two parking spaces (14) and include three visitor spaces (total of 17 spaces for the development) which is over the 1 required visitor space for 7 dwellings (1 space per 4 dwellings). The parking is mostly in tandem form, however owing to the cul-de-sac nature of the development it is considered that this configuration is acceptable.

Overall, it is considered the proposal is acceptable from a highways and transportation perspective.

Landscape and Ecology

Policy CS8 of the Adopted Core Strategy is concerned with the protection and enhancement of the Natural Environment and Biodiversity. The policy states that all development proposals should ensure the protection and enhancement of the natural environment, habitats and biodiversity of the District. It goes on to state that 'development must have regard to the character of the landscape and its sensitivity to change'.

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, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. 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. This is echoed by Policy LPP68 of the Draft Local Plan.

Policy HPE1 of the Adopted Neighbourhood Plan states inter alia that development should retain and enhance existing trees, hedgerows and habitats, which are important for their historic, visual or biodiversity value unless the need for, and the benefits of the development in that location clearly outweigh any loss. Any such loss should be appropriately mitigated.

Firstly in terms of ecology, the application was supported by a preliminary ecological appraisal. The Councils Ecological Officer has reviewed the appraisal and raised no objections, subject to the imposition of a number of conditions. These conditions are included within the recommendation.

In terms of arboricultural impact, the application was not supported by an arboricultural assessment. However, from Officer site visits, it was apparent that while there were trees on the site, these were all domestic in scale with limited wider public amenity. The list of trees is set out at the end of the ecology report with mostly low value trees present. The developer confirmed that there were not any trees of significance on the plot.

The development would require the removal of some of the trees on the site, notably those on the boundary between the two properties. However, large amounts of vegetation on the other site boundaries should be able to remain. It is recommended that a tree protection condition is attached to ensure that any development here would not lead to an unnecessary loss of trees at the site. Overall, it is considered that the application is acceptable on these grounds.

Flooding and Suds

Policy HPE6 of the Adopted Neighbourhood Plan states inter alia that any proposed development should include measures to mitigate against future risk to properties, residents and wildlife from flooding and be located away from areas prone to flooding.

The application is not a major application or above 1ha, as such Essex SUDS do not provide comments on the application. This is because usually the overall built area is small and the increase in surface water run off low. The site is also located in Flood Zone 1, which has the lowest probability of flooding. Overall, it is considered that the development would be acceptable from a flooding and surface water perspective.

Contamination

Policy RLP64 of the Adopted Local Plan states that a development on or near a site where contamination may exist, should provide a thorough investigation, so as to establish the nature and extent of the contamination, and then identify works to mitigate any contamination found where appropriate.

No contamination assessment has been provided. If permission was approved, it would be appropriate to include a condition to ensure that any contamination found during construction is adequately dealt with.

Archaeology

Policy RLP105 of the Adopted Local Plan states that where important archaeological deposits are thought to be at risk from a proposed development the developer will be required to arrange for an archaeological evaluation to be undertaken prior to the planning decision being made. The evaluation will assess the character, importance and extent of the archaeological deposits and will allow an informed and reasonable decision to be made on the planning application.

The Archaeological Officer raised no objection to the application subject to a condition regarding archaeological trial trenching prior to any works commencing on the site. It is considered that the proposal is acceptable on this basis.

Broadband

Policy ENC3 of the Adopted Neighbourhood Plan states inter alia that proposals for new development should demonstrate how they will contribute to, and be compatible with, superfast broadband and high quality internet connectivity. The developer has confirmed that the proposal would connect into the broadband provision provided to the adjacent 7 properties.

Habitat Regulations Assessment (HRA)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling). In accordance with S111 of the 1972 Local Government Act, the Developer has agreed to pay this contribution (£879.06) up-front prior to any decision on the application being issued opposed to entering into a separate unilateral undertaking. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

PLANNING OBLIGATIONS

Concerns have been raised by the Parish Council that a net of 14 dwellings will be built across the two sites (appeal and current) which ordinarily would trigger open space and possibly affordable housing contributions.

