

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 30 October 2018 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

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

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

A WRIGHT  
Chief Executive

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

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

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

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

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

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

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

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

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

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

## **PUBLIC SESSION**

## **Page**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 9th October 2018 (copy previously circulated).

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

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

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

#### **PART A**

Planning Applications

<b>5a</b>	<b>Application No. 18 00082 OUT - Land rear of Green Gables, London Road, BLACK NOTLEY</b>	<b>5 - 26</b>
<b>5b</b>	<b>Application No. 18 00353 FUL - Witham Police Station, Newland Street, WITHAM</b>	<b>27 - 47</b>
<b>5c</b>	<b>Application No. 18 00454 FUL - Walnut Tree House, 9 Gardeners Road, HALSTEAD</b>	<b>48 - 62</b>
<b>5d</b>	<b>Application No. 18 00937 FUL - 23 Church Road, RIVENHALL</b>	<b>63 - 80</b>
<b>5e</b>	<b>Application No. 18 01208 FUL - Long Fen, Church Street, GREAT MAPLESTEAD</b>	<b>81 - 98</b>

## **PART B**

### **Minor Planning Applications**

<b>5f</b>	<b>Application No. 18 01252 FUL - Inspectorate International, 2 Perry Road, WITHAM</b>	<b>99 - 105</b>
<b>5g</b>	<b>Application No. 18 01546 LBC - The Corner House, Market Place, BRAINTREE</b>	<b>106 - 111</b>
<b>5h</b>	<b>Application No. 18 01551 FUL - 29 Elm Rise, WITHAM</b>	<b>112 - 117</b>
<b>5i</b>	<b>Application No 18 01667 LBC - 13 The Causeway, HALSTEAD</b>	<b>118 - 124</b>

## **6 Urgent Business - Public Session**

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

## **7 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

## **Page**

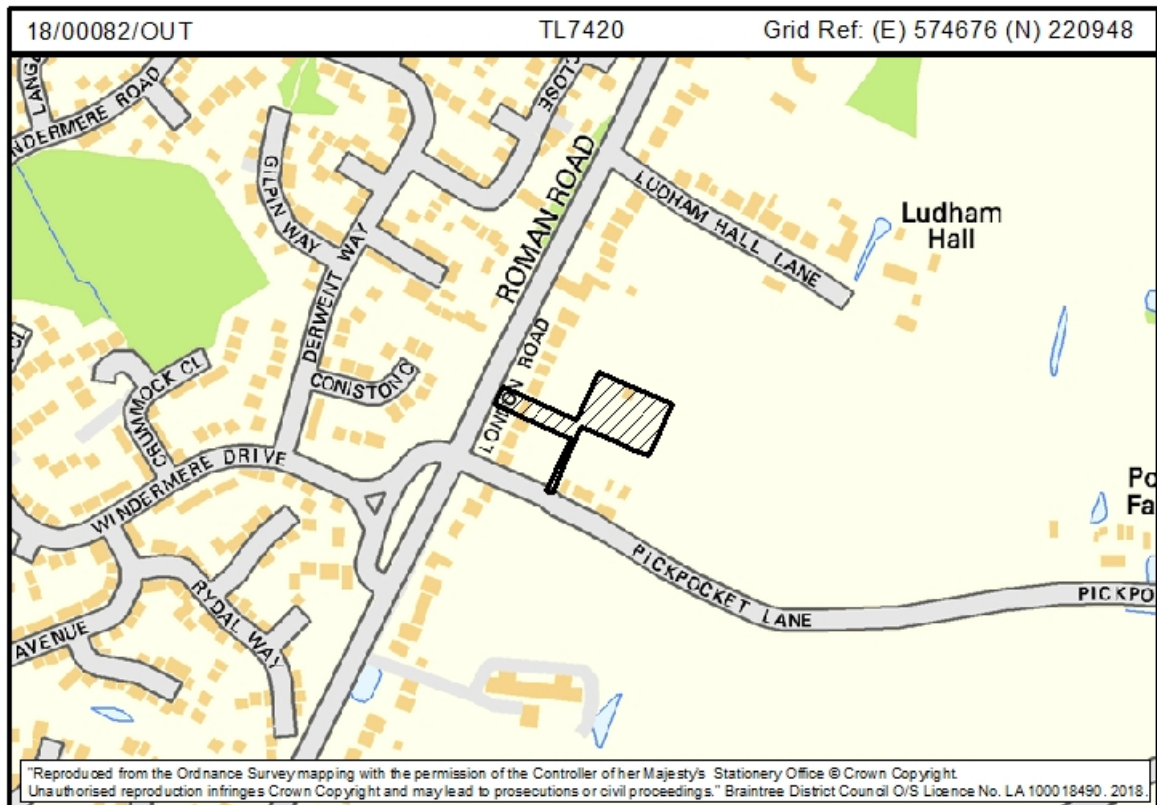
## **8 Urgent Business - Private Session**

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

PART A

APPLICATION NO: 18/00082/OUT DATE: 22.03.18  
 VALID:  
 APPLICANT: Mr Brian Clark  
 215 London Road, Black Notley, Braintree, Essex, CM77 8QG  
 AGENT: The JTS Partnership  
 Mr Michael Aronson, Number One , The Drive, Great Warley, Brentwood, Essex, CM13 3DJ  
 DESCRIPTION: Application for outline planning permission with all matters reserved - Erection of 5no. dwellings  
 LOCATION: Land Rear Of Green Gables, London Road, Black Notley, Essex

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](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

85/01066/P	Erection of single storey dwelling and garage for disabled person.	Withdrawn	
86/01713/P	Erection of two storey extension	Granted	
12/01174/FUL	Erection of single storey rear extension	Granted	10.10.12

## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### 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
LPP18	Strategic Growth Location - Land East of Great Notley, south of Braintree
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
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP81	External Lighting

#### 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 the Planning Committee at the request of the Chairman and Vice-Chairman of the Planning Committee.

## SITE DESCRIPTION

The site comprises a detached dwelling situated in a linear row of other detached/semi-detached houses located off of London Road in Black Notley Parish. The dwellings along this stretch however have a closer physical relationship with Great Notley than Black Notley.

The plot in this case has a considerable depth including land at the rear of houses along London road. This land is accessed through the existing dwelling and can also be accessed via a byway PROW 66 although this is a small access. In terms of wider context, beyond the rear of the site is primarily agricultural fields while to the east is Great Notley Village.

## NOTATION

In terms of wider context, the site is currently located outside of the development boundary. However, as part of the emerging Local Plan, the development boundary would be enlarged significantly to accommodate strategic allocation BLAN 114. The site in this case falls just outside of the proposed strategic allocation but nonetheless would be included within the development boundary. This draft allocation was approved for consultation by Full Council on 5th June 2017 and the public consultation ended on 28th July 2017. The first phase of the public examination has taken place earlier in 2018. The application has been advertised as a departure from the Council's adopted Development Plan.

## PROPOSAL

The application in this case seeks outline planning permission with all matters reserved for the demolition of the existing house at the front of the site and the erection of 5 dwellings. The indicative layout plan shows that these 5 dwellings would be accommodated at the rear of the site. The application originally proposed 6 dwellings on the site; as one was proposed to replace the existing dwelling to be demolished, but the application submission has been revised accordingly during the life of the application.

## CONSULTATIONS

### Braintree District Council Ecology

Objected to the application based on the lack of any submitted evidence in relation to ecology. Following the submission of a phase 1 ecology survey the Ecology Officer withdrew the objection to the application subject to conditions

in respect of further bat surveys to be carried out prior to the commencement of development.

#### Environmental Health

No objection subject to conditions in relation to site clearance, hours of construction work and the submission of a dust and mud management scheme.

#### Essex Highways

No objection subject to conditions.

#### Black Notley Parish Council

Objects to the original application:

- Outside village envelope
- Could prejudice larger allocation
- Access alongside new property at front restrictive for 2 vehicles (*now removed*)
- Loss of amenity to neighbouring property
- Large houses at rear – cramped and contrived
- Parking issues in area
- Many trees on site to be retained.

Following the submission of revised plans the Parish Council commented that the removal of the house at the front of the site is an improvement, overall the majority of their issues would still remain and consequently maintain their objection to the application.

#### REPRESENTATIONS

Three letters of objection from neighbouring properties (No.207, No.209 and No.213 London Road) have been received setting out the following summarised concerns:

- Proposed access between houses very unsafe – large numbers of cars entering and existing near zebra crossing – already a large number existing from whitecourt development
- Noise and pollution issues of vehicles traversing along access road
- Sewer problems – runs across site
- Overlooking
- Fence would be boundary wall- security issues
- Some new boundary treatments would be required

No further objections were received to the revised indicative plan.

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

## The Development Plan

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

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 proposal in this case seeks to erect 5 dwellinghouses. The application site is located outside designated development boundaries in the Adopted Local Plan. However, the emerging Publication Draft Local Plan proposes land adjacent to this site to be included in a strategic allocation for new development for approximately 1,750 new homes over a large area (BLAN 114 – Land East of Great Notley, South of Braintree) under Policy LPP18. This Strategic Growth location includes land immediately to the north, east and south of the application site. The application site in this case would therefore be located between the existing development boundary and the location of the draft allocation.

The proposed development is therefore considered to conflict with the Adopted Local Plan but would accord with the Draft Local Plan, by reason of the revised development boundary.

## 5 Year Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. 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.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing

undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Site Location

Policy LPP18 of the Draft Local Plan sets out a number of requirements of the wider site in relation to the requirements for services and community facilities. It contains a specific policy requirement that the site should be planned in a holistic way and not as smaller portions of separate development. Any piecemeal development that would in some way compromise the overall strategic allocation would incur significant objection from the Local Planning Authority. These particulars are explored further below.

Policy LPP18 of the Draft Local Plan seeks to achieve all of the key attributes of new housing development on the land including affordable housing, employment uses, new primary school, community facilities and local retail outlets, public open space and s106 requirements. Policy LPP18 acknowledges that the development would occur in phases to ensure that the proposed dwellings were supplemented by infrastructure and services. It also sets out that access would be expected from London Road and Notley Road, with the provision of footpaths and cycleways to integrate the development with the existing settlement pattern. It sets out that piecemeal development which would undermine the Strategic Growth Location in connection with the Emerging Publication Draft Local Plan in any way would be resisted.

Although this application relates only to a very small part of the site adjacent to the draft allocation, it must be considered on its merits. The site is located adjacent to the defined development boundary of Great Notley. The site would not therefore be isolated as per paragraph 79 of the NPPF. The site is considered to be in a sustainable location, on the edge of Great Notley, where there are a range of services and facilities that are accessible by walking or cycling. The development would be able to either utilise the existing vehicular access or upgrade it onto London Road from the existing site frontage. There is also good access to public transport. The sustainability of the location will be a factor when applying the planning balance and determining whether the development would undermine the Strategic Growth Location.

## Design, Appearance and Layout

The NPPF also states that new development should seek to improve streetscapes and buildings to create attractive and comfortable place by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, the NPPF states that planning applications should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 91).

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.

The current application is an outline application with all matters reserved. The applicant has submitted an indicative site plan showing that 5 detached houses could be accommodated on the site at the rear with a clearly defined entrance road at the front to provide legibility. While it is considered that there is sufficient space to accommodate 5 dwellings at the rear of the site, it is considered the indicative layout would be overly cramped by virtue of introducing overly large dwellings in a backland context with limited or no frontages. The overall quality of development could be vastly improved by proposing smaller, more appropriate dwellings and reconfiguring the layout to provide a higher quality space for future residents. Smaller dwellings would also allow greater space to minimise the possibility of creating piecemeal development comparatively to the wider strategic allocation behind.

Landscaping and boundary planting could also be introduced to again assist in mitigating any possible impacts. However, it is considered these particulars could reasonably be secured via a reserved matters application. Officers are therefore satisfied that 5 smaller dwellings, both in terms of footprint and height, could be accommodated at the rear of the site without detriment to the

wider character of the area. Furthermore, the reduction from 6 to 5 units at the site was to enable the front entrance to be fully legible by removing the proposed replacement front dwelling. From the street scene this would be more appropriate and appear purpose built. The entrance road could be formalised with tree planting to create something similar to a boulevard to enhance the overall street scene. This would also facilitate sufficient space for a bin store or similar for residents to utilise. These particulars would be secured at the reserved matters stage and by condition.

Furthermore, at the density shown, sufficient land would be available to achieve the above amenity space and car parking requirements. These particulars would be secured via condition. In addition, the proposal would not constitute development in a Conservation Area or affect the setting of a heritage asset.

### Impact on Neighbour Amenity

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

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations, layout, appearance and scale are not required to be submitted for approval. Therefore it is very difficult to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration at the Reserved Matters stage. It is considered however that the layout would be able to be configured in such a way that would minimise any detrimental overlooking to neighbouring properties. Furthermore, with the entrance road proposed indicatively in the middle of the plot, it is considered this would minimise any impacts of vehicles traversing along the side of neighbouring properties to access the rear of the site. As such, taking all of the above into account, it is considered that the development could go ahead without detriment to neighbouring properties if proposed sensitively.

### Highway Issues

Access is a reserved matter for later approval. However, at this outline stage, the Local Planning Authority needs to be satisfied that safe vehicle and pedestrian access can be achieved to the site. As a matter of fact, the development can only be accessed via the existing plot at the front of the site, onto the 30pmh stretch of London road.

The Highways Officer has raised no objections to the access in this way. As such, it is considered that the development would be able to achieve safe access to the site. Nevertheless, this application needs to submit further details of the access at reserved matters stage including any possible passing bays to reaffirm that all particulars are in order.



## Ecology and Trees

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

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 emerging Braintree District Publication Draft Local Plan.

Upon request, a phase 1 Ecology Survey was submitted to support the application. The report concluded further surveys were not required for birds, badgers or reptiles, however a further survey would be required to assess the potential for roosting bats in the house and within three trees on the grounds of the site. The Council's Ecology Officer raised no objection to the application subject to conditions. It is considered the proposal is acceptable in this regard.

A tree protection plan has been submitted and this will form part of an approved plan. Further details in respect of trees and landscaping would be secured via the Reserved Matters Stage.

## Sewerage and Drainage

Concerns have been raised with regard to the sewerage capacity and potential drainage in the area. It is considered development of this scale would not incur significant sewage capacity issues that would prevent the development coming forward. It is therefore considered the proposal would be acceptable in this regard.

## Habitat Regulations Assessment (HRA / RAMS)

Natural England have published revised interim guidance on 16<sup>th</sup> 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 Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely

significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

## PLANNING BALANCE & CONCLUSION

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict

the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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).

It is acknowledged that the provision of market housing would bring limited-modest social and economic benefits which would also contribute towards the District's 5 Year Housing Land Supply. In addition the development would provide jobs during the construction stage and some increased demand for local services once occupied. Such benefits would be consistent with the social and economic objectives of sustainable development; however they would be limited-moderate in weight due to the scale of the development. No affordable housing would be provided or any open space contributions for development.

In terms of the environmental objective, although the site is located outside of defined settlement limits it is not in an isolated location, but located in one of the more accessible locations in the District with good access services and amenities to meet the future needs of occupiers. Furthermore, the development of the site could be achieved with minimal harm to the wider street scene. Officers are satisfied that 5 dwellings could be accommodated at the rear of the site without prejudicing the wider strategic allocation if designed and landscaped appropriately.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the moderate weight afforded to the conflict with the Development Plan. Officers therefore consider the proposed development would constitute sustainable development and recommend that planning permission is 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

Tree Plan

Plan Ref: LSDP 1110-01

- 1 Details of the:-
  - (a) scale;
  - (b) appearance;
  - (c) layout of the building(s);
  - (d) access thereto;
  - (e) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

### Reason

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

- 2 The landscaping scheme required by Condition 1 of this permission shall provide for the retention of an existing boundary tree/hedging (except as required to provide the proposed access) and shall incorporate a detailed specification of hard and soft landscaping works. This shall include 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, refuse storage, signs and lighting.

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

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

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

Reason

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

- 4 No above ground works development shall commence unless and until 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 screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of any dwelling hereby approved and shall be permanently retained as such.

Reason

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

- 5 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

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

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

Reason

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

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

Reason

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

- 8 No development shall commence unless and until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- 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 facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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 area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 9 Car parking provision across the development shall be provided in

accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:

- a minimum of 1 car parking space per 1 bedroom dwelling;
- a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
- a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

The proposed development shall not be occupied until such time as the vehicle parking has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times and not used for any other purpose.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 10 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport. These packs will include information about local services and transport alternatives for future residence of the site.

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 February 2011.

- 11 Rear garden amenity space across the development shall be provided in accordance with the minimum standards set out in the Essex Design Guide (2005) which requires the following garden sizes for dwelling houses:

- a minimum of 25sq.m per flat
- a minimum of 50sq.m for 1-2 bedroom dwellings
- a minimum of 100sq.m for 3+ bedroom dwellings

Reason

To ensure future occupiers of the development can enjoy sufficient levels of amenity.

- 12 The submission of reserved matter applications pursuant to this outline

planning permission shall together provide for no more than 5 dwellings, parking, landscaping and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 13 Prior to construction a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:

- (a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
- (b) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 14 No building erected on the site shall exceed two storeys in height.

Reason

To ensure that the development does not have a detrimental impact upon the wider character and appearance of the area.

- 15 No development shall take place 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.



Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 16 Development shall not be commenced unless and until a further survey of the application site has been carried out by a suitably qualified and experienced ecologist no more than 1 month prior to commencement of the development to investigate the potential presence on the application site of bats as specified in the Extended Phase 1 Survey by Hillier Ecology Limited dated May 2018.

Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval prior to the commencement of development.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-

- (a) A scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;
- (b) A scheme of translocation to be submitted if necessary;
- (c) A programme of timings for the works referred to in (a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Reason

To safeguard any protect protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

INFORMATION TO APPLICANT

- 1 There is potential for the site to support nesting birds and therefore vegetation removal should take place outside of bird nesting season and this can be conditioned. Similarly, consideration should be given to sensitive vegetation removal as the site has suitability to support hedgehogs and this can be Conditioned. Although no evidence of badgers has been reported it is recommend a precautionary construction approach is applied. Consideration should also be given to ecological enhancement of the site through the provision of integrated bird nesting boxes, bat roosting boxes, native planting and habitat creation for hedgehogs along with hedgehog friendly fencing.

SUBMITTED PLANS

Site Plan

Plan Ref: 755.100.00

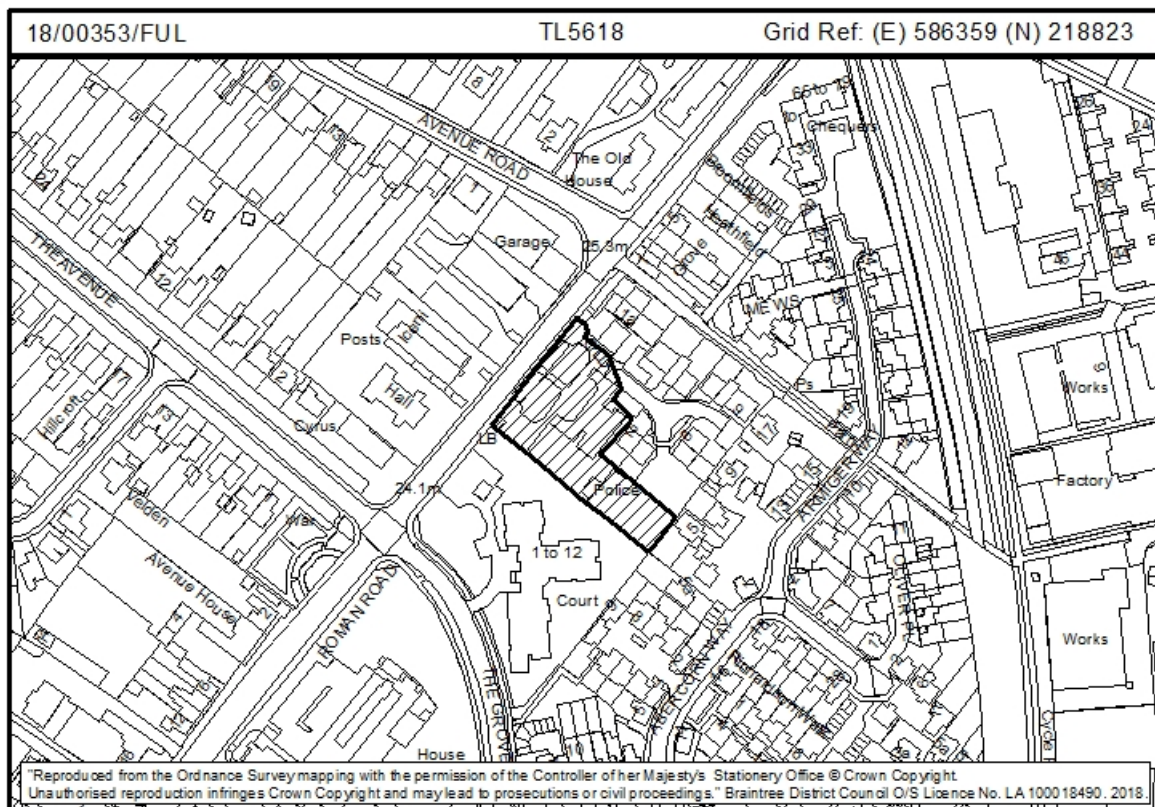
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## AGENDA ITEM NUMBER 5b

### PART A

APPLICATION NO: 18/00353/FUL      DATE: 13.03.18  
 VALID:  
 APPLICANT: R&S Forrest Holdings Limited  
 Mr R Forrest, C/o Clever Clogs Day Nursery , Coptfold Road , Brentwood, Essex, CM14 4BL  
 AGENT: Spaces Architectural  
 Mr Mark Breden, 120 North Street, Hornchurch, Essex, RM11 1SU  
 DESCRIPTION: Conversion of former Police Station into a Day Nursery with extensions and internal re modelling  
 LOCATION: Witham Police Station, Newland Street, Witham, Essex, CM8 2AS

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](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

02/02075/FUL	Erection of 2.4m high steel palisade fencing (galvanised finish) to provide a secure car compound	Granted	04.02.03
86/00696/	Alterations and extension to provide charge and interview rooms.	Granted	17.06.86
91/00809/	Erection of security fence to compound.	Granted	16.08.91
91/00809/PFWS	Erection Of Security Fence To Compound	Granted	16.08.91
91/01180/	Proposed installation of 3000 gallon underground petrol tank.	Granted	25.11.91
91/01444/	Erection of extension	Deemed Permitted	28.02.92
91/01463/	Proposed additional security fencing to security compound.	Granted	04.02.92
94/00522/FUL	Proposed new car park	Granted	31.05.94
94/01324/FUL	Erection of flag pole to front of building	Granted	16.12.94
95/00432/FUL	Proposed installation of 2 No new lighting columns to existing car parking area	Granted	12.06.95
95/01017/FUL	Proposed alterations and extension of custody suite	Granted	09.10.95
07/01329/FUL	Alterations to the internal front office, foyer and the external ramped entrance to make the building accessible to people with disabilities	Granted	20.08.07
08/00610/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Removal of limbs and reduce 2 trees	Granted	24.04.08
09/00113/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Fell and stump grind 1 Deodar	Withdrawn	20.07.09
12/00243/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Remove lower branches to a height of 3-3.5m to	Granted	29.10.12

	improve clearance over the footpath from 1 Cedar tree and reduce the crown spread by approximately 1.5-2m to provide clearance to the road		
12/00280/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove dead branch and fallen branch from 1 Cedar, Cut branch stub back to suitable pruning point from another Cedar, Kill Ivy from 1 Acer, Prune to give clearance of 3M from buildings 1 Acer, Fell and grind resultant stump from 1 Oak and 2 Alders and Remove low branch from 1 Yew tree	Granted	06.12.12
14/00133/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove 2 dead trees, Prune 1 Cherry to clear building by up to 3m and Sympathetically crown thin 1 Lebanese Cedar to reduce end weight loading and limit risk of limb fracture	Granted	11.06.14
15/00149/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Clean 2 Cedar trees to remove all dead, diseased and broken branches 2 cm in diameter and larger throughout crown and Reduce crown height and spread by approx 1.5-2 metres	Granted	26.06.15

### POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August

2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

#### Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP69	Tree Protection
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

## Other Material Considerations

Essex Parking Standards/Urban Space Supplement

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee at the request of the Chairman and Vice-Chairman of the Planning Committee and because Witham Town Council have objected to the application contrary to Officers recommendation.

## SITE DESCRIPTION

The former police station building is an elegant red brick building, located within the boundary of the Witham Newland Street Conservation Area, the boundary of which was specifically extended to include the Police Station following a review of its boundaries within the Conservation Area Appraisal and Management Plan. Whilst it is not nationally listed, it is of high architectural and social interest, and is specifically highlighted in the Buildings of England volume for Essex. It is therefore considered to be a non-designated heritage asset. The building however has numerous flat roof additions at the rear and has been altered significantly internally over the years while in use as an active police station.

The site comprises two separate accesses onto Newland Street; one that is shared with the recent Magistrates Court development, and one further down Newland Street towards the town centre. The site contains two large trees at the front of the site which are proposed to be retained as part of the development.

## PROPOSAL

The proposal in this case is to change the use of the building from the former police station (sui generis) to a day nurse (D1). The proposal also includes



associated internal and external works to the building and associated parking land landscaping (as set out below).

The external works include a front extension to the building measuring 2.7m in length and 7.5m in width. It would act as an office and reception for the day nursery. Other alterations include a part two storey part single storey infill extension on part of the rear of the building with fenestration alterations on the ground floor and a single storey infill cover for an existing open walkway to the side of the site. Part of this includes demolishing the existing garage and including it as part of the building as an extension.

The site would utilise both accesses; the 'in' access would be the access shared with the former Magistrates Court development, driving across the front of the site and then to a staff car park/drop off area and the exit gates on the other access. The landscaping at the front of the site is to remain with the trees protected. An area of open space is also to be retained at the rear of the site which will be utilised as an external play area.

## CONSULTATIONS

### **Historic Buildings Consultant**

Identifies that the building is a 'non-designated heritage asset' as of high architectural and social interest, and is specifically highlighted in the Buildings of England volume for Essex.

Supports principle of conversion to D1 as the building would be retained as a whole unit rather than being sub-divided off for residential.

### Initial submission of application: Traditional Extension

Initially the Historic Buildings Consultant raised concerns about the extensions, in particular the front extension, as the front façade of the building reads as one showpiece architectural feature, which in turn makes a highly significant contribution to the character and appearance of this section of the Conservation Area. The Historic Buildings Consultant considered that the proposed front extension would be an unwelcome intrusion into this elevation, which would harm the ability to read this key architectural feature.

### Following Site Visit

Following a site visit, and revised plans, the historic Buildings Consultants comments were as follows:

*"Upon revisiting the site, I am content that the extent of the recent ad hoc extensions to the rear of the building, and their configuration, means that I am comfortable that the extensions to the side and rear are not considered to result in harm to the significance of the non-designated heritage asset."*

*The applicant states that the front extension is required to allow for the business to function within the building. This therefore creates a conflict between the potential for a use which is in principle relatively sensitive to the character of the building, but one which requires an intrusion into the current architectural character of the front elevation, the element from which the non-designated heritage asset is considered to derive its greatest architectural and historic significance. I would however state that I do not believe that the current design for the front extension is one which can be greatly improved, and the concern therefore relates to the principle as opposed to the detailing.*

*I therefore would still have to highlight that the proposal would result in harm to the non-designated heritage asset, and the contribution this makes to the character and appearance of the conservation area, as per paragraph 134 and 135 of the NPPF. This should however be weighed against the potential of securing a viable use for the building, in a manner which does require the subdivision and associated paraphernalia of a residential conversion. If the local planning authority considers that such a use could be achieved for the building without the addition of the extension then they should not support the application for the reasons set out above. If it is considered that what is proposed is necessary to secure the building's optimum viable use, then this can be considered to outweigh the harm identified, but the local authority should require further information in relation to external materials, landscaping plans, proposed entrance gate and sectional and elevational details of new windows and doors."*

#### Most Recent Response

Since the publication of these comments, the Historic Buildings Consultant left Essex County Council. A new Historic Buildings Consultant reviewed the case and determined that an extension to the front of the building could be acceptable, if it did not compete with the existing building. Subsequently the design of the extension was then changed again to be a contemporary addition opposed to a traditional brick built extension. The Historic Buildings Consultant had no objection to this approach – additional details were submitted with the application to support this. The Historic Buildings Consultant is now satisfied that there would not be a fundamental objection to developing at the front of this building, as the contemporary extension structure would not compete with the existing building.

#### **Environmental Health**

No objection to the development but suggest conditions in respect to dust, site clearance, contamination, details of fencing (acoustic) and hours of operation.

#### **Archaeology**

No objection subject to building recording condition.

## Highways

No objection to development:

“From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, given the existence and previous use of the unit, the location with good access to frequent and extensive public transport, the existence of on-street waiting restrictions outside the site, town centre car parks and Braintree District Council’s adopted parking standards, subject to conditions in respect of vehicle parking installed and cycle parking facilities. “

## Witham Town Council

4<sup>th</sup> of April - Initially objected to the application on the basis that it wasn’t clear that the trees to the front of the site would be retained.

26<sup>th</sup> of June - Following revisions to plans illustrating that the trees would be retained, coupled with a reduction and change to the proposed front extension, the Town Council objected to the overall design and appearance of the extensions proposed.

5<sup>th</sup> of September – Following revised plans showing a contemporary approach to extending at the front of the building, Witham Town Council maintained their objection on the grounds that the extension would be out of keeping with the character of the building. Subsequently, further details have been sought and received from the applicant. Witham Town Council has not been reconsulted on these details as the amendments related to the detailed design of the contemporary extension and did not address the concerns raised by Witham Town Council.

## Witham and Countryside Society

Concerned about the front extension to the building.

## REPRESENTATIONS

22 objections have been received from 15 neighbours:

- 7, 9 Armiger Way,
- 1A, 1, 3, 4, 5, 6, 7, 8, 11 Old Magistrates Court,
- 17, 29 Icen House Newland Street
- 21 Foster Court
- 22 The Avenue

Setting out the following summarised objections:

- Loss of trees at front (*but later confirmed to be retained*)
- Increase in tarmac- more surface water run-off

- Front extension not in keeping with special character of building
- Increase noise levels from children and staff activities with no screening to help mitigate – disruptive to shift workers
- Entrance gate create issues while families wait for it to open
- Obstruct access – magistrates court single lane- need access at all times- required to maintain it by covenant
- No right hand turn from Newland Street – cause traffic queuing
- Want more clarity on the actual use of the building
- Overlooking from rear windows on neighbouring properties
- Nursery not best use for building- many already in area
- Greater intensity than police station use
- Staffing levels not clarified

6 letters of support have been received from 5 neighbours:

- 3 Icen House, Newland Street
- 1 Hutley Close
- 47 Honeysuckle Way
- 22 Guithavon Road
- 37 Colchester Road

Setting out the following summarised comments:

- Good parking and trees retained
- Meet demand for ever growing population – tough challenge to find nursery
- Enable building to be retained successfully
- Good for local business
- Applicants already run a few successful day nurseries elsewhere

## REPORT

### Principle of Development

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development in both plan making and decision taking.

The application site is located in the Witham Town Development Boundary. The general principle of development such as this is therefore supported by Policy RLP2 of the Adopted Local Plan. Policy LPP1 of the Draft Local Plan however states that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore 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.

Taking into account the particulars of the above policies, and the location of the application site in a highly accessible and sustainable location, close to existing residential properties, it is considered that the principle of converting the building from Sui Generis (Police Station) to D1 (Day Nursery) is acceptable in principle subject to the below criteria.

#### Heritage, Design, Appearance and Layout

The Historic Buildings Consultant considers that the former police station is a 'non-designated heritage asset' as it is of high architectural and social interest, and is specifically highlighted in the Buildings of England volume for Essex.

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

Furthermore, the site is located within Witham Conservation Area, a designated heritage asset. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF goes further and states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

This is echoed by Policy RLP95 of the Adopted Local Plan and Policy LLP56 of the Draft Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within/adjoining Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

In terms of general design & layout, the NPPF also states that new development should seek to improve streetscapes and buildings to create attractive and comfortable places by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, the NPPF states that planning applications should 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; and where crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 27).

This is echoed by Policy RLP90 of the Adopted Local Plan which 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 former police station building in this case is an elegant red brick building. At the front the building has remained relatively unaltered (which is where its heritage significance is derived), but at the rear and internally the building has been heavily altered. The Historic Buildings Consultant considers that the use of the building for a nursery would be supported in principle as it would stay within a single ownership, with considerable less pressure for external & internal alterations such that could be expected with a residential re-use of the building. This would avoid the over domestication of the building and therein enable it to better retain its historic use and form.

However, the proposal in this case not only includes the change of use of the building but also includes a single storey front extension and a part two storey part single storey infill extension on part of the rear of the building.

### **1<sup>st</sup> Revision: Traditional Front Extension**

The front extension was initially proposed to measure 3.6m in depth by 9.5 in width to incorporate an entrance lobby and managers office/reception. This would have been a flat roof addition to the building. The Historic Buildings Consultant initially considered that the front extension would be an unwelcome intrusion to the front elevation of the building as it reads as one showpiece architectural feature. The rear extensions were also considered to be harmful. The Historic Buildings Consultant therefore initially objected to the application.

Following discussions with the developer it emerged that the front extension was essential to enable the nursery to operate safely and satisfactorily. Further discussions were had to amend the front extension element to try to get the least harmful intrusion at the front of the building while also serving the needs of the proposed nursery. Initially a traditional front extension was sought – however during the course of the application, and with a change in Historic Buildings Consultant, the traditional brick built front extension was changed to a contemporary front extension.

## **2<sup>nd</sup> Revision: Contemporary Front Extension**

The proposed contemporary front extension would consist of frameless glazed panels with a zinc roof. The structure would therefore be entirely visually permeable and demountable from the building without any significant harm to its fabric. It was considered this contemporary approach would not compete with the historic front fascia of the building, providing a clear distinction between the historic frontage and the new addition. The existing windows and detailing on the building would be visible from outside of the extension and this has been reflected on the plans. The revised front extension would now measure 2.7m in depth and 7.5m in width, a significant reduction from the initial front extension.

The Historic Buildings Consultant was satisfied with the revised detailing of the contemporary front extension, and was satisfied that the initial principle objection to erecting a front extension at the site had been overcome because of the above contemporary approach.

### **Other Extensions and Layout Particulars**

The rear extensions would include fenestration alterations on the ground floor and a single storey infill cover for an existing open walkway to the side of the site. They are concentrated on the northern tip and southern tip of the rear of the building. The proposal also includes associated internal and external works to the building and associated parking and landscaping.

Following a site visit the Historic Buildings Consultant is satisfied that due to the recent ad hoc extensions to the building and their configuration that the extensions to the side and rear would not result in harm to the significance of the non-designated heritage asset or Conservation Area. Taking into account all of the above, it is considered that the proposed front, side and rear extensions would now be acceptable from a heritage and design perspective.

In terms of layout, the site would remain relatively unchanged. Parking would continue to occur on the southern side of the building adjacent to Foster Court and the play area would be concentrated on the south eastern tip of the site behind 2 & 4 Magistrates Court (segregated from the car park area). The landscaping at the front of the site would remain, while an in-out system would be utilised for cars dropping off children. It is considered that these particulars from a design and layout point of view would be acceptable.

### **Impact on Neighbour Amenities**

The NPPF in Paragraph 127 states inter alia that planning decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy RLP90 of the

Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

A number of concerns have been raised in respect to the noise that would emanate from the site; in particular to the play area on the south east tip and associated activities. The Councils Environmental Health Officer reviewed the particulars of the application and had no objection, subject to a number of conditions to help protect neighbouring amenity. In particular, a condition relating to the provision of some acoustic fencing to help protect the amenity of No. 2 & 4 Magistrates Court. The building is also currently vacant and thus has minimal activity. Its current use however is still a material planning consideration which could be restarted at any time, with its own associated noise and vehicular movements. Taking into account all of the above, it is considered that the amenity of neighbouring properties to the site can be appropriately safeguarded. It is considered the proposal is acceptable in this regard.

### Highway Issues

Policy RLP56 of the Adopted Local Plan states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. Under the current parking standards two parking spaces are required for new dwelling with two or more bedrooms. Car parking spaces should have a minimum size of 5.5m in length and 2.9m in width.

The application would not propose to create any new access points. It would however introduce a one way 'in – out' system whereby vehicles would enter from the northern tip of the site which is a vehicular entrance shared with the magistrates court. Vehicles would drive across the front of the building to the other side where parking for drop off was available and the exit.

A number of concerns have been raised by residents in respect of the suitability of this system and specifically the use of the Magistrates Court access. However, Essex Highways have considered the proposal and have no objection to the development from either an access or parking viewpoint. Furthermore, from a practical perspective, utilising the site in this way will enable it to be more secure while minimising risks to highway safety by avoiding conflicts in and out of different accesses. It is also understood drop-off times are staggered so that there would not be a queue of vehicles attempting to enter the site at any one time. The fact there may be a covenant for these properties to maintain this area is not a planning consideration. Taking all of the above into account, it is considered that the access arrangement for the site would be acceptable.

In terms of the distribution of parking spaces, there would be 10 cars for visitors and 6 spaces for staff. The business is proposed to have an equivalent of 5 full time members of staff. The Parking Standards (2009) state that for a D1 Day Care Centre, there should be equivalent of 1 space per full time member of staff and drop off-pick up facilities. The proposal would provide both of these elements satisfactorily. As such, taking into account the



above, it is considered the proposal is acceptable from a parking perspective. Cycle parking details have not been provided but it is considered ample space is available for cycle parking to be provided. Condition 10 proposes to secure these details.

### Landscape

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

Concerns were raised initially that the trees at the front of the site were to be removed as they were not shown on the plans. However, this has since been clarified as the trees are to remain and this is reflected on the revised site layout plan. The areas of landscaping at the front of the site which also add to the character of the building are also to remain. As such, taking this into account, it is considered the proposal is acceptable in this regard. Condition 4 requires further information in respect of measures to protect all existing trees during construction.

### CONCLUSION

The proposed change of use from a Police Station (Sui Generis) to a Day Nursery (D1) is acceptable in principle. However, necessary alterations to the building require the front façade to be altered by virtue of the erection of an extension. In heritage terms, the proposed front extension would cause harm to the significance of the non-designated heritage asset and Conservation Area. However, this harm is considered to be counterbalanced by virtue of securing an optimum viable use of the site which would minimise domestication and other paraphernalia that would be associated with a residential use. Furthermore, the design, layout and access to the site are all considered to be policy compliant, while the impact on neighbouring properties could be reasonably mitigated by virtue of conditions. Landscaping would also remain and be enhanced. Taking all of the above into account, it is considered that the development is acceptable.

### 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: SP18WPS1	
Proposed Site Plan	Plan Ref: NSPS-08	Version: B
Proposed Floor Plan	Plan Ref: NSPS-03	Version: E

Proposed Floor Plan	Plan Ref: NSPS-04	Version: B
Proposed Elevations	Plan Ref: NSPS-07	Version: E
Specification	Plan Ref: NSPS-11	Version: C
Other	Plan Ref: Design Principles Statement	

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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

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

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

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

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

Reason

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

- 4 Conversion works shall not commence until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to 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. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 5 No occupation of the development hereby approved shall commence until 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 maintained as such.

Reason

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

- 6 No occupation of the development hereby approved shall commence until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

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

Reason

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

- 8 Notwithstanding the approved plans, no construction of the front extension shall commence until large scale technical construction drawings by section and elevation at scales between 1:50 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. These drawings & details shall include but not be limited to:

- Details of the load bearing structure
- Junction details
- Specification of Glazing
- Where extension reaches its canopy
- Where extension reaches existing building
- Details of all rainwater goods

The development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 9 No demolition or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason

The proposed development involves conversion of a local building of importance in the form of the old police station. The Police Station was built in 1937, designed by the County architect in a neo-Georgian style. It is a substantial red brick building and is one of many official buildings of their date and type that are fast disappearing. As an important civic building within the historic town, a building record, incorporating plans and elevations and a detailed record of the building prior to its conversion is necessary.

- 10 No occupation of the development hereby approved shall commence until details are provided in respect of a secure cycle storage facility that shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason

To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity.

- 11 No development shall take place until a dust management scheme is submitted to and approved in writing by the Local Planning Authority. The approved dust management scheme shall be adhered to throughout the construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area from dust during construction. It is needed prior to commencement of development to ensure sufficient measures are put in place prior to conversion works starting.

- 12 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

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

- 13 No development shall take place until a comprehensive risk assessment is undertaken to assess the nature and extent of any contamination on the site, a copy of the assessment together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be 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 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.

- 14 No occupation of the site shall take place until details of fencing around the garden area at the rear of the site are submitted to and approved in writing by the Local Planning Authority. The fencing should be acoustic to protect against noise to nearby residential occupiers. The agreed fencing shall be permanently retained as such.

**Reason**

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

- 15 The hours of operation at the site shall be restricted to 0700 to 1930 hours.

**Reason**

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

- 16 The use of the building shall be retained as a Day Nursery and shall not be used for any other Use Class within D1.

**Reason**

To enable the Local Planning Authority to adequately consider any other Use Class in the D1 category which could have more significant implications in terms of traffic, noise and other material planning considerations.

- 17 No part of the fabric of the front of the building, including any external brickwork shall be cleaned.

Reason

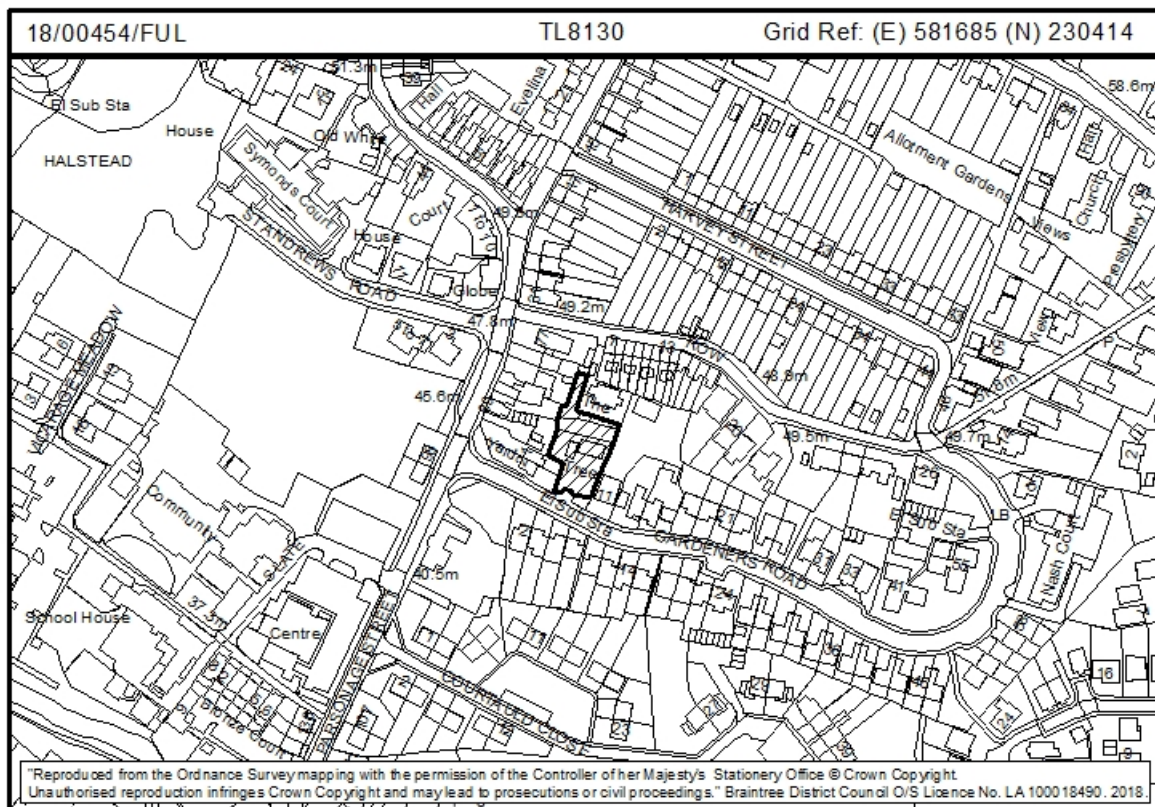
To ensure that the external facade of the building is not damaged from overly harmful or intrusive cleaning.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00454/FUL DATE: 12.03.18  
 VALID:  
 APPLICANT: Mr B Edwards  
 127 Broad Road, Braintree, Essex, CM7 9RZ, UK  
 AGENT: Andrew Stevenson Associates  
 Mr Andrew Stevenson, 21A High Street, Great Dunmow,  
 Essex, CM6 1AB  
 DESCRIPTION: Erection of 1no. two bedroom dwelling with associated  
 parking and landscaping  
 LOCATION: Walnut Tree House, 9 Gardeners Road, Halstead, Essex,  
 CO9 2JU

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





## SITE HISTORY

17/01310/FUL	Erection of two bedroom dwelling with associated parking and landscaping	Withdrawn	21.09.17
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## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that

the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density

RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

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

#### Braintree District Publication Draft Local Plan 2017

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

#### 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 the Planning Committee as the applicant is related to a member of staff.

#### SITE DESCRIPTION

The application site consists of a two storey residential dwellinghouse known as Walnut Tree House, located on a plot of land set back from Gardeners Road. The site is located within the town development boundary of Halstead.

Adjacent to the existing dwelling is a plot of approximately 36 metres in depth and 11 metres in width at its widest, and tapers down to approximately 8.5 metres at its narrowest point. At present this plot is vacant and overgrown.

The site is located on higher ground than street level at Gardeners Road, although this change in level is not overly prominent due to large amounts of boundary treatments.

## PROPOSAL

The application seeks full planning permission for the provision of a one and a half storey residential dwellinghouse being located adjacent to the existing dwelling. The dwelling would be detached and feature cat-slide roof dormers. The new dwelling would be accessed via the existing access off of Gardeners Road.

To the rear would be amenity areas for both the existing and proposed dwellings, and to the front would be a parking area, which the plans show could accommodate 5 parking spaces.

## CONSULTATIONS

Essex Highways – No Objections, subject to a condition requiring there to be no unbound materials within 6 metres of the access.

## REPRESENTATIONS

Halstead Town Council – Raises objection to the planning application on two grounds; being the new dwelling would result in an overdevelopment of the site, and that the new dwelling would interfere with overhead cables. Both of these objections are discussed below.

A site notice was displayed at the front of the site and neighbours were notified by letter. Representations had been received from a total of 3 addresses, all of which raise objection to the application. Their concerns can be summarised as follows. That the proposed dwelling would result in an unacceptable impact on neighbouring residential amenities by way of overbearing and loss of light, that the design of the dwelling would be out of keeping with the surrounding area, and that the proposed plans show land being included in the application site which is not within the applicant's control (officers note that revised plans have since been sought which correct the red line plan to remedy this issue, and that at the time of writing the report an objection had not been made to the revised plans on this basis). Another objection raised concern in relation to the sizes of the gardens.

## REPORT

### Background

This application follows a previous application for full planning permission, withdrawn in 2017. This application was for a larger dwellinghouse, set further forward in its plot. Although the application was withdrawn before the application was determined at the Planning Committee, Officers identified several issues with the application, and would have recommended the application for refusal. It was considered that by virtue of its siting and size, together with the change in levels on the site, the proposed dwelling would have resulted in a cramped form of development, which would not have been

in keeping with the character of the street scene and surrounding area. Also, Officers considered that its relationship with the neighbouring dwellinghouse at 1 Garden Yard would have led to the proposed dwellinghouse having an unacceptable unneighbourly and overbearing impact on the neighbouring residential amenities of the aforementioned dwellinghouse.

This application has been submitted which seeks to address all abovementioned issues, by significantly reducing the size of the dwelling, setting it further back in its plot, and changing its design. Additional information has also been submitted in relation to its appearance in the street scene, and in relation to the topography of the site.

Officers consider that these changes have amounted to an application which is now acceptable, for the reasons which are discussed in the report below.

## PRINCIPLE OF DEVELOPMENT

### National Planning Policy Framework (NPPF) 2018

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites

sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

### The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development within Town Development Boundaries and Village Envelopes will be acceptable in principle, subject to detailed design considerations.

The proposed development is therefore considered to be in compliance with the Development Plan and the emerging Draft Local Plan.

### 5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. 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.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account

and the target recalculated. The 2016 based household projections were published on 20 September 2018;

- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

## SITE ASSESSMENT

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

The proposal essentially constitutes a form of backland development, however it still has a direct access onto the public highway and is located

adjacent to an existing dwelling. The NPPF states inappropriate development of residential gardens, for example where development would cause harm to the local area, should be resisted.

Policy RLP3 of the Adopted Local Plan permits new residential development within village envelopes and town development boundaries where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy LPP 37 of the Draft Local Plan states development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need. The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”.

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.

Although the dwelling would be set back from the road, it would still be visible in some views from Gardeners Road. However, the new dwelling would be relatively small and contained in terms of its footprint and proportions. The use of a one and a half storey form would minimise the dwelling’s bulk and massing. The design of the building itself would be inoffensive, and better suited to this backland location than a dwelling of more traditional design.

A topographical survey was submitted with the application which shows how the ground would be regraded to accommodate the proposed dwelling. This, along with a street scene elevation to illustrate how the site would relate to Gardeners Road, shows that the design and layout of the site would be acceptable, despite the site’s backland location.

The application includes the provision of private amenity space to be provided for both the existing and proposed dwellinghouses. According to the Essex Design Guide 2005, residential dwellings of 3 or more bedrooms should be provided with a private, useable amenity space of at least 100 square metres.

The submitted plans show that the existing dwelling would retain an amenity space of approximately 115 square metres, and that the proposed dwelling would be provided with an amenity space of approximately 120 square metres. The plans show these spaces would be enclosed by close boarded fencing. Given this material exists elsewhere in the immediate locality, this would be considered acceptable in this context.



Taking the above assessment into account, the application is considered to be acceptable in terms of its design, appearance and layout.

### Impact on Neighbour Amenity

The NPPF states that new 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”, whilst Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact”.

The representations received at the time of writing the report predominately raise objection in relation to an overbearing impact resulting from having a one and a half storey dwellinghouse adjacent to a boundary shared with neighbouring dwellings on Parsonage Street.

The dwelling would be located close to a boundary shared with a residential dwelling which is situated on lower ground than the application site, which is known as 1 Gardeners Road. The proposed dwelling has been relocated further to the rear within the site to reduce impacts by virtue of overbearing or loss of light. In this position, although there would be some impact as the dwelling would be visible from the neighbouring dwellings, Officers consider that these impacts would not be unacceptable. The Essex Design Guide provides guidance on for assessing impacts for this type of application. It says that where a new house would be at a right angle to an existing house, eye-to-eye distances must not be less than 15 metres. In the case of this application, the distances from the windows in the front elevation of the new dwelling to the windows in the rear 1 Gardeners Road would measure approximately 16.6 metres, and therefore would comply with the Essex Design Guide. Impacts on the ‘The Bungalow’, which is located behind the site, are less likely; this dwelling is on higher ground than the application site. Officers therefore consider impacts upon neighbouring residential amenities would not warrant refusal of the application.

### Highway Issues

The Council refers to the latest adopted version of Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The proposal would not intensify the existing access to a degree which would require alterations to it, and there would be a sufficiently sized parking area to the front of the site. It is considered that the application is acceptable in regard to highway and parking issues.

The highway authority raised no objection to the application; recommending a condition which would restrict the use of unbound materials within 6 metres of the public highway. This is to prevent any loose materials reaching the highway, which could result in a highway safety issue.

The highway authority also recommended an informative to be attached to the decision notice, to suggest construction vehicles have their wheels washed when leaving the site to prevent mud from entering the public highway.

### HRA / RAMS

Natural England have 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 Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

### Other Issues

Part of the Town Council's objection related to existing overhead cables at the site. The telegraph pole and cables on the site are located forward of the front elevation of the proposed dwelling, and therefore would not be prejudiced by the development.

## CONCLUSION

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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 the case of this application, the proposal represents a new dwelling in a location which would have good access to facilities and services. The proposal would have economic and social benefits, in terms of employment generated from the construction period and the provision of a new dwelling which would contribute to the supply of housing. Such benefits would be consistent with the social and economic objectives of sustainable development; however they would be limited in weight due to the scale of the development. Furthermore, there would not be any adverse environmental impacts arising from the proposed development. The proposed dwelling would not have an unacceptable impact on the locality by virtue of its design, appearance and layout, and would not have an unacceptable impact on neighbouring residential amenities. Both the existing and proposed dwellings would be provided with amenity space and parking space in accordance with the Council's adopted standards.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the harms, and therefore consider the proposed development would constitute sustainable development and recommend that planning permission is 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: 01	Version: D
Existing Block Plan	Plan Ref: 02	Version: D
Proposed Block Plan	Plan Ref: 03	Version: D
General Plans & Elevations	Plan Ref: 04	Version: D
Section	Plan Ref: 05	Version: D
Section	Plan Ref: 06	
Street elevation	Plan Ref: 07	

- 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 Construction of any building shall not be commenced until samples of the materials to be used on the external surfaces 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.

Reason

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

- 4 The building hereby permitted shall not be occupied until the first floor windows and rooflights on the rear facing elevation have been glazed with obscure glass to a minimum of Level 3, and no part of those windows or rooflights that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows and rooflights shall be so maintained in this form at all times.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 5 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 approved in writing by the Local Planning Authority. The approved details shall be adhered to throughout the construction process.

Reason

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

- 6 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

- 7 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

## INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 3 Measures shall be implemented to prevent the spread of dust and mud from the site onto the Public Highway, where it can cause a highway safety issue.
- 4 In respect of Condition 4, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

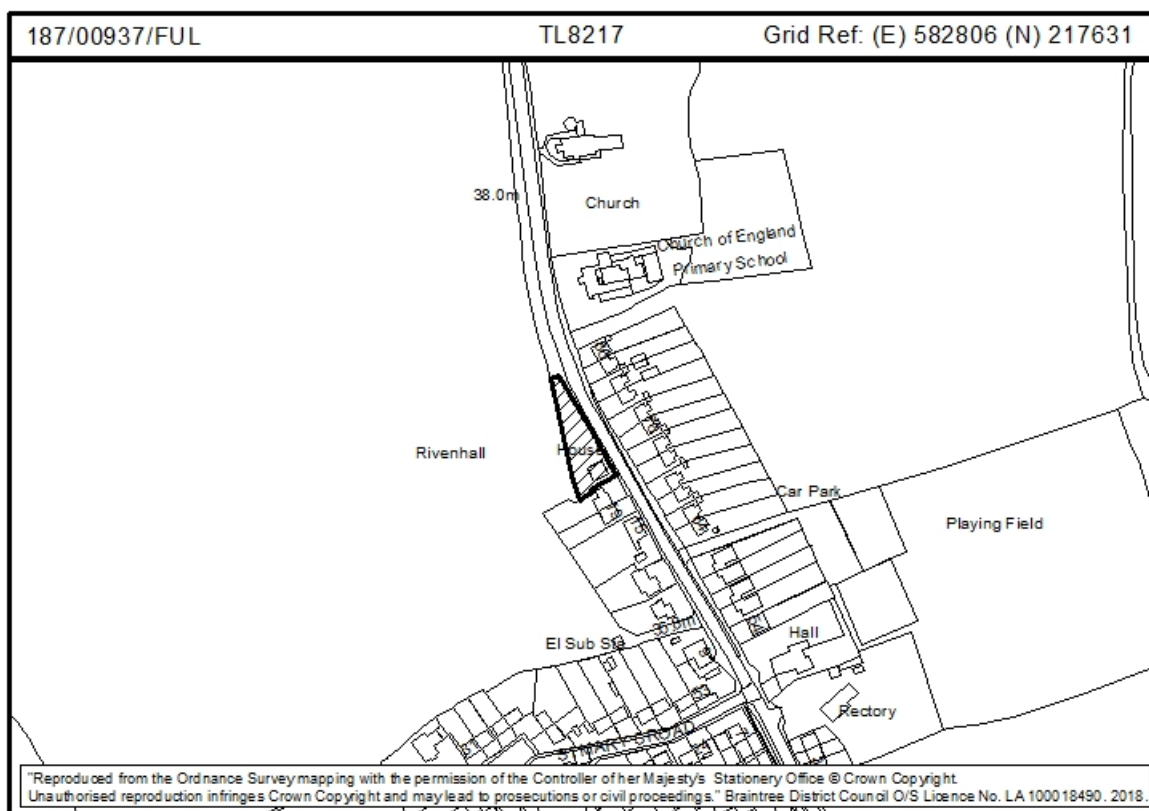
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART A

APPLICATION 18/00937/FUL DATE 13.06.18  
NO: VALID:  
APPLICANT: Granville Developments  
Threshelfords Business Park, Inworth Road, Feering,  
Essex, CO3 9SE  
DESCRIPTION: Demolition of existing dwelling and erection of 2 no.  
dwellings  
LOCATION: 23 Church Road, Rivenhall, Essex, CM8 3PQ

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](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

17/02068/FUL	Demolition of existing dwelling and erection of 2 no. replacement dwelling houses	Granted	23.03.18
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## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the



Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes

RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### 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 the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to the Officer's recommendation.

#### SITE DESCRIPTION

The site comprises an existing detached dwelling located on Church Road in Rivenhall. The site is located partially in and partially out of the village envelope for Rivenhall. The site is therefore located at the very edge of the village before it spans partially into the setting of Grade II Listed Buildings and a Grade I Listed Church beyond. The site backs onto open agricultural fields.

## PROPOSAL

The application in this case proposes to demolish the existing dwelling at the site and erect two detached dwellings with a shared highway access in the middle. The hedge that fronts the northern part of the site with Church Road is proposed to be retained. This application is a revised proposal which follows a previous application (application reference 17/02068/FUL) which was previously approved at Planning Committee on 13/03/2018. These particulars are explored further in the report.

## CONSULTATIONS

### Historic Buildings Consultant

Unaltered opinion from previous application; no objection as the site would not harm the significance of the Listed Building.

### Essex Highways

No objection, subject to a number of conditions.

### Environmental Health

No objection subject to conditions. In respect to the Dust and Mud scheme, these details have been provided with this application and found acceptable by the Environmental Health Officer.

### Landscape Officer

No objection to the application:

*"While trees are to be lost from the site, those losses are no more than were considered acceptable on the previously granted application on this site. The site is not significant in scale and does include trees and hedging that are to be retained. While it is unfortunate to lose trees I don't think there is sufficient space to have replacement planting while retaining useable garden space."*

### Rivenhall Parish Council

Objects to the application:

*"Rivenhall Parish Council objects to the removal of healthy trees and, in particular, to the removal of a matured Yew".*

## REPRESENTATIONS

One objection has been received from 21 Church Road detailing the following summarised concerns:

- Closer to property – overlooked
- Not affordable housing
- Partly outside village envelope
- No footway outside properties
- Removal of Yew Tree
- Existing property of historical value to village

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### History and Proposal

Previous application reference 17/02068/FUL proposed to demolish an existing dwelling on the site and erect two detached dwellings. The position of the furthest most dwelling would have been located partially within and partially outside the adopted village boundary. In the planning balance for application reference 17/02068/FUL, Officers concluded that while the site was partially located outside of the village boundary, the harms of the development would not significantly and demonstrably outweigh the benefits. This view was shared by Members at the Planning Committee held on 13/03/2018 and the application was subsequently granted permission.

This application also proposes to demolish the existing dwelling and erect two dwellings. The siting and scale of the dwellings would almost be identical to that of the previously approved application, but would be located very slightly further to the north, away from the boundary with neighbouring property No.21 Church Road to the south. The site access would remain as per the approved application. As previously approved, the access would be shared by the two dwellings proposed. The only notable difference is the proposed design of the dwellings which have changed. No additional hedgerows or trees would be required to be lost comparatively to the previously approved application.

#### National Planning Policy Framework (NPPF) 2018

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).

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makers at every level should seek to approve applications for sustainable development where possible.

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

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

### The Development Plan

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

The site is located partially within the Rivenhall village envelope and partially outside of the village envelope and 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 site is not proposed for allocation for development in the emerging Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states

that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

In this case, the previous planning permission for two dwellings at the site, has established a fall-back position for the erection of two dwellings at the site and therefore the principle of development is considered to be acceptable. This report therefore will review the differences between the planning applications in the context of the planning balance to ascertain if the harms (if any) would now outweigh the benefits.

### 5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. 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.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council

currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Impact on Heritage Assets

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and

architectural elements of special importance, and include the use of appropriate materials and finishes.

The site is located at the northern edge of the linear settlement, and to the south-west of the Parish Church of St. Marys and All Saints and to Rivenhall C of E School and school house. The proposed two dwellings would partially fill a currently open area of garden to the south-west of these two heritage assets, bringing the settlement edge on the western side of the road roughly level with the built form opposite on the eastern side.

On the previously approved application it was concluded that the development:

*“would partially alter the environment in which the listed building is experienced, but would overall be interpreted as part of the existing modern development at the northern end of Rivenhall.”*

As a consequence of the above, the Historic Buildings Consultant did not consider that there would be detrimental harm associated with the development on any heritage assets. Due to the minor nature of the change with this proposed application, the Historic Buildings Consultant remained of the view that the proposal would not detrimentally affect the setting of heritage assets, and as such offered no objection to the development.

The existing dwelling is purported to be of historic significance by neighbouring residents. The building is not however listed and the Historic Buildings Consultant did not consider it to be a non-designated heritage asset. It is therefore considered the demolition of the existing dwelling is acceptable. Notwithstanding this, the principle of its demolition has already been accepted though application reference 17/02068/FUL.

### Design, Appearance and Layout

The NPPF also states that new development should seek to improve streetscapes and buildings to create attractive and comfortable place by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, the NPPF states that planning applications should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 91).

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.

Previously approved application reference 17/02068/FUL proposed two handed detached dwellings with a total footprint of approx. 83sq.m and a shared double garage measuring 7m in depth by 3m in width. Each dwelling contained four double bedrooms. The dwellings would have been rendered, and would have had front bay windows and a brick plinth. The proposed dwellings in this case would be almost identical in terms of the footprint of the buildings, also measuring 83sq.m. The shared double garage would also be the same dimensions comprising two bays of 7m by 3m and would also comprise four bedrooms. The main difference between the two applications is the design and appearance of the dwellings. There would still be a prevalence of render, however the revised design would introduce a gable feature on the front and a small canopy to protrude over the bay windows proposed. Materials have also been submitted with the application proposing a natural red pantile, red brick, white/cream render and black cedar cladding. The result is a design which looks contemporary but would not be disrespectful to the mixed character of Church Road.

The dwellings would also still comprise garden amenity areas in excess of 100sq.m; the southernmost plot garden would be at the rear, while the northernmost plot the garden would primarily be at the side and therein outside of the village envelope. The northernmost dwelling would be positioned quite tight to the rear boundary but would not appear cramped in the front elevation and still manage to provide functional garden space in excess of the standards. However, in order to preserve the openness at the site and avoid further harmful development it is still proposed that Permitted Development Rights for Extensions, Outbuildings and Fences be removed in accordance with the previous permission. The fences in particular will mean that the Local Planning Authority will be able to control any new boundary treatment proposed behind the hedge along the road frontage to minimise any possible harm. Boundary treatments have been included on the site plan of the development and do not indicate any proposed boundary treatment adjacent to church road behind the hedge. It is considered all other particulars are acceptable in this regard.

Each dwelling would also comprise one parking space in the garage and one parking space immediately behind the garage. Each would conform to the standards. Taking into account all of the above, this application is acceptable from a layout and design perspective.

### Impact on Neighbour Amenity

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

On application reference 17/02068/FUL it was previously concluded that there would not be a detrimental impact any neighbouring properties as a result of the development in respect of overshadowing, overbearing or overlooking. In this case, as plot 1 is proposed to be located slightly further away from No.21 Church Road, while maintaining the same relative parallel position. As such, any impact would now be even less as part of the proposal and therefore this application would also be acceptable from a neighbour impact perspective.

### Highway Issues

The application would create a new access for both units. Essex Highways have no objection to this access subject to conditions. These conditions have been attached to the development (No's 6, 9, 11, 13 and 15). Concerns have been raised about there being no footway immediately outside of the dwellings. Essex Highways however have not objected on this basis, and furthermore there is a pathway on the opposite side of the road which could be utilised. Taking into account all of the above, the proposal is acceptable in this regard.

### Ecology and Trees

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

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.

Tree surveys and a tree protection plan have been submitted as part of the application. The plans show that the hedgerow to the front of the site will be thinned from inside the site but would retain its depth and spread adjacent to the road.

Concerns have been raised by the Parish Council in respect to the loss of the Yew tree on the site and the lack of replacement planting. The Landscape Officer has stated that while trees are to be lost, these losses are no more than were considered acceptable on the previously granted application on this site. Furthermore, the Landscape Officer sets out that the site is not significant in scale and is not really big enough for replacement planting. However, taking into account the retention of the most important trees and hedges fronting the site, the Landscape Officer had no objection to the application, subject to a condition in respect of the tree protection plan / fencing being implemented prior to works commencing. These conditions have been added.

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

Natural England have published revised interim guidance on 16<sup>th</sup> 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 Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

#### PLANNING BALANCE & CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate

within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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 terms of the Economic and Social objectives, the proposal would provide a small economic benefit during construction. It would also contribute (albeit in a very modest way) to housing supply with the net addition of 1 dwelling. It

would also contribute a good quality of development in accordance with adopted policy.

In terms of the environmental objective, the site is located primarily within the village boundary of Rivenhall where there is access to limited services and facilities. The proposed dwellings would not however cause significant harm to the setting of heritage assets and thus would not trigger the heritage balance. In addition, Officers are also satisfied that the proposal would not have an adverse environmental impact upon the character and appearance of the area and the rural edge of the village.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, and the fall-back position that exists on the site for the erection of two residential dwellings, Officers have concluded that the benefits of this proposal outweigh the moderate weight afforded to the conflict with the Development Plan. Officers therefore consider the proposed development would constitute sustainable development and recommend that planning permission is 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

Floor Plan	Plan Ref: 3353:011	
Tree Plan		
Tree Plan		
Location / Block Plan	Plan Ref: 3353:010	Version: b

- 1 The development hereby permitted shall begin no 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 development shall be constructed in accordance with the following samples of external materials submitted with the application:

- o Sandtoft Neo Pantile Natural red
- o Wienerberger 'english red' brick
- o Render- Dulux "Natural Calico"
- o C50 Black - Eternit Cedral cladding

The development shall only be implemented in accordance with the approved details.

Reason

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

- 4 The development shall be carried out in accordance with the means of enclosure details submitted on plan reference 3353:010 (b) received 17/08/2018. The development shall only be carried out in accordance with the approved details.

Reason

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

- 5 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport (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.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 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.

- 8 The submitted dust and mud control document reference RVN/GRN/02 dated 12/09/18 shall be adhered to throughout the site clearance and construction phase of the development.

Reason

During construction, the creation of dust and the displacement of mud is commonplace. These details are required prior to the commencement of development to ensure that a scheme is in place to mitigate the dust and mud created at the site, to prevent it being transferred onto the highway and also in the interests of residential amenity.

- 9 There shall be no discharge of surface water onto the public highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses / provision of any building within the curtilage of the dwelling-houses / alteration of the dwelling-houses, as permitted by Class A & E of Part 1 and no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 11 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the verge

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 12 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

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

- 13 Both garages should have a minimum internal measurement of 7m x 3m.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 14 The development shall be carried out in accordance with the approved Arboricultural Report Ref No: 171004 Rev A dated 21/05/2018 and Tree Protection Plan Ref No: 171004 - Rev A dated 21/05/18 by Writtle Forest Consultancy. The approved development shall only be carried out in accordance with the approved details.

Reason

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

- 15 The existing kerbs shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and kerbing immediately after the proposed new access is brought into first beneficial use.

Reason

To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

SUBMITTED PLANS

Existing Block Plan	Plan Ref: 127-002
Existing Elevations	Plan Ref: 127-003

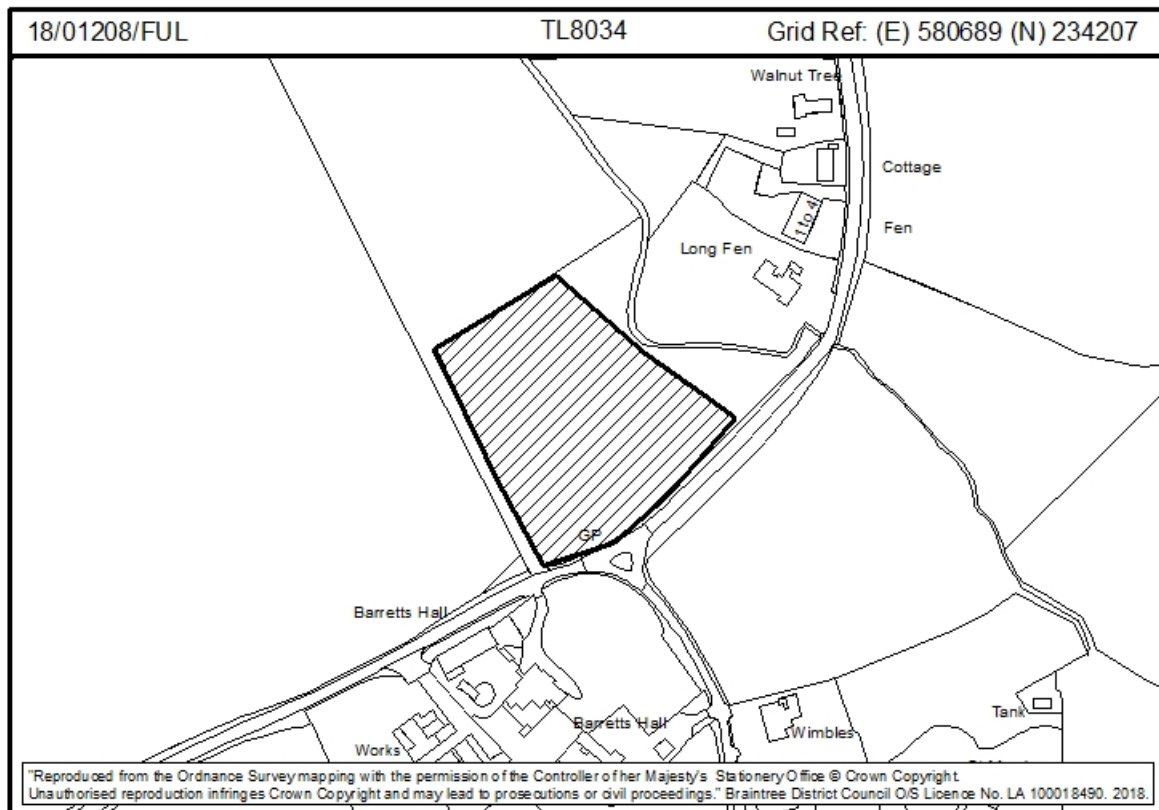
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER



PART A

APPLICATION NO: 18/01208/FUL DATE: 04.07.18  
 VALID:  
 APPLICANT: Mr & Mrs Peter and Janine Schwier  
 Long Fen, Church Street, Great Maplestead, CO9 2RJ  
 AGENT: Holmes & Hills LLP  
 Mr Steven Hopkins, Dale Chambers, Bocking End,  
 Braintree, CM7 9AJ  
 DESCRIPTION: New Passivhaus type dwelling  
 LOCATION: Long Fen, Church Street, Great Maplestead, Essex, CO9  
 2RJ

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



## SITE HISTORY

17/00023/REF	Erection of passivhaus type dwelling	Appeal Dismissed	01.08.17
00/00571/FUL	Erection of detached garage	Granted	26.07.00
75/01043/P	Extra Living accommodation.	Granted	12.11.75
86/01806/P	Erection of garage.	Granted	14.01.87
98/01152/FUL	Erection of single storey side extension and altering existing flat roof structures to pitched roofs	Granted	15.10.98
10/00406/ELD	Application for a Certificate of Lawfulness for an existing use - Use as a garden for purposes incidental to the residential use of Long Fen	Granted	19.05.10
10/01549/ELD	Application for a Certificate of Lawfulness for an existing use - Use of land as garden of Walnut Tree Cottage and September Cottage	Refused	07.01.11
15/01605/FUL	Erection of a dwelling in the garden on south side of Long Fen (a new exemplar, off grid Passivhaus) and increase in the height of existing mounding.	Withdrawn	10.02.16
16/00804/FUL	Proposed new, exemplar off-grid Passivhaus	Withdrawn	17.06.16
16/01932/FUL	Erection of passivhaus type dwelling	Refused then dismissed on appeal	12.01.17

## POLICY CONSIDERATIONS

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

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

June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP86	River Corridors

#### Braintree District Local Development Framework Core Strategy 2011

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

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles

LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

### Other Material Considerations

#### Essex Design Guide

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

#### Essex Parking Standards

#### Great Maplestead Village Design Statement

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee as the applicant is an elected Member.

### SITE DESCRIPTION

The application site consists a large open field located to the south of Great Maplestead, outside of but adjacent to the village envelope as designated in the Braintree District Local Plan Review 2005. Following a lawful development certificate being approved in 2010, the site forms part of the residential garden of Long Fen, but is outside the curtilage of the existing dwelling.

The application site is highly prominent in the street scene, with a gradual change in levels across the site resulting in views across and to the wider landscapes beyond. In 2018, a vehicular access was constructed on the site from Church Street. Being outside of the curtilage of the existing dwelling, these works constitute a breach of planning control by reason of the fact that such works do not have the benefit of being permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### PROPOSAL

This application seeks planning permission for the erection of a detached dwellinghouse which is described as a Passivhaus. This type of dwelling is self-sufficient, being capable of generating its own electricity, heat and water from within the site.

The site would be served by a new vehicular access, located to the south western corner of the site, within close proximity to the junction of Church Street with Toldish Hall Road. The fact that the access already exists is not a material planning consideration; the application should be determined on its merits.

## CONSULTATIONS

### Great Maplestead Parish Council

Objects to the application, on grounds which can be summarised as:

- the previous refused application forms a material consideration;
- they consider the proposals do not comply with the NPPF;
- the site is outside of the village envelope of Great Maplestead;
- they consider the proposals do not comply with the adopted Braintree District Development Plan;
- the earth bund and access have been installed without any planning permission;
- the proposals conflict with the Great Maplestead Village Design Statement.

### Essex Archaeology

“The Essex Historic Environment Record shows that the proposed development is in an area of archaeological interest within the historic settlement at Great Maplestead. The proposed site lies to the north of a 15th century hall which lay beyond the main settlement area. To the south excavations along the road frontage revealed evidence of probable medieval activity and adjoining the site is a man-made water feature that appears on the 1st edition OS maps whose function is unknown. The proposed site lies at a historic road junction and it is likely that evidence relating to the historic settlement of Great Maplestead will survive.”

They recommend a total of three planning conditions be attached to any decision notice, which require a written scheme of investigation, a mitigation strategy, and a post-excavation assessment.

### Essex SUDs

No Comments to make on application.

### Braintree District Council Drainage Engineers

Ask to refer to their previous comments attached to application 16/01932/FUL, which state:

“In the past there were surface water issues with the brook that separates this site from Long Fen. This was due to maintenance further downstream. Any permissions granted should ensure the new-build is above the water level should this occur again in the future.”

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. A total of 18 representations were received; consisting of 16 objections and 2 support.

### Objections

- The site is outside of the village envelope;
- The previous refusal is a material consideration;
- The applicant has installed a vehicular access onto the site without planning permission;
- There are archaeological implications attached to the site;
- The application is contrary to the Great Maplestead Village Design Statement;
- The proposed dwelling is not in keeping with the surrounding area;
- The 'isolated' argument which this application depends on cannot be directly related to this site;
- The proposed dwelling would have an unacceptable impact upon the character and appearance of the surrounding landscape;
- The Planning Inspector's decision did not only refuse the application based on 'functional' isolation, they also found the site to be unsustainable;

### Support

- The design of the proposed dwelling is innovative;
- The site is not isolated.

These points are discussed in the body of the report below.

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### Background / History

There is a planning history associated with this site, which is relevant to the determination of this application and therefore should be attached due weight.

In March 2010 an application for a lawful development certificate was submitted and in May 2010 was approved, which provided evidence that the field had been used as a garden to Long Fen for in excess of ten years. It was noted at the time though that application site does not constitute 'curtilage' land to Long Fen.

In December 2015, an application for full planning permission was made which proposed the erection of a detached dwellinghouse on the application

site. The application was withdrawn before Officers were able to report the application to Planning Committee for a decision.

In May 2016, another application for full planning permission was made which made minor revisions to the previous 2015 planning application. This application was also withdrawn before Officers were able to report the application to Planning Committee for a decision.

In November 2016, another application was made for a detached dwellinghouse on the application site. This application was refused by the Planning Committee in January 2017, for the following reason:

*“Paragraph 55 of the National Planning Policy Framework (NPPF) advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances.*

*The proposal introduces a new dwelling in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. There are limited facilities and amenities within walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and, as a single dwelling, the proposal would do little to enhance or maintain the vitality of the area. The proposal falls contrary to paragraph 55 of the NPPF in this regard and fails to secure sustainable development.*

*In addition, the proposal is considered poorly designed, incoherent and visually unsuccessful. The development is not considered to be of exceptional quality or truly outstanding, nor would it significantly enhance its setting or be sensitive to the defining characteristics of the local area, especially given its siting at odds with the defined character of the settlement. The development is not of a quality that would meet the demanding design and architectural tests, as outlined in the NPPF, that might justify the proposed development within the countryside or outweigh the harm that would be caused to the countryside and would have significant impact on the landscape character afforded to the area. The proposed dwelling is not considered to be justified on the basis of any other of the special circumstances identified in paragraph 55 of the NPPF. As a consequence, the development would be contrary to paragraph 55 of the NPPF, Policy CS5, CS8 and CS9 of the Core Strategy and policies RLP90 and RLP89 of the Local Plan Review.”*

This decision was subsequently appealed. The Planning Inspector dismissed the appeal, thereby refusing planning permission, for the following reasons:

*“the proposal would not represent sustainable development and would not be a suitable location for housing having regard to the accessibility*



*of services and facilities. Therefore, it would conflict with Policy RLP2 of the LPR and Policy CS5 of the Core Strategy which seek to restrict development in the countryside”;*

*“the adverse impacts of the development would significantly and demonstrably outweigh the benefits.”*

This application is essentially the same application as that considered by the Planning Committee in January 2017; the application documentation includes details of the Blackmore End Court of Appeal, which provided the interpretation of the term ‘isolated’ in the context of Paragraph 79 (previously Paragraph 55) of the National Planning Policy Framework. This is discussed in greater depth below. The crux of the Applicant’s argument is that the Court of Appeal decision has resolved the Planning Inspector’s reasons for dismissing the previous planning appeal at the site, and therefore planning permission should be granted.

For the reasons set out below, Officers disagree with this view.

#### National Planning Policy Framework (NPPF) 2018

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

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

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

The NPPF underlines the Government’s objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary

delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

### The Development Plan

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

The application site is located outside of a designated village envelope 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 preamble of Policy CS7 of the Adopted Core Strategy states "the reliance on the car needs to be reduced, where possible, to promote and deliver sustainability, tackle the impacts of climate change, reduce congestion and pollution and encourage healthy lifestyles by providing high quality walking, cycling and more efficient local public transport".

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

The proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

## 5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. 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.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph

11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

The previous planning application was refused by the Committee as it was found to be contrary to Paragraph 55 (now Paragraphs 78 and 79) of the National Planning Policy Framework, being "to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities", and also "Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances".

The Planning Inspector, in his appeal decision, found that at the time, the site was isolated. It is acknowledged that since the Court of Appeal Decision at Blackmore End, which provided the interpretation of an isolated dwelling, this cannot remain the case. The site is on the edge of the village of Great Maplestead, relatively close to other dwellings, and is not isolated in the context of Paragraph 79 the National Planning Policy Framework.

However, in coming to their conclusion that the site was 'isolated', the Planning Inspector also gave clear reasons for considering the site to be an unsustainable location for new residential development.

*"There are few services and facilities within Great Maplestead other than the primary school, church and village hall / playing field. These are a short distance from the appeal site and are safe to walk to along a pavement and 30mph road. However, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. I saw little evidence at my site visit of any significant employment sites close to the appeal site. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking distance along roads that contain national speed limits and lack pavements or lighting, which also makes cycling less attractive."*

*"A bus service between Sudbury and Halstead stops near to the appeal site and provides an alternative to the private motor car on Mondays to Saturdays. Nevertheless, the service is not particularly frequent and, according to the Parish Council and other interested parties, is due to be withdrawn later in 2017. Thus, there is likely to be a reliance on the private motor car for occupiers of the development and so the proposal would be functionally isolated. This would result in negative environmental effects in terms of the use of natural resources and negative social effects in terms of accessible local services. As a consequence, this would be contrary to Policy RLP2 of the LPR and Policy CS5 of the Core Strategy."*

*"There would be negative environmental and social effects arising from a reliance on the private motor car and the functional isolation of the dwelling," however they noted that "A single dwelling is unlikely to generate a significant number of vehicle movements and so the extent of the effects on natural resources would be modest."*

The Inspector concluded that the site is not a sustainable location, and that essential services and facilities would not be accessible without use of the private car.

Officers therefore remain of the view that the proposals would not comply with the requirements for sustainable development as set out in the National Planning Policy Framework, and also that it would not comply with Policies CS5 and CS7 of the Braintree District Core Strategy. The National Planning Policy Framework, as revised in 2018, has not changed policy in this respect. There have been no other changes in policies since the previous decision was made by the Planning Inspector.

#### Design, Appearance and Layout

The proposed dwellinghouse would take the form of a 'passivhaus'. These are dwellings which are designed to be off grid; their requirements for energy, water and waste will be generated within the site.

Although there are a number of passivhaus standard dwellings in the UK, there are none that Officers are aware of in the Braintree District. There are a number of environmental benefits brought about by using a dwelling of this standard, however as the Planning Inspector noted, these benefits are limited by the size of the proposed development.

The site is located in an open field with views across to the wider landscape, and as a result the proposed dwelling would likely be visible in views over long distances. The design and appearance of the dwelling formed part of the reason for refusing the previous planning permission. Notwithstanding this, the Planning Inspector did not agree with this view, and found harm to the landscape to not be unacceptable enough to warrant dismissing the appeal on these grounds. Given the appeal decision can be attached significant weight, especially given the design, placement and context of the dwelling are identical to those previously considered, it is considered that it would not be possible to substantiate a reason for refusal on these grounds.

#### Impact on Neighbour Amenities

The closest residential dwellinghouse, known as Long Fen, is located approximately 65 metres to the east of the application site. Impacts upon this dwelling as a result of the proposal are unlikely to be unacceptable. The next closest dwelling is Barretts Hall, and is approximately 135m to the south west of the site.

It was Officers view previously that there would be no unacceptable impacts caused to the residential amenities of nearby neighbouring dwellinghouses. Impacts on neighbouring residential amenities did not form a reason for the Planning Inspector dismissing the previous appeal. The proposal is therefore considered to be acceptable in this regard.

#### Highway Issues

It is acknowledged that a vehicular access has been constructed without planning permission. It is noted that the location of the access is in the same location as that proposed on these plans. However for the purposes of this application, the merits of the access must be considered. The fact it has been constructed cannot be a material consideration.

The access to the site is located off Church Street. Essex Highways have been consulted on the application, and raise no objections to its approval subject to a number of conditions in respect of access width, visibility splays and requiring closure of the existing access.

The site can accommodate sufficient car parking to comply with the Essex Parking Standards.

### Surface Water Flooding

An existing watercourse runs through the site and the proposed dwelling would be located within the immediate proximity. The site's name 'Long Fen' also hints at an area which is prone to flooding.

Braintree District Council Engineers recommend measures are taken to ensure the new dwelling is constructed above the water level. If the application were to be approved, this could be controlled by way of a condition.

Essex SUDs team makes no comments on the application, given the size of the site which results in it being below their threshold to comment.

### Habitat Regulations Assessment (HRA / RAMS)

Natural England have published revised interim guidance on 16<sup>th</sup> 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 Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

### PLANNING BALANCE & CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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).



There would be social and economic benefits brought about through the proposed scheme, however these would be limited to the contribution that the net gain of a single dwelling would make to the Council's housing supply, and the short term employment resulting from the construction of the dwelling itself. Conversely, as pointed out by the Planning Inspector in their appeal decision, there would be environmental and social harm caused as a result of the scheme, due to its location, which offers poor access to services and facilities by any means other than the private car. Although bus routes run through Great Maplestead, these are infrequent and there is no safe, lit pedestrian route from the site to the village.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm identified above and the moderate weight afforded to the conflict with the Development Plan. Officers therefore consider the proposed development would not constitute sustainable development and recommend that planning permission is refused.

### RECOMMENDATION

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

- 1        The proposal seeks to introduce a new dwelling in a countryside location, where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. There are limited facilities and amenities within walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and, as a single dwelling, the proposal would do little to enhance or maintain the vitality of the area. The harm caused by an unsustainable form of development is considered to constitute an adverse impact.

These adverse impacts are considered to significantly and demonstrably outweigh the benefits of the additional housing, and, accordingly, the application is considered to be contrary to the NPPF, Policies RLP2 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS7 of the Braintree District Core Strategy, and Policies LPP1, LPP37, and LPP55 of the Braintree District Publication Draft Local Plan.

### SUBMITTED PLANS

Floor Plan	Plan Ref: 15004.05.10 page 1a
Floor Plan	Plan Ref: 15004.05.10 page 2a
Roof Plan	Plan Ref: 15004.05.10 page 3a

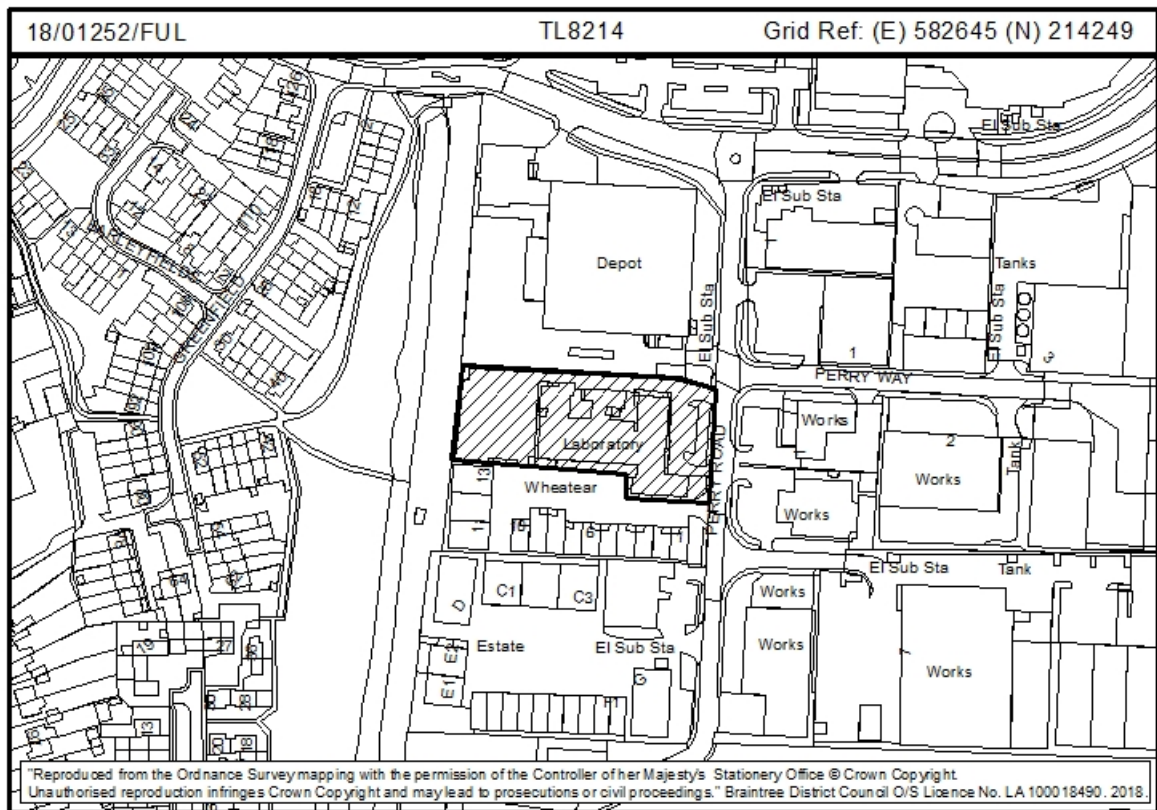
Section	Plan Ref: 15004.05.10 page 4
Elevations	Plan Ref: 15004.05.10 page 5a
Elevations	Plan Ref: 15004.05.10 page 6a
3D Visual Plan	Plan Ref: 01
3D Visual Plan	Plan Ref: 02
3D Visual Plan	Plan Ref: 03
Location Plan	Plan Ref: 1504.05.001 page 1b

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01252/FUL DATE: 02.08.18  
 VALID:  
 APPLICANT: Mr Ian Goodall  
 2 Perry Road, Witham, CM8 3TU  
 DESCRIPTION: Installation of walkway to make room for a new smoking shelter. Installation of barrier and the increase of rear car park capacity to 52 spaces.  
 LOCATION: Inspectorate International, 2 Perry Road, Witham, CM8 3TU

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)



## SITE HISTORY

02/00100/ADV	Display of various illuminated building panels	Granted	18.02.02
03/01529/COU	Change of use of land for stationing of storage container	Granted	05.09.03
84/00444/P	Erection of single storey extension to existing office building.	Granted	17.05.84
84/01480/P	Erection of single storey industrial building adjoining existing factory for storage purposes.	Granted	07.01.85
87/01760/P	Proposed new main entrance to offices.	Granted	20.11.87
91/00092/PFWS	Proposed Remodelling Of Entrance Foyer	Granted	20.02.91
97/01036/COU	Change of use of part of premises to offices	Granted	15.10.97
99/00055/FUL	Erection of new entrance porch	Granted	09.02.99
84/00444	Erection of single storey extension to existing office building.	Granted	
06/02108/FUL	Installation of a GRP electric substation	Granted	29.11.06
06/02219/FUL	Installation of a small smokers shelter at rear of building	Granted	12.12.06
06/02331/FUL	To install a steel articulated lorry container in the rear car park for storage	Granted	04.01.07
09/00195/ADV	Retrospective consent for display of illuminated sign of company name and logo	Granted	24.03.09
12/00571/FUL	Erection of extension to existing single storey industrial workshop to create a two storey open space workshop, bringing roof line in-line with existing buildings (no internal floor or mezzanine to be created)	Granted	12.06.12
14/00437/FUL	Division of open plan office into 3 area (2 work shop areas and one storage areas) - APPLICATION NOT NEEDED, ONLY B	Application Returned	

15/01409/FUL	REGS Addition of a single air handling unit (fresh air input) to be positioned externally from the building.	Granted	21.06.16
17/01657/FUL	Extension to a commercial building to include new cleaners cupboard	Granted	25.10.17
18/01251/FUL	Increase parking capacity from 9 to 17	Pending Decision	

## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

### Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP6	Business Parks
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee, because the applicant is an employee of Braintree District Council.

### SITE DESCRIPTION

2 Perry Road is an industrial unit located within a designated employment area and within the town boundary of Witham.

### PROPOSAL

The proposal is for alterations to the rear parking layout, the erection of parking barrier and new smoking shelter and installation of a new pedestrian walkway. The changes affect the external appearance of the site only.

### CONSULTATIONS

BDC Environmental Health: Have no adverse comments to make. They have suggested however, that an informative should put on any decision notice which restricts timings of the construction works.

ECC Highways: No comments to make on the proposal.

Witham Town Council: No comments have been received on the proposal.

## REPRESENTATIONS

A site notice was displayed adjacent to the application site for a period of 21 days. No representations have been received.

## REPORT

### Principle of Development

The proposal is for external works within the grounds of an existing industrial unit within the development boundary and therefore is supported in principle, in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, subject to criteria on design, amenity and other material considerations.

The proposal is therefore considered to be acceptable in principle, subject to compliance with the abovementioned policy criteria.

### Design and Appearance

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy RLP31 of the Adopted Local Plan and Policy LPP7 of the Draft Local Plan requires a high standard of design for designated employment locations. Similarly, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design in all new development. Similarly, Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposed works are considered acceptable in terms of their appearance and would not impact upon the street scene given the location of the parking area to the rear of the industrial unit.

### Highway Considerations

It is not considered that this proposal would have any highway impacts and would not affect the existing parking arrangements at the site. Furthermore, no objections were raised by ECC Highways.



## CONCLUSION

The proposed works are considered to be acceptable and moreover would not have any detrimental impacts upon amenity, highways or parking. The application is therefore recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location / Block Plan	Plan Ref: C-270-501
Proposed Site Plan	Plan Ref: C-270-06

- 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 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

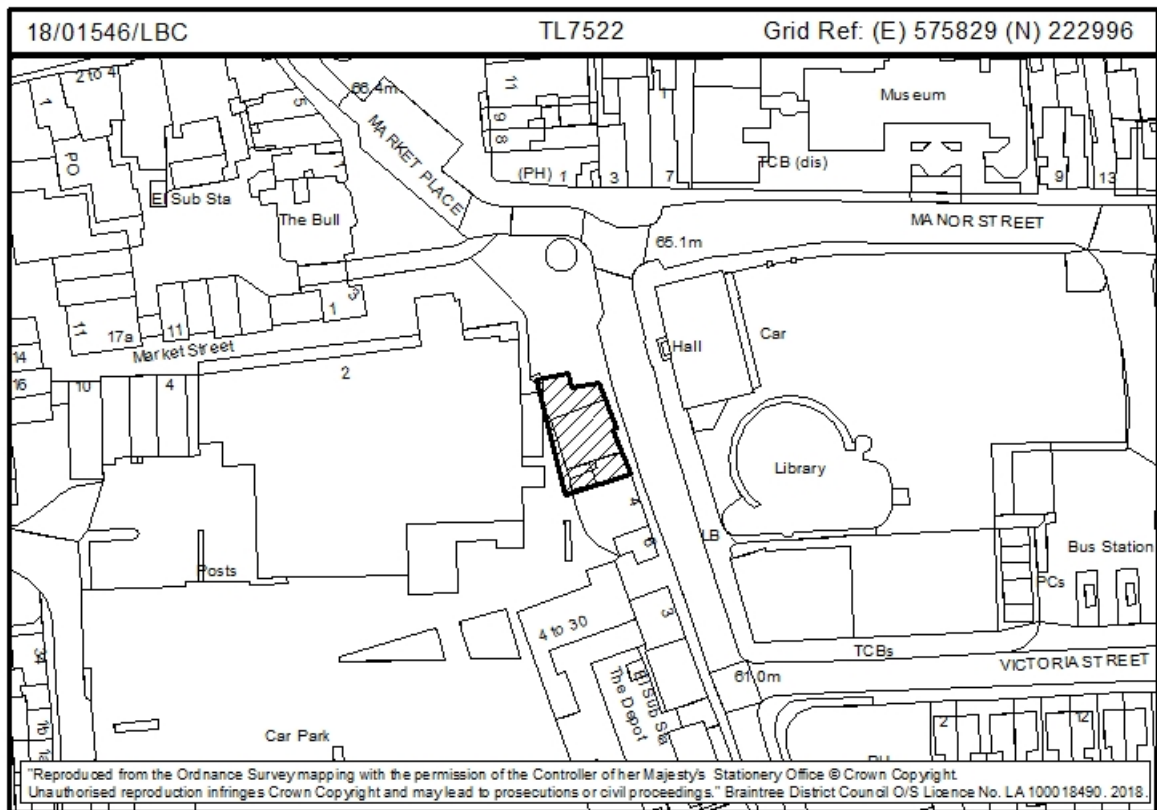
In the interests of the amenity of residents of the locality.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01546/LBC  
 DATE: 28.08.18  
 VALID:  
 APPLICANT: Mr Andrew Epsom  
 Causeway House, Braintree, Essex, CM7 9HB  
 DESCRIPTION: Replace 2 stolen downpipes situated at either end of the front elevation  
 LOCATION: The Corner House, Market Place, Braintree, Essex, CM7 3HQ

For more information about this Application please contact:  
 Ellen Cooney on:- 01376 551414 Ext. 2501  
 or by e-mail to: [Ellen.cooney@braintree.gov.uk](mailto:Ellen.cooney@braintree.gov.uk)



## SITE HISTORY

81/01188/P	Proposed change of use from offices to restaurant (including sales of beer wines and spirits)	Granted	17.11.81
83/00048/A	Proposed display of advertisement signs,	Granted	06.12.83
85/00865/P	Change of use to class II including insurance brokers, estate agency and finance brokers.	Granted	30.08.85
95/00552/BDC	Proposed conversion/refurbishment from existing cafe into office accommodation for the Business Link Centre	Granted	27.06.95
04/02379/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Cut down and remove roots from 1 Field Maple and 1 Sycamore	Granted	04.01.05
12/01554/FUL	Change of use from B1 to A1/B1/A3/A2/D1	Granted	08.01.13
13/00851/LBC	Replacement of bay window glass panes from frosted to clear to match the other site frontage window	Granted	13.09.13

## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

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

### Braintree District Local Development Framework Core Strategy 2011

CS9            Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP60        Heritage Assets and their Settings

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee because the applicant is Braintree District Council.

### SITE DESCRIPTION

The property is a Grade II listed retail and office building located in Braintree town centre.

### PROPOSAL

The proposal is to replace two stolen downpipes which were situated at either end of the front elevation.

## CONSULTATIONS

Historic Buildings Consultant: I have no objection to the replacement of the downpipes on a like-for-like basis as proposed within the application.

## REPRESENTATIONS

A site notice was erected on site with an expiry date of 4<sup>th</sup> October. No responses have been received.

## REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 196 that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

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

The proposal is to replace two stolen downpipes that are situated at either end of the front elevation. The property itself was constructed in 1929 and used as a restaurant, before becoming a nightclub in the late 20<sup>th</sup> Century and then converted to offices. The Historic Buildings Consultant is supportive of the proposal and has raised no objections to the replacement of the downpipes on a like-for-like basis as proposed within the application.

The proposed works should be assessed on their impact on the character and appearance of the listed building as a building of special architectural or historic interest. In this case, the works are of a nature and quality that are assessed to be sympathetic to the character of the listed building.

## CONCLUSION

It is considered that the works would not result in harm to the Listed Building and therefore the proposed works would comply with the abovementioned policies. Thus it is recommended that listed building consent should 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  
Elevations

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

Reason

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

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

Reason

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

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

Reason

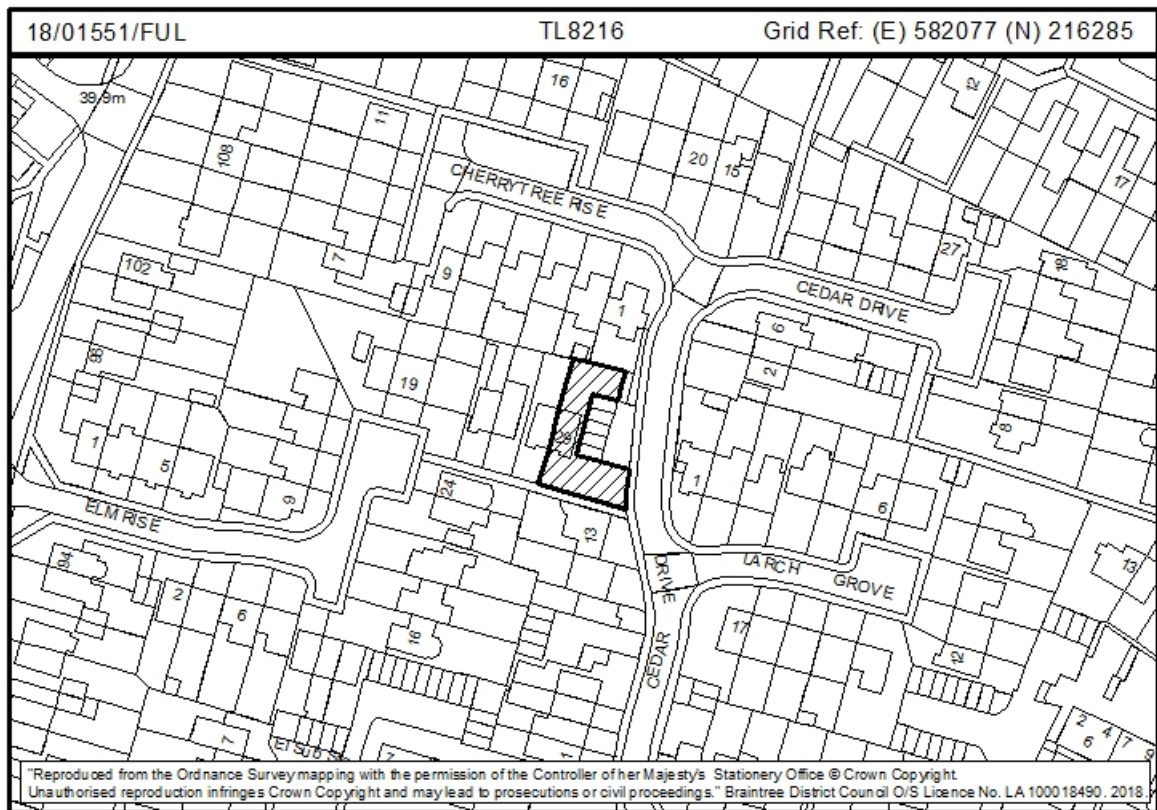
To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01551/FUL DATE: 28.08.18  
 VALID:  
 APPLICANT: Mr Anthony Brown  
 29 Elm Rise, Witham, Essex, CM8 2LE,  
 AGENT: Braintree District Council  
 Mr Jon Goldsmith, Causeway House, Bocking End,  
 Braintree, Essex, CM7 9HB  
 DESCRIPTION: To increase the area of hardstanding previously approved  
 under planning permission 18/00177/FUL  
 LOCATION: 29 Elm Rise, Witham, Essex, CM8 2LE,

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)





## SITE HISTORY

18/00177/FUL	Change of use of land to create vehicle hardstanding, pathway and associated works	Granted	10.05.18
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## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the

Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP25	Garden Extensions within Built-Up Areas
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Garden Extensions
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee because the agent for the application is Braintree District Council.

#### SITE DESCRIPTION

The site comprises a semi-detached dwelling located within a 1970's style housing estate. Whilst the address of the dwelling is given as Elm Rise, the dwelling is more prominent in the street along Cedar Drive. The dwelling is located behind a garage block which sits parallel to Cedar Drive and enjoys a large area of front garden, which has been deemed to be located outside of the domestic curtilage of the dwelling.

#### PROPOSAL

It is proposed to make amendments to a previously approved application for the creation of a parking space and pathway constructed on land which is located next to the garages to provide easier vehicular access to the occupiers of 29 Elm Rise. The amendment comprises the enlargement of the approved hardstanding/pathway.

#### CONSULTATIONS

Essex County Council Highways – No objections.

## REPRESENTATIONS

Witham Town Council – No objections.

A site notice was erected on site with an expiry date of 17<sup>th</sup> October. No representations have been received.

## REPORT

### Principle of Development

The site is located within Witham Development Boundary therefore in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan the principle of development is considered to be acceptable in principle, subject to other material planning considerations and compliance with other relevant planning policies. These are discussed in more detail below.

Policy RLP90 of the Adopted Local Plan and Policies LPP50 and LPP55 of the Draft Local Plan state that development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In this case officers consider that the change of use of this piece of land would be acceptable in principle, subject to compliance with the abovementioned policy criteria.

### Design, Appearance and Layout

The main issue in this case is the further extension of the hardstanding and the impact that this could have on the open nature of the site frontage which exists along the boundary of the site and its visual impact across wider views.

Given that the immediate area comprises a residential housing estate in which dwellings enjoy off street parking either outside the front or side of their dwellings or have access to nearby garage blocks, it is Officers opinion that the extension of the area of hardstanding to the degree proposed is not considered to have a detrimental impact in terms of its visual appearance within the street and can therefore be supported.

### Impact on Neighbour Amenity

In terms of impact on neighbouring amenity, Officers consider that given the nature of the proposed works, there would be no detrimental impact on nearby residential amenity. The proposal is therefore compliant with the abovementioned policies.

## CONCLUSION

Officers consider that the extension of the additional area of approved hardstanding for the parking of a car outside of the domestic curtilage of the dwelling and pathway, in this location, would not have a detrimental impact in terms of its visual appearance within the street or upon neighbouring properties and can therefore be supported.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: ED1
Site Plan	Plan Ref: ED2
Proposed Site Plan	Plan Ref: ED3/A
Specification	Plan Ref: ED4

- 1 The development hereby permitted shall begin no 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.

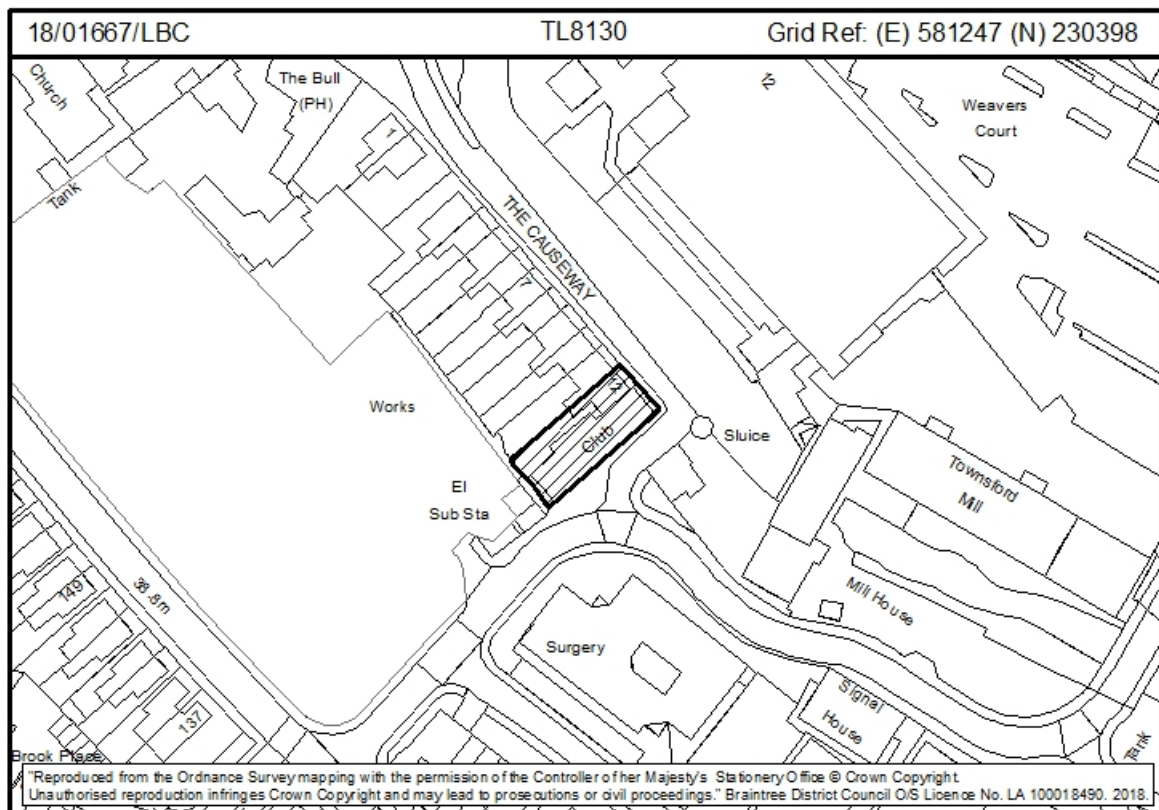
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5i

PART B

APPLICATION NO: 18/01667/LBC      DATE: 13.09.18  
VALID:  
APPLICANT: Mr Partridge  
13 The Causeway, Halstead, CO9 1ET,  
AGENT: Mr Damian Lockley  
Oswick Ltd, 5/7, Head Street, Halstead, CO9 2AT, United Kingdom  
DESCRIPTION: Replacement of existing guttering and down pipes  
LOCATION: 13 The Causeway, Halstead, Essex, CO9 1ET,

For more information about this Application please contact:  
Ellen Cooney on:- 01376 551414 Ext. 2501  
or by e-mail to: [Ellen.cooney@braintree.gov.uk](mailto:Ellen.cooney@braintree.gov.uk)



## SITE HISTORY

88/02285/P	Erection Of Single Storey Extension For Club Purposes (Revised Design)	Granted	13.12.88
99/01685/FUL	Erection of extension to cellar with new crate store, enclosure of empties store and internal alterations	Granted	08.02.00
99/01686/LBC	Erection of extension to cellar with new crate store, enclosure of empties store and internal alterations	Granted	08.02.00
86/00964/P	Proposed extension.	Granted	
13/00272/LBC	Alteration to existing store to form a new unisex disabled toilet with larger external entrance door, Existing office altered to store, new internal staircase to first floor to relocate office with Velux window to match existing and new flag pole	Refused	02.05.13
14/00085/FUL	Alteration to existing store to form a new unisex disabled toilet with larger external entrance door, Existing office altered to store, new internal staircase to first floor to relocate office, single storey rear extension, repairs to windows, remove vinyl floor covering, replace skirting boards, fit kick plates to doors, internal and external redecoration, erection of new flag pole, and installation of boiler flue.	Granted	19.03.14
14/00086/LBC	Alteration to existing store to form a new unisex disabled toilet with larger external entrance door, Existing office altered to store, new internal staircase to first floor to relocate office, single storey rear extension, repairs to windows, remove vinyl floor	Granted	19.03.14

18/01327/LBC	covering, replace skirting boards, fit kick plates to doors, internal and external redecoration, erection of new flag pole, and installation of boiler flue. Removal of the existing cast iron guttering and rainwater pipes and replace with Alumasc Ogee Legacy cast aluminium guttering and rainwater pipes with associated works.	Application Returned
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## POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.



- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

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

## Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

LPP60        Heritage Assets and their Settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee because the applicant is an employee at Braintree District Council.

## SITE DESCRIPTION

The site is located at the bottom of Halstead town alongside the river. The property itself is Grade II listed dating back to 1883 and is used as the Royal British Legion Club.

## PROPOSAL

The proposal is for the replacement of existing guttering and down pipes.

## CONSULTATIONS

Historic Buildings Consultant: No objections to the proposal.

## REPRESENTATIONS

Halstead Town Council: No objections.

A site notice was erected on site with an expiry date of 18<sup>th</sup> October. No responses have been received.

## REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph

196 that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

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

The proposal is for the replacement of existing guttering and downpipes. The property itself was constructed in 1883 from red brick and laid in Flemish bond. The existing guttering and downpipes are dilapidated and the proposal would enhance the appearance of the listed building. The Historic Buildings Consultant is supportive of the proposal and has raised no objections, subject to all replacement of the existing cast iron gutters and downpipes matching profile and size, which has subsequently been confirmed by the applicant.

The proposed works should be assessed on their impact on the character and appearance of the listed building as a building of special architectural or historic interest. In this case, the works are of a nature and quality that are assessed to be sympathetic to the character of the listed building.

### CONCLUSION

It is considered that the works would not result in harm to the Listed Building and therefore the proposed works would comply with the abovementioned policies. Thus it is recommended that listed building consent should 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

Heritage Statement	
Materials Details	Plan Ref: Alumasc Rainwater Systems
Existing Plans	Plan Ref: 18-218-AS-1
Proposed Plans	Plan Ref: 18-218-AS-2

- 1 The works hereby permitted shall begin no later than three years from the date of this decision.

Reason

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

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER