

PLANNING COMMITTEE AGENDA

Tuesday, 04 February 2020 at 7:15pm

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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 21st January 2020 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether the more minor 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

5a	Application No. 17 01863 OUT - Land at Park Lane, TOPPESFIELD	6 - 41
5b	Application No. 19 00294 FUL - 61 Kings Road, HALSTEAD	42 - 53
5c	Application No. 19 01031 FUL - Land on the East Side of Rectory Lane, WICKHAM ST PAUL	54 - 63
5d	Application No. 19 01334 FUL - 3F Moss Road, WITHAM	64 - 74
5e	Application No. 19 01525 FUL - Land West of A131, London Road, GREAT NOTLEY	75 - 99
5f	Application No. 19 01899 FUL - 6 Hereford Drive, BRAINTREE	100 - 108

PART B
Minor Planning Applications

5g	Application No. 19 01601 HH - 6 Portway Court, HALSTEAD	109 - 115
5h	Application No. 19 02081 HH - Bamboozle Bungalow, 7 Coggeshall Road. EARLS COLNE	116 - 123
6	Review of the Council's Statement of Community Involvement (SCI)	124 - 137
7	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.	
8	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. <i>At the time of compiling this Agenda there were none.</i>	

PRIVATE SESSION

Page

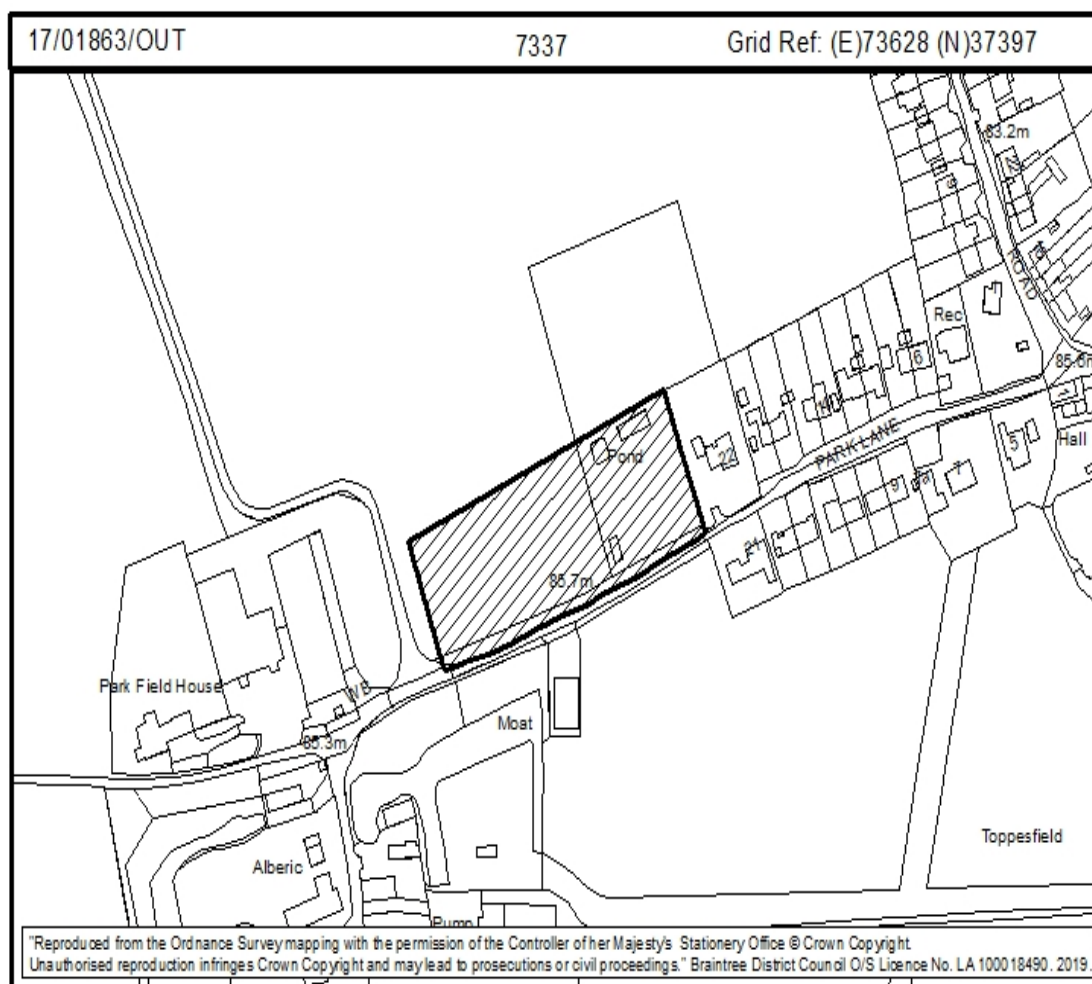
9	Urgent Business - Private Session To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.	
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PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 17/01863/OUT DATE: 17.10.17
 VALID:
 APPLICANT: Mr and Mrs Page & Mr and Mrs Clark
 c/o Agent
 AGENT: Catherine Hoyte
 Plainview Planning Ltd, Oliver House, Hall Street,
 Chelmsford, CM2 0HG
 DESCRIPTION: Application for outline planning permission with all matters
 reserved - Erection of 7no. self-build dwellings
 LOCATION: Land At, Park Lane, Toppesfield, Essex

For more information about this Application please contact:
 Derek Lawrence on:- 01376 551414 Ext.
 or by e-mail to: derek.lawrence@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OXRAI6BFMWB00>

SITE HISTORY

12/00266/FUL	Change of use of agricultural land to residential garden	Refused	19.04.12
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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 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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 8th 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 27th 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 need, 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
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
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
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP81	External Lighting

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 application is considered to be of significant public interest.

This application was previously reported to the Planning Committee on 27 February 2018 with an Officer recommendation for refusal. A copy of the previous report is attached as an appendix for information. The application was deferred by the Committee to request the applicant to provide further information about the proposed Unilateral Legal Agreement and enable Officers to seek greater assurance on affordability by exploring the scope for securing affordable housing provision.

SITE DESCRIPTION

The application site comprises a total site area of approximately 0.6 hectares and consists of a regular, rectangular shaped plot of land, located alongside Park Lane, Toppesfield. Most of the site is currently in use as an agricultural field, the eastern section of the site is enclosed within a post and rail fence. The site measures approximately 44m x 28m.

The eastern section of Park Lane, where it connects to the existing village, is adopted highway and where it crosses in front of the application site it becomes a private concrete road and public footpath.

The site comprises two elements; land associated with No 22 Park Lane and land that is associated with Berwick Hall Farm. The land associated with 22 Park Lane was the subject of an application (Application Reference 12/00266/FUL) to change its use from agricultural land to residential land in 2012; however this application was refused on grounds of the detrimental impact that the garden extension would have on the character of the countryside. The site contains an established hedgerow separating the two elements.

The application site lies outside but adjacent to the village envelope of Toppesfield as identified in the Adopted local Plan and Draft Local Plan. Approximately 90m to the east of the site is the Toppesfield Conservation Area and approximately 90m to the south west of the application site is a Grade II listed property known as Berwick Hall.

To the east of the site lies a row of semi-detached houses, and to the west are a group of farm buildings within the ownership of one of the applicants.

PROPOSAL

This application is seeking outline planning permission for 7 self-build dwellings with all matters reserved for consideration at a later date. An indicative layout plan indicates that the seven dwellings would be detached and that an existing hedgerow feature would be retained. The layout plan indicates that each of the seven dwellings would be accessed from Park Lane, however this matter is not for consideration at this time.

The application is supported by a Planning, Design and Access Statement. This Statement indicates that the applicants intend that two of the plots would be for family members of one of the applicants with the remaining 5 plots

offered to self-builders with a local connection to Toppesfield. Development and occupation of the self-build dwellings would be secured by way of a Unilateral Obligation which would identify sequential criteria to establish eligibility for the purchase of individual plots. The criteria proposed would give priority firstly to people with a connection to the Parish (resident, family or workplace); secondly to people with a District-wide connection and the plots would only be available on the open-market should the first or second eligibility criteria cannot be met.

A Heritage Report was subsequently submitted.

The Heads of Terms of the obligation by way of a Unilateral Undertaking as originally proposed did not include any commitment to the provision of affordable housing within the development but this has subsequently been revised, following the deferral, as will be discussed later in this report.

CONSULTATIONS

ECC Highways

From a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

It is noted that public footpath 35 Toppesfield will need to be used to access the proposed dwellings. This is maintained only to footpath standard. There should be no deterioration in the condition of this footpath due to the construction of, or continued access to the proposed dwellings.

ECC Historic Buildings Consultant

If realised, the proposed scheme would result in harm to both the Toppesfield Conservation Area and the heritage assets at Berwick Hall through adjoining the two separate entities which, historically, have always been experienced as independent of one another – each with their own setting. Although the moated site at Berwick Hall has historically had a close association with the village, it has always been an independent, self-contained entity, a quality which is key to its significance.

Due to the resultant harm which would arise, ECC Heritage cannot support this development and recommend refusal. Given the harm caused is less than substantial, the local planning authority should balance this harm against any public benefits which may arise from the scheme and only grant permission if they consider this to outweigh the harm identified.

Additional comments received 7.2.2018

Follow-on Historic Buildings and Conservation Area Advice on the outline application - This consultation followed the submission of a Heritage Report, on behalf of the applicant, on 31 January 2018 in support of the application

and which sought to respond to the initial comments of the Historic Buildings Consultant.

The additional comments of the Historic Buildings Consultant are as follows:-
'Berwick Hall has historically been distinctly separate from the village of Toppesfield with the Conservation Area boundary demarcating the nineteenth century extent of the settlement. I remain of the opinion that the site performs an important role in preserving this separation despite later twentieth century sprawl with the detached relationship between the two still evident. The proposed scheme would result in harm to Berwick Hall and the Toppesfield Conservation Area by the coalescence of the two historically separated entities, each experienced within its own open agricultural setting.

Having regard for the additional information within the Heritage Report, I remain of the opinion that I cannot support this application and recommend refusal. Given the harm caused is less than substantial, the local planning authority should balance this harm against any public benefits which may arise from the scheme and only grant permission if they consider this to outweigh the harm identified'.

Ramblers Association

Concern that footpaths 2 and 35 are not shown accurately on the submitted plans. Request that a designated footpath of 2m wide should be retained to ensure safety.

BDC Environmental Health

No objection and recommends conditions regarding hours of construction etc., no burning, details of piling and the submission of a dust and mud management scheme.

BDC Waste Services

No response received.

PARISH / TOWN COUNCIL

Toppesfield Parish Council

Comments were made on the following issues:

- The development is outside the village envelope.
- The width of the road at its narrowest is 3 metres wide
- The need for affordable housing
- The maintenance of the road and whether Essex County Council would adopt it.

REPRESENTATIONS

33 representations (6.50% of population of Toppesfield [507-2011 Census]) have been made in support of the application, making the following comments:

- Support affordable housing in the village to support the local nursery
- Support housing development for local people so that they can remain in the village
- The development would fill a gap and provide small housing for first time buyers
- Would question the Heritage advice as the setting of Berwick hall has been compromised by recent developments.
- The village has a transport link via DART
- The application site is not in the setting of the conservation area.
- An increase in housing supply which is particularly pertinent given the Council's lack of a five year housing land supply.
- Small scale housing that would help support the Church, the village school, Little Chestnuts Pre-School, community shop, Post Office and community pub.
- It is a common characteristic of Toppesfield that development radiates from the historic core. This occurs along The Causeway, Church Lane, Park Lane and Stambourne Road. The proposed scheme would follow this characteristic.
- The development will allow the village to grow and develop
- Little or no impact on existing residents
- Low cost housing stock is a definite need.
- There should be a restriction ensuring that the properties remain affordable for local people

1 representation was made with the following comments:

- No objection subject to modifications to the access road which is currently not wide enough.
- Maintenance of the road, which is in a poor state of repair.
- Provision has not been made in the application for the parking of construction traffic and delivery vehicles to enable a clear access at all times.
- Concern about the impact on the existing water pressure.

Subsequent to the Planning Committee meeting 7 further emails were received from local residents expressing support for the application reiterating the comments set out above and urging approval of the planning application.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

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

The Council is currently working on a Draft Local Plan which has been submitted to the Secretary of State for Housing, Communities and Local Government and is the subject of an examination by an Inspector appointed by him. The examination was paused but resumed in January 2020.

The western part of this site was considered at the Local Plan Sub-Committee on the 13th April 2016 as site TOPP411 and no allocation was made. The officer's report to the Local Plan Sub-Committee on 13th April 2016 stated:

"17.11 Toppesfield is a village with limited services and is recognised as an 'other village' in the Core Strategy 2011..."

17.15 TOPP411 is isolated from the rest of the built form clusters. Currently an agricultural field between it and the yard/commercial built development. The road is single carriageway between existing properties and would require significant upgrades. The size of the development and its poor relationship with the rest of the village make it detrimental to the character of Toppesfield."

This proposed allocation has not since been pursued by the proposer

In accordance with paragraph 48 of the NPPF, the Council can give due weight to the emerging Draft Local Plan according to:

- "a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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;
- c) 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 2017 Draft Local Plan.

5 Year Housing Land Supply

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

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must 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 will result 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), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant 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 NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

The strategy set out in the Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Toppesfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Toppesfield has a primary school, community run public house, community run village shop and community run post office and a church. The village is not served by a regular public transport service, does not have a doctors surgery and most residents would be reliant on employment opportunities outside the village.

The development could bring both social and economic benefits, albeit relative to the scale of the development. The development would provide housing and also affordable housing. In addition the development could provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

However, the proposal would have a very limited benefit by the contribution of 7 dwellings to the Council's housing land supply, which includes provision in a form (self-build and affordable) specifically encouraged through the NPPF and by legislation. The economic benefits are difficult to quantify as the prospective owners may "self-build" rather than create employment in the construction industry and would be likely to seek employment elsewhere or outside of the District. The environmental benefits are little more than a proposed landscape buffer indicated to the rear of the gardens and no details have been provided as to whether this would contribute to biodiversity benefits. The additional housing would add support to sustaining local services, but on a very limited basis and there can be no assurance that prospective owners of the self-build element would utilise what is a limited retail offer within the village but would tend to shop elsewhere. Development in this location would undoubtedly place reliance on travel by car and this weighs against the proposal in the overall planning balance.

To conclude, in terms of the settlement hierarchy in both the current Development Plan and the Draft Local Plan, the site would not be considered a sustainable location for residential development. Furthermore despite the site's location adjacent to the existing village envelope, an extension of built form along Park Lane would be represent an encroachment of development into the countryside.

Affordable Housing

The application seeks outline approval for the erection of 7 dwellings on a site with an area of 0.6 hectare. Following the original consideration of the

application on 27 February 2018 revisions to the NPPF in July 2018 and the current version published in February 2019 have clarified that sites for major development and on which the provision of affordable housing can be sought includes sites of 0.5 hectare and above. Accordingly the requirement for the provision of affordable housing is triggered and in line with Policy CS2 of the Adopted Core Strategy 40% of the proposed dwellings, which equates to 2 units should therefore be provided for affordable housing.

The Housing Enabling Officer has advised that as the application only seeks approval to the principle of development and is aimed at self-builders it would be appropriate that two serviced plots be secured for affordable homes with each plot having a minimum site area of 220sq.m. and be passed to a partner housing association to build two dwellings.

The agents in their submitted Planning, Design and Access Statement have not sought to identify whether there is a local housing need within Toppesfield and the document has been based on conjecture rather than specific evidence.

Greenfields Community Housing Association currently own and manage existing affordable housing in Toppesfield and have been approached to seek an in principle agreement for them to accept the plots on the basis that they build the houses. However, the Housing Enabling Officer advises that the need for social rented houses in Toppesfield is very low with only two cases on the register with a local connection and in the light of this Greenfields, or indeed any other social housing provider, would only prepared to accept the plots if offered to them on a shared ownership tenure basis. Such an approach would enable preference to be given to people with a local connection the opportunity to gain access to affordable home ownership by purchasing an initial share, normally around 40% with the opportunity to buy additional 'tranches' and able to staircase to 100% ownership. Such properties could then be sold on the open market with no restrictions.

In conclusion the scheme for this site would therefore be unable to deliver additional affordable housing in perpetuity.

Self-Build Housing Provision

Paragraph 61 of the NPPF states that a Local Planning Authorities should plan for a mix of housing including *'people wishing to build their own homes'*.

Footnote 26 to Paragraph 61 identifies that self and custom build properties can provide market or affordable housing but the application as originally submitted did not make provision for any affordable housing. However self-build housing does not automatically equate to affordable housing neither does it normally seek to address local housing need.

Custom and self-build housing has gained legislative support through the self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). This legislation requires the Council to maintain a self-

build register and to 'give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period' i.e. to grant sufficient 'development permissions' to meet the demand for self-build.

The Council's self-build register has 161 expressions of interest (November 2019 update) and there are currently only 2 self-build plots on the housing trajectory. In accordance with the requirement of the abovementioned Act the Council is required to have granted 'suitable permissions' for 136 self-build plots by 2021. The Council could regard permissions for single dwelling plots as falling within this description, notwithstanding the existence of an appeal decision against North West Leicestershire District Council relating to residential development of land at Hepworth Road, Woodville (APP/G2435/W/18/321441-dated 25th June 2019) where the Inspector held that only permissions where there was a specifically worded planning condition or legal agreement, which referred to self-build plots, could be counted as 'suitable permissions'.

By this appeal decision the Inspector appears to be going beyond the definition of "suitable permission" which is defined as: permission in respect of development that **could** include self-build and custom housebuilding (Housing and Planning Act 2016 Chapter 2). The problem with such an approach is ; firstly, that to impose a condition on a permission for a self-build or custom-build development, the condition would need to meet the 'tests' set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010:

'a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.'

It would therefore be difficult to argue that restricting a development to self-build would make it 'acceptable in planning terms' whereas this would then mean that market dwellings would be unacceptable in planning terms and secondly, the Local Authority does not normally require a S106 agreement or Unilateral Undertaking from developments for single plots. Therefore, to be able to count these as self-build or custom-build sites the applicants would need to voluntarily enter into an agreement which has a cost involved and would restrict their permission and also their marketability and highly unlikely to be achieved in practice.

Under the approach advocated by the appeal Inspector local authorities would only be able to count sites allocated specifically for self / custom build, sites which provide a percentage of self-build or sites owned by the Local Authority and released for self / custom building.

Policy LPP37 of the Draft Local Plan is the only local policy the District has produced to meet the demand for self-build. Supporting text at paragraph 6.119 states that the Council supports self-build within development

boundaries and Policy LPP37 states that large strategic sites of more than 500 dwellings should provide 2% of homes as self-build and custom housebuilding plots. Due to the size of these strategic sites and lack of assurance that serviced plots could be delivered in early phases, it is unlikely that the Local Planning Authority can evidence the delivery of self-build plots within the next five years.

When the application was considered by the Planning Committee on 27th February 2018 Members were advised that the applicant's agent indicated that a unilateral undertaking would be used to secure the dwellings being constructed as self-build dwellings and that sequential criteria would be used to establish eligibility for the purchase of a plot at 80% of open market value. However the Planning, Design & Access Statement, as referred to earlier in this report, stated that applicants would be willing to enter into a Unilateral Undertakings (one agreement for those with a local connection and the other for the owners' family members) in respect of eligibility by local connection and limiting the sale of the completed dwellings within 10 years but indicated that it would be possible to 'staircase' to a position whereby the dwellings would be able to be sold on the open market with no local connection restriction whatsoever.

The applicants have now offered a legal agreement whereby the self-build dwellings could be sold on the open market at full market value but subject to a local connection restriction. If no buyer with a local connection comes forward then the applicants would be required, under the terms of the proposed Section 106 agreement which is referred to later in this report, to apply to the Council for the restriction to be lifted. However this restriction would only apply to 3 of the self-build plots as two plots have already been transferred to family members, although they would be party to the Section 106 agreement.

Representations from local residents indicated their awareness that the dwellings would be affordable for first time buyers, but whilst this was initially proposed, with the plots being offered at 80% of market value under the terms of the application as originally submitted, this is now no longer the position. Although there are currently 6 people within Toppesfield on the Council's self-build Register, 5 of these are already owner occupiers within the village.

Design, Appearance and Layout

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development; creating better places in which to live and work and makes development acceptable to communities. Paragraph 127 of the NPPF states that developments should 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit'.

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers

density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout.

This application is seeking outline permission and therefore no information regarding the layout of the development has been provided at this time, other than indicative building plots and footprints showing a linear form of development fronting Park Lane. As all matters are reserved no information is provided with regards to the scale, form and appearance. However the size of the site is such that it would be able to accommodate seven dwellings. The proposal would introduce housing into an undeveloped section of Park Lane. This gap in built form is a natural buffer to the village and should development be built within it, it would result in an unacceptable encroachment of development into the countryside eroding the open nature of this part of the District.

Heritage and Character

Policy CS9 of the Adopted Core Strategy and Policy LPP50 of the Draft Local Plan require developers to respect and respond to the local context particularly where proposals affect the setting of a listed building. Policy RLP100 of the Adopted Local Plan requires that alterations and other changes to a listed building do not harm the buildings setting and do not lead to the loss of historic and architectural elements of special importance. These Local Plan policies are considered to be consistent with NPPF paragraphs 192 to 194 emphasise the contribution of heritage assets and that they can be harmed or lost by alterations within their setting.

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF, at paragraph 189 states that local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.

The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. Annex 2 to the NPPF defines the Setting of a heritage asset as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'

The site of the proposed is situated to the west of the *Toppesfield Conservation Area* and in close proximity to *Berwick Hall*, a Grade II listed

early seventeenth century house (HE Ref: 1122992) with associated curtilage listed structures.

If realised, the proposed scheme would result in harm to both the Toppesfield Conservation Area and the heritage assets at Berwick Hall through joining the two separate entities which historically have always been experienced as independent of one another – each with their own setting. Although the moated site at Berwick Hall has historically had a close association with the village, it has always been an independent, self-contained entity, a quality which is key to its significance. Moreover, there is currently a definite terminus to existing development on Park Lane with No. 22 (north side) and No. 21 (south side) facing each other at the end of a run of development on both sides of the road, beyond which is open countryside.

Up until the early twentieth century Toppesfield had a relatively tight plan form centred on and around the staggered intersection of routes aligned roughly NS/EW. The proposed dwellings would further the uncharacteristic sprawling linear ribbon of development which now follows these routes outward. This is not considered a sustainable way in which to achieve housing growth in villages such as Toppesfield.

In addition to joining the village with Berwick Hall in this manner, the development would also further detach Toppesfield from the agricultural setting with which it has historically been associated and experienced within. The point of transition from open countryside to village would be set a further 250m from the Conservation Area boundary which denotes the historic village core. Whilst it is acknowledge that Park Lane has limited vehicular access it is a public right of way which follows an historic route. This footpath allows members of the public to experience the Berwick Hall group and the village within a relatively unaltered setting – despite later twentieth century encroachment.

Paragraph 196 of the NPPF indicates that where harm to the significance of a heritage asset is ‘less than substantial’ this harm should be weighed against the public benefits of the proposal.

The benefits of the proposal are the modest contribution 7 dwellings would make to meeting the shortfall in housing land supply, with provision in a form (self-build) specifically encouraged through the Framework and legislation. The economic benefits are difficult to quantify as the prospective owners may “self-build” rather than create much employment in the construction industry. The environmental benefits are little more than a proposed landscape buffer indicated to the rear of the gardens and no details have been provided as to whether this would bring biodiversity benefits. The additional housing would add support to sustaining local services, but the benefit would be very limited.

Against these benefits, the proposal would result in the extension of development along the north side of Park Lane, obliterating the undeveloped break between Berwick Hall and the village edge which is so important to its

historic setting within the countryside and compromising its historic association with the agricultural land that it sits within.

The proposal would also extend development into the countryside which would further distance the countryside from the historic core of the settlement, further detracting from the way in which the Conservation Area is approached along the public route from the west, and further distorting the tight plan form of the historic core of the village, all to the detriment of the character and appearance of the Conservation Area.

In these terms, the harm to designated heritage assets is considered to outweigh the public benefits of the development.

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 and Policy LPP55 of the Draft Local Plan require no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is well distanced in the main from residential properties, apart from 22 Park Lane which is immediately to the east of the application site. It is not considered that the proposed development would give rise to any unacceptable impact on the amenity of this neighbouring property, due to its layout and relationship with the neighbouring property.

Highway Issues

No details are provided with regards access to the 7 new properties. The indicative landscape plan indicates that each property would have a driveway and that access would be from Park Lane. It is noted that public footpath 35 Toppesfield will need to be used to access the proposed dwellings. Whilst no objection is raised by ECC Highways to the use of public footpath to access these additional dwellings, this is maintained only to footpath standard, and they have indicated that there should be no deterioration in the condition of this footpath due to the construction of, or continued access to the proposed dwellings.

PLANNING OBLIGATIONS

Following discussions with the agents acting on behalf of the applicants and in compliance with national and local planning policies in relation to the provision of affordable housing on major developments sites, to assist the legislative requirement imposed on the Council for the provision of self-build housing and to provide a natural screen to the development from the open countryside to the north, a draft Section 106 legal agreement has been prepared to secure the following:

Affordable Housing – 2 units (40%) fully serviced plots with a minimum area of 220 sq.m.to be transferred to Greenfields Community Housing on a shared

ownership tenure for the construction of a dwelling for occupation by persons in housing need having a local connection to Toppesfield, or failing such a connection with a local connection from nearby parishes and then with the Braintree District. The occupiers shall have the opportunity to staircase to 100% ownership.

Self-Build Housing – The provision of market plots to self-builders with a local connection to Toppesfield, or failing such a connection, to self-builders with a local connection to a nearby parish. Future sales of the market properties shall be to those with a local connection or failing that to persons with a connection to a nearby parish.

PLANNING BALANCE AND CONCLUSION

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

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must 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 will result in a higher 5 year 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 factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' 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 sustainability the proposal would have a very limited benefit by the contribution of 7 dwellings to the Council's housing land supply, which includes provision in a form (self-build) specifically encouraged through the NPPF and by legislation. The economic benefits are difficult to quantify as the prospective owners may "self-build" rather than create employment in the construction industry and are likely to seeking employment elsewhere or outside of the District. The environmental benefits are little more than a proposed landscape buffer indicated to the rear of the gardens and no details have been provided as to whether this would contribute to biodiversity benefits. The additional housing would add support to sustaining local services, but again the benefit is likely to be very limited and there can be no assurance that prospective owners of the self-build element would utilise what is a limited retail offer within the village but would tend to shop elsewhere.

In a final point on sustainability the development of a site in a location which is adjacent to a village devoid of services for day to day living would place an undeniable reliance on travel by private car, contrary to the aspirations of the NPPF, Policy CS7 of the Adopted Core Strategy and Policy RLP53 of the Adopted Local Plan.

With regard to environmental considerations the proposal would introduce housing into an undeveloped section of Park Lane. This gap in built form is a natural buffer to the village and should development be built within it, it would result in an unacceptable encroachment of development into the countryside eroding the open nature of this part of the District.

In relation to affordable housing provision the agents in their submitted Planning, Design and Access Statement have not actually sought to identify whether there is a local housing need and the Housing Enabling Officer advises that the need for social rented houses in Toppesfield is very low with only two cases on the register with a local connection. Accordingly, whilst the applicants have made provision for affordable housing, the housing

association is only prepared to accept the plots if offered to them on a shared ownership tenure basis whereby the occupiers would have the ability to staircase to 100% ownership. Such properties could then be sold on the open market with no restrictions.

Whilst the NPPF has identified that self-build properties can provide market or affordable housing the application as originally submitted did not make provision for any affordable housing. Self-build housing does not automatically equate to affordable housing and neither does it normally seek to address local housing need. The applicants now propose making market plots available to self-builders with a local connection but there is no reference to these being for meeting local housing need for those on the Council's Housing Register. As has been referred to earlier in this report of the 6 people within Toppesfield on the Council's self-build Register, 5 of these are already owner occupiers within the village.

In relation to heritage and character the extension of development along the north side of Park Lane would remove the undeveloped break between Berwick Hall and the village edge of Toppesfield which is so important to its historic setting of the building within the countryside and would compromise its' historic association with the agricultural land that it sits within.

Development would be extended into the countryside which would further distance the countryside from the historic core of the settlement, thereby detracting from the way in which the Conservation Area is approached along the public route from the west, and also distort the tight plan form of the historic core of the village, to the detriment of the character and appearance of the Conservation Area.

In summary the loss of a gap between the existing edge of the village envelope and the existing farm buildings, includes a heritage asset would impact upon the visual amenity afforded to the countryside location and the character of the settlement, conflicting with the NPPF, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policies RLP2, RLP9, RLP90 and RLP 100 of the Adopted Local Plan

Officers consider that the harm identified above to designated heritage assets, the lack of being able to deliver affordable housing in perpetuity, or clear evidence of need for self-build housing within Toppesfield, the unsustainable nature of the location of the site and the environmental impact of residential development in the open countryside would significantly and demonstrably outweigh the public benefits and accordingly the proposal fails to achieve sustainable development and planning permission should be therefore be refused.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

1 The proposals would involve the extension of existing development on the village fringe towards and abutting development associated with Park Field House and Berwick Hall to the south west of the site. In so doing, the development would completely infill an existing "break" which serves an important function in providing the historic context and setting for both the Grade II listed Berwick Hall, and the Toppesfield Conservation Area. The loss of the distinct separation would result in a change to the way that both are experienced, damaging the close association between Berwick Hall and the agricultural land that it is set within and harming both its setting and the character and appearance of the Conservation Area. In these respects the development would conflict with Policies RLP95 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP50 of the Draft Local Plan and this harm is considered to outweigh the public benefits of the proposal.

2 The Council consider that the application of restrictive policies involving heritage indicate that development should be refused here, in accordance with footnote 6 to Paragraph 11 of the National Planning Policy Framework (NPPF), as set out in the reason for refusal above.

Further or alternatively, even if the tilted balance were to apply under paragraph 11 of the NPPF, the Council considers that the adverse impacts of granting permission here would significantly and demonstrably outweigh the benefits representing unsustainable development, when assessed against the policies in the NPPF taken as a whole. In this particular case, the Council recognises the benefits of allowing development but concludes that the adverse impacts of the development, as set out below, significantly and demonstrably outweigh the benefits:

- The poor accessibility from the site to the day to day services and facilities that prospective residents would require access to, resulting in reliance on travel by car to such facilities, contrary to Policy RLP53 of the Adopted Local Plan and Policy CS7 of the Adopted Core Strategy.

- The development would result in the loss of the gap between the existing village envelope and existing farm buildings, to the detriment of the open character of the countryside and the appearance of the settlement edge, contrary to Policies RLP2 and

RLP9 of the Adopted Local Plan and Policies CS5, CS7 and CS8 of the Adopted Core Strategy.

- The proposed development would infill the existing "break" which separates Toppesfield village from the Grade II listed Berwick Hall, causing harm to both the setting of Berwick Hall and to the character and appearance of Toppesfield Conservation Area, contrary to Policies RLP95 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP50 of the Draft Local Plan.

SUBMITTED PLANS

Location Plan

Proposed Site Plan Plan Ref: 001

Landscape Masterplan Plan Ref: 002

Existing Site Plan Plan Ref: 003

CHRISTOPHER PAGGI

PLANNING DEVELOPMENT MANAGER

APPENDIX

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the Development Manager, in consultation with the Chair and Vice Chair of the Planning Committee concluded that the impacts of the development could be considered to be significant.

SITE DESCRIPTION

The application site comprises a total site area of approximately 0.6 hectares and consists of a regular, rectangular shape block of land, located alongside Park Lane, Toppesfield. Most of the site is currently in use as an agricultural field, the eastern section of the site is enclosed within a post and rail fence. The site measures approximately 44m x 28m.

The eastern section of Park Lane, where it connects to the existing village, is adopted highway and where it crosses in front of the application site it becomes a private concrete road and public footpath.

The site comprises two elements; land associated with No 22 Park Lane and land that is associated with Berwick Hall Farm. The land associated with 22 Park Lane was the subject of an application to change its use from agricultural land to residential land in 2012; however this application was refused on grounds of the detrimental impact that the garden extension would have on the character of the countryside. The site contains an established hedgerow separating the two elements.

The application site lies outside but adjacent to the village envelope of Toppesfield as identified in the adopted and emerging Local Plan. Approximately 90m to the east of the site is the Toppesfield Conservation Area and approximately 90m to the south west of the application site is a grade II listed property known as Berwick Hall.

To the east of the site lies a row of semi-detached houses, and to the west are a group of farm buildings.

PROPOSAL

This application is seeking outline planning permission for 7 self-build dwellings with all matters reserved for consideration at a later date. An indicative layout plan indicates that the seven dwellings would be detached and that an existing hedgerow feature would be retained. The layout plan indicates that each of the seven dwellings would be accessed from Park Lane, however this matter is not for consideration at this time.

The application is supported by a Design and Access Statement.

The Design and Access Statement indicates that they would be proposing to restrict the development and occupation of the self-build dwellings by way of a Unilateral Obligation which would identify sequential criteria which would establish who is eligible to purchase a plot. The criteria proposed would give priority firstly to people with a connection to the parish (resident, family or workplace); secondly to people with a District-wide connection and the plots would only be available on the open-market if the first or second eligibility criteria cannot be met.

The obligation proposed does not include any commitment to the provision of affordable housing within the development.

CONSULTATIONS

ECC Highways – From a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

It is noted that public footpath 35 Toppesfield will need to be used to access the proposed dwellings. This is maintained only to footpath standard. There should be no deterioration in the condition of this footpath due to the construction of, or continued access to the proposed dwellings.

BDC Planning Policy – The subject site is outside the development boundary and outside the conservation area for Toppesfield village, which is Third Tier Village in the emerging Local Plan. These are a group of the smallest villages in the District which typically lack facilities for day-to-day needs, although Toppesfield does have a school, a pub and a volunteer-run grocery store/post office in the community hall. The Braintree Rural Services Survey states that the shop is unable to stock all goods required for day-to-day needs. The site is currently arable land with open views over the countryside across undulating land towards north.

Specialist advice should be sought for historic buildings advisor, landscape and design. If the decision maker is minded to give substantial weight to the Council's legal obligations to grant sufficient 'development permissions' for self-build, this would have to be considered against any impacts on local character, landscape and historic assets according to the planning balance. Any permissions based on giving weight to self-build will need to secure the plots for that use by condition, other conditions which should be considered are to restrict the size of the property and removing PD rights.

BDC Environmental Health – No objection and recommends conditions regarding hours of construction etc., no burning, details of piling and the submission of a dust and mud management scheme.

BDC Waste Services – No response received.

ECC Heritage – If realised, the proposed scheme would result in harm to both the Toppesfield Conservation Area and the heritage assets at Berwick Hall through adjoining the two separate entities which historically have always

been experienced as independent of one another – each with their own setting. Although the moated site at Berwick Hall has historically had a close association with the village, it has always been an independent, self-contained entity, a quality which is key to its significance.

Due to the resultant harm which would arise, ECC Heritage cannot support this development and recommend refusal. Given the harm caused is less than substantial, the local planning authority should balance this harm against any public benefits which may arise from the scheme and only grant permission if they consider this to outweigh the harm identified.

Additional comments received 7.2.2018

Follow on Historic Buildings and Conservation Area Advice concerning an outline application for the erection of seven self-build dwellings. This consultation follows the provision of a Heritage Report submitted by the applicant in support of the application. It states the following:

Berwick Hall has historically been distinctly separate from the village of Toppesfield with the Conservation Area boundary demarcating the nineteenth century extent of the settlement. I remain of the opinion that the site performs an important role in preserving this separation despite later twentieth century sprawl with the detached relationship between the two still evident. The proposed scheme would result in harm to Berwick Hall and the Toppesfield Conservation Area by the coalescence of the two historically separated entities, each experienced within its own open agricultural setting.

Having regard for the additional information within the Heritage Report, I remain of the opinion that I cannot support this application and recommend refusal. Given the harm caused is less than substantial, the local planning authority should balance this harm against any public benefits which may arise from the scheme and only grant permission if they consider this to outweigh the harm identified.

Ramblers Association – Concern that footpaths 2 and 35 are not shown accurately on the submitted plans. Request that a designated footpath of 2m wide should be retained to ensure safety.

REPRESENTATIONS

Toppesfield Parish Council- Comments were made on the following issues:

- The development is outside the village envelope.
- The width of the road at its narrowest is 3 metres wide
- The need for affordable housing
- The maintenance of the road and whether Essex County Council would adopt it.

33 representations have been made in support of the application, making the following comments:

- Support affordable housing in the village to support the local nursery
- Support housing development for local people so that they can remain in the village
- The development would fill a gap and provide small housing for first time buyers
- Would question the Heritage advice as the setting of Berwick hall has been compromised by recent developments.
- The village has a transport link via DART
- The application site is not in the setting of the conservation area.
- An increase in housing supply which is particularly pertinent given the Council's lack of a five year housing land supply.
- Small scale housing that would help support the Church, the village school, Little Chestnuts Pre-School, community shop, Post Office and community pub.
- It is a common characteristic of Toppesfield that development radiates from the historic core. This occurs along The Causeway, Church Lane, Park Lane and Stambourne Road. The proposed scheme would follow this characteristic.
- The development will allow the village to grow and develop
- Little or no impact on existing residents
- Low cost housing stock is a definite need.
- There should be a restriction ensuring that the properties remain affordable for local people

1 representation was made with the following comments:

- No objection subject to modifications to the access road which is currently not wide enough.
- Maintenance of the road, which is in a poor state of repair.
- Provision has not been made in the application for the parking of construction traffic and delivery vehicles to enable a clear access at all times.
- Concern about the impact on the existing water pressure.

REPORT

Principle of Development

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

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

enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

The western part of this site was considered at Local Plan Sub-Committee on the 13th April 2016 as site TOPP411 and no allocation was made. The officer's report to the Local Plan Sub-Committee on 13th April 2016 stated:

"17.11 Toppesfield is a village with limited services and is recognised as an 'other village' in the Core Strategy 2011..."

17.15 TOPP411 is isolated from the rest of the built form clusters. Currently an agricultural field between it and the yard/commercial built development. The road is single carriage between existing properties and would require significant upgrades. The size of the development and its poor relationship with the rest of the village make it detrimental to the character of Toppesfield."

This proposed allocation has not since been pursued by the proposer. In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed need for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means 'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the 'decision taking' section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Sustainable Development

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

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would

provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

Para.55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Toppesfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Toppesfield has a primary school, community run public house, community run village shop and community run post office and a church. The village is not served by regular public transport service, does not have a doctors surgery and most residents would be reliant on employment opportunities outside the village.

Development in this location would undoubtedly place reliance on travel by car and this weighs against the proposal in the overall planning balance.

To conclude, in terms of the settlement hierarchy in both the current development plan and the emerging plan, the site would not be considered a sustainable location for residential development. Furthermore despite the site's location adjacent to the existing village envelope, an extension of built form along Park Lane would be represent an encroachment of development into the countryside.

Self-Build analysis

Paragraph 50 of the NPPF states that a Local Planning Authorities should plan for a mix of housing including '*people wishing to build their own*'.

Custom and self-build housing also gained legislative support through the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The District is required under the Act to maintain a self-build register and to *'give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period'* i.e. to grant sufficient 'development permissions' to meet the demand for self-build.

The Council's self-build register has 48 expressions of interest (December update) there are we currently only 2 self-build plots on the housing trajectory.

Publication draft local plan policy LPP37 Housing Type and Density is the only local policy the District has produced to meet the demand for self-build. Supporting text at paragraph 6.119 states that the Council supports self-build within development boundaries and Policy LPP37 states that large strategic sites of more than 500 dwellings should provide 2% of homes as self-build and custom housebuilding plots. Accounting for currently submitted allocations this would apply to 5 strategic sites, 4 in Braintree and 1 in Feering; and yield around 100 plots over the plan period. Due to the size of these strategic sites and lack of assurance that serviced plots could be delivered in early phases, it is unlikely that the Local Planning Authority can defend the delivery of self-build plots within the next five years.

In appeal decisions for other planning areas, Inspectors have given 'substantial weight' to self-build where local authorities were silent on self-build and unable to meet need, given the duty of the Council. Self-build plots could also bring benefits in terms of social dimensions of sustainable development.

Members are advised that the applicant's agent has indicated that a unilateral undertaking would be used to secure the dwellings were constructed as self-build dwellings and they have also indicated that sequential criteria would be used to established who would be eligible to purchase a plot. Within a large number of the representations from local residents the assumption has been made that the dwelling would be affordable and would be ideal for first time buyers. The applicant's do not indicate that the dwellings would be affordable and as the scheme is for less than 10, the LPA would not able to secure affordable housing though a s106 agreement.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 of the NPPF states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Local Plan Review considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

This application is seeking outline permission and therefore little information regarding the layout of the development has been provided at this time. The indicative layout plan indicates that the proposal comprises of 7 detached buildings, laid out in a linear pattern along Park Lane. As all matters are reserved no information is provided with regards the appearance and scale. The proposal would introduce housing along an undeveloped section of Park Lane. This gap in built form is a natural buffer to the village and should development be built within it, it would result in an unacceptable encroachment into the countryside eroding the open nature of this part of the District.

Heritage and Character

Policy CS9 requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building. RLP 100 requires that alterations and other changes to a listed building do not harm the buildings setting and do not lead to the loss of historic and architectural elements of special importance. These Local Plan policies are considered to be consistent with NPPF paragraphs 131 and 132 which emphasizes the contribution of heritage assets and that they can be harmed or lost by alterations within their setting.

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.

The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. The Practice Guidance identifies setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'

The site of the proposed is situated to the west of the *Toppesfield Conservation Area* and in close proximity to *Berwick Hall*, a Grade II listed early seventeenth century house (HE Ref: 1122992) with associated curtilage listed structures.

If realised, the proposed scheme would result in harm to both the Toppesfield Conservation Area and the heritage assets at Berwick Hall through joining the two separate entities which historically have always been experienced as independent of one another – each with their own setting. Although the moated site at Berwick Hall has historically had a close association with the village, it has always been an independent, self-contained entity, a quality which is key to its significance. Moreover, there is currently a definite terminus to existing development on Park Lane with No. 22 (north side) and No. 21 (south side) facing each other at the end of a run of development on both sides of the road, beyond which is open countryside.

Up until the early twentieth century Toppesfield had a relatively tight plan form centred on and around the staggered intersection of routes aligned roughly NS/EW. The proposed dwellings would further the uncharacteristic sprawling linear ribbon of development which now follows these routes outward. This is not considered a sustainable way in which to achieve housing growth in villages such as Toppesfield.

In addition to joining the village with Berwick Hall in this manner, the development would also further detach Toppesfield from the agricultural setting with which it has historically been associated and experienced within. The point of transition from open countryside to village would be set a further 250m from the Conservation Area boundary which denotes the historic village core. Whilst it is acknowledge that Park Lane has limited vehicular access it is a public right of way which follows an historic route. This footpath allows members of the public to experience the Berwick Hall group and the village within a relatively unaltered setting – despite later twentieth century encroachment.

Paragraph 134 of the NPPF indicates that where harm to the significance of a heritage asset is ‘less than substantial’ this harm should be weighed against the public benefits of the proposal.

The benefits of the proposal are the modest contribution 7 dwellings would make to meeting the shortfall in housing land supply, with provision in a form (self-build) specifically encouraged through the Framework and legislation. The economic benefits are difficult to quantify as the prospective owners may “self-build” rather than create much employment in the construction industry. The environmental benefits are little more than a proposed landscape buffer indicated to the rear of the gardens and no details have been provided as to whether this would bring biodiversity benefits. The additional housing would add support to sustaining local services, but the benefit would be very limited.

Against these benefits, the proposal would result in the extension of development along the north side of Park Lane, obliterating the undeveloped break between Berwick Hall and the village edge which is so important to its historic setting within the countryside and compromising its historic association with the agricultural land that it sits within.

The proposal would also extend development into the countryside which would further distance the countryside from the historic core of the settlement, further detracting from the way in which the Conservation Area is approached along the public route from the west, and further distorting the tight plan form of the historic core of the village, all to the detriment of the character and appearance of the Conservation Area.

In these terms, the harm to designated heritage assets is considered to outweigh the public benefits of the development.

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 Local Plan Review requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is well distanced in the main from residential properties, apart from 22 Park Lane which is immediately to the east of the application site. It is not considered that the proposed development would give rise to any unacceptable impact on the amenity of this neighbouring property, due to its layout and relationship with the neighbouring property.

Highway Issues

No details are provided with regards access to the 7 new properties. The indicative landscape plan indicates that each property would have a driveway and that access would be from Park Lane. It is noted that public footpath 35 Toppesfield will need to be used to access the proposed dwellings. Whilst no objection is raised by ECC Highways to the use of public footpath to access these additional dwelling, this is maintained only to footpath standard, and they has indicated that there should be no deterioration in the condition of this footpath due to the construction of, or continued access to the proposed dwellings.

CONCLUSION AND PLANNING BALANCE

As set out above the development of new housing will always bring benefits, but those benefits do not always outweigh all other considerations. Para. 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole; or ii) specific policies of the Framework indicate development should be restricted.

In this particular case Officers have concluded that specific policies of the Framework (e.g. designated heritage assets, flood risk) do indicate that development at this site should be restricted, due to the harm indicated to the setting of the heritage asset as outlined earlier in this report.

However, even if Officers had reached a different conclusion on the “heritage balance”, Officers would still need to consider the proposals in the context of the “tilted balance” to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole.

The benefits of the development have been outlined earlier in the report (Heritage and Character section).

Against these benefits, the development of a site in a location which is adjacent to a village devoid of services for day to day living would place an undeniable reliance on travel by private car, contrary to the aspirations of the NPPF, Policy CS7 of the Core Strategy and Policy RLP53 of the Local Plan Review.

In addition the proposal would lead to the loss of a gap between the existing edge of the village envelope and the existing farm buildings, which includes a heritage asset, impacting upon the visual amenity afforded to the countryside location and the character of the settlement, conflicting with the NPPF, policies CS5, CS8 and CS9 of the Core Strategy and policies RLP2, RLP9, RLP90, RLP 95 and RLP 100 of the Local Plan Review.

In this case it is considered that the adverse impacts significantly and demonstrably outweigh the benefits and accordingly the proposal fails to achieve sustainable development and planning permission should be refused.

AGENDA ITEM NUMBER 5b

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PN6HUOBFMUH00>

SITE HISTORY

14/00009/REF	Partial demolition of existing retail facility and associated building remodelling to form refurbished premises for Brands Direct Barbados Limited (Class B1). Proposed erection of three no. one bedroom cottages associated landscaping and parking	Appeal Dismissed	08.10.14
13/00588/FUL	Partial demolition of existing retail facility and associated building remodelling to form refurbished premises for Brands Direct Barbados Limited (Class D1). Proposed erection of three no. two bedroom cottages associated landscaping and parking	Refused	16.10.13
13/01331/FUL	Partial demolition of existing retail facility and associated building remodelling to form refurbished premises for Brands Direct Barbados Limited (Class B1). Proposed erection of three no. one bedroom cottages associated landscaping and parking	Refused then dismissed on appeal	17.01.14
15/00462/FUL	Redevelopment of front part of site to provide 2 no. one bedroom cottages including associated landscaping and parking	Granted	21.07.15

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

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 8th 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 27th 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 need, 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
RLP90	Layout and Design of Development
RLP146	Tourist Accommodation

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

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

Neighbourhood Plan

None

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 in accordance with the Council's scheme of delegation as Halstead Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site consists a B1 office building, situated on Kings Road, Halstead. The building is used as the main office for Brands Direct Ltd. The site is located within the designated Town Development Boundary, and falls outside of any Conservation Area. The site occupies the location of the former Mellons factory. There is a parking court to the front of the building, King George Playing Field, and residential dwellings to the west, to the south, and to the north.

PROPOSAL

The planning application seeks full planning permission for the change of use of the existing B1 office building into an aparthotel, consisting of a total of 8no. units (2 x 2 bedroom units and 6 x 1 bedroom units). A summary of the proposed use is provided below.

The proposal includes a revised parking layout to the front, containing a landscaped area directly in front of the building. New openings would be installed on the north and east elevations to provide natural light into the

rooms and existing openings facing toward the south-west of the site, which are currently covered with ivy, would be reinstated.

CONSULTATIONS

ECC Highways

No objections raised.

BDC Economic Development

No comments.

PARISH / TOWN COUNCIL

Halstead Town Council

Raises Objection on grounds of loss of employment opportunities.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. A total of 6 representations were received, raising objection to the application on grounds of inadequate access and parking, overlooking of the park area and 38 Kings Road, an excess of tourist accommodation in the locality, noise and smell impacts.

REPORT

Principle of Development

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

Policy RLP2 of the Adopted Local Plan and LPP1 of the Draft Local Plan state that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. The application site is located within the designated development boundary as set out in the Adopted Local Plan and Draft Local Plan.

The proposal seeks a new aparthotel accommodation. Policy RP146 of the Adopted Local Plan states that proposals for hotels or bed and breakfast accommodation will be permitted within village envelopes and town development boundaries if the character and appearance of the locality will not be damaged. This applies to new building, change of use of an existing building or extension to existing accommodation.

Although the Town Council's concerns are noted in relation to the employment use, the site is not located in an area where employment opportunities are

protected. There are no policy restrictions preventing, in principle, a change of use from a B1 office to an apart-hotel accommodation.

In this regard, the development is considered to be acceptable in principle. All material considerations are addressed below.

Proposed Use of Building

The application seeks the change of use of the building into a serviced aparthotel.

This type of use is not as intensive as a traditional hotel use as it does not require employees; for example there is no reception area and no breakfast area. There would be a maid type service on a daily basis, consisting of room cleaning and linen changing and taking refuse to the refuse store.

Instead of a reception area, guests would be given a key code when booking to gain access to the building and to their rooms. The aparthotel would be advertised online, at booking.com, expedia.com, and on the company's website.

Each unit would consist a kitchenette, a small living space, a bathroom, and a double bed. In terms of their layout and size, Officers note that the units are akin to bedsit accommodation. However, there is little physical difference between bedsit accommodation and aparthotel accommodation. The main difference relates to the way in which they operate. Apart-hotels are self-contained, serviced and self-catered apartments which are let on a short term basis. Apart-hotels are more transient in nature than dwellinghouses/bedsits, with no requirement for the amenity standards of a dwellinghouse. There is a clear distinction between serviced apartments and dwellinghouses.

In order for Officers to be satisfied that the proposed building would consist an aparthotel rather than bedsit units, a management plan demonstrating the operation of the site was requested.

This information was subsequently submitted; it is understood that the applicants operate another aparthotel in the District known as The Onley Arms and that the operation would be similar to this. Planning conditions are recommended requiring the site to be operated in accordance with the submitted management plan, restricting the length of occupancy of the units up to 28 consecutive days, and requiring logs detailing occupation to be kept and made available upon request, to allow the Local Planning Authority to retain control over the use. This is to ensure the use remains as aparthotel accommodation, as the internal living environment is not what would be expected for a C3 use.

Potential for a Change of Use using Permitted Development

Part 3 Class O of the General Permitted Development (Order) 2015 allows for the change of use of a building from use class B1 to use class C3 (residential)

without the need for planning permission, by following the prior approval process.

In this case however as far as can be determined the subject building was not in use as an office until 2014 and thus it was fail to satisfy the condition that in order to change use without planning permission the building needs to have been in use as an office on or before the 29th May 2013.

Therefore, there is no possibility of changing the use of the building into a residential use without first obtaining full planning permission.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy and LPP50 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 proposals include minor alterations to the exterior of the building, including the installation of new openings, and the installation of planting adjacent to the main entrance. In terms of their design and appearance, these alterations are considered acceptable. The site is set back from the public highway, which itself is different from the rest of the street scene where there are Victorian terraces abutting the highway. The application site's placement, set back from the road and in a relatively inconspicuous location, reduces the potential for impacts upon the street scene.

There are existing openings on the rear elevation of the application building, currently covered by thick ivy, which would be reused. However, in order to protect the amenities of neighbouring residential properties, these would be high level windows, obscure glazed and non-opening with trickle vents. These windows are considered acceptable in design terms.

The proposal complies with the abovementioned policies.

Impacts upon Neighbouring Residential Amenities

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 application site is situated within a residential street known as Kings Road, which consists predominantly of Victorian semi-detached and terraced dwellings. There is an existing factory site on Kings Road, however this is a

little to the west of the application site. A former factory to the east has been cleared for new housing, part of which is currently pending consideration under Application Reference 19/02304/OUT, and part of which already has planning permission under Application Reference 18/01119/FUL.

The application site borders residential dwellings to the west and to the south, and there are also houses on the opposite side of the road to the north. To the east there is a public open space known as King George Playing Fields.

There would be no new openings which would look onto residential neighbours. Instead, the outlook of the units would be toward the open space to the east. A representation was made by the occupier of 38 Kings Road which raises objection on grounds that there would be an overlooking impact due to 2no. of the balconies which are positioned facing toward their property. Notwithstanding this objection, given the distance between the front elevation of the application site and that of 38 Kings Road (approximately 65 metres), and that there is a public highway separating the two, Officers are satisfied that there would not be an unacceptable overlooking impact.

Consideration is also given to the potential for Impacts upon 21 Kings Road with the balconies being positioned with a view towards this property. Again, the distance between the elevation containing the proposed balconies and the property at 21 Kings Road is approximately 100 metres, with a public open space in between. This distance would be sufficient in preventing an unacceptable overlooking impact, and therefore Officers are satisfied that there would not be an unacceptable impact on neighbouring residential amenities and the application is acceptable in this regard.

Existing openings to be reused would be high level windows, obscure glazed and non-opening, preventing any form of view outward for the users of the aparthotel units. Whilst there may be a perceived overlooking for the residents of the properties to the rear, this would not constitute an unacceptable impact such to justify refusing planning permission.

BDC Environmental Health raises no objections to the application on grounds of noise impacts, odour impacts, or other environmental health grounds.

The proposal complies with the abovementioned policies.

Highways, Transport and Parking

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with the Council's Adopted Parking Standards. New parking spaces should measure 2.9 metres by 5.5 metres. The Adopted Parking Standards sets out a maximum requirement for parking at 'Hotels, Boarding or Guest House where no significant element of care is provided'. This maximum requirement is for 1 space per bedroom.

The proposals include the provision of 9no. parking spaces on site, which would allow for 1no. space per aparthotel unit, and 1no. space for the person servicing the building. The layout of the parking itself, consisting of four spaces in tandem with each other along the boundary of the site, is not ideal. However, it is noted that these tandem spaces, at approximately 6 metres x 3 metres, are larger than the sizes required by the Parking Standards, to allow for space to manoeuvre.

ECC Highways have raised no objection to the application either on grounds of a lack of parking onsite, parking layout, or impacts of highway safety.

The proposal satisfies the aforementioned policies.

PLANNING BALANCE AND CONCLUSION

The application proposes the conversion of an existing building into an aparthotel accommodation. The site is in a town development boundary where such development is acceptable in principle. Officers are satisfied that the accommodation is representative of an aparthotel and would allow for short term stays. The application has demonstrated that there would not be unacceptable impacts upon, the character and appearance of the street scene, the amenity of neighbouring residential properties or upon the highway.

When considering the planning balance, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would be acceptable and it is recommended that planning permission is approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 01
Block Plan	Plan Ref: 02
Existing Ground Floor Plan	Plan Ref: 03
Existing 1st Floor Plan	Plan Ref: 04
Existing Elevations	Plan Ref: 05
Proposed Ground Floor Plan	Plan Ref: 06 Version: B
Proposed 1st Floor Plan	Plan Ref: 07 Version: B
Proposed Elevations	Plan Ref: 08 Version: A
Proposed Elevations	Plan Ref: 09
Management plan	Plan Ref: Management Operating Procedures and Guide

- 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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used as apart-hotel accommodation and for no other purpose. Each unit of accommodation hereby permitted shall be used only for short-term accommodation purposes and shall not be occupied by any leasee, tenant or guest for any period exceeding 28 calendar days consecutively.

Reason

To prevent a permanent residential occupation of the apart-hotel units.

- 4 The apart-hotel premises shall be operated and managed in full accordance with the 'Management Plan' as listed in the approved plans above.

Reason

To ensure the operation of the aparthotel accommodation maintains as aparthotel accommodation, and does not become independent, permanent, residential units.

- 5 The applicant or any successor in title shall maintain detailed logs of occupancy rates of each unit of accommodation, including dates of check in/check out each for unit. These logs must be made available for inspection upon a request by the Local Planning Authority.

Reason

To ensure users of the accommodation do not stay for a period exceeding 28 consecutive calendar days, in order for the accommodation to remain an apart-hotel rather than permanent residential accommodation.

- 6 The development shall not be occupied until the car parking area indicated on the approved plans 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 The accommodation hereby permitted shall not be occupied until the first floor windows on the south-facing elevation, as shown on drawing no. 5455/07 Rev. B, have been fitted with obscured glazing, and no part of those windows 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 shall be so maintained at all times.

Reason

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

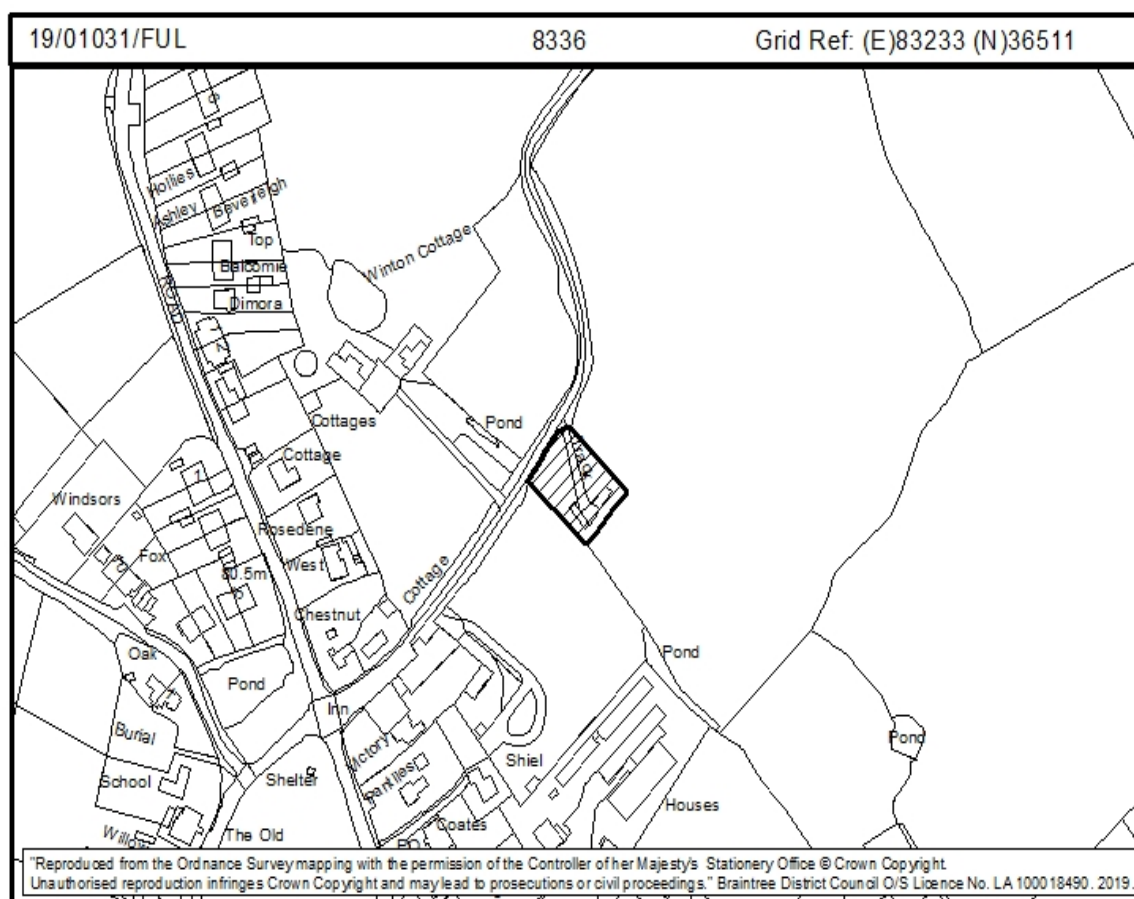
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/01031/FUL DATE: 12.07.19
VALID:
APPLICANT: Mrs Buckley
Edgefields Office, Office Lane, Little Totham, Maldon, CM9 8JE, Essex
AGENT: ADA Architects
David Alton, 129 Kings Road, Halstead, C09 1HJ
DESCRIPTION: Demolition of holiday chalet and removal of static caravan.
Replacement with holiday dwelling for private leisure use.
LOCATION: Land On The East Side Of, Rectory Lane, Wickham St Paul, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSVFIJBFGWV00>

SITE HISTORY

11/01350/FUL	Erection of agricultural building	Granted	08.12.11
14/00012/FUL	Use of caravan and outbuilding for private leisure use and/or holiday let with minor alterations to the outbuilding and access	Granted with S106 Agreement	05.06.14

POLICY CONSIDERATIONS

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

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

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 8th 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 27th 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 need, 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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP144	Static Caravans, Chalets or Cabins

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
LLP9	Tourist Development within the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice Chairman of the Planning Committee.

SITE DESCRIPTION

The application site consists an enclosed plot of land, situated outside of the designated village envelope of Wickham St. Paul. The site has an existing gated access from the public highway. The site contains an existing building and a caravan, both of which have planning permission to be utilised as short term holiday lets (Application Reference 14/00012/FUL).

PROPOSAL

The application seeks full planning permission for the removal of both the existing mobile home and the building, and for the erection of a single storey building, of permanent construction, to be used as a short term holiday let.

The proposed building would measure 4.35 metres in height to the ridge, 2.35 metres to the eaves. It would measure 9.5 metres in length, and 5.5 metres in depth.

CONSULTATIONS

ECC Highways

No Objections.

BDC Environmental Health

No Objections subject to conditions.

REPRESENTATIONS

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

REPORT

Principle of Development

The National Planning Policy Framework is supportive of a prosperous rural economy, providing a support for “sustainable rural tourism and leisure developments which respect the character of the countryside”.

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy.

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 Draft 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.

Notwithstanding these policies of rural constraint, there are policies in place which deal with the provision of tourist accommodation in rural locations.

Policy RLP144 of the Adopted Local Plan states:

‘Static caravans, chalets and cabins will only be permitted where there is no significant impact on the character of a designated area, road safety, landscape, wildlife, or residential amenity and where essential services can be provided. The location of the sites must not be in an area liable to flooding nor cause the loss of the best and most versatile agricultural land and should be well screened.

In location where permanent residential use would not normally be permitted, but holiday use is acceptable, conditions will be imposed limiting the period of occupancy to ensure that the units remain available for holiday use’.

Policy LPP9 of the Draft Local Plan introduces stricter controls when considering applications for holiday accommodation in the countryside. This policy states:

Proposals for new tourist accommodation and facilities, within the countryside, will be permitted provided that all the following criteria are met;

- a. The demand for the development has been clearly demonstrated;*
- b. Proposals are connected to and associated with existing facilities or located at a site that relates well to defined settlements in the area and are accessible to adequate public transport, cycling and walking links;*
- c. They would not materially adversely affect the character, appearance and amenity of the surrounding area, any heritage assets and their setting, and should be well screened;*
- d. Appropriate, convenient and safe vehicular access can be gained to/from the public highway and appropriate parking is provided;*
- e. They would not use the best and most versatile agricultural land;*
- f. They will be served by adequate water, sewerage and waste storage and disposal systems;*

g. They will include a high quality landscaping scheme.

The occupation of new tourist accommodation will be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation.

In addition, tourist accommodation proposals will be required to include a business plan that will demonstrate the long term viability of the scheme.

The amount of weight to be attached to the Draft Local Plan is lesser than the weight to be attached to the Adopted Local Plan. Notwithstanding this, the introduction of an extra layer of control for holiday accommodation in the countryside provides a clear indication of the direction the Council is going in regards to this matter. This follows various examples within the District of holiday let accommodation proving unviable, and subsequently being converted into residential housing in locations which are unfavourable for such a use and where policies would seek to restrict.

This concern is exacerbated in this case given the design, scale, form and standard of construction of the proposed building, which appears more akin to a residential dwelling, with an external amenity space and driveway. The proposed development would not therefore constitute a chalet, cabin or caravan which is permissible under Policy RLP144 of the Adopted Local Plan. The secluded setting of the site would allow for the building to be occupied as a residential dwellinghouse without compliance to any restrictions related to occupancy, given the Local Planning Authority would be unaware of any breach of condition.

It is therefore considered reasonable to place weight on the Draft Local Plan Policy.

- a) There has been no demand demonstrated for the proposed development. The existing units on the site were vacant at the time of the Case Officer's site visit. No details that the current holiday lets are used, in demand and that business is or has been viable has been provided. No details of the occupancy rates of the existing units has been provided with the application, and no analysis of a need for additional tourist accommodation in this location has been given.
- b) The site is set at the edge of Wickham St. Paul. There is little in the way of services and facilities within the village of Wickham St Paul itself. There is a Public House/Inn, a farm shop which offers some groceries, a Post Office and a Village Hall. There is a bus route operating through the village, however this operates more akin to a taxi service which must be booked in advance. The village of Wickham St. Paul is not considered to be a sustainable location in terms of accessibility to services and facilities.
- c) The application site is located in a rural area, where there is very little in the way of residential dwellings or domestication. The standard of

- construction as a permanent building akin to a dwellinghouse in its design, would be harmful to the character of the countryside.
- d) There is an existing access to the site from the public highway. The users of the access would be reduced, as one of the existing units is to be removed.
 - e) The application site does not consist of agricultural land.
 - f) A document from Anglian Water has been provided which details that the site is presently served by telephone lines; electricity; water; sewage; and gas.
 - g) There has been no landscaping scheme provided, however given the existing site is utilised and to some degree landscaped, additional landscaping would not be necessary. In any case, landscaping could be conditioned.

It is accepted that there are existing buildings on the site which are used as holiday lets, and regardless of the outcome of this application, the use of the existing buildings can be continued. As such Officers raise no objection to the use in principle.

However, removing both the existing buildings which are of temporary form and construction (a caravan and timber clad outbuilding) and their replacement with a more substantial brick building, signifies a more permanent and long term investment. It has not been demonstrated that the existing use is in operation or viable and/or there is a demand for a holiday accommodation in this location. Officers consider that without such evidence, planning permission should be withheld. If the proposed building were to be approved and the holiday let use is found to be unviable, were an application for a change of use into residential occupation sought, the Local Planning Authority would find it difficult to refuse planning permission, given the building would already be on the site.

The proposal is contrary to Policy RLP144 of the Adopted Local Plan and Policy LPP9 of the Draft Local Plan.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan seek a high standard of design in all developments. As above Policy RLP144 of the Adopted Local Plan and Policy LPP9 of the Draft Local Plan require proposals for holiday accommodation to not affect the character, appearance and amenity of the surrounding area.

Policy CS5 of the Adopted Core Strategy seeks to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The proposed building would be of simple rectangular plan form with a pitch roof. The building is to be constructed of brickwork with a slate roof and includes cast stone cills and a chimney. Internally the building would provide a

living area, kitchen, bedroom and shower room. The building's placement on the site would mimic the existing building.

The existing buildings on the site are not attractive, and their removal from the site would result in an improvement to the appearance of the plot and reduce visual clutter. However, the impacts which come about through their placement on the site are limited to the plot, and do not extend to the countryside, given the site's strong screening on all sides, and appearing quite hidden. Furthermore it is Officer opinion that the replacement of those buildings with a building of permanent construction and of a design akin to a dwellinghouse, would result in a more intrusive and permanent harm to the character and appearance of the countryside.

The proposal by way of its design and standard of construction would be harmful to the character of the countryside contrary to Policies RLP90 and RLP144 of the Adopted Local Plan, Policies CS5 and CS9 of the Adopted Core Strategy and Policies LPP9 and LPP55 of the Draft Local Plan.

Impact on Neighbour Amenity

Given the secluded nature of the application site, Officers consider that there would not be an unacceptable impact on neighbouring residential amenities.

Highway Issues

The existing access would not be intensified; instead the vehicular traffic using it would likely be lessened, due to the number of units upon the site being reduced from two holiday lets to one holiday let.

No objections have been raised by the Highways Authority.

CONCLUSION

The application site benefits from existing holiday accommodation, albeit it is not clear from the application particulars, nor the officer site visit if these holiday lets are in use or whether the current business is therefore operating or indeed viable. No evidence has been provided to demonstrate a demand for holiday accommodation in this location.

The proposal for holiday accommodation is not objectionable in principle and the removal of some of the existing buildings on site would reduce some unfavourable visual clutter in the countryside, nonetheless the building proposed is not a cabin, chalet or caravan and thus conflicts with Policy RLP144 of the Adopted Local Plan in this regard. The building by way of its design and standards of construction and the degree of permanency it would have on the site is more akin to a residential dwellinghouse. The building is therefore more intrusive and of harm to the character and amenity afforded to the countryside.

In addition the site is not within a sustainable location in terms of its accessibility to services and facilities.

Cumulatively the adverse impacts of the development outweigh the tourism benefits and the proposal conflicts with Policies RLP144 and RLP90 of the Adopted Local Plan, Policies CS5, CS7 and CS9 of the Adopted Core Strategy and Policies LPP9 and LPP55 of the Draft Local Plan. It is Officers recommendation that the application be refused planning permission.

RECOMMENDATION

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

- 1 The proposal does not comprise a cabin, chalet or caravan and therefore conflicts with Policy RLP144 in this regard. The proposal by way of its design, materials, standard of construction and degree of permanency it would have on the site is more akin to a residential dwellinghouse which is intrusive and of harm to the character and amenity afforded to this countryside location.

Moreover the site is not well connected to local services and facilities by sustainable means.

In addition no evidence has been provided which demonstrates the existing holiday let use on the site is a viable business or why the proposed building is required, or that there is a demand for holiday accommodation in this location.

Cumulatively the adverse impacts of the development outweigh the tourism benefits and the proposal is contrary to the NPPF, Policies CS5, CS7 and CS9 of the Adopted Core Strategy, Policies RLP90 and RLP144 of the Adopted Local Plan and Policies LPP9 and LPP55 of the Draft Local Plan.

SUBMITTED PLANS

Location Plan	
Proposed Plans	Plan Ref: 501-PL-200
Proposed Block Plan	Plan Ref: 501-PL-002
Other	Plan Ref: 10341779

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PV78B3BFH N500>

SITE HISTORY

19/01150/FUL	change of use to a gymnastics club (D2)	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 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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A further Supplementary Post-hearing letter dated 27th 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 need, 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)”.

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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
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP14	Leisure and Entertainment
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development

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 Witham Town Council supports the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located within the Town Development Boundary of Witham. The site is a vacant unit falling under Use Class B1 and is located within the Freebournes Industrial Estate which is a designated Employment Policy Area.

PROPOSAL

The application seeks planning permission for the change of use to a vacant industrial building from a B1 (office) to a D2 (leisure) use in the form of a dance and fitness studio.

CONSULTATIONS

Highways England – No objection.

PARISH / TOWN COUNCIL

Witham Town Council – Support. Recommends approval on the grounds of Paragraph 120 of the National Planning Policy Framework that Planning policies and decisions need to reflect changes in the demand for land.

REPRESENTATIONS

43 letters of support and 2 letters of objection have been received for the application which have been summarised as follows:

- The club helps children gain confidence and the staff provide a valuable and safe place for the children to develop their skills.
- It is active within the local community and provides opportunities for local people.
- Supporting growth within the sport by clubs securing suitable facilities is of primary importance.
- The club has been trying to identify a suitable site to develop without success for some time, gaining this venue would allow the club to offer more opportunities to more people within the local community.
- Sports clubs help to tackle the child obesity crisis.
- Kinetix Parkour Club has been successful in gaining a change of use in an adjacent unit under the same D2 use.
- It is impractical for sports clubs to be situated in town centre locations as they are in short supply, not large enough or too expensive.
- BDC are supported by the success of the Livewell and Livewell Child projects, however this can only continue if people are given opportunities to live healthy lifestyles.
- There are several empty units on Moss Road, the demand for industrial premises is clearly limited.
- Various letters of support were received detailing the personal achievements of the children and the quality of the teaching at the club.
- There is a lack of parking on the site and the children walking around an industrial estate is dangerous with the amount of traffic and deliveries that take place at adjacent units.

REPORT

Principle of Development

The NPPF is explicit that the purpose of the planning system is to contribute towards the achievement of sustainable development. Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives which are: economic, social, and environmental.

Paragraph 9 of the NPPF outlines that 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.

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.

Paragraph 81 of the NPPF explains that planning policies should set out a clear economic vision and strategy to encourage sustainable growth which positively and proactively encourages sustainable economic growth, having regard to local circumstances and other local policies for economic development and regeneration. It then goes on to detail that planning policies should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

Paragraph 82 of the NPPF is also direct in that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

The application site is located within the Freebournes Industrial Estate which is a designated Employment Policy Area under the Council's Development Plan. Currently the lawful use of the unit is Use Class B1 (office) and the proposal is to convert it to Use Class D2 (leisure).

Policy CS4 of the Adopted Core Strategy sets out that the Council and its partners will support the economy of the district. Employment sites in current or recent use in sustainable locations will therefore be retained for employment purposes.

Both Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan are explicit that proposals within Employment Policy Areas for uses other than those within Use Classes B1, B2, and B8 will be refused.

Additionally, it is important to clarify that Policy RLP28 is not applicable to this application, as it relates to employment land provision for new sites on or adjacent to existing employment sites. These sites were allocated in 2005 in the Adopted Local Plan and have since been predominantly built out.

Moreover, in the context of local policy, it is noted that the term 'Employment Policy Area' can be misleading. This is because it infers that the primary criteria in such an area is whether or not a particular use results in employment of any kind. However, as described above, the qualifying policy criteria for an employment use within an Employment Policy Area is that it must fall within Use Class B1, B2, or B8.

Therefore, whilst it is acknowledged that the Gymnastics Club currently employs staff, and that the number of staff employed may well increase as part of its future expansion, this does not mean it is compliant with Policy RLP33 of the Adopted Local Plan or Policy LPP3 of the Draft Local Plan.

Fundamentally, Employment Policy Areas are protected for particular employment uses intentionally, as often such uses cannot appropriately be located elsewhere. For instance, they are typically sited on the fringes of development boundaries, where greater access can be achieved to strategic road networks. Moreover, by virtue of their operations, employment uses are not compatible with residential uses. Grouping employment uses together in suitable locations can therefore mitigate against their wider impact on communities.

The Council is explicit of their wish to preserve business parks for Class B employment uses and move away from uses such as personal storage, gyms and leisure facilities. There is a mismatch between the growing demand for industrial space and limited supply. In 2016, there was only one year's supply of industrial space available across the county and 2.5 years' of office space. This shortfall in supply is holding back business expansion and therefore it is important that the Council retains these spaces for their desired B1, B2 and B8 uses to make the most of the opportunities for these businesses to grow.

It is very concerning that within Employment Policy Areas, through a process of attrition, large amounts of employment floor space are being lost to leisure uses. In 2015 the Council commissioned an Employment Land Needs Assessment, as part of the evidence base for the emerging Draft Local Plan, which forecasts an additional net demand of between 53,400sqm and 66,800sqm of office floor space up until 2033.

To meet the forecast demand it is crucial that, as well as providing new office floor space, existing office floor space is retained. The proposed development would undermine the Council's policy approach to meeting current and future office space demand in the District.

According to the Braintree Employment Land Needs Assessment, there is a rising demand for B2 and B8 uses specifically and it is important to increase and retain provision of this typology along strategic road networks to try and meet this demand. Evidence also shows that businesses are relocating their back office facilities to the District, particularly in Witham, this is considered to be an area of growth and another reason to protect the B1 use within Employment Policy Areas.

Neither Policy RLP33 of the Adopted Local Plan or Policy LPP3 of the Draft Local Plan have a mechanism for changes of use to non-employment uses within an Employment Policy Area, this is regardless of whether marketing is provided.

Whilst there have historically been planning permissions granted in the District for similar proposals, this does not indefinitely confine the Local Planning Authority to approve all such applications in future. Previous harm should not be used to justify additional harm.

A detailed marketing report has been undertaken by Fenn Wright and submitted as part of the application. The report details that the unit has been marketed for a period of 18 months using; advertisement boards, brochures, internet advertisements and property mail outs. The marketing report also details comparable rents within Moss Road, a schedule of interest and a list of enquiries. 12 viewings were carried out on the unit but it was either viewed as too large or too small and Dynamix Gymnastics Club was the only offer submitted. The report states that demand for industrial and warehouse premises has remained stable throughout 2018-2019 despite Brexit uncertainty. The submitted planning statement outlines the three attempts to find accommodation. The first attempt was refused as it was also located within an employment policy area, the second was located outside of the Braintree District but was also within an employment policy area and the most recent attempt was at No.4 Springwood Court, Braintree and the application for change of use, (Application Reference 19/00002/FUL) was refused in line with Policy RLP33. While it is appreciated that marketing has been undertaken for the premises, this does not override the stipulations of Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan.

The NPPF (2019) at Paragraph 120 does state that Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

It is however acknowledged that leisure uses provide an important health and wellbeing benefit, with Paragraph 92 of the NPPF emphasising that planning policies and decisions should plan positively for developments that promote health, social and cultural well-being for all sections of the community.

However, as explained under Policy RLP129 of the Adopted Local Plan, sports and leisure facilities should normally be located within town or village centres. If no suitable sites within these areas exist, then such developments may be acceptable, as an exception, on edge-of-centre sites but critically this is subject to compliance with other policies in the Development Plan.

Therefore, whilst national and local planning policies recognise the contribution that leisure uses can make towards sustainable development, this does not detract from the conflict with Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan. Albeit, on the basis that it is not yet adopted and Sport England have an outstanding objection, limited weight is given to Policy LPP3 of the Draft Local Plan.

To conclude, the proposed development is for a change of use of the application site from Use Class B1 to Use Class D2 within an Employment Policy Area, contrary to Policy RLP33 of the Adopted Local Plan and Policy LLP3 of the Draft Local Plan. Furthermore, as these policies represent the Council's economic vision and strategy to encourage sustainable economic growth, by endeavouring to meet the current and future office space demand in the District, the proposed development is also contrary to Paragraphs 81 and 82 of the NPPF and its overarching objective to achieve sustainable development.

Design and Appearance

There is no proposed change to the external appearance of the unit as part of this application.

Impact on Neighbouring Amenity

It is not considered there would be any harmful impact on neighbouring amenity. Nevertheless, if the application was recommended for approval, a condition would have been attached to control the amplification of music or voices.

Highway Considerations

Policy RLP56 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking in accordance with Essex County Council's Vehicle Parking Standards. For the proposed D2 use, based upon the floor space of 459 square metres, a maximum of 23 parking spaces, a minimum of 12 cycle spaces, and a minimum of three accessible spaces for disabled users would be required.

The application site has 3 designated car parking spaces located directly to the frontage of the unit. A further 8 spaces are indicated on the submitted plans, however 6 of these appear to be directly related to other units within the estate with the further 2 spaces being located at some distance from the unit. Whilst the additional spaces have been indicated as forming part of the application the use of these by the gymnastics studio would remove their use

from other units, leaving units 3L and 3M with no directly associated parking. This has the potential to cause unacceptable conflict. It is unclear how the parking could be secured, is likely to move pressure for parking elsewhere and could reduce the viability of these other units left without access to spaces.

The layout of the estate and position of the unit makes no provision for the expansion of any other car parking areas. Due to the location and nature of the site it is anticipated that a significant majority of patrons would access the unit by private car. No information has been submitted regarding the timing of classes and the number of patrons on site at any one time. However the club currently has 120 members and employs 10 coaches. The nature of gymnastics classes for children is that parents either wait during the class or they drop-off and collect at the end. Either way this will result in a high turn-over of vehicles at the site with the proposed provision being insufficient to meet likely demand.

The potential for conflict is high in an industrial area where heavy vehicles are likely to be accessing other units in close proximity to the site. This further indicates the unsuitability of the site for the proposed D2 use.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposed development is for a change of use within an Employment Policy Area to a non-employment use, contrary to Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan. The proposal would subsequently result in the loss of an employment unit, reducing the floor space available for employment uses, in a suitable location protected for such uses.

Evidently, the proposal would undermine the Council's policy approach to meeting the current and future office space demand in the District, contrary Paragraphs 81 and 82 of the NPPF which set out that policies and decisions should set criteria, or identify sites, for local and inward investment to meet anticipated needs over the plan period in suitable locations.

It is acknowledged that benefits would arise from the proposal, in terms of providing a leisure facility to promote health and wellbeing, but the application site is not in an appropriate location for such a leisure use and the health benefit does not mitigate against the aforementioned policy conflict.

Historically, there have been instances where similar applications have been approved under the same Employment Policy Area constraint, resulting in a notable loss of employment uses. If such trends continue, there is likely to be crowding out, with the demand from non-employment occupiers driving out typical occupiers and increasing the demand for employment land. This is not sustainable and would prevent the Council from meeting its current and future demand for such employment land.

Therefore, in conducting an overall planning balance, it is concluded that the harms identified would significantly and demonstrably outweigh the social benefits of the development. Officers consequently consider the proposed development would not constitute sustainable development and recommend that the application is refused.

RECOMMENDATION

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

- 1 The application site is located on the Freebournes Industrial Estate, a designated Employment Policy Area. The application is for the change of use of a unit from B1 to D2. Within Employment Policy Areas, B1, B2 and B8 uses are encouraged and protected. The proposal in this position would lead to a loss of suitably located employment generating floorspace. Therefore, the development is contrary to Policy CS4 of the Braintree District Core Strategy, Policy RLP33 of the Braintree District Local Plan Review and Policy LPP33 of the Braintree District Publication Draft Local Plan.
- 2 The proposed development, as a result of insufficient access to suitable car parking, would result in increased pressure for parking in the surrounding estate and would result in unacceptable levels of conflict with adjacent industrial uses. Therefore, the development is contrary to Policy RLP56 of the Braintree District Local Plan Review and Policy LPP45 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

Proposed Plans	Plan Ref: H2074-HPT-00-XX-DR-CO-7010
Location Plan	
Block Plan	

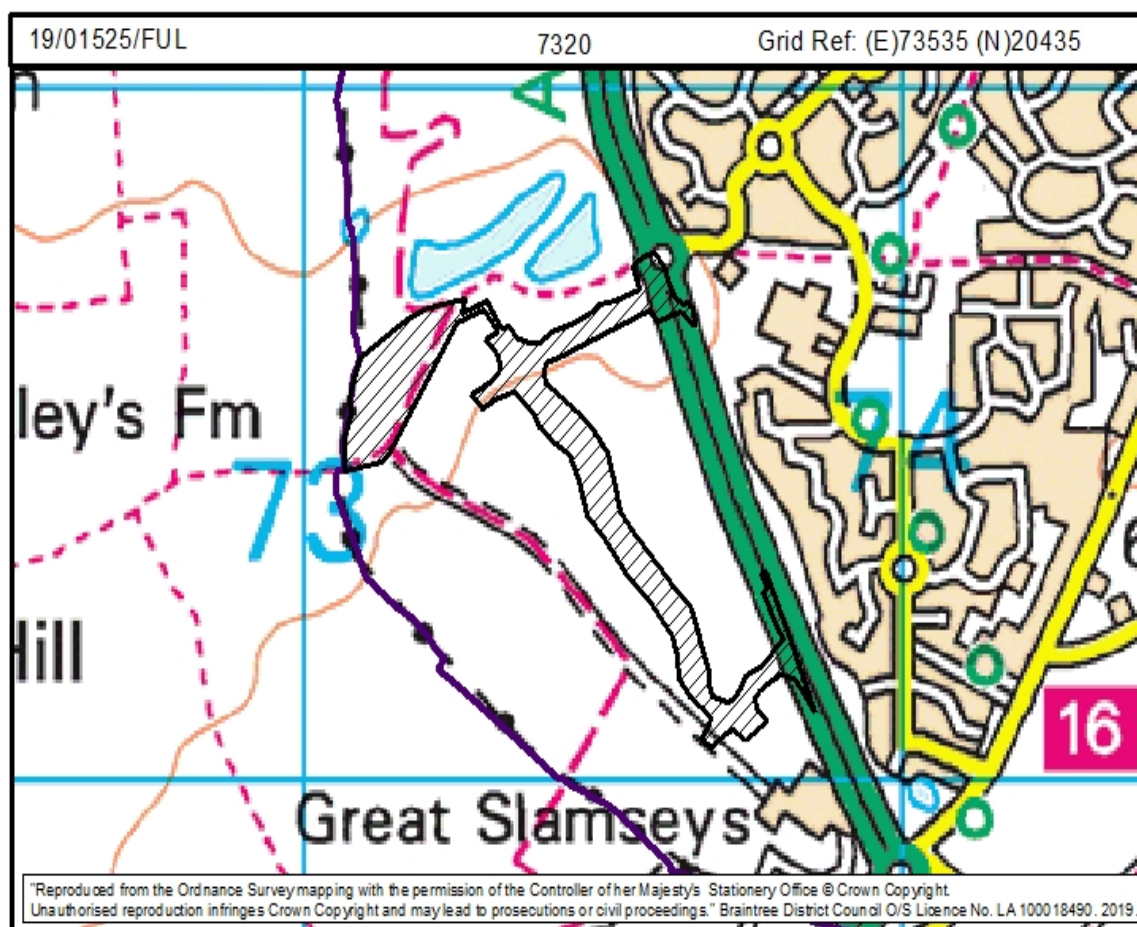
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01525/FUL
DATE VALID: 23.08.19
APPLICANT: C/o Agent
C/o Agent
AGENT: Miss Emma Gladwin
Coval Hall, Rainsford Road, Chelmsford, CM1 2QF
DESCRIPTION: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.
LOCATION: Land West Of A131, London Road, Great Notley, Essex

For more information about this Application please contact:
Mr Timothy Havers on:- 01376 551414 Ext. 2526
or by e-mail to: timha@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWDCUBBF1R00>

SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	

18/00003/SCR	2011 - Scoping Opinion Request - Proposed business park Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.		07.08.18
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.	Granted	30.09.19
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
19/01855/DAC	Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL	Granted	28.10.19

POLICY CONSIDERATIONS

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

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

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 8th 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 27th 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 need, 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

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land

RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
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
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change

LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

None

Other Material Considerations

External Lighting Supplementary Planning Document

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 applicant is Braintree District Council.

NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Braintree District Local Plan Review 2005. It consists of an area allocated for strategic employment land provision.

The application site also covers an area proposed for allocation for employment use in the Draft Local Plan which would be located within the revised (enlarged) Village Envelope.

SITE DESCRIPTION

The application site lies in the countryside and measures approximately 5.9ha. It consists of part of two agricultural fields and includes areas of boundary trees and hedges.

The site abuts the A130 in two locations although there is currently no access to it from this road.

The two agricultural fields within which the application site is located are bounded to the west by further agricultural land whilst to the east lies the A130. Great Notley Country Park is located immediately to the north and to the south is Slampseys Farm.

In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south.

PROPOSAL

The applicant seeks full planning permission for the construction of the first section of road infrastructure to serve the wider employment site allocation known as 'Horizon 120'.

The proposal consists of two access points to the site from the A131, the first by creating a fourth arm from the A131/Cuckoo Way roundabout and the second by creating an access point further to the south. The scheme then includes a central spine or link road between these two access points with a roundabout at each end. It also includes associated drainage, landscape and engineering works, notably the construction of a large SUDs basin at the northern end of the site.

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

- Planning Statement
- Flood Risk Assessment
- Landscape Statement
- Ecology Report
- A Full Set of Drawings
- Tree Survey

CONSULTATIONS

ECC Minerals and Waste

No objection. Whilst the site is located within an area of land designated as a Mineral Safeguarding Area (MSA) the total proposed development site area falls below the 5ha threshold set for applications in a MSA associated with sand and gravel.

The site is also not within 250m of safeguarded minerals and/or waste infrastructure, nor within 400m of a water recycling centre.

ECC Archaeology

No objection subject to conditions requiring Archaeological Fieldwork to be carried out prior to commencement of development.

The EHER records evidence for Iron Age and Romano-British activity within the wider area, as well as possible older prehistoric activity from findspot evidence. The Roman road through Braintree lies less than 500m to the southeast and activity related to this may extend further. The site lies within an area of scattered medieval farmsteads and fields and there has been little archaeological investigation in the immediate area to understand the potential for the survival of archaeological remains.

The development lies within an area of proposed further development for which an archaeological evaluation was recommended, no evaluation has yet been completed.

ECC SUDs

No objection following the submission of further detailed drainage strategy information. A standard set of SUDs conditions is required.

BDC Landscape

- The submitted Arboricultural Impact Assessment prepared by PJC Consultancy (reference 5280/19-02 Rev 01) is acceptable. There will be some tree and hedge loss from this development, however the landscaping of the site will more than mitigate for that loss.
- The submitted Arboricultural Method Statement prepared by PJC Consultancy (reference 5280/19-03 Rev 01) is also acceptable. The Tree Protection Plans and Supervision schedule must be adhered to ensure retained trees and hedges are not damaged.
- A section of hedge to the south west of the site is to be removed to allow a road connection outside the site. This will diminish the screening capabilities in this area.
- The Landscape General Arrangement Plans and Hard Landscape Plans are acceptable, no objections are raised to these.
- The Landscaping details such as the Soft Landscaping Plans, the Strategic Landscape Statement, and the Typical Planting Plans should not be approved at this time, but rather conditioned if permission is granted so that further discussions can take place regarding species choices and viability of long term maintenance.

Highways England

No objection. The application is unlikely to have a severe impact on the strategic road network.

BDC Environmental Health

No objection subject to conditions relating to hours of work; a dust and mud control scheme and no burning of waste/refuse.

ECC Highways

No objection. From a highway and transportation perspective the Highway Authority has no comments to make on the proposal. As none of the internal roads would be offered for adoption, in making its recommendation the Highway Authority has not considered them.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures. We are satisfied that there is sufficient ecological information for determination.

We note that the landscape mitigation habitat in the northern part of the site will be created in advance of the onsite (dried) Pond being lost to development. This would ensure that should any Great Crested Newts (GCN) be found during any stage of the works and a full European Protected Species Mitigation license become necessary all associated mitigation habitat creation would already have been created.

The documentation detailing the enhancement of the habitat area contains appropriate marginal and aquatic planting which will be beneficial for GCN and it is recommended that these details are secured by condition with a requirement for management under a Landscape Ecological Management Plan.

Appropriate Skylark compensation should also be secured off site. Reasonable Biodiversity Enhancement should also be secured on the site with a requirement for a Biodiversity Enhancement Strategy by way of condition.

Historic Buildings Consultant

No objection. The proposed development is sufficiently removed from the heritage assets (two listed barns and a listed Dovecote) at Slampseys Farm to not have a detrimental impact upon their setting.

PARISH / TOWN COUNCIL

Great Notley Parish Council

Great Notley Parish Council confirms they have no comments to make upon this application.

REPRESENTATIONS

No representations were received.

REPORT

Principle of Development

The application site is located within the countryside, however it sits within an area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Draft Local Plan.

In terms of the Adopted Core Strategy, Policy CS4 allocates a large area (18.5ha) of land for an innovation and enterprise business park as part of the District's identified Strategic Employment Site provision. The Policy states that a Masterplan will be required and that in order to ensure a mix of uses the overall quantum of B8 use in the business park should be restricted to no more than 40% of the total floor area. A structural landscaping/wildlife corridor of 7ha is also required and is positioned along the A131 boundary. The Publication Draft Local Plan carries forward the same allocation.

Although it precedes the above allocation, Policy RLP28 of the Adopted Local Plan sets out the types of uses which are acceptable on industrial estates and business parks which constitutes B1 (business); B2 (storage and distribution) and B8 (storage and distribution).

The proposal is for strategic road infrastructure to serve the business park and would form the first phase of the development of the site for its allocated use. The general principle of the development is therefore in accordance with the Adopted Development Plan and the also with the Publication Draft Local Plan.

The strategic allocation under Policy CS4 of the Adopted Core Strategy also required a masterplan to be produced and a masterplan document for the site was completed with a 'preferred option' masterplan set out within it. The applicant's proposal departs from this to a degree because the dried pond is shown to be retained on the masterplan and the applicant's proposed SUDs basin is located further to the north-east than is shown on the preferred masterplan. However, the dried pond was shown to be retained because at the time the preferred masterplan was drawn up it still held water and provided wet habitat for Great Crested Newts which is no longer the case. The re-location of the SUDs basin is not considered to be significant and the proposed basin is actually larger than that indicatively shown on the preferred masterplan with associated wetland habitat benefits.

The preferred masterplan also shows the spine road in a slightly different position and contains only one access to the site from the A131. The moving of the spine road is not considered significant and the second access point has already been approved under the planning application for Gridserve (Application Reference 19/01092/FUL) and is not considered to be objectionable.

Heritage

There are two listed buildings and a dovecote located to the south of the application site at Slamseys Farm. The Council's Historic Buildings Consultant however has been consulted and has no objection to the proposal advising that the proposed development is sufficiently removed from the heritage assets (two listed barns and a listed Dovecote) at Slampseys farm to not have a detrimental impact upon their setting.

It is not therefore necessary to undertake the NPPF's heritage balance assessment.

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area....are visually attractive as a result of good architecture...and effective landscaping and should...establish or maintain a strong sense of place'.

The applicant proposes to construct a central spine road through the site with two associated access points onto the A131. The spine road would be flanked by buffer strips, pedestrian/cycle pathways, dedicated tree planting strips and a swale with further buffer planting.

The layout has been designed to ensure that proper provision is made for safe and accessible use by both pedestrians and cyclists, whilst ensuring that significant avenue tree planting can be completed with trees being provided with sufficient space to thrive.

Landscaping

The proposal is for a new spine road and associated access points and does not include any built form. Other than potential lighting, it is not therefore considered that the visual impact of the scheme in its own right would be significant, although clearly it forms the first part of a strategic scale employment development which would have a landscape impact.

The applicant has submitted an Arboricultural Impact Assessment in support of their application which identifies trees proposed for removal. At the northern end of the site the proposed access point onto the A131 and the installation of a pedestrian footway adjacent to the A131 to link in to the existing footway network would require the removal of a section of the existing shelterbelt located on the site boundary.

At the southern end of the site a second area of trees would need to be removed to facilitate the second road connection to the A131. The removal of this section of the shelterbelt has already been approved under a previous application for an electric vehicle charging station (Application Reference 19/01092/FUL). The Gridserve development would utilise the same road access which in turn would also serve the wider employment site.

The existing trees around the dried pond would also need to be removed although again this has already been approved under the previous planning application to level the site (Application Reference 19/01616/FUL).

Finally a single Category C tree and short section of Category C hedgerow would need to be removed on the site's western boundary to allow the internal road to run up to this boundary.

The trees proposed for removal around the dried pond and on the western boundary are either Category C or Category U. The trees proposed for removal to facilitate both access groups are Category B although specifically for group value rather than individual categorisation. The removal of these trees is required to allow the access points and the spine road to be constructed and has been kept to the minimum necessary. Officers do not consider that there is any reason to object on these grounds.

A detailed Landscape Strategy document has been submitted in support of the application which sets out the full landscape proposals for the spine road and for the SUDs area. Although this is in general terms a very comprehensive document, a landscape condition is recommended so that this can be subject to further final review by the Councils Landscape Management Team who would be responsible for physically maintaining the site in the long term before it is formally approved.

With regard to the SUDs area, the previously approved levels application for the site is bound by detailed conditions relating to this to ensure that the required ecology and landscape habitat is created here and managed in the long term and it is recommended that these same conditions are imposed.

The Council's Landscape Officer has reviewed the application and has no objection subject to conditions, advising the following:

- The submitted Arboricultural Impact Assessment prepared by PJC Consultancy (reference 5280/19-02 Rev 01) is acceptable. There will be some tree and hedge loss from this development, however the landscaping of the site will more than mitigate for that loss.
- The submitted Arboricultural Method Statement prepared by PJC Consultancy (reference 5280/19-03 Rev 01) is also acceptable. The Tree Protection Plans and Supervision schedule must be adhered to ensure retained trees and hedges are not damaged.
- A section of hedge to the south west of the site is to be removed to allow a road connection outside the site. This will diminish the screening capabilities in this area.
- The Landscape General Arrangement Plans and Hard Landscape Plans are acceptable, no objections are raised to these.
- The Landscaping details such as the Soft Landscaping Plans, the Strategic Landscape Statement, and the Typical Planting Plans should not be approved at this time, but rather conditioned if permission is granted so that further discussions can take place regarding species choices and viability of long term maintenance.

Ecology

The applicant submitted an Ecology Report in support of their application including an updated Great Crested Newt Survey and a Great Crested Newt Non Licensed Method Statement.

The majority of the application site is agricultural land and is not of notable ecological value. The site also encompasses a linear strip of established hedgerow; approximately half of the (dried) pond with surrounding trees and two areas of broadleaved plantation woodland located along the edge of the site alongside the A131.

No bat roosts were identified on the site although the A131 hedgeline was noted as being used sporadically for commuting and the hedge within the site is used as a flightline.

A small outlier badger set was identified on the sites northern boundary which is sporadically in use. No reptiles were recorded.

It is identified that the loss of the wider site for the proposed Horizon 120 employment site development will result in the loss of at least six Skylark plots with off-site compensation being required. The current application covers only a relatively small part of this land. Given that the current application cannot be implemented without the previously approved application (Application Reference 19/01616/FUL) to level the wider site and construct the SUDs basin it is recommended that a condition is used to link the permissions. This is because the levels application has a requirement to ensure off site Skylark compensation is provided. Linking the current application to this permission will therefore ensure that this requirement applies to both interlinked permissions.

A similar approach is required with regard to Great Crested Newt mitigation. The levels planning permission has a requirement (by way of condition) to ensure that the new SUDs habitat, which is specifically designed with input from the Council's Ecology Consultant to provide suitable Great Crested Newt habitat is provided prior to the loss of the existing dried pond. No Great Crested Newts were identified anywhere on the application site however the dried pond has previously held GNC when it was wet. It is recommended that an identical condition is placed on this development thereby ensuring that the same requirement applies to the current application.

The Council's Ecology Officer has reviewed the application and has no objection subject to conditions relating to the following:

- Mitigation and enhancement measures contained within submitted Ecology Report and GCN Reports to be carried out
- Protection of badgers during construction process
- Requirement for Skylark mitigation strategy
- Requirement for Landscape and Ecology Management Plan

- Requirement for Biodiversity Enhancement Strategy
- Requirement for wildlife sensitive lighting scheme

Highways and Parking

The applicant proposes two new access points to the A131. Both ECC Highways and Highways England have been consulted and have raised no objection to the proposal.

The proposal itself would not generate any vehicle movements (other than during construction) as it is for a spine road only with no associated built form. A Construction Traffic Management Plan would however be required.

The proposal would not generate any parking requirements other than during the construction phase which again would be covered by way of a Construction Traffic Management Plan.

Amenity

Policy RLP118 of the Adopted Local Plan requires that the impact of a proposal on the amenity of the area must be acceptable. The nearest dwellings are located on the opposite side of the A131 at a distance of approximately 80m.

The spine road itself would not generate any vehicle movements as there is no associated built form. A Construction Management Plan would however be necessary to ensure that the amenity of existing residents in the locality was protected during the construction phase. A lighting condition (in relation to any permanent spine road lighting) would also be required for the same reason.

With these conditions in place, it is not considered that the proposal would have a detrimental impact upon the amenity of the area.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding.

The proposed drainage strategy would channel runoff water into a main carrier drain which would run alongside the proposed spine road and discharge surface water into the proposed SUDs pond located on the northern part of the site.

Essex County Council SUDs have been consulted and have no objection to the proposal subject to 4 standard SUDs conditions relating to the following:

- Submission of a detailed surface water drainage strategy;
- Submission of a scheme to minimise the risk of off-site flooding during construction works;
- Details of maintenance arrangements for the SUDs system;

- A requirement to keep a maintenance log.

Archaeology

The site has been identified as having the potential for below ground archaeological remains. The Essex County Council Archaeology Officer has advised that there is recorded evidence for Iron Age and Romano-British activity within the wider area, as well as possible older prehistoric activity from findspot evidence and that the Roman road through Braintree lies less than 500m to the southeast.

The site also lies within an area of scattered medieval farmsteads and fields. There has to date been little archaeological investigation in the immediate area to understand the potential for the survival of archaeological remains.

Conditions are therefore required to ensure that trial trenching and if appropriate archaeological excavation and recording is completed.

PLANNING BALANCE AND CONCLUSION

The application site sits within an area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Draft Local Plan.

The applicant proposes to construct two access points and a connecting spine road, in addition to a substantial SUDs basin and habitat area. This would facilitate the wider development of the employment site which would accord with its allocated use in the Adopted Local Plan and its proposed allocation in the Draft Local Plan.

The scheme would therefore act as the catalyst for the wider development of the employment site, allowing the social and economic benefits of a new employment park within the District to be realised.

The identified harm caused by the proposal is limited, with the loss of some trees/hedgerow to facilitate the required access points and the loss of the dried pond also to facilitate the access road. A new SUDs habitat area would however be created in the north of the site which has specifically been designed, with input from the Council's Ecology Consultant to maximise its Ecology habitat potential, in particular for Great Crested Newts.

Overall, it is considered that the proposed benefits of the scheme clearly outweigh the identified harms and that the proposal constitutes sustainable development.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Drainage Plan	Plan Ref: 19-029/301	Version: I3
Drainage Plan	Plan Ref: 19-029/302	Version: I3
Drainage Plan	Plan Ref: 19-029/303	Version: I3
Drainage Plan	Plan Ref: 19-029/304	Version: I3
General	Plan Ref: 19-029/453	Version: I2
Proposed Site Plan	Plan Ref: 19-029/460	Version: I4
General	Plan Ref: 19-029/461	Version: I3
General	Plan Ref: 19-029/462	Version: I3
General	Plan Ref: 19-029/463	Version: I4
Location Plan	Plan Ref: 721-FH-XX-00-DP-L-001	Version: P1
Landscaping	Plan Ref: 721-FH-XX-00-DP-L-101	Version: P4
Landscaping	Plan Ref: 721-FH-XX-00-DP-L-102	Version: P5
Landscaping	Plan Ref: 721-FH-XX-00-DP-L-201	Version: P4
Landscaping	Plan Ref: 721-FH-XX-00-DP-L-202	Version: P5
Landscaping	Plan Ref: 721-FH-XX-00-DT-L-201	Version: P4
Landscaping	Plan Ref: 721-FH-XX-00-DT-L-202	Version: P3
Access Details	Plan Ref: IT2021/SK/01	
Access Details	Plan Ref: IT2021/SK/02	
Section	Plan Ref: 721-FH-XX-00-DT-L-104	Version: P1
Section	Plan Ref: 721-FH-XX-00-DT-L-105	Version: P1
Section	Plan Ref: 721-FH-XX-00-DT-L-101	Version: P3

- 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 and documents listed above.

Reason

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

- 3 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement completed by PJC Consultancy, dated 16th October 2019 ref 5280/19-02 REV 01 and 5280/19-03 REV 01.

The approved means of tree/hedge 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 the protection and retention of existing/remaining trees, shrubs and hedges.

- 4 Prior to commencement of above ground construction a scheme of landscaping for the site, including for the SUDs attenuation basin and its surrounding area and for the spine road 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.

Areas of hardstanding shall be constructed using porous materials laid on a permeable base where identified as being necessary in the surface water drainage strategy.

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 the same species.

Reason

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

- 5 Details of any proposed lighting to serve the spine road site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include the following:

- a) A lighting design scheme for biodiversity identifying those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;
- b) A layout plan with beam orientation and lighting contour plans and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination

Reason

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

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 7 There shall be no construction vehicular movements to, from or within the site outside the following times:-

Monday to Friday 0800 hours - 1800 hours;

Saturday 0800 hours - 1300 hours;

Sundays and Bank Holidays no vehicular movements.

Reason

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

- 8 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 area.

9

No development, including engineering works shall commence 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 including a dust assessment carried out in accordance with IAQM guidance;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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.

- 10 No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with the written scheme of investigation which has been submitted as part of this application. The results of the trial trenching shall be submitted to the local planning authority following completion of the fieldwork. If archaeological deposits are found, this must include a mitigation strategy detailing the excavation/ preservation

strategy.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 11 If any areas are found to contain archaeological deposits, no development or preliminary groundworks shall commence on those areas until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 12 If a mitigation strategy is required under Condition 10, the applicant must submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance.

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

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change or using matched greenfield rates by providing Long Term Storage.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Water treatment features should be incorporated into the drainage plan.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 14 No development (including engineering works) shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 15 Prior to first beneficiary use of the spine road a maintenance plan detailing the maintenance arrangements for the surface water drainage scheme, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

Reason

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

- 17 No development which includes the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason

To conserve protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 18 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first beneficiary use of the development. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall only be implemented in accordance with the approved details.

Reason

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

- 19 Prior to first beneficial use of the development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason

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

- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Green Environmental Consultants Ltd, Surface Property Ltd August 2017), Great Crested Newt Survey Report (Surface Property Ltd, August 2019) and Great Crested Newt Non-Licensed Method Statement (Surface Property Ltd, November 2019) to the satisfaction of the local planning authority as already submitted with the planning application and

agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 21 In accordance with Condition 21 of Planning Permission 19/01616/FUL the applicant shall submit a Skylark Mitigation (Compensation) Strategy to the Local Planning Authority for approval to ensure that off-site Skylark Mitigation (compensation) is appropriately provided for.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

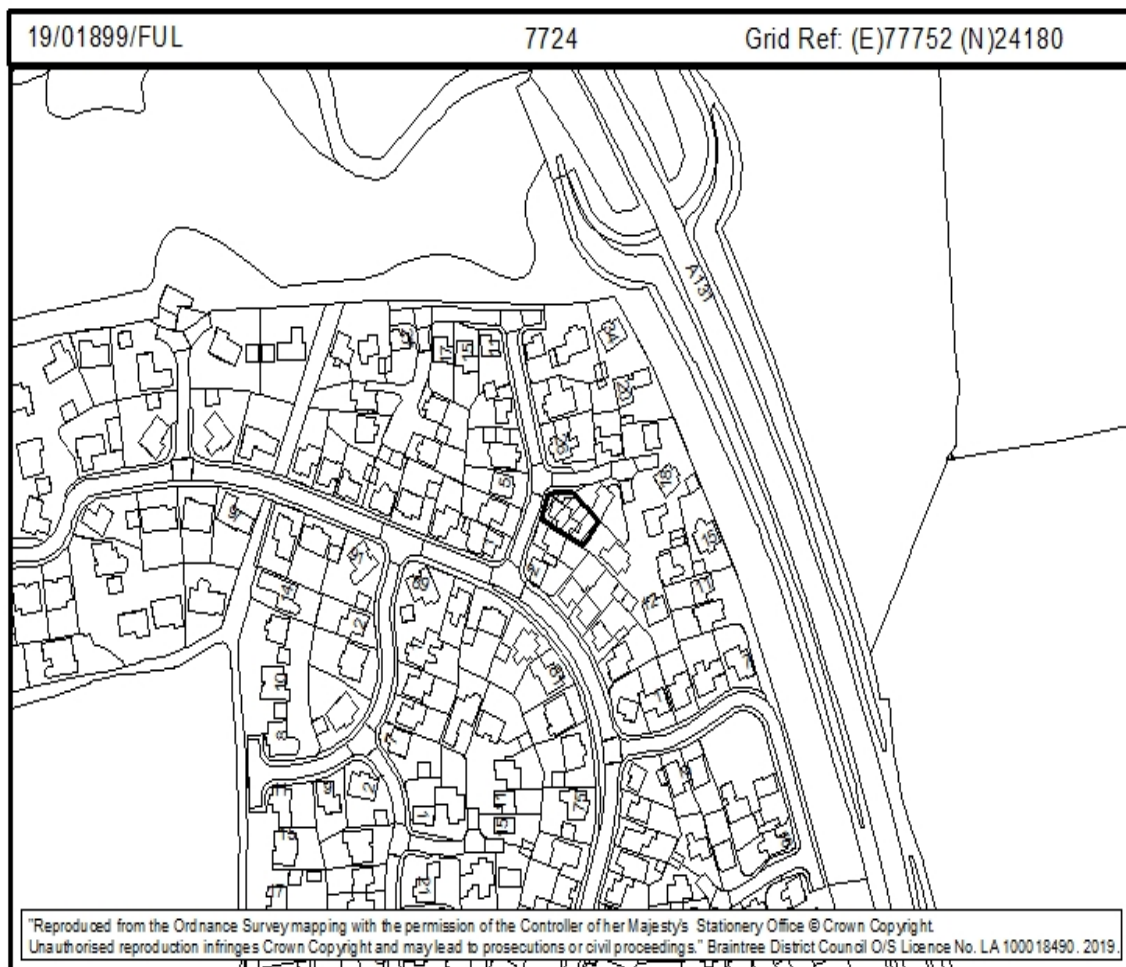
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/01899/FUL
DATE VALID: 17.10.19
APPLICANT: DEWU
6 Hereford Drive, Braintree, Essex, CM7 9FX
AGENT: Mr Adeeb Anwar
15 Colombo Road, Ilford, IG1 4RH, Essex
DESCRIPTION: Change of use from residential dwelling (C3) to Residential Care Home (C2) for up to four children/young person's.
LOCATION: 6 Hereford Drive, Braintree, Essex, CM7 9FX,

For more information about this Application please contact:
Juliet Kirkaldy on:- 01376 551414 Ext. 2558
or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZIBIMBFIY800>

SITE HISTORY

89/01903/P	Proposed roads, sewers, noise attenuation measures to serve Phase 1 Residential development and associated uses.	Granted	06.03.90
89/01903/P	Proposed Roads, Sewers, Noise Attenuation Measures To Serve Residential Development & Associated Uses	Granted	20.02.90
97/00797/REM	Erection of 130 no. dwellings and garages with associated highway works	Granted	12.09.97
97/01587/FUL	Variation to outline planning permission BTE/02485/88 to increase the permitted number of new houses from 1000 to up to 1350	Granted with S106 Agreement	04.08.98
19/00744/PLD	Change of use of existing C3 (a) dwelling house to C4 dwelling for house in multiple occupation.	Refused	26.06.19

POLICY CONSIDERATIONS

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

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

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 8th 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 27th 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 need, 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
RLP20	Residential Institutions in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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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
LPP35	Specialist Housing
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

- Page 81 – 109 – Design
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application has been called in for determination by Councillor Mrs Schmitt.

SITE DESCRIPTION

The site is situated on the Kings Park residential estate to the east of Braintree. It is a detached dwelling situated on the corner of a cul de sac at Hereford Drive off Bridport Way which is the main spine road through the Marks Farm estate.

PROPOSAL

This application is for the change of use of the property from a dwelling (Use Class C3) to a residential care home for children (Use Class C2). The property will provide a home for up to 4 children/young persons who will be looked after by a 2 full time care workers. During waking hours the residents would attend local schools, appropriate to their age and education needs. No changes are proposed to the exterior or interior of the building.

CONSULTATIONS

Highway Authority

No response received.

REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified by letter. 32 letters of objection and 1 letter of support have been received. In summary the following objection comments have been made:

Car Parking

- No public transport serves the site.
- Car Parking and vehicle access would increase with the increased usage of 6 Hereford Drive and associated visitors.
- The garage space outside 6 Hereford Drive is small and narrow for many modern vehicles.
- Concerns regarding on road parking which could lead to difficulties for refuse lorries and emergency vehicles.

Technical

- Inaccuracies on the planning application form. The company name on application form is incorrect. The dwelling is vacant.

Crime/Antisocial

- Concern regarding increase in antisocial behaviour.
- There is already a care home for vulnerable children on this estate which causes antisocial behaviour and car parking problems. There is concern having two such properties in such close proximity and potential for disturbance between the two properties.
- The property would be noticeably different from the usual pattern of social interaction and integration.

Impact on Amenity

- Invasion of privacy.
- Proposal would have a negative impact on the character of the area.
- Concern about noise.

Other

- Proposal would devalue our homes.
- The proposal would conflict with restrictive covenants on the property.
- Insufficient staff and bedrooms. Internal and external space is not large enough to facilitate a care home.
- The local schools and GPs are oversubscribed.
- Loss of a family home.
- This is not an appropriate site for such facility.
- Concern about how the property will be run.

In summary the following support comment has been made:

- Support change of use of house as opposed to larger care homes of the past.

REPORT

Principle of Development

The site is located within the Braintree Development Boundary. As such, Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

Policy RLP20 of the Adopted Local Plan and Policy LPP35 of the Draft Local Plan states that within predominantly residential areas in towns and villages, permission will be given for the development of residential care homes providing that there is sufficient amenity open space, the boundary treatments provide privacy and a high standard of visual amenity both for residents and neighbouring properties, there are shops, health facilities and regular public transport services, in close proximity to the site and that parking is provided in accordance with the Council's standards.

The proposal seeks to change the use of the existing dwelling from a C3a (residential) use to a C2 use (residential institutions and care to people in need of care) for a children's care home. The C2 Use Class encompasses a number of similar uses, including other types of residential care homes, hospitals, nursing homes, boarding schools and residential colleges.

In this case it is considered that the principle of development is acceptable subject to compliance with the abovementioned policies and all other material considerations.

Design, Layout & Parking

In terms of design, Paragraph 124 of the NPPF states inter alia that good design is a key aspect of sustainable development. In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP50 and 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 ensure development affecting the public realm to be of a high standard of design and materials, and use appropriate landscaping

In terms of parking, Policy RLP56 of the Adopted Local Plan and LPP45 of the Draft Local Plan state that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. A C2 use requires that there should be a maximum of 1 space per full time member of staff. There is currently a single garage and a single car parking space to the front of the garage adjacent to the dwelling.

The application indicates there would be 2 full time members of staff and therefore a total of 2 spaces would be required. The number of parking spaces provided would facilitate staff changeover with minimal impact on on-street parking. The proposal complies with the abovementioned policies.

There are no external changes proposed to the property and as such the proposal is considered compliant in terms of visual amenity.

Impact on Neighbouring Residential amenity

In terms of impact on neighbouring residential amenity, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that

development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

In this case 32 letters of objection and 1 support have been received. Relevant planning considerations are centred on concerns from neighbours that the proposed use will result in increased antisocial behaviour from residents and visitors to the property. There is a fear that there will be an increase in antisocial behaviour and the types of residents would increase disruption and disturbances resulting in the neighbours not being able to enjoy their own properties and surrounding outside amenity areas.

The applicant has confirmed that the home would be registered with OFSTED.

Given that there will be one to one supervision of the children, it is unlikely that the types of nuisance cited by neighbouring residents in relation to young offenders, alcohol or substance misusers, nor late night distribution would be likely to occur. It should not be assumed that children living in care would be more likely to behave antisocially or create levels of noise and disturbance over and above children living in a 'traditional' family unit. As such, whilst the fear and perception of crime is a material planning consideration, there is no reasonable evidence base for the fear in this instance. It is not considered that a refusal reason cannot be reasonably justified on the grounds of residents' fear of crime in this case.

Officers considered that there would be an increase in comings and goings to the site caused by the operational requirements of the care home, however, this level of movement is not considered to intensify the use to the extent that it would be incompatible in this residential location, when considering that the dwelling could house a family of 6.

Concern has been raised by a neighbouring property regarding loss of privacy. As there are no external alterations proposed it is not considered that the proposal would have a detrimental impact on neighbouring amenity in terms of loss of privacy or cause a greater degree of harm than the existing C3 use as a residential dwelling.

Other

- Devaluing property and restrictive covenants

Concerns raised by residents regarding devaluing of property and conflict with restrictive covenants on the property are not material planning matters.

- Oversubscribed schools and GP surgeries

Concern has also been raised regarding oversubscribed schools and GP surgeries. This is an existing residential home and could house a family therefore impact of the proposal on schools and GP surgeries is negligible.

- Inaccuracies on planning application form

It came to Officers attention that the incorrect certificate on the application had being signed. This was discussed with the agent and rectified with Certificate B signed.

CONCLUSION

In conclusion, Officers are mindful of the concerns raised by neighbours in relation to the functioning of the dwelling as a care home. However, the information provided with the application provides clarity as to the number of residents and how they will be cared for. Officers consider that the use of the dwelling as a care home, for up to 4 children aged between 8 and 18 with close care and supervision would not have a detrimental impact on the amenities of the surrounding properties to a degree such as to be considered contrary to the above policies.

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	
Proposed Site Plan	Plan Ref: LIVARCH/6HD 106
Existing Site Plan	Plan Ref: LIVARCH/6HD/101
Proposed Elevations and Floor Plans	Plan Ref: LIVARCH/6HD/102
Existing Elevations	Plan Ref: LIVARCH/6HD/103
Proposed Elevations	Plan Ref: LIVARCH/6HD/104
Site Plan	Plan Ref: LIVARCH/6HD/105

- 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.

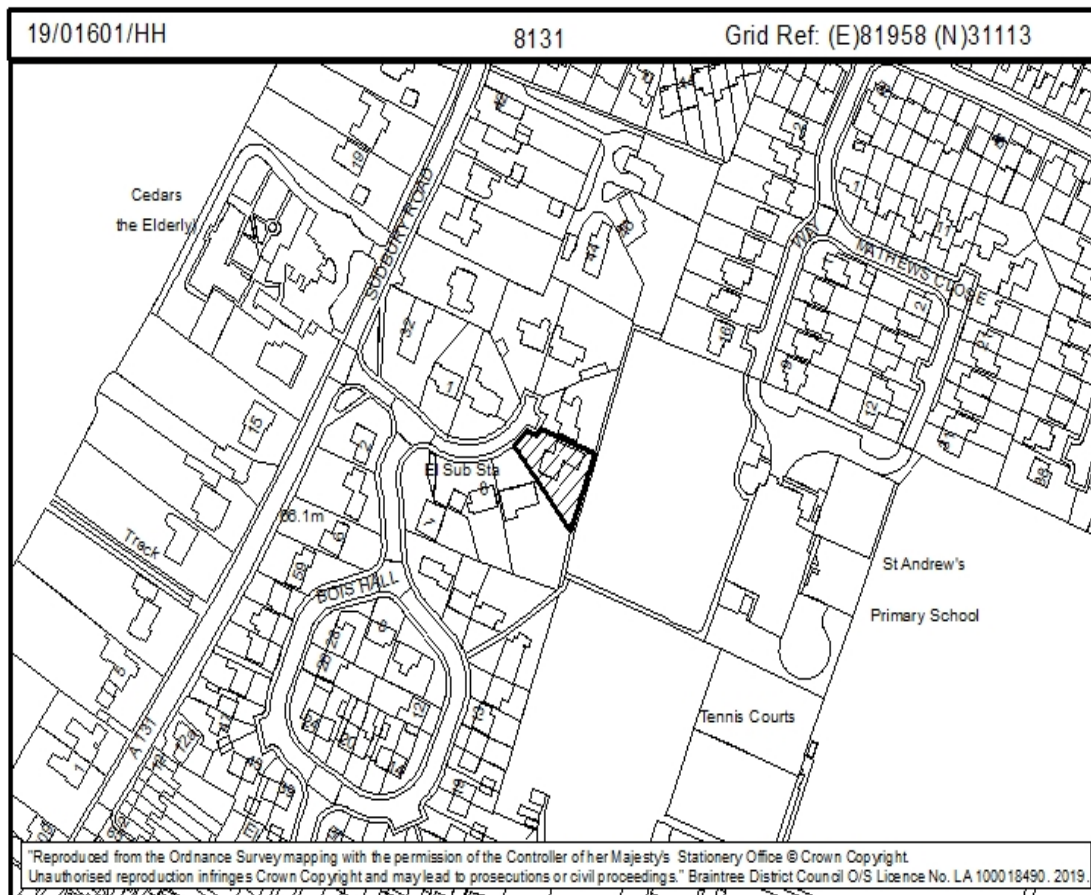
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/01601/HH
DATE: 02.09.19
VALID:
APPLICANT: Mr & Mrs Partridge
6 Portway Court, Halstead, Essex, CO9 2BP
AGENT: Mr Damian Lockley
5/7 Head Street, Halstead, CO9 2AT
DESCRIPTION: Side extension over existing garage
LOCATION: 6 Portway Court, Halstead, Essex, CO9 2BP

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PX7ANOBFI9Q00>

SITE HISTORY

80/00347/P	Erection of garage and sunroom extension to rear of dwelling.	Granted
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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 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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 8th 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 27th 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 need, 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

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

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

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the applicant is related to a member of staff.

SITE DESCRIPTION

The application site is located towards the northern end of Halstead, within the town development boundary.

The site comprises a detached dwelling forming part of a group of detached dwellings on similar size plots in a cul-de-sac location. To the rear of the site are St. Andrews School playing fields. Some of the properties in the immediate locality have been extended. The dwelling opposite the application site has a similar extension with a small front dormer window and the adjacent neighbour property at No. 5 Portway Court also has a dormer window, visible within the street scene.

PROPOSAL

Planning permission is sought for the erection of a first floor side extension. The extension would be set back from the main front building line with a subordinate ridge line but project beyond an existing garage and link, resulting in the front part of the first floor extension supported by pillars. The extension would project marginally further back from the rear building line and a small dormer would be placed partially in the front and rear roof slope. There would be no increase in footprint at ground floor level. The proposed first floor

facilities would comprise an additional 2 bedrooms, one of which would have en-suite facilities.

Proposed materials include roof tiles to match existing and weatherboarding to match that which is present on the existing house.

CONSULTATIONS

None.

TOWN COUNCIL

No objection raised.

REPRESENTATIONS

Nos. 5 and 7 Portway Court have been notified and a site notice has been displayed on a lamp post close to the property.

No representations have been received to date.

REPORT

Principle of Development

The application site is situated within the Town Development Boundary of Halstead, wherein the principle of development is acceptable in principle. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allow for extensions to dwellings in towns and villages providing that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, there should be no unacceptable adverse impact on the amenity of adjoining residential properties and there should be no material impact on the identity of the street scene, scale and character of the area.

The principle of extending the property is therefore an acceptable one, subject to the abovementioned criteria being met, which is discussed in more detail below and all other material considerations.

Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan seeks a high standard of layout and design in all developments.

The ridgeline of the proposed extension would be lower than the host dwelling with the extension being set back from the main building line, which results in the extension appearing as a subordinate addition. It is recognised that the development would result in the plot being filled at first floor level, however the space between dwellings in the immediate vicinity is not a distinct part of the character; the siting of dwellings follows the cul-de-sac formation resulting in a

semi-circular pattern, with some dwellings sited further back. There is not a uniform building line or spacing between properties and as such, it is not considered that the proposed first floor extension would harm the character of the settlement.

In terms of visual impact on the host dwelling, the appearance and character of the main dwelling would still be legible and materials are proposed to match existing; the provision of a dormer window is considered to be acceptable, taking account of the presence of small dormer windows of similar scale in the immediate area and as such, accords with the relevant policy criteria in terms of design and appearance.

Impact on Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan seek to ensure that there is no unreasonable impact on neighbouring amenity.

The proposed extension would bring the built form at first floor level close to the boundary line and the neighbouring dwelling, of which a side dormer window is present. However having checked the layout of the neighbouring property through historic planning permissions, it would appear that the dormer window serves a bathroom and therefore not a habitable room. Having said that, it is considered that with the neighbouring dormer window set back from the side boundary, if the window served a habitable room, the impact in terms of overbearing or overshadowing issues would not be to a level that would warrant withholding planning permission on this basis alone and therefore the proposal is considered to be acceptable in terms of neighbouring residential amenity.

No other neighbouring property would be affected by the proposed development.

The proposal accords with the abovementioned policies.

Highway Issues

The existing garage would remain as part of the scheme, although it is debatable, given its age, whether a car can realistically be parked within the garage.

It is noted that the first floor overhang design of the proposed side extension allows for the driveway to continue to provide 2no. off-street car parking spaces.

There is sufficient provision on the existing drive for the parking of 2 cars and therefore the proposals would not result in off street parking provision falling below the Adopted Car Parking Standards (2009) and is therefore acceptable.

CONCLUSION

The proposed first floor side extension is considered to meet the necessary policy criteria outlined above and it is recommended 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

Existing Elevations and Floor Plans Plan Ref: 19-097-AS-1

Proposed Elevations and Floor Plans Plan Ref: 19-097-AS-2 Version: A

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved drawings.

Reason

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

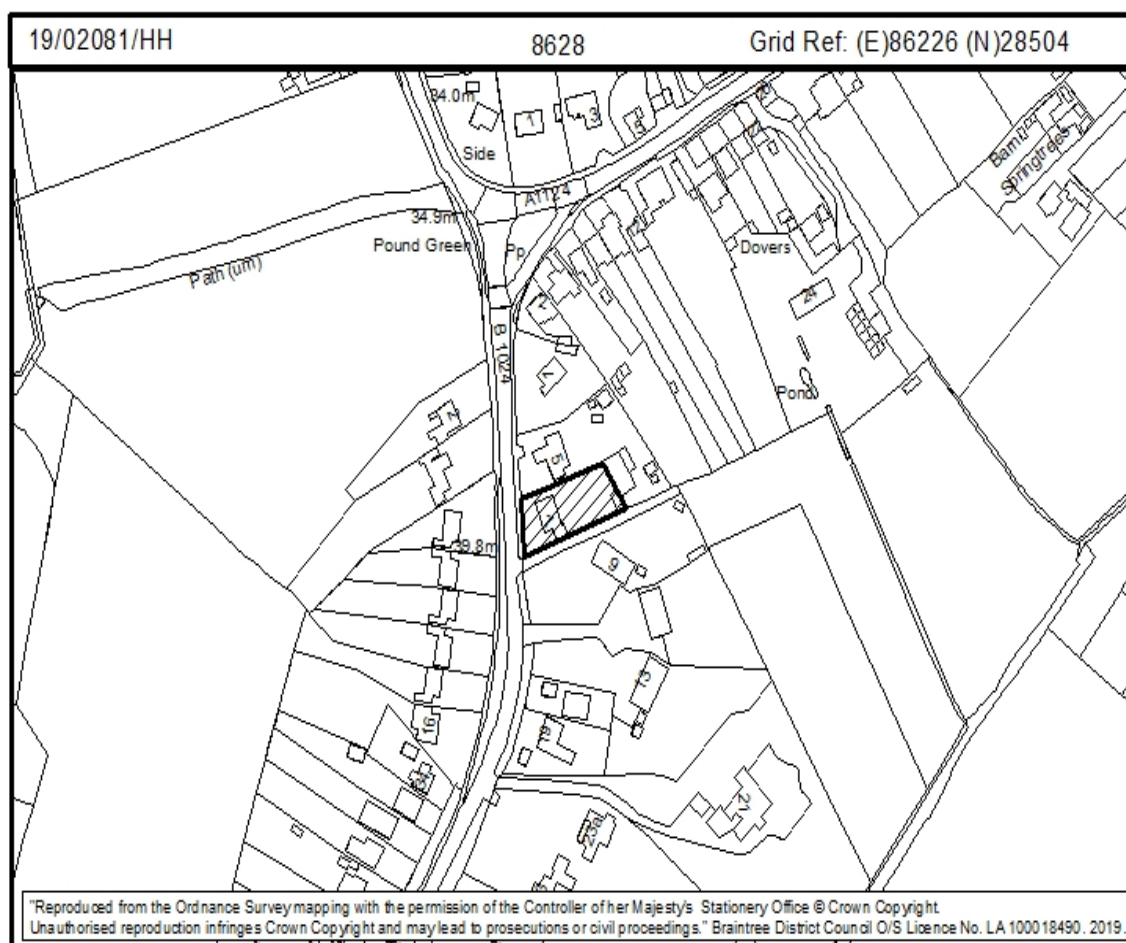
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 19/02081/HH
DATE: 19.11.19
VALID:
APPLICANT: Mr & Mrs Stuart Sibley
Bamboozle Bungalow, 7 Coggeshall Road, Earls Colne,
CO6 2JP
AGENT: Mr Nigel Chapman
Kings House, Colchester Road, Halstead, CO9 2ET
DESCRIPTION: Part single, part two-storey rear extension
LOCATION: Bamboozle Bungalow, 7 Coggeshall Road, Earls Colne,
Essex, CO6 2JP

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext.
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q17IBNBFJGI00>

SITE HISTORY

15/00228/FUL	Erection of extension to existing dwelling to form annexe accommodation.	Withdrawn	07.04.15
16/00056/FUL	Erection of extension to existing dwelling to form annexe accommodation for family use.	Granted	24.05.16
16/01335/DAC	Application for approval of details reserved by condition no. 4 of approved application 16/00056/FUL	Granted	19.10.16
18/01352/NMA	Application for a non-material amendment following grant of planning permission 16/00056/FUL - Cedar cladding to be used on South East Elevation.	Refused	27.07.18
03/01879/FUL	Erection of rear conservatory	Granted	07.11.03
18/01863/FUL	20 x 40 metre manege with post & rail fencing - Retrospective	Granted	01.02.19

POLICY CONSIDERATIONS

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

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

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 8th 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.
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- 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 27th 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 need, 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

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

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

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the agent is related to a member of staff.

SITE DESCRIPTION

The application site comprises a detached bungalow set in a large plot along Coggeshall Road, within the Village Envelope of Earls Colne. The property is set back from Coggeshall Road, with a private track abutting the side of the property.

PROPOSAL

This application seeks planning permission for a two-storey rear extension to the dwelling. Although the property is currently a single storey bungalow, the land slopes down away from the property from the rear elevation, allowing for a two storey extension which does not exceed the current ridgeline. The extension would be split into two elements, one with a gable end which would extend 6.5 metres from the rear elevation at a width of 7.3 metres, and the other would have a catslide roof, extending 1.93 metres from the existing utility room at a width of 4.0 metres. The extension would be constructed of render to match the host dwelling with a brick plinth to the ground floor element with the catslide roof, and would be tiled to match existing. There would be windows to the rear at ground and first floor level, and one window on the side elevation in line with the existing windows at the property.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Earls Colne Parish Council have no objections to the application.

REPRESENTATIONS

One general comment was received from the neighbouring dwelling at No. 8 Coggeshall Road, asking whether there will be any change in the building profile for the extension.

REPORT

Principle of Development

The application site is located within the Village Envelope of Earls Colne where the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

Design and Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The proposed extension would create a first floor to the property, which is currently a bungalow. Notwithstanding this, due to the changes in ground level on the plot, the ridge height of the property would not be exceeded, and the proposal would be subservient to the existing dwelling. Facing materials and windows are proposed to match the original property.

The proposal is therefore considered to be subservient, in keeping with the character of the host dwelling and the wider street scene, and therefore is compliant with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

The proposed extension would not extend beyond the rear elevation of the neighbouring property at No.5 Coggeshall Road. Due to the siting of the proposed extension, it is not considered that there would be any impact on neighbouring amenity, and therefore the proposals are compliant with the above-mentioned policies.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The current parking provision to the front of the property would be unaffected by the proposals. The proposal is therefore considered acceptable with regards to highway considerations.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. 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: 19/701/1A
Proposed Elevations and Floor Plans	Plan Ref: 19/701/3A
Proposed Plans	Plan Ref: 19/701/4A

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

Reason

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

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PLANNING COMMITTEE
4th February 2020



Review of the Council’s Statement of Community Involvement (SCI)		Agenda No: 6
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Christopher Paggi, Planning Development Manager	
Report prepared by:	Christopher Paggi, Planning Development Manager	
Background Papers:		Public Report
The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 Neighbourhood Planning Act 2017 Town and Country Planning (Development Management Procedure) Order (2015) General Data Protection Regulations National Planning Policy Framework (2019) National Planning Policy Guidance		Key Decision: No
Executive Summary:		
An update to the Statement of Community Involvement (SCI) at is required at least every 5 years to comply with the Town and Country Planning Regulations 2017. The review of the SCI is being undertaken by the Planning Policy team, however the section of the SCI which relates to Development Management has been redrafted by the Development Management team. This section of the SCI sets out the approach which will be taken by the Local Planning Authority to involve the community in the planning application process.		
Recommended Decision:		
That the Planning Committee recommend that the revised section of the SCI relating to Development Management, is approved by the Local Plan Sub Committee.		

Purpose of Decision:	
To provide the Planning Committee views on the Revised Section of the SCI (Development Management) of the updated Statement of Community Involvement	
Any Corporate implications in relation to the following should be explained in detail.	
Financial:	Officer time and resources required to carry out the public consultation is estimated to be minor.
Legal:	The Local Planning Authority has a duty to review its Statement of Community Involvement at least every five years from the date of publication.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	<p>Equality Impact Assessment has been undertaken for the SCI by the Planning Policy team.</p> <p>The Statement of Community Involvement has a positive/neutral impact on people with protected characteristics.</p>
Customer Impact:	The Statement of Community Involvement will set out how the Local Planning Authority will undertake public consultations and/or engage with its customers for the Local Plan and for planning applications. For Parish Councils, it will also set out how the Local Planning Authority will support Neighbourhood Plans.
Environment and Climate Change:	No matters arising out of this report.
Consultation/Community Engagement:	There will be a 6 week consultation on the Statement of Community Involvement.
Risks:	The Local Planning Authority has a legal duty to review its Statement of Community Involvement under the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
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1. Review of the Council's Statement of Community Involvement (SCI)

- 1.1 The Statement of Community Involvement (SCI) explains how the Local Planning Authority (LPA) will involve local people in planning, setting out who and how the LPA will engage residents and stakeholders. This includes public consultation of the Local Plan, Neighbourhood Plan and Supplementary Planning Documents, making comments on planning applications and how the LPA will assist Neighbourhood Planning areas or forums. It also sets out what the Council's expectations are for developers to engage with the local community regarding proposed developments. Most residents and stakeholders engage with planning through either making a comment on a planning application or writing a consultation response to the Local Plan.
- 1.2 The SCI was last changed in October 2013. A revised version of the SCI has been prepared by the Planning Policy team. It is based on an established succession of SCIs which was first adopted in July 2006. The revised iteration was prompted by amendments to government regulations for Town and Country planning requiring SCI reviews at least every five years and a new duty on the LPA to support Neighbourhood Plans enacted recently through the Neighbourhood Planning Act 2017.
- 1.3 The revised draft of the SCI was reported to the Local Plan Sub Committee on 10th January 2019. In respect of the Section of the SCI relating to Development Management, Members expressed concern that site notices may no longer be displayed and that neighbour notification letters may not be sent for all planning applications. Members considered that the use of site notices and notification letters was an important means of communication and that their use should not be restricted.
- 1.4 Although the review of the SCI is being undertaken by the Planning Policy team, the section of the SCI which relates to Development Management has now been redrafted by the Development Management team. This section of the SCI sets out the approach which would be taken by the Local Planning Authority to involve the community in the planning application process. In this regard it outlines the consultations and range of publicity which the Local Planning Authority would carry out to ensure a thorough and meaningful consultation process to provide the community with an opportunity to engage in the planning process and comment on proposals.
- 1.5 There are legal requirements for the publicity of applications. Within the revised version appended to this report, it is proposed that for the majority of applications, the Local Planning Authority will continue to exceed the minimum legal requirements.
- 1.6 Two specific changes, in relation to the publicity for specific application types, are proposed within the revised version:
 - As set out within Table 1.11, it is proposed to start displaying a Site Notice(s) and sending notification letter(s) to adjoining properties for applications seeking consent for works to Protected Trees (subject to a

Tree Preservation Order). There is currently no requirement to do so, however it is considered that as this represents best practice this publicity should be undertaken.

- As set out within Table 1.9, it is proposed to cease displaying Site Notice(s) and sending notification letter(s) to adjoining properties for applications for Advertisement Consent. There are no legal requirements to undertake publicity for these types of applications and it is recommended that current practices are revised in line with this. Parish and Town Council's would continue to be consulted on applications for Advertisement Consent; advertisement applications would continue to appear on the weekly list which is available to Members and members of the public; and application submissions would continue to be available to view and comment on the Council's Public Access website. If this change was agreed, it would allow for the processing of applications for Advertisement Consent to be streamlined, in the same way as other similar applications for Discharge of Conditions, Non-Material Amendments and Certificates of Lawfulness are processed. The proposed change would achieve some efficiency savings.

- 1.7 A copy of the revised section of the SCI relating to Development Management, is appended to this report.

2. Next Steps

- 2.1 Prior to being referred back to the Local Plan Sub Committee for consideration, the views of the Planning Committee are sought.
- 2.2 The revised SCI will then be referred back to the Local Plan Sub Committee on 13th February 2020 for consideration.

3. Recommendation

- 3.1 That the Planning Committee recommend that the revised section of the SCI relating to Development Management, is approved by the Local Plan Sub Committee.

Revised Statement of Community Involvement (SCI)

7. Development Management

7.1 Introduction

7.1.1 In order to carry out development or works to a listed building in the Braintree District, permission to do so must be granted by the Local Planning Authority through a formal application process. 'Development' has a legal definition, but in summary it means that planning permission is usually required for:

- Building new structures
- Changing the use of existing structures or land; and
- Making extensions/modifications that aren't covered by permitted development rights

7.1.2 The exception to this is where certain types of development which Government legislation allows to be carried out without the need to obtain planning permission from the Local Planning Authority. These rights are commonly referred to as 'Permitted Development' rights. Government guidance on what requires planning permission and what can be undertaken under permitted development rights can be found online (www.gov.uk, www.planningportal.co.uk, or www.braintree.gov.uk).

7.1.3 Braintree District Council is the Local Planning Authority for the Braintree District. The Local Planning Authority processes thousands of applications each year. Applications vary in scale from householder applications to extend an existing dwelling, to large scale major developments for residential or commercial development.

7.1.4 For most people, their main contact with the planning system is through the planning application process, either as an applicant, or as a resident who may be affected by a particular planning proposal.

7.1.5 This section of the Statement of Community Involvement sets out the approach which will be taken by the Local Planning Authority to involve the community in the planning application process.

7.2 Pre-Application Process

7.2.1 The National Planning Policy Framework (NPPF) sets out the Governments expectation that Local Planning Authorities should approach decisions on proposed development in a positive and proactive way, working with Applicants to secure developments that will improve the economic, social and environmental conditions of the area. The NPPF also states that Local Planning Authorities should seek to approve applications for sustainable development where possible.

7.2.2 The NPPF highlights the importance of pre-application engagement and states that a Local Planning Authority should encourage Applicants to engage

in pre-application discussions prior to submitting a formal application for consideration.

7.2.3 The Local Planning Authority operates a comprehensive chargeable pre-application process for Applicants for all scales of planning proposals, from householder extensions, proposed works to listed buildings, to minor and major residential and commercial development. Details of this service are available on the Council's website (www.braintree.gov.uk/preapp).

7.2.4 The Local Planning Authority cannot require Applicants to undertake prior consultation with the wider community before submitting an application (with some limited exceptions). However, in line with Government guidance the Local Planning Authority encourages Applicants to engage and discuss proposals with adjoining properties who could be affected by a proposal, or the wider community when a major development is proposed, prior to submitting a formal application. Engagement with statutory and non-statutory consultees is also encouraged where appropriate. A number of consultee bodies provide their own pre-application advice service. The benefits of engaging with the local community prior to the submission of a planning application, include:

- Enabling local concerns and objections to be identified early in the process, and providing an opportunity for these to be addressed;
- Raising awareness and ensuring that local communities are provided with accurate information on proposed developments;
- Provide an opportunity for the community to discuss proposals with the applicant;
- Potentially avoiding the need to revise proposals later in the application process;
- Assisting with the submission of better quality planning applications.

7.2.5 It is recognised that the level of engagement needs to be proportionate to the nature and scale of a proposed development. The more complex or contentious the proposal, the broader the range of consultation methods should be, to allow as many people as possible to engage with the process. Applicants proposing to submit an application to extend or undertake alterations to their property are strongly encouraged to discuss their proposals with any adjoining properties who could be affected by the proposals. This assists in identifying potential issues early on and can assist the planning application process, as this provides an opportunity to address concerns and objections from adjoining properties before an application is submitted for consideration.

7.2.6 Applications for new residential or commercial development should be subject to wider community engagement. The scale of this engagement would be relative to the proposed development. The list below is not exhaustive, but outlines some of the consultation measures which should be considered by Applicants to ensure meaningful engagement with the local community is undertaken:

- Consultation with the Parish/Town Council
- Consultation with the Neighbourhood Plan Group (if applicable)
- Leaflet mail drop to adjoining properties outlining the proposed development and how residents can submit feedback
- Publicise proposals via a website and/or through the local press, social media and flyers and provide a mechanism for residents to be able to submit feedback
- Public meeting / Local exhibition in an accessible venue (accessible for disabled persons and for all members of the community) within the locality of the proposed development, for residents to view the proposals, ask questions and submit feedback
- Workshops with different groups (local residents and interest groups) to discuss proposals

7.2.7 The Local Planning Authorities list of Local Validation Requirements set out when a Statement of Community Involvement is required to accompany a formal application submission, to evidence and outline the consultation undertaken with the wider community.

7.3 Publicity of Applications

7.3.1 There are legal requirements for the publicity of applications. For the majority of applications the Local Planning Authority exceed the minimum legal requirements.

7.3.2 The tables below set out the consultations and range of publicity which the Local Planning Authority will carry out to ensure a thorough and meaningful consultation process to provide the community with an opportunity to engage in the planning process and comment on proposals.

Table 1.1	Application for Major Development
Legal Requirement for consultation	Site Notice OR letter to adjoining property
	Newspaper Publication
	Website
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Newspaper Publication
	Website: www.braintree.gov.uk/pa

Table 1.2	Application accompanied by an Environmental Impact Assessment (EIA)
Legal Requirement for consultation	Site Notice
	Newspaper Publication
	Website
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Newspaper Publication
	Website: www.braintree.gov.uk/pa

	NB) For any current application which is accompanied by an EIA, a printed copy of the Environmental Statement is available at the Council Offices at Causeway House, Bocking End, Braintree, Essex, CM7 9HB for public inspection during opening hours.
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Table 1.3	Application which represents a Departure from the Development Plan
Legal Requirement for consultation	Site Notice
	Newspaper Publication
	Website
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Newspaper Publication
	Website: www.braintree.gov.uk/pa

Table 1.4	Application affecting a Public Right of Way (PROW)
Legal Requirement for consultation	Site Notice
	Newspaper Publication
	Website
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Newspaper Publication
	Website: www.braintree.gov.uk/pa

Table 1.5	Minor Development Householder Development Change of Use Applications for Variation or Removal of Condition(s) attached to a previous consent
Legal Requirement for consultation	Site Notice OR letter to adjoining property
	Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building
	Website
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building
	Website: www.braintree.gov.uk/pa

Table 1.6	Listed Building Consent
Legal Requirement for consultation	Site Notice
	Newspaper Publication
	Website
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Newspaper Publication
	Website: www.braintree.gov.uk/pa

Table 1.7	Householder Prior Approval Applications
Legal Requirement for consultation	Letter to adjoining property
LPA SCI Consultation	Letter to adjoining property
	Website: www.braintree.gov.uk/pa

Table 1.8	All Other Prior Approval Applications
Legal Requirement for consultation	Site Notice OR letter to adjoining property
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Website: www.braintree.gov.uk/pa

Table 1.9	Advertisement Consent Discharge of Conditions (DAC) Non-Material Amendments (NMA) Certificate of Lawful Use or Development (Existing and Proposed)
Legal Requirement for consultation	None
LPA SCI Consultation	Site Notice AND letter to adjoining property ONLY for applications for Certificates of Lawfulness for an Existing Use or Development where deemed appropriate by the Case Officer
	Website: www.braintree.gov.uk/pa

Table 1.10	Works to Protected Trees (subject to a TPO)
Legal Requirement for consultation	None
LPA SCI Consultation	Site Notice AND letter to adjoining property
	Website: www.braintree.gov.uk/pa

Table 1.11	Works to Trees within a Conservation Area
Legal Requirement for consultation	None
LPA SCI Consultation	None
	Website: www.braintree.gov.uk/pa

Site Notices

- 7.3.3 Site notices are required to be displayed on or adjoining the application site on an appropriate structure such as a telegraph pole, street light, or fence/wall/gate so they are viewable from a public vantage point. The site notice(s) will be displayed by a Planning Officer or a Council Officer who will determine the most appropriate position for the site notice(s). The site notice will provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

Letters to Adjoining Properties (Notification Letters)

- 7.3.4 Where indicated within the tables above, the Local Planning Authority will send letters to adjoining properties to notify the owners/occupiers that an application has been submitted for consideration. The notification letters provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.
- 7.3.5 In some cases, residents may feel they could be affected by a proposal and/or wish to make representations on an application but have not received a notification letter from the Local Planning Authority. The extent of letter coverage will be relative to the scale and nature of the proposal so in some cases not all residents will receive a notification letter. However, if an owner/occupier has not received a notification letter they are still able to submit representations on the application.

Newspaper Publication

- 7.3.6 Where indicated within the tables above, the Local Planning Authority will publish a notice of applications in a newspaper circulating in the locality in which the land to which the application relates is situated. The notice will provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

7.4 How to View and Comment on Applications

- 7.4.1 All current applications are available to view on the Council's Public Access website (www.braintree.gov.uk/pa). The system provides access to the submitted plans, supporting documents, and any representations or consultations responses received. You can also search for past applications and appeals (from 1990), and planning enforcement history. For those who do not have access to the internet, access to the Council's Public Access website is available at the Council's offices, at Causeway House, Bocking End, Braintree, Essex, CM7 9HB, during opening hours.
- 7.4.2 In addition to searching for specific applications, you can create your own account on Public Access and specify criteria for receiving alerts and notifications of applications.
- 7.4.3 Representations to an application can be made online via the Council's Public Access website (www.braintree.gov.uk/pa). In order to submit a representation it is necessary to complete a short registration process. Once registered you will be able to make your comments as well as tracking the application until this has been determined. Further guidance on this can be found online via our website (www.braintree.gov.uk/pa1).
- 7.4.4 Representations can also be submitted in writing to the Local Planning Authority quoting the relevant application number addressed to:
- Development Management, Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB
- 7.4.5 All representations received in connection with applications will be available for public inspection and viewable on the Council's Public Access website (www.braintree.gov.uk/pa) within three weeks of receipt. Anonymous representations cannot be taken into account and will not be posted on the website. The name and address of anyone submitting a representation will be published, but in accordance with the Data Protection Act, telephone numbers and e-mail addresses will be removed. Anyone submitting representations should ensure that they do not include personal details within their representation, such as e-mail addresses or telephone numbers. In some cases representations may also need to be redacted to remove sensitive information. Please make sure that your comments are relevant, because you remain personally and legally responsible for them. The Local Planning Authority reserves the right not to publish or redact any comments which in its judgement are libellous, offensive, defamatory, threatening, abusive, or contravenes the provisions of the Equality Act 2010 or any other legislation.
- 7.4.6 When considering representations received in connection with applications, the Local Planning Authority can only take into account material planning considerations, which may include:
- Local, strategic and national planning policies
 - The design of the proposed development

- The distance between the development and neighbouring property, particularly if the distance is unclear on the plans
- Highway issues: traffic generation, vehicular access, highway/pedestrian safety
- The effect on the amenity of neighbouring premises (e.g. impact such as overlooking, overbearing, overshadowing, loss of natural light, noise, smell, fumes)
- The impact upon trees/ecology, heritage assets, or the historic environment
- Capacity of physical infrastructure and social facilities
- Previous appeal decisions

7.4.7 The Local Planning Authority cannot take into account representations which raise non-material planning considerations, which may include:

- Effect on property value
- Loss of a view
- Boundary disputes, private covenants or private interests
- Suspicion about future intentions
- The personal circumstances of the applicant

7.4.8 The Local Planning Authority will not generally enter into correspondence with anyone who has submitted representations on an application once the comments have been submitted. Any representations received will be considered by the Local Planning Authority and taken into account in the assessment of the application.

7.4.9 The Local Planning Authority will notify anyone who has submitted representations on an application where:

- The application is due to be referred to the Council's Planning Committee for determination (see How Applications are Determined below for further information); and
- The application has been determined and a decision has been issued to the applicant/agent. Anyone who has submitted representations on the application will be notified of the outcome of the application. A copy of the decision notice and either the Delegated or Committee Report will also be published on the Council's Public Access website (www.braintree.gov.uk/pa).

7.4.10 The Local Planning Authority may also notify anyone who has submitted representations on an application where:

- Revised/Additional Plans/Supporting Documentation have been submitted by the applicant/agent and where the Local Planning Authority has accepted this information. The decision on whether to undertake further consultation on any revised or additional plans/supporting documentation will depend on the nature, scale and significance of this information. Where in its judgement the Local Planning Authority considers it

necessary to undertake further consultation, the length of any re-consultation (i.e. whether to re-consult for 21, 14 or 7 days) will also depend on this factor.

7.5 How Applications are Determined

7.5.1 The Council's Scheme of Delegation sets out who can determine applications. In accordance with the Scheme of Delegation the majority of applications are determined under Delegated Powers by Officers.

7.5.2 Applications, which meet the specific criteria with the Council's Scheme of Delegation, are referred to the Council's Planning Committee for determination (where the elected Councillors on the Planning Committee will make the final decision). When an application has been scheduled to be referred to the Planning Committee, the Local Planning Authority will write to notify anyone who has submitted representations to advise of the date and venue of the Planning Committee and how to register to speak at the Committee meeting during public question time session. Members of the public who have not made a representation to an application can also register to speak on a planning application. Further information on registering to speak at a Planning Committee is available on the Council's website (https://www.braintree.gov.uk/info/200141/committees_and_meetings/102/attending_committee_meetings).

7.5.3 Planning Committee meetings are scheduled to take place throughout the year. A schedule of dates for Planning Committee are published on the Council's website along with agenda papers and minutes of previous meetings (https://braintree.cmis.uk.com/braintree/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/5/Default.aspx).

7.5.4 The Planning Committee are public meetings and members of the public are welcome to attend. The Planning Committee meetings are also webcast. Webcasts can be watched live or for up to 6 months after the meeting date (<https://braintree.public-i.tv/core/portal/home>).

7.6 Appeals

7.6.1 If an Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for an application or to grant it subject to conditions, or if the Local Planning Authority has not made a decision on the application within the required timescales, the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Appeals can also be made against Planning Enforcement Notices issued by the Local Planning Authority. The Planning Inspector appointed by the Secretary of State will then be responsible for considering the appeal and deciding whether the appeal should be dismissed or allowed.

7.6.2 If the Local Planning Authority receives notification of an appeal, the Local Planning Authority will notify all interested parties (i.e. anyone who has

submitted representations on the application) of the appeal details. The Local Planning Authority cannot advise on appeals and would recommend that independent legal advice is taken. The Council will also send the Planning Inspectorate copies of any comments received during the consultation on the planning application and it should be noted that the Planning Inspectorate will not accept any further written representations regarding Householder appeals. In the case of enforcement notices, the Council will also notify everyone who it thinks is affected about the appeal. When the Planning Inspectorate issue an appeal decision the Council will post the notice on the Public Access website. More information regarding the appeal process can be found on the Council's website ([LINK](#)).

- 7.6.3 There is no third party right of appeal against the decision of the Local Planning Authority, but the legality of decisions made by the Local Planning Authority can be challenged through Judicial Review. A Judicial Review is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. There are strict time limits for Judicial Review. The Local Planning Authority cannot advise on Judicial Review and would recommend that independent legal advice is taken.

7.7 Planning Enforcement

- 7.7.1 A breach of planning control occurs when:

- Development is carried out without the required planning permission;
- Works to a listed building is carried out with the required listed building consent; or
- There is a failure to comply with a condition or limitation attached to an approved application

- 7.7.2 The Local Planning Authority has powers to investigate breaches of planning control. Before taking action the Council will determine whether it is expedient to use its powers. The Local Planning Authority is not under a duty to investigate a complaint or to take specific action.

- 7.7.3 Information on how the Local Planning Authority undertakes its Planning Enforcement function can be found in our published Enforcement Plan ([LINK](#)). This explains how the Local Planning Authority will investigate alleged breaches of planning control, how the Planning Enforcement Team will prioritise investigations, our staged approach to taking enforcement action, and when we will inform residents of the outcome of an investigation.

- 7.7.4 Alleged breaches of planning control can be reported by completing the online enquiry form on the Council's website ([LINK](#)) or by contacting the Planning Enforcement Team ([LINK](#)).