Officers have assessed this situation carefully. Case law dictates that in this case, while the new application would utilise the access of the allowed appeal development, inherently they are two different sites from a land owner perspective and have come forward at different times. As such, in accordance

with case law, Officers have deemed that it would be unlawful to try and secure any financial contributions from the development in this particular case.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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).

In this case, there are public benefits which would arise from the development. These include but are not limited to; securing a good design and layout which would be consistent with the approved site adjacent. There would also be limited potential harms to neighbouring residential properties. The site would be in an accessible location and would contribute 7 dwellings to the Districts Housing Land Supply. The development would also secure jobs during construction and contributions to the vitality of the village.

In terms of environmental harm, while there would be some further encroachment of built form within the countryside, this impact would be limited by virtue of the scale and location of the development. Furthermore, the possible harms to the amenity of future occupiers of the units can be mitigated by way of acoustic fencing and window details, much like the approved adjacent site.

When considering the planning balance and having regard to the above, the conflict with the development plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is approved 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: 20-218-110 | Version: P4 |
| Proposed Site Plan | Plan Ref: 20-218-100 | Version: P5 |
| House Types | Plan Ref: 20.218.103 | Version: P1 |
| House Types | Plan Ref: 20.218.102 | Version: P5 |
| House Types | Plan Ref: 20.218.101 | Version: P4 |
| Site Layout | Plan Ref: 20-218-108 | Version: P5 |

- 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 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS Ltd, September 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 4 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 and where lighting is likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate 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 using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed.

Reason

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

- 5 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 s40 of the NERC Act 2006 (Priority habitats & species).

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

Reason

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

- 7 (A) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.

(B) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (A) above.

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

Reason

The site may be of archaeological interest.

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

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

Reason

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

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

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

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

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

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

Reason

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

- 11 No above ground development shall commence unless and until a schedule of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only 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.

- 12 No development or any site clearance shall commence until an Arboricultural Report has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural report shall list and categorise all trees on the site, and include a Tree Protection Plan indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development.

Reason

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

- 13 Prior to first 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.

Reason

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

- 14 Prior to construction, details of collection arrangements, the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

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

- 15 Prior to first occupation of the development hereby approved, details of the acoustic fencing shall be submitted to and approved in writing by the local planning authority. The acoustic fencing shall be installed in accordance with the approved scheme prior to first occupation and thereafter retained as such.

Reason

To protect the amenities of future occupiers of the proposed development.

- 16 Prior to the construction commencing on any of the dwellings, full details of the noise insulation and associated partial air conditioning for the dwellings relating to the first-floor bedrooms facing the public house and car park shall be submitted to and approved by the Local Planning Authority. The houses shall then be constructed in accordance with these details which shall thereafter be retained.

Reason

To protect the amenities of future occupiers of the proposed development.

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to assess the extent of contamination and also provide details of the remediation strategies that would be necessary. Following completion of measures identified in the approved remediation scheme a verification report must be prepared 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.

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

Reason

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

INFORMATION TO APPLICANT

- 1 A professional archaeological contractor should undertake any fieldwork required for condition 7. An archaeological brief detailing the requirements can be produced from this office. The District Council should inform the applicant of the recommendation and its financial implications.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 18 April 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCI EH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 15th May 2019

Appeal Ref: APP/Z1510/W/18/3219445

Wheatsheaf, The Green, Hatfield Peverel CM3 2JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Newman (REL Group Ltd) against the decision of Braintree District Council.
 - The application Ref 18/00851/FUL, dated 9 May 2018, was refused by notice dated 3 December 2018.
 - The development proposed is erection of 7no. dwellinghouses with associated garages, parking, additional parking for Public House, amenity areas, public open space, reconfigured Pub Garden, private drives and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 7no. dwellinghouses with associated garages, parking, additional parking for Public House, amenity areas, public open space, reconfigured Pub Garden, private drives and landscaping at Wheatsheaf, The Green, Hatfield Peverel CM3 2JF in accordance with the terms of the application, Ref 18/00851/FUL, dated 9 May 2018, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr Ian Newman (REL Group Ltd) against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matters

3. A revised description of the proposed development was agreed by the Council and the appellant, as in the heading and formal Decision above, and the application was determined on that basis.
4. The Council has confirmed that the numbered plans were incorrectly stated in the Decision Notice. The correct plans considered, having been revised by the applicant and accepted by the Council, are Plan Ref: 17.169/100 Version P9, Plan Ref: 17.169/101 Version P5, Plan Ref: 17.169/102 Version P5, Plan Ref: 17.169/103 Version P5, Plan Ref: 17.169/105 Version P5, Plan Ref: 17.169/106 Version P5.
5. An emerging plan (EP), the Braintree District Publication Draft Local Plan (2017), was submitted to the Secretary of State on 9 October 2017 and is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.

Main Issues

6. The main issues in this appeal are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of future occupiers of the new houses as regards external amenity space, pedestrian use, refuse collection and noise;
- the effect of the proposed development on the viability of the Wheatsheaf Public House (the Public House); and
- the effect of the loss of the touring caravan site.

Reasons

Character and appearance

7. The appeal site is within the curtilage of a Public House and touring caravan park and is previously developed land for the purposes of the Framework. The site is mostly in the countryside for the purposes of the development plan. However, the settlement envelope boundary runs through the site and due to use its character as a whole is more closely associated with the residential and commercial development of the village than open countryside.
8. The proposed houses would fill the depth of the site, via an access road, and in that respect would not be similar to the linear ribbon development on this part of Maldon Road as the settlement transitions eastwards into the countryside. However, there would be very limited views of the development from Maldon Road due to the frontages of existing buildings, the relatively narrow access and proposed vegetative screening. Consequently, there would be very limited material effect of the character of the streetscene and the transition from development to countryside when viewed from the highway.
9. There would be views of the new houses from other directions, including from open countryside and an arable field and public footpath to the north. These views would be partially screened and softened by vegetation on the boundary, with the housing scheme seen in the foreground of views of the rear of residential and commercial properties fronting Maldon Road. Further, existing lawful use of the land entails the siting of touring caravans near the northern boundary which albeit seasonal already exerts an influence on the countryside setting. There are also buildings situated on land to the east of the appeal site deep into their plot and near the boundary with the field. The new houses within this context, on land which is previously developed and closely associated with the existing settlement, would not have an adverse material effect on the character and appearance of the area or intrude into the countryside.
10. For these reasons, the proposed development would not harm the character and appearance of the area and as such would not be in conflict with Policy CS9 of the Braintree District Council Local Development Framework Core Strategy (CS) and Saved Policy RLP90 of the Braintree District Local Plan Review (LP) which together seek to ensure that proposals protect the character and appearance of places, including the countryside.

11. There would be conflict with Policy CS5 of the CS and Saved Policy RLP2 of the LP as the proposed development would be mostly outside of the village envelope. However, for the reasons given, there would be no harm associated with this conflict and I give it limited weight.

Living conditions of future occupiers

12. Each of the new houses would have private gardens which meet the requirements of the development plan. In addition, the residents would have access to a communal external amenity area and I do not consider that the sole access opposite plots 6 and 7 would diminish the benefits that this area would provide.
13. The access road would be provided with some footways. Traffic on it would largely be limited to that associated with only 7 properties and speeds would be restricted by the curvature of the road. Taking all into account, I do not find that the lack of comprehensive footway coverage would materially increase pedestrian safety risks or dis-encourage walking as a sustainable travel option subject to a condition requiring approval of external lighting.
14. The Council has said waste vehicles would not enter the unadopted access road and that refuse would need to be transported over lengthy distances to be routinely collected from the front of the site. However, I do not consider the distances involved to be so lengthy as to warrant refusal of the proposal and in any event there would be an option for private collection. Suitable refuse storage and collection points can be reasonably incorporated into the scheme and approved by condition.
15. Following concerns raised by **the Council's Environmental Health Officer (EHO)**, the proposal was revised. As a consequence the EHO predicted that the recommended World Health Organisation (WHO) maximum noise level of 45dB(A), to reduce the likelihood of sleep disturbance in the bedrooms of the new dwellings, would not be exceeded. I give this expert opinion significant weight.
16. The revised proposal would reduce the size of the pub garden. Taking into account the increased distance of the pub garden to all proposed dwellings, and the intervening revised position of the much larger car park, I conclude that there would be very limited noise impact from use of the pub garden on future residents. However, vehicle and passenger noise from use of the car park (slamming of car doors for instance) would cause a moderate amount of intermittent noise. Given that the current licence of the Public House is to 1am, and the revised position of the car park would be situated close to plots 6 and 7 in particular, there would be potential for nuisance to occur.
17. Taking all into account, including the significant weight **I place on the EHO's** prediction as to compliance with WHO guidelines, I do not find that the proposed development would cause an adverse material impact to residents subject to the attachment of conditions to attenuate noise. These include the approval and provision of acoustic boundary fencing suggested by the EHO, and sound insulation and associated partial air-conditioning in respect to the first-floor bedrooms of the new dwellings facing the carpark.
18. For these reasons, the proposed development would not harm the living conditions of future occupiers and as such would not be in conflict with Policy

CS9 of the CS and Saved Policy RLP90 of the LP which together seek to ensure that proposals are of good design and provide environments which contribute to quality of life.

Viability of Public House

19. Since in my judgement the proposal, subject to conditions, would not cause a material increase in noise to residents, there would be no associated adverse impact on the viability of the Public House as a result of complaints.
20. Evidence submitted by the appellants¹ (**'the viability assessment'**) concludes that there would not be any potential diminution of trading potential, and that there could be some improvement in profitability anticipated through reduced overheads. The caravan park is said to generate negligible income. Having considered carefully all the papers before me, I have seen nothing which contradicts or goes against this evidence and I give it significant weight.
21. Concerns have been raised concerning car park provision. However, the **Council's** Delegated Report describes the intended provision of 24 parking spaces as not too dissimilar from existing and the viability assessment does not raise concerns. Taking all into account, I do not find that the proposed car parking provision would materially affect the viability of the Public House.
22. Therefore, I conclude that the proposed development would not harm the viability of the Public House but would benefit it through some improvement in profitability. As such it is not in conflict with Saved Policy 151 of the LP which is concerned with the protection of community services.

Loss of touring caravan site

23. There is very limited evidence that there is a significant demand for a touring caravan business at the appeal site. The viability assessment says that it currently provides negligible income which suggests that demand and profit is not providing the Public House with any significant economic benefits. While touring caravaners would provide some social and economic benefits, including use of local services, the future occupiers of 7 new family-sized dwellings would provide similar benefits which would not be seasonal.
24. Therefore, I do not find that the loss of a touring caravan site due to the proposed development would cause harm. The Council has raised possible conflict with Policy LPP9 of its EP but, even were the proposal harmful, the policy is concerned with proposals for new tourist accommodation and facilities in the countryside and not the loss of existing provision.
25. Paragraph 83 of the Framework seeks to support sustainable rural tourism and also to retain and develop public houses as part of a prosperous rural economy. As the proposed development would result in some improvement in profitability for the Public House, while removing tourist accommodation with very limited evidence of demand or profitability, I do not find that the proposal would be contrary to the objectives of this part of the Framework.

Other Matters

26. I acknowledge that interested parties have raised concerns about highway safety, particularly as regards access onto Maldon Road. I share the view of the

¹ Assessment of Viability, Davis Coffey Lyons, 21 April 2018

Highways Authority that the proposal is acceptable subject to appropriate visibility splays being provided, and I am attaching a condition to ensure this.

27. The appeal site is closely connected with Hatfield Peverel, a Key Service Village. While I acknowledge the concerns of interested parties as to the effect of the proposed development on the capacity of local education and health services, I have seen very limited evidence as to the likely effect of the development on these services.
28. Due to the distance of the proposed houses from existing dwellings on neighbouring land, and the perpendicular orientation of those closest on Plots 1-3, I do not find that there would be any material effect on the living conditions of neighbours as regards outlook, overlooking, overshadowing, disturbance or noise.

Planning Balance and Conclusion

29. The delivery of 7 family-sized homes on previously developed land would be a **benefit of the appeal scheme given the Framework's aim to make a more** efficient use of land and significantly boost the supply of housing. The proposed development would also moderately improve the viability of the Public House and would create economic benefits through local spending by the new occupiers. Overall, the benefits of the proposal are matters of significant weight in favour of the development.
30. The parties are in dispute as to whether the Council can demonstrate a 5-year housing land supply. Were I to find that this was not demonstrated, the tilted balance in Paragraph 11d) of the Framework would be engaged. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
31. For the reasons I have given, in my judgement there would be no adverse impacts arising from the proposal. Even were I to find that the Council could demonstrate a 5-year housing land supply, the lack of harm and significant benefits of the proposal outweigh the limited weight I afford to the conflict with the development plan arising from its location outside of the village envelope.
32. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed with conditions.
33. In addition to the commencement condition, I am attaching a condition specifying the relevant plans as this provides certainty. I am also attaching conditions to ensure a satisfactory appearance, tree protection, ecological enhancement, refuse storage and collection, highway safety, external lighting, noise mitigation and the protection of neighbours from construction disturbance. I have also attached a condition suggested by the appellant requiring the proposed improvement works to the Public House to be undertaken early in the development to secure the improvements to viability. Pre-commencement conditions have been agreed with the appellant as required by S100ZA of the Town and Country Planning Act 1990.

Andrew Walker

INSPECTOR

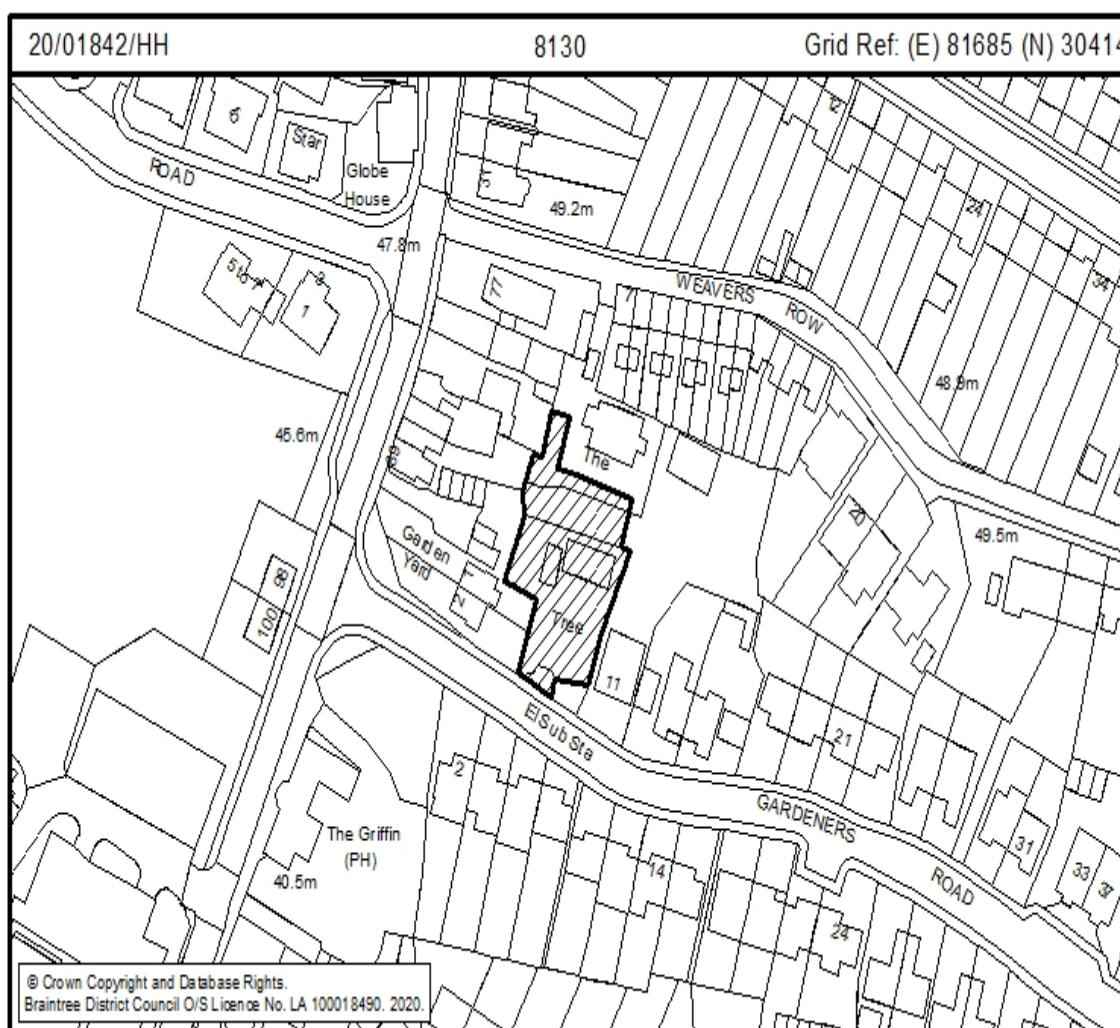
Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan Ref: 17.169/100 Version P9, Plan Ref: 17.169/101 Version P5, Plan Ref: 17.169/102 Version P5, Plan Ref: 17.169/103 Version P5, Plan Ref: 17.169/105 Version P5, Plan Ref: 17.169/106 Version P5.
- 3) No above ground development shall commence unless and until a schedule of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.
- 4) No development shall commence unless and until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges. No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.
- 5) Prior to first 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.

- 6) The proposed alterations and improvements to the public house shall be carried out in their entirety and thereafter retained prior to the commencement of the substantial construction above foundation level of the third dwelling hereby permitted.
- 7) Prior to construction details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.
- 8) No development shall commence unless and until details of the proposed ecological enhancement of the site are submitted to and provided in writing by the LPA. It should include the retention of the trees/vegetation boundary features and detail how artificial light will be minimised onto bat roost and commuting features during construction and of any new proposed permanent lighting features. There is opportunity to provide additional roost and nesting opportunities on this site and details of the proposed bird nesting boxes and bat roosting boxes should be provided including type, location and position and be integrated into the building design where appropriate. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.
- 9) Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with minimum 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 retained free of any obstruction at all times.
- 10) Prior to first occupation of the development hereby approved, details of the acoustic fencing shall be submitted to and approved in writing by the local planning authority. The acoustic fencing shall be installed in accordance with the approved scheme prior to first occupation and thereafter retained as such.
- 11) Prior to the construction commencing on any of the dwellings, full details of the noise insulation and associated partial air conditioning for the dwellings relating to the first-floor bedrooms facing the public house and car park shall be submitted to and approved by the Local Planning Authority. The houses shall then be constructed in accordance with these details which shall thereafter be retained unless otherwise agreed in writing with the Council.
- 12) Prior to first occupation of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development the external lighting shall be installed in accordance with the approved scheme.
- 13) No development shall commence unless and until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the construction process.

AGENDA ITEM NUMBER 5e

For more information about this Application please contact:
Sam Trafford on:- 01376 551414 Ext. 2520
or by e-mail to: sam.trafford@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJIRLLBFHL900>

SITE HISTORY

| | | | |
|--------------|--|----------------------|----------|
| 17/01310/FUL | Erection of two bedroom dwelling with associated parking and landscaping | Withdrawn | 21.09.17 |
| 18/00454/FUL | Erection of 1no. two bedroom dwelling with associated parking and landscaping. | Granted | 04.12.18 |
| 19/00046/HH | Proposed double garage and store. | Application Returned | |
| 19/00185/FUL | Erection of 1no. two bedroom dwelling with associated garaging and landscaping | Granted | 25.09.19 |

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the 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 emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 |
| RLP90 | Layout and Design of Development |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|--------------------------------|
| CS9 | Built and Historic Environment |
|-----|--------------------------------|

Braintree District Publication Draft Local Plan 2017

| | |
|-------|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP6 | Place Shaping Principles |
| LPP1 | Development Boundaries |
| LPP38 | Residential Alterations, Extensions and Outbuildings |
| LPP45 | Parking Provision |
| LPP50 | Built and Historic Environment |
| LPP55 | Layout and Design of Development |

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 the Council's scheme of delegation as the Applicant is related to a member of staff.

SITE DESCRIPTION

The application site consists a two storey detached residential dwellinghouse, located within the designated settlement boundary of Halstead. The dwelling is set back from the highway and is screened somewhat (in spring/summer months) by a large deciduous tree.

There is a two storey side extension element to the existing dwelling, which currently has a flat roof.

PROPOSAL

The proposals include the removal of the existing flat roof, and the installation of a more traditional pitched roof with a side facing gable. The ridge of the proposed replacement roof would be set below the ridge height of the main dwellinghouse.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Halstead Town Council

No response received at time of writing report.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations have been received.

REPORT

Principle of Development

The site lies within development boundary, where the principle of an extension to an existing dwelling is supported in principle Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan.

All other material considerations are addressed below.

Design, Appearance and Layout

In terms of design, Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local 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. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Policy RLP17 of the Adopted Local Plan Policy LPP38 of the Draft Local Plan allow for the extension to habitable dwellings and provision of outbuildings, within town development boundaries and village envelopes, provided that:

- There should be no over development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries;
- The siting, bulk, form and materials of the extension should be compatible with the original dwelling;
- There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light;
- There should be no material impact on the identity of the street scene, scale and character of the area;
- There should be no adverse impact on protected species.

The proposed replacement roof would result in an increase in the height of the extension which currently has a flat roof. The increase in height would not be objectionable as it would remain below the ridge of the host dwelling and thus would remain subordinate.

The dwelling itself is set back from the highway and behind a large deciduous tree which screens views of the property during spring/summer months. The property is more visible when the tree is not in leaf, however, the proposal would not have an unacceptable impact on the character and appearance of the street scene and would improve the overall appearance of the dwelling, as the roof would be more in harmony with the original dwelling, than the existing flat roof.

Officers are satisfied that the application is acceptable in terms of its design and appearance, according with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are

considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. The National Planning Policy Framework also seeks a high quality amenity for existing and future occupiers of neighbouring dwellings.

The proposed development would result in a modest increase in the overall height of the extension element to the dwelling. The neighbouring property at No.11 Gardeners Road is set forward of the host building and thus would not be affected by the proposed development. The property to the rear of the site, located off Weavers Row is a good distance from the proposed development and would not be adversely affected.

The proposal would not result in any unacceptable impacts to neighbouring residential amenities, according with the abovementioned policies.

Highway Issues

The proposal would not amend existing parking and access arrangements to the site. The proposal is therefore considered to be acceptable in this regard.

CONCLUSION

The development proposed is minor and would not result in any detrimental impacts to the character and appearance of either the host dwelling or the street scene, and would not have any unacceptable impacts to neighbouring residential amenities. Officers recommend that the application is approved.

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: 201 |
| Existing Block Plan | Plan Ref: 202 |
| Existing Elevations | Plan Ref: 203 |
| Proposed Block Plan | Plan Ref: 204 |
| Proposed Elevations | Plan Ref: 205 |

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

Reason

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

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

Reason

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

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

Reason

To conform with the pattern of the existing development in the locality.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER