

# PLANNING COMMITTEE AGENDA

Tuesday, 22 October 2019 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](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

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

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by midday on the 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](http://www.braintree.gov.uk)

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

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

**PUBLIC SESSION**

**Page**

**1 Apologies for Absence**

**2 Declarations of Interest**

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 8th October 2019 (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 02227 FUL - Witham Railway Station, Albert Road, WITHAM 6 - 26**

**5b Application No. 19 00168 OUT - Land West of Sudbury Road, HALSTEAD 27 - 64**

**5c Application No. 19 00504 FUL - The Old Hyde, Little Yeldham Road, LITTLE YELDHAM 65 - 85**

**5d Application No. 19 00505 LBC - The Old Hyde, Little Yeldham Road, LITTLE YELDHAM 86 - 96**

**PART B**

**Minor Planning Applications**

**5e Application No. 19 01107 VAR - Armond Cottage Armond Road, WITHAM 97 - 107**

**5f Application No. 19 01275 HH - Jayden, New Road, TERLING 108 - 115**

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

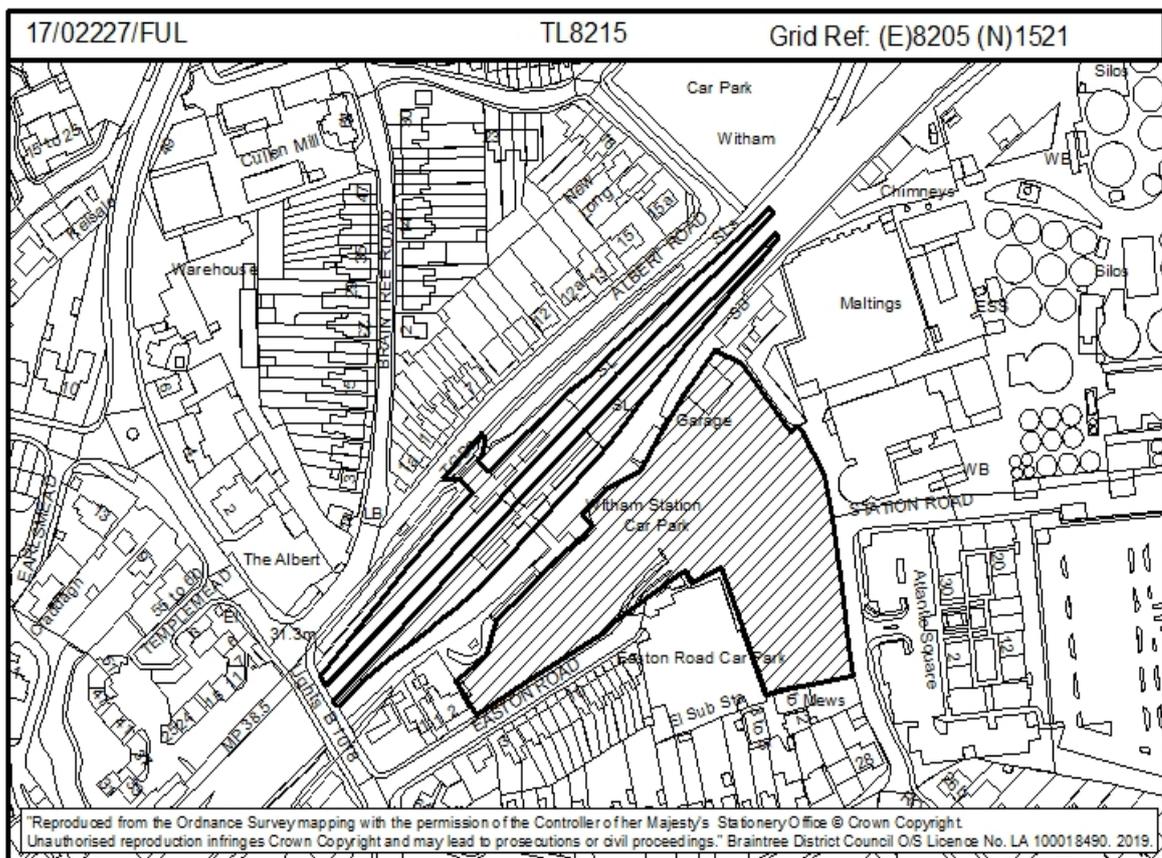
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 17/02227/FUL  
DATE VALID: 19.12.17  
APPLICANT: Mr Marek Dowejko  
One Stratford Place, London, E20 1EJ  
AGENT: Design MAD Ltd  
Mike Arthur, 42 Borough High Street, London, SE1 1XW  
DESCRIPTION: Refurbishment of Albert Road Station entrance and new associated station building on eastern side of track, together with upgraded parking bays in the forecourt and improved cycle storage facilities.  
LOCATION: Witham Railway Station, Albert Road, Witham, Essex, CM8 2BS

For more information about this Application please contact:  
Mr Neil Jones on:- 01376 551414 Ext. 2523  
or by e-mail to: [neil.jones@braintree.gov.uk](mailto:neil.jones@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P0U8XVBFG3Y00>

**SITE HISTORY**

04/02299/FUL	Erection of 15 no. 8 metre high lighting columns and renewal of car parking lighting		11.03.05
90/01755/PFWS	Proposed Hoarding Advertising Display Single Sided	Granted	15.01.91
92/00127/E	Proposed Mobile Dry Cleaning Service		
07/02178/PRI	Prior Notification - Extension of footbridge and alterations to car park	No Objections Raised	08.04.08
16/00626/ADV	Installation of an ATM surround collar- NOT PROCEEDED WITH	Application Returned	
19/00487/PLD	Application for a Lawful Development Certificate for a Proposed Use or Development - Proposed station carpark	Pending Consideration	
86/00434/	Erection of a car servicing and valeting unit with provision of eight associated car parking spaces	Granted	22.05.86
91/00398/	Change of use of car-park to a mixed use of open air retail market and associated parking on sundays only	Refused	28.05.91
91/00398/PFWS	Change Of Use Of Car Park To A Mixed Use Of Open Air Retail Market And Associated Parking On Sundays Only	Refused	28.05.91
94/00264/TEL	Erection of a freestanding tubular telecommunications mast/pole	Permission not Required	21.03.94
91/00398/PFWS	Change Of Use Of Car Park To A Mixed Use Of Open Air Retail Market And Associated Parking On Sundays Only	Refused	28.05.91

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing 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
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP52	Public Transport
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land

RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is 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.

When the application was first submitted in December 2017 the proposed development included the erection of a car park deck, above part of the existing car park, and the creation of a new vehicular entrance / exit connecting the existing car park to Station Road. After the application was submitted there were discussions between the applicant and Officers over the proposals. The applicant subsequently decided to withdraw the proposals to erect the decked car park.

The description of development was amended and the relevant plans were withdrawn from the application. Details of what is now proposed is set out in the 'Proposal' section of the report below.

When originally publicised, the application attracted a significant number of objections from local residents, including Witham Town Council, but many of the objections referred only to the proposal to erect a decked level in the car park and the vehicular access to Station Road. As these elements no longer form part of this application, those objections have not been listed within the representation summary below.

Separate to this application, the applicant has submitted an application for a Proposed Lawful Development certificate (Application Reference 19/00487/PLD). Lawful development certificates are certificates issued by local planning authorities which certify that a proposed (or existing) development is lawful. One way that they can be used is to determine whether the proposed development requires an application for planning permission, or whether can be carried out as Permitted Development. The application for a Lawful Development Certificates require an assessment of the proposed development against the regulations set out in the General Permitted Development Order and the Council's Legal Adviser will provide advice to Officers on this matter. Because these applications are a legal determination the Council's scheme of delegation specifies that Lawful Development applications are determined by Officers under delegated powers.

## SITE DESCRIPTION

Witham Railway Station covers a 10.7 hectare site which occupies a central location in the town, with a mix of land uses adjoining the site. There are two entrances to the station on either side of the railway lines - via Albert Road to the north-west, where the existing ticket office is located, and Easton Road to the south-east. Aside the ticket office most of the station facilities (toilets, kiosk selling hot drinks, waiting rooms and staff accommodation) are located on the platforms. A large, uncovered ground car park is located to the south of the railway lines and stations and is advised to provide 406 car parking spaces.

To the east of the station is the Maltings industrial area which contains large commercial buildings' plant and chimneys. To the south of the station site there are residential properties on Easton Road, along with the car park that is owned and operated by the District Council. To the west of the site is the B1018, which runs over a bridge crossing the railway lines, with further predominantly residential areas to the west. On the northern side of the railway lines there are residential properties along Albert Road and Braintree Road, along with some commercial uses, including a Public House, taxi office and a drinks kiosk.

The station was opened in 1843 and is on what is now the Great Eastern Main Line, with services running between London and East Anglia. Train services

for the Braintree Branch Line also run from the station. The applicant advises that there are 2.3 million passenger trips a year from the station, with a footfall forecast to increase to 3.7 million by 2025.

None of the station buildings are listed, however immediately to the south of the site is the northern boundary of the Conservation Area.

## PROPOSAL

This application seeks planning permission for the demolition of existing elements to the car park entrance at Witham Railway Station and the erection of a new two storey building, providing at ground floor level a new ticket office and entrance hall with ticket gates; taxi office; and commercial retail units including a 13.4sq.m unit (A5 use – Hot Food & Takeaway); 150.5sq.m unit (A1 Use – Retail); and incorporating the existing lift and stairwell to the station footbridge. On the first floor storage and staff facilities including offices, kitchen, locker room, and toilets).

The Albert Road entrance will be refurbished and a new larger canopy will be constructed over the entrance. Externally the parking bay directly in front of the entrance will be removed and the footway extended to create a consistent kerb line. There will be new hard landscaping and street furniture. Internally the ticket office will be removed and the entrance hall reconfigured and the footbridge refurbished. Planning permission will not be required for these works as they can be carried out as permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Part 8 which is concerned solely with development that can be carried out by Railway or Light Railway Operators without planning permission. For Members information the new entrance hall will be provided with automated ticket vending machines and new automated ticket gates.

## CONSULTATIONS

### External Consultees

#### **ECC Highways** - No objection subject to conditions

The proposed development raises no cause for objection in respect of highway capacity or highway safety. Conditions recommended concerning a construction traffic management plan (to include details of vehicle/wheel cleaning facilities) and completion of highway works – amendments to Easton Road as shown in principle on the planning application drawings; amendments to Albert Road in the vicinity of the proposal site.

#### **ECC SuDS** - Object to the application

Although the applicant has confirmed in the application that surface water will be drained from the development through infiltration (soakaways) insufficient information was provided with the application to demonstrate this could be achieved in a suitable manner.

#### **Historic Buildings Consultant** - No objection.

The site is not located within a Conservation Area, nor is it visible from within the Conservation Areas. Concerns expressed about the works to the Easton Road entrance were overcome with the submission of further / revised information.

**Historic Environment Consultant** - No objection subject to conditions. The Essex Historic Environment (HER) Record shows that the application site will affect a site of archaeological interest, lying within the extent of the earliest settlement recorded at Witham. The applicants Desk Based Assessment acknowledges that the development has the potential to have an impact on archaeological remains associated with settlement/defences at Chipping Hill. A condition is recommended requiring further archaeological evaluation of the site.

#### Internal Consultees

**BDC Economic Development** - Supports the application  
The development will support 4 new jobs.

**BDC Environmental Services** - No objection, subject to conditions. Initial response raised a number of concerns in respect of external lighting; further information in respect of plant / machinery for new commercial buildings; and external lighting.

#### Parish / Town Council

Witham Town Council have raised no objections to the application and they comment that they wish to see the planning application expedited to ensure that this investment in Witham is not lost. The Town Council also commented that they were concerned that the car parking charges should be such so as to deter on-street parking; that appropriate parking restrictions be put in place in Avenue Road to provide a clear route for traffic; the junction of Station Road and Avenue Road should also be made safe; Feasibility of a one way system in and out of the car park; and Bus routing.

#### REPRESENTATIONS

The Council has received a total of 107 letters of objection to the planning application, although it should be noted that some residents have submitted multiple letters objecting. As previously noted many of the objections refer only to the proposal to erect a deck level over part of the car park. Listed below is a summary of the main objection reasons that have been submitted which relate to the new station building and the car parking area around that and the modifications to the Albert Road entrance.

- Concern about additional lighting and effect on neighbouring amenity.
- Loss of permit holder car parking spaces
- Existing car park is not fully utilised and vehicles are still parked and will still park in surrounding residential areas to avoid parking charges

- Would like to see increased bike spaces to promote exercise and avoid vehicle usage
- The proposal does not preserve or enhance the Conservation Area
- There is no economic benefit being brought to Witham as commuters will be parking at the station and then commuting elsewhere
- Additional pollution due to the increased traffic levels, together with noise pollution, and increased traffic congestion
- Heritage report submitted with the application is factually incorrect and does not provide an accurate report of the site
- Concerns about flooding and potential water run-off as the site is currently on a slope.
- Concern regarding the provision of parking spaces for use by a person with disabilities
- Proposed boundary treatment which abuts the Conservation area is not in keeping with the traditional materials associated with a Conservation Area
- The proposed design of the new station entrance is too modern and is not in keeping with the Victorian Style of the existing building.

In addition four letters were received which made comments on the application, neither supporting, or objecting to the application. A summary of the main issues raised in these letters is listed below.

- There is not enough cycle parking / storage.
- There is a need to improve pedestrian and cycle routes leading to the station to encourage more people to walk and cycle.
- Resident parking in Easton Road must be addressed, with a suggestion that residents be allocated spaces in the car park so that the parking bays in Easton Road could be removed to aid traffic movements along the road.
- The opening up of another entrance/exit to Station Road is essential to relieve pressure on Easton Road, or provide a new route directly to the A12 to avoid existing pinch points.

## REPORT

### Principle of Development

The railway station is located within the Witham Town Development Boundary. Policy RLP3 of the Adopted Local Plan states that within village envelopes and town development boundaries development 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.

Policy RLP56 of the Adopted Local Plan states that existing car parks identified on the Proposals Maps will be protected for car parking. The application site includes part of the designated car park at Easton Road, on the southern side of the station.

Policy CS7 of the Adopted Core Strategy states that the Council will work with partners to improve accessibility, to reduce congestion and reduce the impact

of development upon climate change. Sustainable transport links will be improved, and traffic and car parking will be carefully managed to encourage sustainable travel. Policy CS11 goes on to state that the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community, including transportation are delivered in a timely, efficient and effective manner.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that all development is of a high standard of design and layout and that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Development should not have no undue or unacceptable impact on the amenity of any nearby residential properties.

Policy LPP45 (l) of the Publication Draft Local Plan protects the Station Car Park from loss of spaces and LPP48 safeguards a secondary access to Station Road. The Local Plan generally supports developments which encourage use of public transport, including additional rail usage which reduces congestion on the A12 corridor and reduces greenhouse gas emissions. Policy LPP44 Sustainable Transport states that: *“Sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport”*

The application includes proposals to create a relatively small amount of new retail / commercial floorspace. Policy CS6 of the Adopted Core Strategy is concerned with retailing and town centre regeneration. The policy seeks to establish the primacy of the town centres for retail, office, leisure and cultural provision in the District. Any proposals for retailing and town centre uses will be based on the sequential approach in accordance with national planning policy guidance.

The Braintree Retail Study identifies 3,300sq.m of A1 retail need in Witham for the next plan period. Whilst it is noted that this study predates the approval of the Lidl store on the Bramstons site and the potential creation of new floorspace at Maltings Lane and through the redevelopment of Newlands Centre, Officers take the view that 249sq.m is a relatively small development at an Edge of Centre location. The uses will be primarily intended to provide services for users of the train station and Officers take the view that it does not detract from Town Centre shopping and therefore retail impact is likely to be acceptable.

Subject to the detailed design, the proposals would support increased use of the railway thereby fulfilling the Council’s ambition. Therefore it is considered that the principle of development is acceptable.

## Design, Appearance and Layout

In assessing the impact on the character and appearance of the surrounding area, it should be noted that the station car park and southern station entrance is quite utilitarian. It sits astride a transition area between Eastways Industrial area and mixed use but predominantly residential areas around The Avenue. The existing entrance on the southern side of the station consists of a basic metal canopy, a passenger lift and covered staircase linking the car park to the rest of the station and platforms. The facilities are extremely limited due to the basic nature of the building and comprise a single automated ticket vending machine. This side of the station is not permanently staffed.

The station is also an important gateway to the town and a legible, coherent and welcoming area in front of the south entrance. The proposed new building provides a more legible entrance to the station and provides the type of facilities that would be expected at a busy mainline railway station. The design of the building is considered suitable to the context of the site and has a contemporary appearance. A condition is recommended concerning the approval of the external materials.

It is proposed that the existing enclosed cycle store is removed and replaced with new cycle storage hubs and covered two tier cycle racks. The applicant advises that the new facilities will increase storage capacity from the current 100 spaces to 180 spaces.

The station should be accessible by pedestrians from Easton Road using the shortest and most direct route. Officers have requested that a pedestrian route across the car park is created which more closely follows the desire line for pedestrians accessing the new entrance from west. This will increase permeability and afford pedestrians and cyclists greater priority whilst still allowing the area to function as a parking area. Trees are shown to be introduced along Easton Road. Conditions are recommended requiring details of the materials to be used to delineate the pedestrian route; means of enclosure around the car park; and details of the tree planting.

The proposals for the Albert Road entrance are also considered to be acceptable. The removal of the drop off / parking bay in front of the entrance is to be removed and a larger pedestrian circulation area created in its place. New paving would be laid and the specified material is a linear block paving product manufactured with sparkling granite aggregates. Along with new metal bollards this new block paving would enhance the entrance to the station and the town. As noted below the Council's Historic Buildings Consultant was concerned about the extent of the intervention in the Albert Road façade. The applicant has modified the changes and the Council's Historic Buildings Consultant confirms that the revisions have addressed their concerns.

The applicant has proposed the installation of solar photovoltaic panels on the roof of the new building. The Council encourages the installation of renewable

energy production in new development and there is no objection to this, subject to suitable design. No details have been provided of the panels or their installation so it is recommended that this is covered by planning condition.

Access to all new elements of the station will be through level thresholds to all entrance doors and minimum clear widths in compliance with Building Regulations Approved Document Part M.

### Heritage Impact

The site is not located within a Conservation Area, however it does stand within a relatively small gap between the Witham Newland Street Conservation Area, and the Witham Chipping Hill Conservation Area.

Policy RLP95 states: *'The Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas'*. The NPPF seeks to improve the character and quality of an area and prevent significant harm to the setting of heritage assets, Policies CS8 and CS9 of the Adopted Core Strategy have similar aims.

Due to the proximity of the Conservation Areas the Council's Historic Buildings Consultant was consulted on the application. They have advised that by virtue of the screening provided by existing built form and the drop in topography they do not consider that the site makes a contribution to the character and appearance of either Conservation Area.

The station itself is advised to have formed part of the early Victorian railway network within Essex, constructed c.1842. Although heavily altered the Historic Buildings Consultant considers the Station to be a non-designated heritage asset, with the Albert Road entrance being of most significance. Whilst they have no objection to the frontage being sensitively cleaned they express concerns about other works which appear to include stripping back or rebuilding of the façade; the extent of new openings across the whole of the façade; and the overly large and indifferent design of canopy. Following these comments the applicant submitted revised information which responded to those concerns and the Council's Historic Buildings Consultant has confirmed that following review of the revised information they would not recommend refusal of the application.

### Highway Issues

In respect of impacts on the highway network, the improvements to the station facilities are intended to help improve the experience that train passengers have when they use the station. The improved facilities are not expected to significantly increase passenger numbers on their own, although it is accepted that the retail facilities could attract relatively low numbers of customers who are not using the train station.

There are two direct changes to the highway proposed by the application - modifications to the car park entrance off Easton Road and the removal of the parking bay / drop-off area in front of the Albert Road entrance.

The Highway Authority has reviewed the planning application against its own Development Management Policies to ensure the proposal site can be accessed safely and any additional trips would not be detrimental to highway safety and capacity.

The Highway Authority has visited the proposal site and also assessed its suitability against its own knowledge of the highway network and information it holds in this regard. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a construction traffic management plan and completion of highways works on Easton Road (as shown in principle on the planning application drawings) and Albert Road (details shall be agreed with the Local Planning Authority prior to commencement of the development).

It is acknowledged that there are issues with traffic coming through the town to access the station and with on-street parking by train station users. The planning system does not allow Local Planning Authorities to ask developers to solve existing problems. It only allows them to secure works and/or contributions which would mitigate the potential impact of a proposed development. Any existing problems should be brought to the attention of the (in this case Braintree) Local Highway Panel.

Given the scale of the proposed development, in terms of current planning policy, it would not be reasonable or related in scale to require the developer to fund improvements to local bus services.

## OTHER MATTERS

Witham Town Council submitted an updated consultation response in July 2019. In their response they state that they have no objection to the proposed work at the Railway Station or multi-storey car park with two accesses subject to a number of issues being addressed, including the cost of car parking at the station; additional parking restrictions in Avenue Road and provision of a safer junction at Station Road and Avenue Road. They also suggest that the feasibility of a one way system in and out of the car park should be considered and that bus routing is reviewed. For various reasons the issues highlighted are not considered pertinent to the consideration of this application. The majority of the issues are linked to the original proposals for the deck structure in the car park and the corresponding increase in traffic movements. The Council cannot control car parking charges at the car park. This is privately owned land and the Council cannot use the planning system to impose such controls on a landowner. The planning system also cannot be used to deal with existing problems, therefore the applicant cannot be required to remedy existing parking issues in Avenue Road or safety concerns at the junction of Station Road and Avenue Road. They can only be required to mitigate the

impact of their development. Similarly the desire to see the routing of bus services reviewed cannot be linked to these developments.

With regards to the proposals to erect a deck over part of the car park at the station as previously noted this is now subject to a separate application for a lawful development certificate.

### Surface Water Drainage

Policies RLP72 and RLP73 of the Adopted Local Plan also state that development will only be permitted when there is not an unacceptable risk to the quality of the underlying ground water or surface water. Policy CS8 of the Adopted Core Strategy states that the Council will seek to minimise exposure of people and property to the risks of flooding. Sustainable Drainage Systems (SUDS) will be used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. The Lead Local Flood Authority (LLFA) registered an objection to the application. The SuDS team noted that the applicant stated in their application that they intended to use infiltration to deal with soakways. Providing the geology of the land is suitable this would be the preferred method of dealing with surface water drainage. Insufficient information was provided with the application to set out the details of discharge rates but it is recommended that this could be dealt with by condition.

### PLANNING BALANCE AND CONCLUSION

There is no objection to the principle of the proposed improvements to the station facilities. The proposals will see a new principal entrance created on the southern side of the station, reflecting the importance of the entrance from the south and the car park. The proposed building incorporates a new extended ticket office providing both serviced and automatic vending opportunities for passengers, along with new staff facilities and passenger facilities with retail and a small hot food take-away. The Albert Road entrance would be reconfigured to reflect the main entrance shifting to the southern side of the railway line. The appearance of both buildings is considered appropriate to the context of the site and the surroundings.

There are no objections from the relevant statutory technical consultees that cannot be addressed by planning conditions.

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 and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities and by fostering a well-designed and safe built environment, with accessible services that reflect current and future needs and support communities' 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, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

The development of the new station facilities will create economic benefits during the construction period and allow the creation of new retail and commercial businesses at the station generating further modest economic benefits. They will also support the projected increase in train travel to and from the station which will be beneficial to the train operating company. Officers also consider that there will be wider economic benefits for the town as the improved station facilities will make the town more attractive to businesses and a location for investment. The scheme will improve the entrance on the southern side of the station, increasing activity and surveillance which will be a social benefit of the proposals. It is also proposed to increase the secure cycle parking at the station and provide an improved pedestrian route to the entrance from Easton Road. In respect of the Environment the scheme will provide new modern, energy efficient facilities for station staff and will feature photovoltaic panels on the roof which will help provide renewable energy that will help meet some of the buildings demand. The introduction of some street trees in the car park will also enhance the appearance of the site, along with the attractive new station entrance building.

The scheme represents a significant investment in the station by the train operating company, which is welcomed by the Town and District Councils, and Officers recommend that the application is approved subject to conditions.

## RECOMMENDATION

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

## APPROVED PLANS

Car park plan	Plan Ref: 1067_EX_PL_101	Version: P06
Car park plan	Plan Ref: 1067_EX-PL_102	Version: P10
General	Plan Ref: 1067_EX_PL_103	Version: P02
Demolition Plan	Plan Ref: 1067_DE_PL_101	Version: P06
Demolition Plan	Plan Ref: 1067_DE_PL_102	Version: P10
Demolition Plan	Plan Ref: 1067_DE_PL_103	Version: P02
Proposed Ground Floor Plan	Plan Ref: 1067_PR_PL_600	Version: P11
Proposed 1st Floor Plan	Plan Ref: 1067_PR_PL_601	Version: P11
Proposed 2nd Floor Plan	Plan Ref: 1067_PR_PL_602	Version: P11
General	Plan Ref: 1067_PR_PL_650	Version: P05
Proposed Ground Floor Plan	Plan Ref: 1067_PR_PL_651	Version: P11
Proposed 1st Floor Plan	Plan Ref: 1067_PR_PL_652	Version: P11

Roof Plan	Plan Ref: 1067_PR_PL_653	Version: P11
General	Plan Ref: 1067_PR_PL_654	Version: P11
Second Floor Plan	Plan Ref: 1067_PR_SE_700	Version: P05
Elevations	Plan Ref: 1067_PR_EL_801	Version: P11
Elevations	Plan Ref: 1067_PR_EL_802	Version: P10
Elevations	Plan Ref: 1067_PR_EL_803	Version: P11
Elevations	Plan Ref: 1067_PR_EL_804	Version: P11
Elevations	Plan Ref: 1067_PR_EL_805	Version: P11
Cycle Plan	Plan Ref: 1067_PR_EL_810	Version: P10
Proposed Bin Collection Plan	Plan Ref: 1067_PR_EL_811	Version: P11
Parking Strategy	Plan Ref: 162_PL_002	Version: P12
General	Plan Ref: 162_PL_001	
Tree Plan	Plan Ref: 162_PL_003	
Tree Plan	Plan Ref: 162_PL_004	

- 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 18 of the Planning (Listed Building & Conservation Areas) 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 i) No development or preliminary groundworks shall commence unless and until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

ii) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

iii) No development or preliminary groundworks shall commence on those areas containing archaeological deposits unless and 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.

iv) The applicant will 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.

- 4 No development shall commence, including any works of demolition, unless and until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
  - Safe access to / from the site including the routing of construction traffic;
  - Wheel washing and underbody washing facilities;
  - Measures to control the emission of dust, dirt and mud during construction;
  - A scheme to control noise and vibration during the construction phase, including details of any piling operations;
  - Delivery, demolition and construction working hours.
  - Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

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

- 5 Prior to installation details, including plans to show the screening, of any external refrigeration, ventilation or air handling equipment to be installed, at the commercial/retail units in the new station entrance building shall be submitted to and approved in writing by the Local Planning Authority. Details of any proposed external refrigeration, ventilation or air handling equipment shall include means of minimising the transmission of odours and sound. Development shall only be carried out in accordance with the approved details.

Reason

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

- 6 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the

approved details. There shall be no other sources of external illumination.

Reason

In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

- 7 The development shall not be occupied until the area for bin storage indicated on the approved plans is provided. The area shall be retained and available for use as approved at all times.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the Units identified on the approved plans shall only be used for the following purposes: Unit A shall only be used for purposes falling within Class A1; the Unit identified as Unit B shall only be used for purposes falling within Use Class A5; and the Unit identified as Unit C shall only be used as a taxi office. The units shall be used for no other purposes without the express consent of the local planning authority.

Reason

In order that the local planning authority may exercise control over any future uses and to protect the amenities of adjoining residential properties.

- 9 The Units to be used for Use Classes A1 and A5 hereby approved shall not be open for business outside the following hours:- 0600 hours - 2200 hours.

Reason

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

- 10 Deliveries shall be taken at or despatched from the site only between 0600 - 2200.

Reason

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

- 11 No above ground development shall commence unless and until a scheme for the provision and implementation of photovoltaic panels on the roof of the new station entrance building, shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development and permanently retained as such.

Reason

In the interest of promoting sustainable forms of development and minimising the impact of the installation of the panels of the visual

amenities of the area.

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

Reason

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

- 13 Construction above ground level of the new station entrance building on the southern side of the station shall not be commenced unless and until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved samples.

Reason

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

- 14 The bicycle parking facilities as shown on the approved plan are to be provided prior to the first beneficial use of the new station entrance building on the southern side of the railway lines and retained at all times.

Reason

To ensure appropriate bicycle parking is provided and to encourage the use of more sustainable forms of transport.

- 15 Prior to the first beneficial use of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, and details of tree pits.

The scheme shall include details of a implementation programme for the landscaping. The planting shall be carried out in accordance with the approved implementation programme.

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

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

of a similar size and species.

Reason

To enhance the appearance of the development.

- 16 No works on site shall commence until a detailed drainage scheme (to include the disposal of surface water by means of sustainable methods of urban drainage systems) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with such approved details.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

### INFORMATION TO APPLICANT

1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

3 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Council's Historic Environment Adviser (Teresa O'Connor, telephone: 03330 136852).

4 The permission hereby granted should not be construed as authorising the erection of signs and advertisements for which the separate grant of advertisement consent is required.

5 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.

6 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.

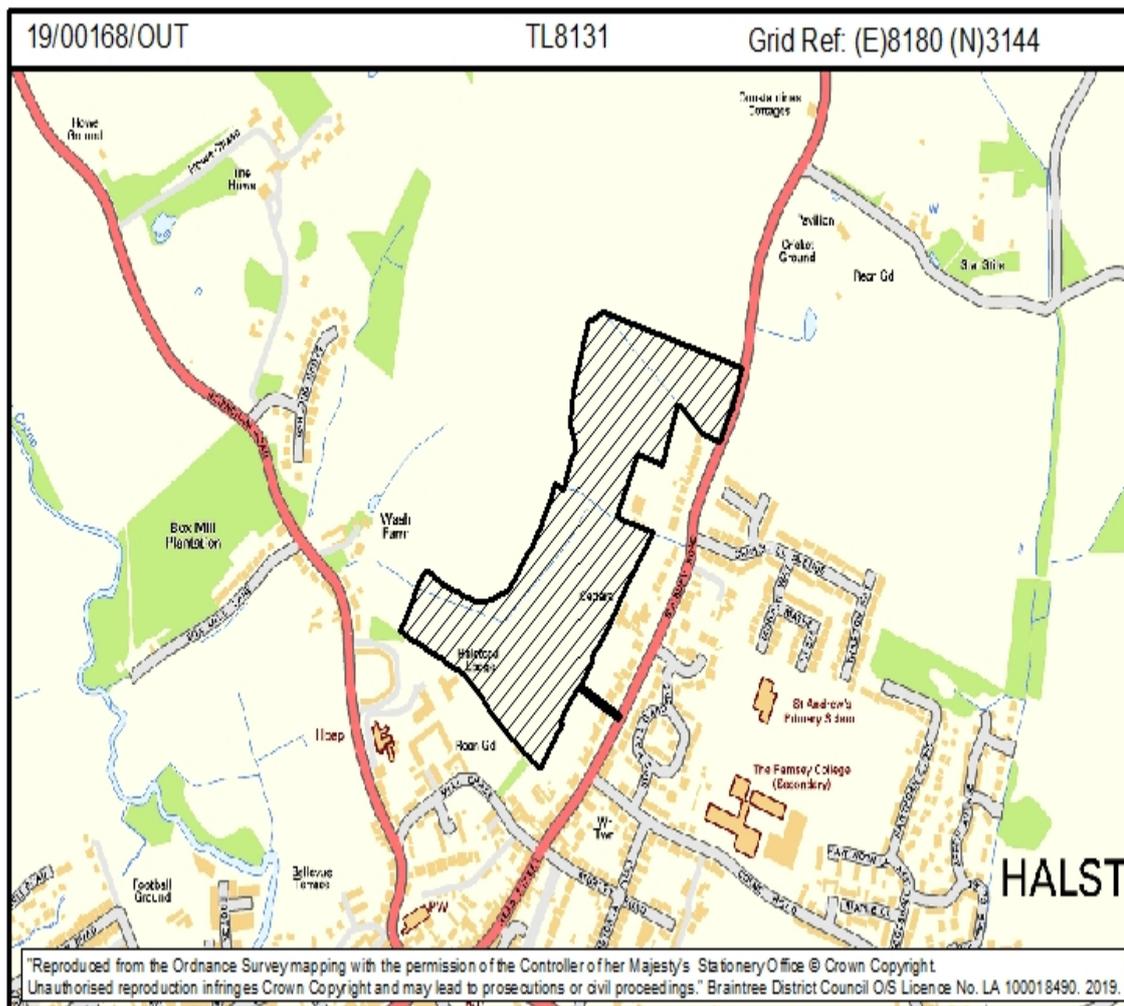
7 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk) at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

8 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

APPLICATION NO:	19/00168/OUT	DATE VALID:	01.02.19
APPLICANT:	Gladman House, Alexandria Way, Congleton, CW12 1LB		
DESCRIPTION:	Outline planning permission for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.		
LOCATION:	Land West Of, Sudbury Road, Halstead, Essex		

For more information about this Application please contact:  
 Mr Neil Jones on:- 01376 551414 Ext. 2523  
 or by e-mail to: [neil.jones@braintree.gov.uk](mailto:neil.jones@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PM98MOBFMJA00>

## SITE HISTORY

None

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing 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
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP138	Provision of Open Space in New Housing Developments
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP136	Formal Recreation Policy

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

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
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SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
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
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

## 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.

## SITE DESCRIPTION

The application site covers approximately 11.43ha and is located to the west of Sudbury Road as it leaves the settlement of Halstead, heading north. The land in question is undeveloped and therefore is considered to be a greenfield site; it consists of three irregular shaped fields which are in use as agricultural land and grassland. The northern most part of the site consists of a triangular parcel of land, which fronts Sudbury Road. This triangular parcel of land is part of a larger arable field and as such the northern site boundary is undefined. In

addition to the three fields, there is a track/narrow strip of land running between residential gardens and connecting the site to Sudbury Road.

The town has development on either side of the River Colne which flows through its centre. The land within the application site is mainly rising and occupies an elevated position towards the top of the river valley slope, before it reaches a plateau. The site rises to approximately 72m Above Ordinance Datum (AOD) in the north eastern corner from approximately 50m AOD on the southern part of the western boundary.

With the site being located on the existing northern western edge of the town, the majority of it sits behind properties that front Sudbury Road. Although the predominant land use along the eastern boundary comprises residential garden, there is also a transport yard used by a local bus and coach operator that is immediately adjacent to the site. To the south of the site is the Mill Green Recreation Ground, whilst to the west and north the site is bounded by open countryside.

The site abuts the Halstead Conservation Area which is situated immediately to the south. There are a number of listed buildings in close proximity to the site: most notably the Grade II listed 11 Sudbury Road, immediately to the east of the site; and there are 3no Grade II Listed Buildings approximately 100m to the west of the site - Wash Farm, Barn at Wash Farm and 25 Box Mill Lane.

## PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the erection of up to 200 residential dwellings (including up to 30% affordable housing), along with associated planting; landscaping; public open space, including children's play area; and sustainable drainage system.

All matters are reserved with the exception of access. The applicant proposes the provision of a new vehicular and pedestrian access point taken from the A131, Sudbury Road on the north eastern side of the site, beyond the end of the existing ribbon of development along its western side. In addition, it is also proposed that an emergency access point could be achieved further south, again onto Sudbury Road, utilising a track that currently exists between residential gardens. This emergency access point is also indicated to provide a second pedestrian access into the site.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority. Besides access, all other matters regarding the development (appearance, landscaping, layout and scale) are Reserved Matters and cannot be given consideration at this stage.

The application includes the following documents: Air Quality Assessment; Arboricultural Report; Archaeology & Built Heritage Statement; Design & Access Statement; Ecology Assessment; Flood Risk Assessment; Foul Drainage Assessment; Ground Conditions Desk Study; Land Quality

Assessment; Landscape & Visual Impact Assessment; Location Plan; Mineral Resource Assessment; Noise Assessment; Planning Statement; Transport Assessment; Socio-Economic Report; Statement of Community Involvement; and Utilities Assessment. Whilst all matters except for access are reserved, the applicant has provided a Development Framework Plan and Illustrative Masterplan showing a potential housing layout with landscape features.

## CONSULTATIONS

### External Consultees

**Anglian Water** – No objection.

The sewerage system at present has available capacity to carry and treat the flows from this development. No conditions recommended.

**ECC Education** – No objection subject to financial contributions being secured in respect of Early Years & Childcare provision, primary and secondary school places as there will be insufficient capacity within existing providers and schools.

**ECC Highway Authority** – From a highway and transportation perspective the impact of the proposal is acceptable subject to the submission of a construction traffic management plan prior to commencement of the development; and that no occupation of the development shall take place until the following have been provided or completed: a) A priority junction with right turn lane off Sudbury Road to provide access to the proposal site; b) Upgrade to Essex County Council specification the two bus stops which would best serve the proposal site; and c) Residential Travel Information Packs.

**ECC SuDS (Lead Local Flood Authority)** – No objection, subject to conditions.

**ECC Waste & Mineral Planning** – The application site falls within 11ha of land which is designated as a Mineral Safeguarding Area (MSA) which, in the first instance, makes the application site subject to Policy S8 of the Essex Minerals Local Plan (MLP) 2014. However, when a 100m buffer is applied to the façade of existing dwellings, the amount of unconstrained land which is also in an MSA reduces to approximately 2.5ha. This is below the threshold at which Policy S8 is engaged and therefore Essex County Council acting as the Minerals and Waste Planning Authority has no comment to make on this application.

**Essex Police** – No objection.

Comment that there are no apparent concerns with the layout at this stage, but would need to assess finer detail such as the proposed lighting, boundary treatments and physical security measures when these are known. Essex Police would welcome the opportunity to consult on this development to assist the developer with ensuring the delivery of a safe environment prior to a detailed planning application being submitted.

**Historic Buildings Consultant** – The proposal would cause less than substantial harm to the setting of the Halstead Conservation Area and the setting of designated and non-designated buildings near the application site. Further information would be required to be able to assess the level of harm that a development on this site would cause.

**Historic Environment Adviser (Archaeology)** – No objection, subject to conditions requiring an agreed programme of archaeological evaluation prior to submission of the first Reserved Matters application.

**NHS England** – No objection, subject to a financial contribution towards increasing capacity at the Elizabeth Courtauld Surgery.

#### Internal Consultees

**BDC Ecology** – The applicant has submitted additional ecological information which seeks to address the issues raised by the Council's Ecologist. At the time of writing this report the Council's Ecologist has still to update their advice in respect of the proposed development. Officers will provide an updated response at the Committee meeting.

**BDC Environmental Health** - No objection, having regard to the following:

- Noise: Mitigation measures will be required to the properties adjacent to the A131 and the Coach depot, to ensure that acceptable outdoor amenity and indoor bedroom noise levels can be achieved;
- Contaminated Land: satisfied with the information supplied with the application. No further environmental investigation to be necessary; and
- Air Quality: Generally satisfied with the contents of the report contained in the application, however measures to reduce traffic flow through the Colchester Road/Head Street Junction should be considered as part of the wider development strategy for this development.

**BDC Housing Enabling Officer** – In accordance with Policy CS2 of Adopted Core Strategy, 30% of the units should be provided as affordable homes. The proposal for construction of up to 200 residential dwellings therefore requires up to 60 dwellings to be provided as affordable homes. It is acknowledged that subject to this application being approved, details concerning the type of dwellings will form part of a reserved matters application.

**BDC Operations (Waste)** – Comment that application contains no details regarding waste collection arrangements. Details provided about the Council's requirements in this respect.

## TOWN / PARISH COUNCIL

### Halstead Town Council

Object to the application on the following grounds:

- The site is not allocated in the Draft Local Development Plan;
- The development is not required as the Council has a 5-year housing supply;
- A large number of houses have already been approved in the town and this application will place an unacceptable high burden on the Doctors Surgery, schools and traffic congestion within the town;
- Halstead has already been subjected to a disproportionately high level of additional housing growth in the district (14% of the district growth with only 8% of the district population);
- Access to the site from Sudbury Road is dangerous without mitigating actions;
- Harm to the iconic countryside landscape;
- The site is archaeologically and historically important and is part of a conservation area;
- There is inadequate detail and provision of S106 developer contributions; and
- The wildlife survey is not adequate.

### Greenstead Green & Halstead Rural Parish Council

Object to the application on the grounds of landscape issues, although they acknowledge that the site is wholly within the Halstead Town Council area and only borders their Parish.

The Parish Council go on to comment that the town/parish boundary runs across an open field with no defined boundary. Whilst the provision of a line of trees and thicket shown along the northern site boundary on the development framework plan could provide some clear delineation they would like to see the belt doubled in width to enforce this definition and help reduce the impacts of the development from the north. They consider that would be justified in light of the applicant's Landscape and Visual Impact Assessment (LVIA) which acknowledges that even after 15 years, the proposed planting would filter views of the development from the north. A thickening up of the landscape buffer would help to reduce that impact and push development back from the Parish boundary.

## PUBLICITY

### Press Advert

The application was advertised in the Halstead Gazette. The reason for publicity was specified as follows:

- Application for major development;
- Application which does not accord with the Development Plan; and
- Application for development which would affect the setting of a listed building, or affect the character or appearance of a Conservation Area.

### Site Notice

Four Site Notices were displayed on and adjacent to the application site on 18<sup>th</sup> February 2019, expiring on 14<sup>th</sup> March 2019.

### Notification Letters

A total of 177 notification letters were sent to neighbouring properties.

### REPRESENTATIONS

The Council have received 77 written objections to the application from 67 different addresses. Included within the representations are objections from the Essex Wildlife Trust and Halstead 21<sup>st</sup> Century Group. A summary of the reasons objecting to the application are set out below:

#### **Principle of Development**

- Greenfield sites such as this one should not be developed when there are alternative sites for development/redevelopment within the town (e.g. Butler Road & Factory Lane West areas);
- If all these new houses are required then purpose built new settlements should be created with the infrastructure installed before the housing;
- Development of the site will result in pressure for backland development within the large gardens of properties that front Sudbury Road;
- The site is not an allocated site for residential development within the current or emerging local plan, located outside of the town development boundary, so the application should be assessed against countryside planning policies;
- These houses are beyond the reach of the majority of local people and the Affordable Housing is not affordable;
- The new houses on the Oak Road are not selling as quickly as they were, so is more housing really needed?
- These developments are just about developer profit and more Council Tax;
- Agricultural land should not be lost to development when there is a need to reduce reliance on food imports;
- There is no local support for the application so it must be refused;
- There are better alternative sites for housing in places such as Braintree, Chelmsford and Colchester;

#### **Highways**

- Safety of the site access with extra local traffic merging on to Sudbury Road on a stretch of road with a 60mph speed limit and close to a bend;

- The Council refused to allow access off Sudbury Road to the site opposite (land east of Sudbury Road) so the access proposed to this site should also be unacceptable and the application should be refused;
- Concerns about the cumulative impact of housing development on the road network - 205 dwellings approved opposite this site – Land East of Sudbury Road; further applications submitted for 73 homes off St Andrews Rd; 70 homes on Fenn Road/Brook Street, 71 homes on Mount Hill and 50 homes north of Oak Road; 220 homes on Bournebridge Hill and the possibility of 2500 homes to the east of Halstead is also under consideration. At what point will the cumulative impact of development on the road network be considered severe and planning permission refused as a result;
- The applicant acknowledges that the two roundabouts on Head Street are already operating over capacity, causing delays and ECC Highways report in 2017 stated the same and that concluded that there were no options for mitigation at the junctions;
- Traffic movements through the town are already difficult with large numbers of HGVs using the roads. increased numbers of vehicles using the road systems will add to the issue;
- There are no crossing points on Sudbury Road and crossing is already difficult before traffic volumes are increased, additional traffic will make it harder and less attractive to walk;
- To get to the town centre, pedestrians have to walk along Head Street which has very narrow pathways next to the narrowest part of the road. Vehicles sometimes mount the pavement as the carriageway is so narrow and pedestrians can almost be hit by the wing mirrors of passing lorries, none of which will encourage future residents to walk or cycle;
- Bus services in the town are poor, generally only providing an hourly service;
- The design and access statement refers to a bus service to Bury St Edmunds, but no such service exists;
- Traffic congestion in the town is causing rat running along Mill Chase and Colne Road;
- The distance and topography means that people are likely to drive to a supermarket for food shopping;
- Cycling rates are likely to be low from the development given the topography and narrow carriageways along Sudbury Road and Head Street;
- Disagree with applicant's assertion that occupants of the 30% Affordable Housing are less likely to have their own vehicles, thereby reducing the number of vehicles that the development will generate;
- Halstead residents are crying out for a bypass to relieve existing congestion and dangerous road conditions;
- No further development should be allowed in the town until there is planning permission in place to build a bypass around the town;

### **Infrastructure / Services**

- The town has already been subject to a lot of development and services such as schools, doctors and town centre car parking are not going to cope with the increased demand;

- The town only has 1 GP Surgery and it is already almost impossible to get an appointment at the surgery inside two weeks;
- Halstead has not had a Police station since 2016, and already has problems with crime and antisocial behaviour;
- Small financial contributions towards service improvements are not adequate;
- Primary schools in the town are already operating at capacity and some children resident in the town are having to travel to outlying villages to attend primary school;
- The town does not have enough jobs/employment to support all these new households;

### **Landscape**

- Disagree with the applicant's LVIA which states that the site can be developed without giving rise to any significant landscape, townscape or visual effects;
- The development would detract from views walkers enjoy from the Halstead Circular Walk and would destroy a highly valued landscape;
- There are many special trees including Oak trees and ancient hedgerows which will be put under threat;
- Loss of attractive countryside will diminish opportunities to enjoy and appreciate the countryside and wildlife;
- The development would be contrary to the recommendations contained within the District Council's Landscape Character Assessment;
- The beauty of the surrounding countryside and wildlife adds to the quality of life of residents and contributes to well-being;

### **Ecology**

- In the countryside immediately north of Halstead deer (two species), owls, bats, hares, owls (two species) and many other types of bird could be affected;
- Development will reduce the quantity and variety of local fauna;
- Essex Wildlife Trust currently objects to this application on the grounds that insufficient information has been provided by the developer to enable determination. The Preliminary Ecological Appraisal that has been submitted advises that protected species surveys for bats, badgers, water vole/otter, reptiles and great crested newts are to be conducted to inform the production of an Ecological Impact Assessment. This additional detail is required to inform the specific mitigation requirements for the development. In the absence of this data they state that it is not possible for Braintree DC to make a properly informed decision in respect of the proposals;

### **Pollution**

- Sudbury Road and Head Street are already prone to pollution from vehicle emissions, increasing traffic volumes and slowing the flow of traffic will worsen the situation;
- Increased pollution along the A131 corridor will pose a health risk for residents

## **Heritage**

- The site adjoins Halstead Conservation area on both the southern border and part of the eastern border, development would be contrary to LPP56 - Conservation Areas. The area for amenity/recreation use that is supposed to buffer the Conservation Area sits within a dip which would leave the proposed housing exposed and prominent in views to/from the Conservation Area, a modern housing development would not comply with the aims of LPP56;
- Development would harm the setting of the Grade II listed Wash Farm and 11 Sudbury Road which the illustrative layout shows as having a play area at the bottom of the garden which is considered particularly inappropriate;

## **Other Matters**

- There are many underground water courses in the proposed area, concerned that these will not be dealt with or if they are disturbed and could cause property flooding;
- The houses and gardens of the properties on Sudbury Road would lose privacy and be overlooked by the new housing;
- The changes to the current farm track to allow emergency vehicle, cycle and pedestrian access is adjacent to private dwellings and would result in a loss of privacy for those residents and fears around diminished personal security;
- Noise and disturbance during both construction works and when the dwellings are occupied;
- Public Open Space and play areas are not a benefit for the majority and tend to attract anti-social behaviour;
- Increased surface water run-off rates will increase the risk of flooding;
- Halstead is a small rural town whose character and charm is being destroyed; and
- Loss of views from properties on Sudbury Road & drop in property values.

In addition the Council received a further letter making comment on the application. The North East Essex Badger Group report that they hold records of a badger sett within a very short distance of the application site.

## **REPORT**

### **PRINCIPLE OF DEVELOPMENT**

#### **National Planning Policy Framework (NPPF) 2019**

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

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

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

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

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

### The Development Plan

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

The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011). Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks planning permission to erect up to 200 dwellings on land outside of a Town Development Boundary which would represent a departure from, and therefore be contrary to the Adopted Local Plan. In addition, the land in question has not been identified as a future housing site within the 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 adopted.

The Council 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 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 Accessibility

Where concerning the promotion of sustainable transport, the NPPF in Paragraph 103 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Halstead is identified as a main town in the settlement hierarchy in the Adopted Core Strategy. It is stated in Paragraph 4.9 that, 'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to Greenfield growth in Halstead are its relatively isolated location

and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham’.

However, as one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that can be found in Braintree and Witham, it nonetheless offers a good range of day to day services and facilities; and includes several large employment areas which offer residents the opportunity to meet many of their needs within the town.

By way of an example, the submitted Travel Plan shows a number of amenities and facilities which are located within a 1km walk of the site, these include: St Andrews Primary School, The Ramsey Academy, Halstead Tyre & Service Centre, Halstead Leisure Centre, Queens Hall Community Centre and Halstead Town Council’s offices, Co-op Food store, Halstead Hospital, Halstead Cricket Club, a hair salon on Sudbury Road near Mill Chase, along with a number of restaurants and pubs. The top portion of High Street, down as far as Factory Lane East also falls within a 1km walking distance, with the remainder of it and the wider town centre just over that.

Within 2km of the site are a number of small businesses located on Chapel Street and Factory Lane, such as car dealerships and engineering works, as well as the Bluebridge Industrial Estate further along Colchester Road.

Distance is one measure that can be used to consider how likely it is that future occupants of the development would use more sustainable forms of transport but there are other issues which should be considered. The applicants TA states that the development will be ‘*highly permeable*’. With regards walking pedestrian access, the applicant proposes two pedestrian routes in and out of the site. There would be a pedestrian footway at the proposed vehicular access which would link to the existing footway on Sudbury Road. The footway would be at the extreme northern end of the site and the majority of residents using this route would need to walk away from the town before they could walk back towards the town and its facilities.

The applicant also indicates that a second emergency/pedestrian access point which is to the south of the main access. The access would be formed utilising a long (approx.75 metres) and relatively narrow existing field access between No.7 and No.9 Sudbury Road. This route would be the most direct route for most residents wanting to walk or cycle from the site to the town’s facilities. However Officers have concerns over how attractive a route this would be to use. The field access runs between two residential properties, both of which have quite deep back gardens, and this would mean that the route would not be subject to strong natural surveillance from residential properties and this would not contribute towards providing a safe and attractive walking route, particularly at night. It is possible that the route could be illuminated but the level and type of illumination would need to reflect the proximity of residential properties either side of the route. The extent to which this pedestrian route would provide an attractive and safe walking route is crucial to the scheme. The walking distances quoted in the TA would be significantly increased if residents use the

northern site entrance and reduce the likelihood that residents would walk or cycle to the town. Irrespective of which route pedestrians would take from the site the most direct route to the town, once on Sudbury Road, would be to continue along to Head Street. In considering pedestrian connectivity to the town it is also noted that the footways along Head Street are relatively narrow resulting in a relatively unattractive environment for pedestrians.

Officers acknowledge that the Council approved a residential development on the eastern side of Sudbury Road, currently being built out by Bellway. Residents from the Bellway development would be a similar distance from the town as residents who would live on this development and would also be likely to walk along Head Street, however that development has better pedestrian connectivity, linking directly to adopted illuminated public highway. Residents of that development would also be on the eastern side of Sudbury Road meaning children attending St Andrews Primary School and Ramsay Academy and residents walking to the bus stop on Colne Road would not need to cross the Sudbury Road.

The applicants Transport Assessment (TA) has considered access to other modes of sustainable transport. In respect of cycling the TA states '*The area surrounding Halstead is fairly flat. The town of Halstead itself is largely made up of a network of lightly trafficked residential roads with low speeds limits, which are either 20mph or 30mph. These conditions are conducive to encourage people to travel by bicycle*'. The area around Halstead may be relatively flat but the town itself is not. The town centre and the High Street is located on the slope of the river valley and a relatively steep hill which is likely to suppress cycling for some. Considering the routes from the site to most of the town's facilities all will involve navigating at least part of Sudbury Road. The suggestion that the majority of cycle journeys from the site will only involve a network of lightly trafficked residential roads is considered to be misleading.

The applicant states they consider that the site is well located with regards to existing bus stops and services. The closest bus stops to the site are located on Sudbury Road and Colne Road. The Essex Design Guide recommends that no part of a new residential development should be more than 400 metres from a bus stop. The TS states that the closest stop is located approximately 480m from the centre of the site, assuming that the route taken is down the current field access. There are infrequent services from these bus stops to Sudbury (2-hourly service during the daytime, on weekdays) and Chelmsford (two evening services Monday – Saturday and six services on Sunday). Service 38 also provides a half hourly service from Colne Road to Braintree and Witham, operating between 6.00 – 18.20 Monday - Saturday. Further services run from the High Street, including services to Colchester.

Halstead is identified as a Main Town in the Adopted Core Strategy and it is recognised that the town provides access to services and sustainable transport links to employment, retail and leisure, which weighs in favour of the application. However, Officers consider that the location of the site, on the periphery of the town, with the access arrangements proposed, means that the site is poorly related to those facilities, including bus services. The pedestrian

and cycle connectivity from the site is not strong and that the likelihood is that many residents will resort to using the private car to access many day to day facilities as a result. Officers consider that this aspect of the sites location weighs against the application.

### Highway Considerations / Access

Part 9 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment (TA) is submitted with all proposals for major new development.

As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means. These other options, such as walking and public transport have been covered within the first section of this site assessment.

It is acknowledged that in addition to the Town Council, a significant number of letters of representation have raised objections to the proposal on highway safety grounds.

Access is submitted for approval as part of this outline application, although internal road layouts, car parking, and cycle parking are reserved for future determination. The site access arrangements have been the subject of dialogue between the local Highway Authority and the applicant's highway consultants during the consideration of the proposal: the illustrative framework plan and the TA show that the primary access would be achieved from Sudbury Road at the northern end of the site. A technical note has been submitted by the applicant which documents their assessment of the access arrangements to the site. The access plan shows that access into the site would be via a 5.5m wide carriageway with 2m footways to either side. Sudbury Road would be widened to provide a ghost right-hand turn lane.

Having reviewed the application, including the Technical Note, the Highway Authority are satisfied that it has been demonstrated that a safe vehicular access can be provided in this location.

As noted above an additional potential access point, utilising an existing farm track, further south along Sudbury Road between Applegate, 7 Sudbury Road and 11 Sudbury Road could provide a point of access for emergency vehicles, as well as for pedestrians and cyclists. The Highway Officer has confirmed that the Highway Authority would not require an emergency vehicular access for a development of this side. Detailed design of the layout would be designed in accordance with Part B of the Building Regulations, ('Access and Facilities for

the Fire Service') to ensure sufficient carriageway widths and appropriate access for fire appliances could be achieved. Even if an emergency vehicle access to the site is not ultimately required, this access could be used to provide an additional pedestrian/cycle route connecting the site to Sudbury Road.

Officers note the concerns and objections expressed by local residents that the local highway network is operating at, or over capacity, and that the network cannot accommodate more traffic arising from the development. Officers must consider planning appeal decisions where similar concerns have been raised. Planning Inspectors have stated that it is not the purpose of planning policy to prioritise the convenience of the car user. It is no part of the NPPF that new homes should not be built because there would be additional delays for car drivers in the peak hours. Chapter 9 of the NPPF aims to prioritise other modes of transport and the promotion of sustainable transport options. Paragraph 109 of the NPPF does deal with residual cumulative impacts on the highway network, but sets a high bar for the prevention of development on those grounds: impacts must be severe. Therefore whilst it is acknowledged that there are certain local limitations on peak period travel Officers accept the Highway Authority's assessment that any residual harm arising from the proposed development would not be severe and would not therefore warrant refusal of the application.

With regards sustainable modes of transport the TA refers to an Interim Travel Plan which has been produced which aims to encourage travel by sustainable modes. As noted in the preceding section of the report Officers have identified a reason that the location of the site and how it relates to the town would be likely to limit the likelihood that future residents would use more sustainable modes of transport. It is disappointing that this outline planning application proposes no improvements or measures that would increase the likelihood that future residents would use more sustainable modes of transport for day to day activities.

### Landscape

Notwithstanding that all matters except for access are reserved, the applicant has provided a Development Framework Plan (illustrative masterplan) showing a potential housing layout, along with retained and proposed landscape features.

As highlighted within the description of the site above, it is located to the west of Sudbury Road as it leaves the settlement of Halstead heading north, with the land being predominantly undeveloped farmland largely behind properties that front Sudbury Road. The town has developed on either side of the River Colne which flows through its centre. The land within the application site is mainly rising and occupies an elevated position towards the top of the river valley slope, before it reaches a plateau.

Policy CS8 of the Adopted Core Strategy states *'development must have regard to the character of the landscape and its sensitivity to change and where*

*development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment’.*

The 2006 Landscape Character Assessment and the Council’s Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8 of the Adopted Core Strategy. The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcels H2a and H2c, which have been identified as having Low-Medium capacity to absorb development. The reasons for assigning a medium to low capacity are outlined in the study and include *‘the combination of a sense of distinctly rural farmland landscape, a sense of remoteness and tranquillity away from the busy road corridors, the presence of an intact network of both pre-18th century and 19th century field enclosures, and a robust framework of boundary hedgerows and woodland blocks reduce the capacity of the landscape to absorb new residential or employment development without significantly affecting these key characteristics’.*

As the LCAn forms part of the Draft Publication Local Plan’s evidence base, Officers consider that it should be given significant weight as a material consideration in the determination of this planning application, pursuant to S38 (6) of the Planning and Compulsory Purchase Act 2004.

The applicant has submitted a landscape and visual impact assessment as part of their application. The Council have obtained specialist advice from Landscape Consultants on the applicant’s assessment of the likely landscape impact of the scheme and whether that impact could be mitigated or if it is so significant that planning permission should be refused on landscape grounds.

The Council’s Landscape Consultant has disagreed with the applicant’s assessment of the magnitude of change and visual effect in respect of a number of key views. They consider the visual impact on views from the Mill Green Recreation Ground; from Footpath 89\_17 which runs to the south-west of the site; Footpath 89\_16 which runs parallel to the site on the western edge of the ditch; Sudbury Road (travelling in a southerly direction) and footpath 88\_7 to the north of the site.

The importance of the landscape value assessment has become heightened since the publication of the NPPF where in Paragraph 170 it states that ‘the planning system should contribute to and enhance the natural and local environment by: *‘protecting and enhancing valued landscapes, biodiversity or geological value (in a manner commensurate with their statutory status or identified quality in the development plan)’.*

The presence of having ‘valued’ landscape characteristics can be given more weight when assessing if an application can be refused on landscape grounds. The applicants LVIA concludes that the site is not a ‘valued landscape’ in terms of the NPPF, but the Council’s Landscape Consultant assessment of the site’s value is different, using guidelines contained within ‘Guidelines for Landscape and Visual Impact Assessment’ published by the Landscape Institute and Institute of Environmental Management and Assessment (third edition). Their

assessment is that the site should be considered a valued landscape because of its contribution to the setting of the town and Conservation Area and its visual and perceived connection to the countryside.

The Council's Landscape Consultant concludes that the development would cause harm to both the landscape character of the local area and would have a visual impact of a substantial adverse level for some key receptors and views. The proposed development would have a negative visual impact, would disrupt characteristic views and would not be small scale or respond to the historic settlement pattern or the landscape setting and be contrary to the guidance contained within the Council's Landscape Character Assessment. Accordingly Officers consider the application should be refused as it would fail to *protect and enhancing a valued landscapes in accordance with Paragraph 170 of the NPPF and contrary to Policy CS8 of the Adopted Core Strategy as it fails to have regard to the character of the landscape and its sensitivity to change and would not enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.*

### Character and Appearance

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

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected with Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping principles, housing type and density, the built environment and the layout and design of development respectively.

It is identified within the submissions that the net density of development would amount to approximately 36 dwellings per hectare. Notwithstanding the requirement of the Draft Local Plan which states that *“as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land”*, in this edge of town location, such a density would likely give rise to an over-development of the site.

Clearly, layout, scale & appearance are reserved matters, but Officers are of the view that the illustrative layout drawing that has been submitted with the application does not give sufficient comfort to indicate that the proposed quantum of up to 200 dwellings could be accommodated within the site in an

acceptable manner. This view takes into account the constraints imposed by retained vegetation; the relationship to existing houses that back onto it and the character of that built development; the gentle undulation that characterises the site; and the operation of a Coach Depot adjacent to the site. Nor has it been demonstrated that this number of dwellings could be accommodated whilst meeting the Council's adopted parking standards and the minimum back to back distances and garden sizes required by the Essex Design Guide. The proposed density of development is 36.36 dwellings per hectare net which is a figure does not seem to reflect site characteristics and constraints.

The illustrative layout, including the landscape buffer to the Conservation Area at the southern end of the site, exacerbates Officers concerns that the development would result in a development that would be poorly integrated visually, physically and socially with the town.

It is acknowledged that alternative layouts can be made on the site and that the number of dwellings could be reduced at Reserved Matters stage as the application seeks permission for up to 200 dwelling, however Officers do not believe that Outline permission should be granted unless there can reasonable confidence that the maximum number of dwellings can be achieved. When undertaking the Planning Balance the Local Planning Authority will need to consider the social and economic benefits that would arise from the scheme. If the sites actual capacity is lower than the level specified in the application then the weight that can be attached to those benefits would have to be reduced accordingly.

#### Heritage – Conservation Area and Listed Building

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority is required, as set out at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Furthermore, the significance of a listed building is based on a range of heritage values that make up their overall architectural and historic interest and they have aesthetic value as attractive buildings within the landscape. The NPPF makes clear that the significance of heritage assets derives not only from their physical presence, but also from their setting. The NPPF defines setting as the surroundings in which a heritage asset is experienced.

In addition as a material consideration, Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to, amongst other things, respect and respond to the local context, where development affects the setting of historic buildings, and areas of highest archaeological and landscape sensitivity. These sentiments are supported by Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan.

The site abuts the Halstead Conservation Area which is situated immediately to the south. There are a number of listed buildings in close proximity to the site: most notably the Grade II listed 11 Sudbury Road, immediately to the east of the site; and there are 3 no. Grade II Listed Buildings approximately 100m to the west of the site at Wash Farm, Barn at Wash Farm and 25 Box Mill Lane. 23 Mill Chase and Mill Building on Mill Chase are also Grade II Listed. Furthermore, 50-109 Head Street include a number of listed and non-listed buildings; and The Courtauld Homes of Rest are early twentieth century almshouses, deemed non-designated heritage assets.

The heritage statement submitted as part of this proposal assesses some, but not all, of the heritage assets listed above, summarising that there would be no detrimental impact upon any heritage assets as a result of the development (p 14). However, as this is an outline application, full details have not been provided regarding the proposed buildings or the landscaping of the site, which would have a large factor on the potential harm the development has upon the designated and non-designated heritage assets. The site is in a sensitive area and the Council would consider that in order to make a thorough assessment of the proposed development the application should have been supported by information such as an indicative block plan, a 3D model or streetscape views of the proposal, which would enable a full assessment of the development and its potential impacts.

Nonetheless, as found in the Character and Appearance section above, Officers consider that the proposed number of units is inappropriate for the site, greatly adding to the urban density of Halstead, encroaching upon the Conservation Area and the settings of nearby listed buildings. At present, the undeveloped nature of the site makes an important contribution to the setting of the town and Conservation Area, providing an important reprieve from the concentrated built environment of the town, with the open landscape helping to maintain the historic route into Halstead and an understanding of the historic agrarian landscape once surrounding the town. Developing this site would distort the linear development of the settlement, detracting from the setting of the Conservation Area and compromising its character. There is currently a clear distinction between the nature of the built environment along Head Street and Sudbury Road, with the lack of back-land development on Sudbury Road and the well-established large private gardens and trees in this area contributing positively to the character of the Conservation Area.

Historically, the far northern part of the town was less densely populated as the residents of Halstead sought larger modern properties set within generous plots in the nineteenth century, away from the historic core centred on St Andrews Church. Wash Farm, Halstead Mill (23 Mil Chase) and 11 Sudbury Road are important listed buildings within this northern area, each historically set within its own distinct grounds and curtilage which also reflect the buildings' historic usage. Development has gradually encroached upon the setting of each of these buildings, removing their historic sense of seclusion and detachment from the core settlement. Additional expansion of Halstead will enhance the

harm previously caused by past developments, further divorcing the listed properties from their historic settings.

The further removal of part of the agrarian landscape around Halstead is detrimental to the significance of the Conservation Area, undermining the historic separation of the town from the rural farms. Many of the farmhouses and farmsteads that formed an agricultural network around the town are now listed, with Wash Farm being the most relevant here. The significance of Wash Farm will be harmed by removing part of its agrarian setting.

In addition, there are a number of non-designated heritage assets whose setting will be affected as a result of the proposed development. The Courtauld Homes of Rest, a group of early twentieth century almshouses, are located on the ridge of Hedingham Road in spacious grounds to the west of the proposed development site and within the Conservation Area. Building upon the proposed site will encroach upon the setting of the almshouses, whose location is directly related to their function and ideologies regarding respite, care and the natural environment. There is also the potential for harm to non-designated heritage assets on Sudbury Road and Mill Chase, due to the impact upon their setting.

Important views looking out of the Conservation Area would also be compromised as a result of the proposed development, which includes views from the Mill Chase recreation ground. Again, the green buffer afforded by the undeveloped nature of the site retains a sense of the historic agricultural and arable usage for the land, linking the present appearance of the area to the past.

In conclusion, the proposals will cause less than substantial harm to the setting of the Conservation Area, contrary to paragraph 196 of the NPPF. Similarly, there will also be less than substantial harm to the setting of the designated and non-designated buildings listed above. The lack of information provided by the applicant assessing the potential for harm is also considered contrary to Paragraph 189 of the NPPF, which states that applications should be accompanied by proportionate analysis of the potential harm to heritage assets. Although some assets have been assessed, Officers consider that not enough weight has been given to the potential harm to the Conservation Area and the setting of the heritage assets, with no non-designated assets identified. The site is sensitive and further information, including indicative block plans other matters should also be determined prior to approval, in order to fully understand the impact any development of the site would have upon the surrounding heritage assets. Without a sufficient level of information the impact of the proposal on significance cannot be fully understood and so paragraph 193 of the NPPF, which requires great weight to be afforded to the conservation of heritage assets, cannot be complied with.

### Ecology

The application included a Preliminary Ecological Appraisal report relating to the likely impacts of development on Protected & Priority habitats and species.

The Council's Ecologist reviewed the submitted report and advised that the Council had insufficient ecological information available for determination of this application and that the applicant needed to submit an Ecological Impact Assessment which would be informed by additional survey information which would be used to identify suitable mitigation in respect of bats, reptiles, water vole, otter, and Great Crested Newts. A breeding bird survey should also provide an assessment of the likelihood of farmland birds being present (skylarks have been recorded on site) and affected by the proposed development and should identify offsite mitigation measures for loss of any nesting habitat.

The applicant has submitted an Ecological Impact Assessment but at the time of writing this report the Council's Ecologist has not assessed this additional information. Officers will update Committee Members on our Ecologists advice at the Planning Committee meeting.

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

The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar. In this regard, Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations (HR).

It is considered that the proposal falls within the scope of RAMS as '*relevant development*'. In the context of the Council's duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features of the coastal European site, through increased recreational pressure when considered 'in combination' with other plans and projects. Therefore in the event that the Council granted planning permission there would be a need to secure a financial contribution (see planning obligations section below) towards off-site mitigation for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site, in line with the aspirations of the emerging RAMS.

Consequently, a HR (appropriate) Assessment (HRA) has been completed for this application and submitted to Natural England. At the time of writing this report the Council have not received a response from Natural England but an update will be provided to Members at Committee if one is received.

#### Impact upon Neighbouring Residential Amenity

Paragraph 127 of the NPPF states that the planning system should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan Review states Planning permission will only

be granted where [amongst other things] '*There shall be no undue or unacceptable impact on the amenity of any nearby residential properties*'.

It is proposed that the vehicular access is taken to the north of No.51 Sudbury Road. The Illustrative Layout does however indicate that the area immediately adjacent the property could be developed and the introduction of new housing will help mitigate the potential increase on noise arising from the new vehicular access. It is also proposed to create an emergency access, and / or a pedestrian / cycle link running between two private residential gardens and between two houses on Sudbury Road along an existing field access. Even if the link were to be restricted to pedestrians and cyclists encouraging people to pass between these private gardens will inevitably alter the way that the occupants can enjoy their properties. Whilst screen walls or fences could go some way to protecting the privacy and security of these spaces it is inevitable that path users will introduce a new source of noise that residents will experience. In both respects the development will alter how those residents experience their properties but Officers do not consider that this would lead to an unacceptable impact on amenity, such that the application be refused.

The properties adjoining the site on Sudbury Road enjoy generous and deep rear gardens. Notwithstanding this fact, Officers have some concerns about the proximity of new dwellings to the boundaries of existing properties, however the application is for Outline consent, with layout being one of the Reserved Matters. There is no reason that new dwellings cannot be set back or orientated appropriately within the site, sufficiently for the privacy and amenity of neighbours to not be compromised, although this is another factor which could limit the number of dwellings that can be properly accommodated on the site.

A development of this scale could be built out over a number of years. In this case the applicant suggests six years. Construction work has the potential to disturb local residents. Construction activity can be controlled to some degree through the use of planning conditions. Whilst it would be inevitable that the construction activity would generate disturbance and dust this would not be a reason to withhold planning permission.

### Noise & Air Quality

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment and proceeds to set out a number of means by which this can be achieved, including preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Policy CS8 of the Adopted Core Strategy contains similar provisions.

The applicant has submitted a noise report and this has indicated that noise mitigation measures are required to the relatively small number of properties that would be adjacent to the A131 as well as those that would be built around the Coach depot that operates at the rear of the properties that front Sudbury Road. The depot is immediately adjacent to the application site. The report identifies that mitigation would be required if acceptable noise levels are to be

achieved for all properties in respect of both outdoor amenity noise level and indoor bedroom noise levels. Paragraph 182 of the NPPF also highlights the importance of making sure that new development can be integrated with existing business and community facilities. The NPPF states that it is unreasonable for existing businesses to have restrictions placed on them as a result of development permitted after they were established.

The applicant's noise report states that the garden areas of dwellings located nearest to Sudbury Road, should be placed on the screened side of dwellings, facing away from the road, or the gardens should be screened with a 2.6m high noise barrier.

To mitigate industrial noise in gardens areas located closest to the coach depot, a 4m high noise barrier would be required at the boundary of the coach depot and a 2m high fence at the edge of gardens. The report also advises that a 15m stand-off would also be required between the boundary of the site and the garden areas. The necessary mitigation measures would act as a constraint on development. The applicant's Development Framework Plan shows development parcels immediately adjacent the 15 metre stand-off. Whilst layout is a Reserved Matter, Officers are concerned that the Framework Plan does not appear to respond to the fact that the 4m high noise barrier on the boundary would appear as a harsh urban feature that would affect the outlook and the sense of place that new properties would enjoy.

The report also recommends that facades that would have a direct line of sight of Sudbury Road and the coach depot would require an alternative means of ventilation to allow windows to be closed, as required, whilst maintaining adequate ventilation. The details of how these mitigation measures are employed and their extent can be determined as part of the Reserved Matters process but Officers consider that the reliance on these not insignificant mitigation measures is a factor which weighs against the suitability of the site for development for this level of development.

### Air Quality

Paragraph 130 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. As previously stated in this report in principle the town of Halstead can be considered a sustainable location for development, however the Council still need to consider the potential impact of the development on air quality.

The Council's Environmental Health Officer has assessed the applicant's Air Quality report and is generally satisfied with its contents. They do however note that data collected by the Council over 2018 for the Colchester Road / Head Street Junction indicated that there may be a localised air quality issue. This has led the Council's Environmental Health team to undertake a more detailed assessment of air quality and the monitoring to establish the 2019 levels are on-going. When those results are available at the start of 2020 the Council will

need to consider whether there is a need to declare an Air Quality Management Area.

These issues are of relevance to this application as the applicant has acknowledged in their TA that their development will add to traffic flows through this junction, thereby adding to vehicle emissions and potentially impacting adversely on air quality. This has the potential to impact on existing residents but also on future residents of the proposed development. As Head Street forms the most direct route for pedestrians and cyclists from the application site entrances to the High Street, residents walking and cycling from the development would be exposed whatever the air quality is found to be around this junction. The Council's Environmental Health Officer has recommended that the applicant should be encouraged to implement measures to reduce the amount of traffic flow through this junction, as part of the wider development strategy for this development. As noted elsewhere in this report the application does not propose any measures to increase sustainable transport modes and reduce reliance on the private car, beyond indicating that the development itself can be designed to be attractive to pedestrians and cyclists.

### Archaeology

The applicant has submitted a Heritage Assessment as part of the planning application and this included a summary of the archaeological remains that the applicant claimed they were aware of within the area. The Council's Historic Environment Adviser has reviewed the report and has commented that the report fails to refer to a number of features or records that the report has not considered – these include evidence of cropmarks; finds of archaeological interest that were found during the Flood Alleviation works less than 500m south west of the site; and the presence of a number of springs. The Council's Adviser, having considered all these factors, considers that the site has unknown potential and as a result they recommend that archaeological evaluation of the site involving trial trenching should be carried out with the results made available prior to any reserved matters application.

### Mineral Resources

The application site lies within a Mineral Safeguarding Area (MSA) for sand and gravel by Essex County Council (ECC) in the adopted Essex Minerals Local Plan. Because of this designation the applicant has submitted a mineral resource assessment. The applicants report concludes that as the mineral resource is predominantly sand and because the site is close to residential properties there is no realistic prospect of the site being worked as a commercial mineral deposit, which means that it cannot be considered a '*mineral resource of economic importance*' that needs to be safeguarded.

Essex County Council are the Mineral Planning Authority for the County and their consultation response states that when a 100m buffer is applied to the façade of existing dwellings, the amount of unconstrained land which is also in an MSA reduces to approximately 2.5ha. This is below the threshold at which Local Mineral Plan Policy S8 is engaged and therefore Essex County Council

acting as the Minerals and Waste Planning Authority has no comment to make on this application.

### Surface Water Drainage

The application sets out a strategy as to how surface water drainage at the site could be managed in the event that it were developed. Infiltration tests have shown that the geology of the site is not suitable for soakaways so a SuDS drainage scheme is proposed to manage excess runoff from the development, comprised of a series of detention basins designed to maintain runoff at pre-development rates, with an outfall to watercourse.

The Lead Local Flood Authority (Essex County Council) have reviewed the Flood Risk Assessment and the associated documents submitted with the application and they confirm that they do not object to the granting of planning permission as the applicant has demonstrated that in principle the surface water run-off from the development could be managed and disposed of in an acceptable manner. A number of conditions are recommended to requiring a detailed surface water drainage scheme and details of future management arrangements for the scheme.

### PLANNING OBLIGATIONS

In the event that planning permission were to be granted then a S106 legal agreement would be required to secure obligations which would be necessary to comply with local and national planning policies and mitigate the potential impact that the development would have on community facilities and services. No work or discussion has taken place with the applicant regarding the Heads of Terms for such a legal agreement as Officers do not support the principle of residential development of this site. In the event that planning permission were to be granted it is considered that the agreement would matters including the following;

- **Affordable Housing** - 30% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage/s, but with a 70/30% ratio of affordable rent over shared ownership; to include two bungalows constructed for Building Regulations Part M(3b) for wheelchair users; and with all units complying with the Nationally Described Space Standards and all houses and ground floor flats built to conform with Building Regulations Part M4(2);
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Community Building / Facilities** - Financial contribution of £499.62 per dwelling towards the provision of new or improved community facilities in Halstead;
- **Ecological Mitigation** - Financial contribution of £122.30 per dwelling for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site and on-site mitigation as required to comply with the HRA Appropriate Assessment;

- **Education** - Financial contributions for additional capacity in Early Years and Childcare; Primary School and Secondary School provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2018, but equate to £17,422 per required EY&C place and £15,281 per required Primary school; £23,214 per required Secondary School place;
- **Equipped Play Facility** – To be provided on-site with equipped to a minimum value as calculated in accordance with updated figures from the Open Spaces SPD;
- **Healthcare** - Financial contribution towards the provision of additional floorspace at The Elizabeth Courtauld Surgery of up to £75,693 (£378.47 per dwelling);
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Public Open Space & Green Infrastructure (on-site)** – The application proposes the provision of 5.65 hectares of Green Infrastructure, out of a site area of 11.43 hectares. This will include landscape buffers; strategic landscape planting, Public Open Space and equipped play; all to be managed by a Management Company to an agreed specification.
- **Sustainable Transportation** – Financial contributions or measures designed to increase the use of sustainable modes of transport and reduce reliance on the private car.

## 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).

The main public benefits arising from the scheme are set out below.

**Housing Supply:** The provision of new housing provides social and economic benefits. It would provide up to 200 dwellings and this would represent a not insignificant number of additional dwellings which would add to the District's housing supply. The development would assist in terms of housing supply and availability across different tenures and would improve access to housing and the applicant argues housing affordability. The provision of new housing offers social and economic benefits. Officers however note that the applicant has indicated that they believe the development would be built out over six years. If planning permission were to be granted the Council would be unable to include all 200 dwellings within the 5-year housing land supply.

**Affordable Housing:** The applicant has indicated that the housing provision would be compliant with the Council's Affordable Housing policy and provide 30% Affordable Housing – up to 60 affordable dwellings. The provision of new Affordable Housing offers significant social benefits.

**Public Open Space:** The Planning Statement accompanying the application indicates that there will be 5.65ha of Green Infrastructure which represents almost half of the application site area. The Green Infrastructure will include SuDS detention basins, areas of strategic landscape planting, and Public Open Space, which includes play areas. It is accepted that the level of provision suggested is in excess of the Council's standards but this is primarily due to the site constraints.

However, Officers consider that the provision of on-site open space and play space would primarily be for the benefit of future residents of the development given the site is not well related and connected to the town and the existing population.

**Access to facilities and services:** The site is located in a sustainable position within the context of the District, being immediately adjacent to one of the District's main towns which sits in the top tier of the settlement hierarchy with its associated services and facilities and this can be considered an environmental benefit, although this weight is limited by virtue of the site being poorly related and connected to the rest of the town, particularly in respect of walking and cycling.

**Economic benefits:** The application includes a Socio-Economic Benefit Statement which attempts to quantify the direct and indirect economic benefits arising from the development.

During the construction phase it will provide construction jobs, estimated to be 189 Full Time Equivalent jobs over a 6-year build out period, with a further 206 indirect jobs in associated industries. The cost of construction is given as £22.7 Million. Once occupied, residents will be likely to support the local economy, through spending in local shops and services, or creating demand that will support the provision of new shops and services.

Currently the Council would receive a New Homes Bonus (NHB) from Central Government as a result of the development. This is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is paid annually over the course of four years and is based on the amount of additional council tax revenue raised for new-build homes.

The statement suggests that this development *could generate a payment of £1,300,000 over a 4-year period, although payment of NHB is not guaranteed.* Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of '*local financial consideration*'.

The Planning Practice Guidance states that '*Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.*'

Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. The addition of this number of new dwellings would result in increased demand for the Council's services and the NHB could help fund some of the costs associated with this increased demand. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

The document also refers to Council Tax receipts but these will effectively be used to fund the services that the local authorities are required to provide for the occupants of the new homes.

### ***The NPPF Paragraph 196 Balance***

Following the policies contained within the NPPF the first balancing exercise which needs to be undertaken is that relating to the heritage assets. This is because the outcome of this balance affects the applicability of Paragraph 11 of the NPPF.

As previously stated within the Heritage section of this report the tests for assessing harm to heritage assets are set out in Paragraphs 195 and 196 of the NPPF. The Council's Historic Buildings Adviser has identified '*less than substantial harm*' to the significance of designated and non-designated heritage assets (listed buildings at Wash Farm; 11 Sudbury Road; 23 Mill Chase and Mill Building; 50-109 Head Street (including a number of non-listed buildings and The Courtauld Homes of Rest, which is considered a non-designated asset) – and the setting of the Halstead Conservation Area.

The term '*less than substantial*' covers a very wide range of harm from almost harmless to the brink of substantial harm. Whilst the Council's Historic Buildings Consultant is satisfied that there would be less than substantial harm they have found it harder to assess that harm at a finer grain due to the lack of information provided by the applicant. Their advice is that further information and illustrative material would need to be provided to develop a better understanding of the level of harm to heritage assets. For the Council to be able to accurately assess whether the public benefits of the scheme outweighs the less than substantial harm this additional information would be required, however on the basis of the evidence provided Officers consider that it has not been proven that the harm to heritage assets would not be outweighed by the public benefits and that this constitutes a reason for refusal.

### ***The Planning Balance***

The first limb of sub section d) of Paragraph 11 of the NPPF recognises the special importance of specific policies which restrict development and assigns them particular importance in decision making. As set out above these specific policies which indicate development should be restricted are commonly referred to as the 'Footnote 6 grounds'. These are the subject of specific

policies within the Framework and the decision taker should judge the development against those specific policies. Designated heritage assets are the subject of specific policies that indicate that development should be restricted. As set out above Officers consider that the proposed development would result in 'less than substantial harm' to the significance of designated heritage assets. The planning balance for this application therefore represents a straightforward balancing exercise of weighing the benefits of the proposed development against the harm without applying the tilted balance in favour of the grant of planning permission.

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things '*protecting and enhancing valued landscapes ... (in a manner commensurate with their statutory status or identified quality in the development plan)*'.

The application site is not a 'designated' landscape however the Council's position is that a landscape does not have to be 'designated' to be valued. The Council's Landscape consultant has applied established tests and in their experience the landscape within which the application site is located should be considered a 'valued landscape'.

Officers consider that the proposed development would give rise to considerable harm to both the landscape character of the local area, which is considered a valued landscape, and would have a visual impact of a substantial adverse level for some key receptors and views. The development would also be contrary to guidelines contained within the Council's Landscape Character Assessment. As a result of the conflict with Paragraph 170 and Policy CS8 of the Adopted Core Strategy Officers recommend that the application is refused on landscape grounds.

If this were the case then the Council would need to consider the application in light of the un-tilted balance whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The assessment would need to balance the cumulative harms identified in respect of Heritage and Landscape, and any other harm, against the benefits arising from the proposal to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

As set out within this report Officers have identified other harm arising from the proposals, including less than substantial harm to designated and non-designated heritage assets; the failure to respect the character of this area of the town and would an uncomfortable relationship with the rest of the town with a single vehicular access and a relatively unattractive potential secondary pedestrian / cycle route resulting in limited connectivity and permeability; the potential to exacerbate local air quality issues within the town; the failure to demonstrate that the proposed number of dwellings can be provided within the site constraints, in a manner that would comply with the Council's design standards and secure a good standard of design; the likely reliance on the

private car due to the site connectivity and relative attractiveness of sustainable modes of transport.

Although Officers do not believe that the 'tilted balance' is engaged in this case, even if the 'tilted' balance in favour of sustainable development were engaged Officers consider that the harm identified within this report would significantly and demonstrably outweigh the public benefits and this conclusion would mean that the application should be refused in any event.

In addition to these reasons for refusal Officers recommend that the lack of an agreed S106 forms a further reason for refusal. The applicant has acknowledged within their planning statement that a S106 legal agreement would be required to secure necessary planning obligations. In this instance Officers have not sought to negotiate a S106 legal agreement with the applicant as the proposed development is recommended for refusal. It is recommended that the lack of a legal agreement / planning obligations forms a further reason for refusal.

## RECOMMENDATION

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

- 1 The application site is located immediately adjacent to the Halstead Conservation Area and is considered to be within the setting of a number of designated and non-designated heritage assets. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting or any features of special architectural or historical interest which the Listed buildings possess. The Local Planning Authority also has a duty under Section 72(1) of the same Act to pay special attention to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a Conservation Area. Policy CS9 of the Adopted Core Strategy and Policies RLP 90, RLP95 and RLP100 of the Adopted Local Plan Review and the National Planning Policy Framework support these statutory duties and regimes.

The proposed location, scale and density of development would encroach upon the Conservation Area and the settings of nearby listed buildings, resulting in harm to the significance of designated and non-designated heritage assets, with the harm being categorised as being less than substantial, with reference to NPPF Paragraph 196.

Having regard to the guidance in paragraphs 193 - 197 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance of designated heritage assets and non-designated heritage assets would conflict with the statutory duties, national guidance and Local Plan policies outlined above.

- 2 The site has been identified by the Council in the Braintree District Settlement Fringes: Landscape Capacity Analysis as having a medium-low capacity to accommodate residential development. The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development.

Notwithstanding the fact that the site has no special landscape designation the Council considers that the site displays the characteristics of being a valued landscape, with reference to Paragraph 170 of the NPPF.

The proposed development would change the site from gently undulating agricultural farmland to a significant extension of the urban area. The proposal would result in a dense form of development, significantly harming the distinctive rural character and landscape setting and there would be significant residual landscape and visual effects from a number of publically-accessible viewpoints.

It is therefore considered that the proposal fails to take account of the function the site serves in landscape terms and would be harmful to a valued landscape, the intrinsic character and beauty of the countryside and the specific landscape character of the area, failing to perform the environmental role of sustainability, contrary to the principles and guidance set out in the NPPF and Policies RLP80, RLP90, RLP95 and RLP100 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and guidelines set out within the Braintree District Landscape Character Assessment (2006).

- 3 Even if it is considered that 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, when assessed against the policies in the NPPF taken as a whole. In particular the proposal would give rise to the following harms:

- The location, scale and density of the proposed development fails to respond to the existing pattern or character of development and would not result in a well-integrated extension to the town;
- The site would relate poorly to the existing town, particularly in respect of pedestrian and cycle links from the site which will reduce the likelihood that future residents would use more sustainable forms of transport;
- The scale and character of the development fails to recognise the intrinsic character and beauty of the countryside, or that the site is considered to have the attributes of a valued landscape;
- The location, scale and character of the development would result in less than substantial harm on designated heritage assets and

non-designated heritage assets -and that the public benefits do not outweigh the harm;

- It has not been demonstrated that the site can accommodate up to 200 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site, whilst also ensuring a good standard of amenity and a high quality living environment for all residents of the development by compliance with the Council's adopted designs standard;
- The potential to contribute towards a further deterioration in local air quality within the town.

The proposal is therefore considered to be contrary to the NPPF and Policies CS5, CS7, CS9 of the Adopted Core Strategy and RLP3, RLP9, RLP80, RLP90, RLP95, and RLP100 of the Adopted Local Plan.

4 The following obligations are required to mitigate the impact of the proposed development.

- The provision of affordable housing
- The provision of a financial contribution towards the provision of additional Early Years and Childcare; Primary School and Secondary School places
- A financial contribution towards the provision of primary health care
- The provision, delivery and maintenance of Public Open Space provided on the site, including equipped play areas
- A financial contribution towards the provision of new or improved community facilities
- Financial contributions towards the provision of new or improved Outdoor Sports and Allotment facilities in the town
- The provision of financial contributions or measures designed to increase the use of sustainable modes of transport and reduce reliance on the private car
- A financial contribution towards the delivery of visitor management at the Blackwater Estuary SPA & Ramsar site and on-site mitigation as required to comply with the HRA (Appropriate Assessment);

As no agreement has been secured the application is considered to be contrary to Policies CS2, CS10 and CS11 of the Adopted Core Strategy and Policy RLP138 of the Adopted Local Plan and the Open Space Supplementary Planning Document.

### SUBMITTED PLANS

Development Framework Plan      Plan Ref: 106  
Location Plan                              Plan Ref: 111

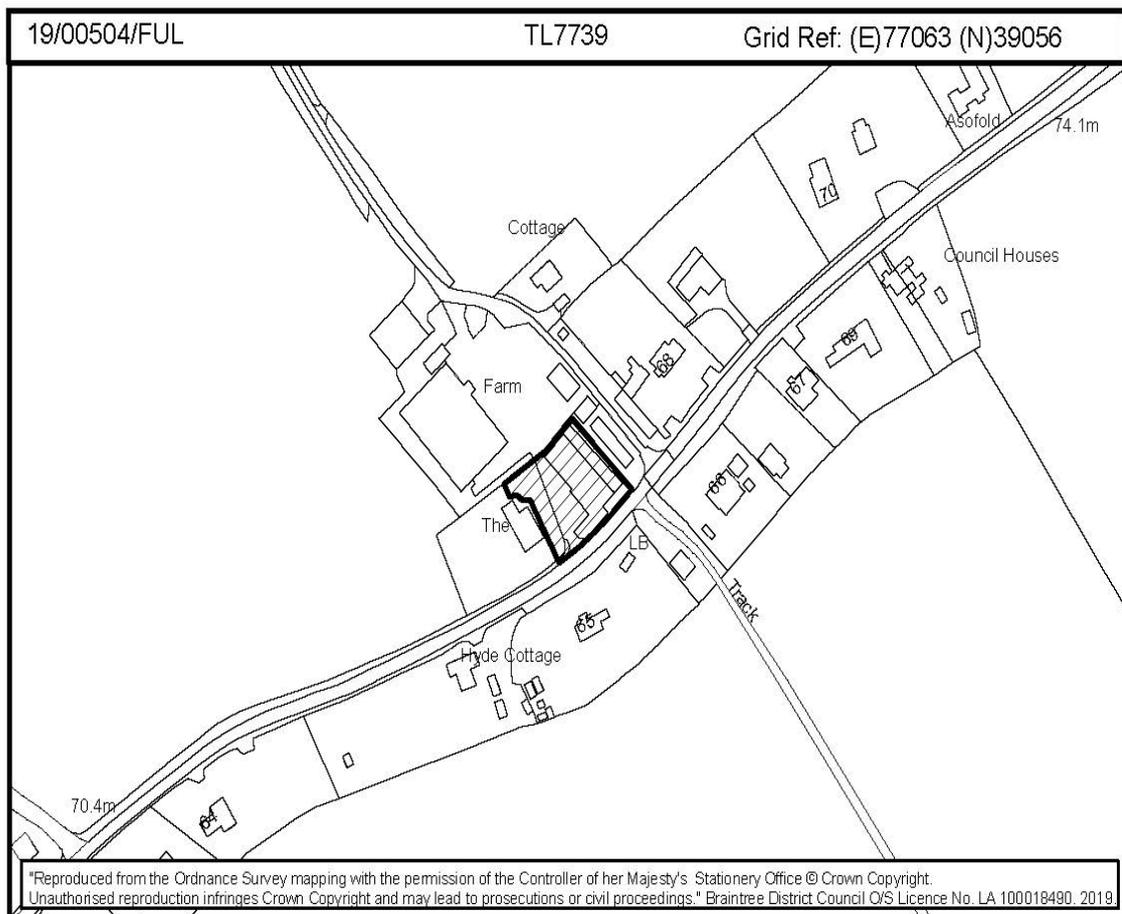
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00504/FUL DATE: 26.03.19  
VALID:  
APPLICANT: Mr & Mrs Andrew Perkins  
The Old Hyde, Little Yeldham Road, Little Yeldham CO9 4QT  
AGENT: Mr Mark Homer  
East Barn, Blackmore End, Braintree, CM7 4DR  
DESCRIPTION: Conversion of redundant agricultural building to form 2 new dwellings and annexe to be used as ancillary accommodation to the existing dwelling The Old Hyde and construction of detached workshop building  
LOCATION: The Old Hyde, Little Yeldham Road, Little Yeldham, Essex, CO9 4QT

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](mailto: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=POEPGWBF FKZ00>

### SITE HISTORY

15/01362/LBC	Replacement of 3 no. windows and 2 no. doors	Granted	05.04.16
17/00280/FUL	Conversion of redundant agricultural building to form 5no dwellings and construction of detached workshop building	Withdrawn	30.08.17
17/00281/LBC	Conversion of redundant agricultural building to form 5no dwellings and construction of detached workshop building	Withdrawn	30.08.17
17/02258/CLPLB	Application for a Certificate of Lawfulness of Proposed Works to a Listed Building - Replacement windows	Granted	06.02.18
19/00505/LBC	Conversion of redundant agricultural building to form 2 new dwellings and annexe to be used as ancillary accommodation to the existing dwelling The Old Hyde and construction of detached workshop building	Pending Decision	

### POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing 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
RLP18	Extensions to Existing Dwellings in the Countryside
RLP38	Conversion of Rural Buildings
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

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

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

#### Braintree District Publication Draft Local Plan 2017

LPP38	Residential Alterations, Extensions and Outbuildings
LPP42	Residential Conversion of Buildings in the Countryside
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection

## 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 Little Yeldham Parish Council has objected to the proposal contrary to Officer recommendation.

## SITE DESCRIPTION

The application site is situated to the north of Little Yeldham Road between the villages of Little Yeldham and Great Yeldham outside of a defined development boundary. To the north of the site is a Public Right of Way (Footpath 8). This site is situated to the north east of Great Yeldham (approximately 1.5 miles) and to the north of main town Halstead (approximately 8 miles).

The Old Hyde is Grade II listed. The redundant agricultural barn subject to this application is situated to the north east of the Old Hyde and is curtilage listed.

The subject building is currently vacant. The Planning Statement advises that, *'Until recently the granary and part of the main body of the barn were occupied by a successful wood turning business. With the retirement of the directors this business ceased trading and the premises became vacant. A smaller portion of the barn was temporarily used by the Applicant, Mr Perkins, for his joinery business but this has been relocated elsewhere'*.

There is an existing access into the site from Little Yeldham Road.

## PROPOSAL

The proposal seeks permission for the conversion of a redundant agricultural building to form 2 new dwellings and an annexe to be used as ancillary accommodation to the existing dwelling and construction of a detached workshop building.

The proposed annexe is situated within the former granary which fronts onto Little Yeldham Road. The main body of the barn is proposed to be converted into 2 new dwellings. The barn fronts onto a courtyard with The Old Hyde adjacent. A small front garden with a single car parking space adjacent is proposed for each of the new dwellings. An additional 4 car parking spaces and a detached workshop are proposed abutting the boundary of the site to the south west of the main barn. A rear garden is proposed for each of the residential units.

This application seeks planning permission for the development. An application for listed building consent (application reference 19/00505/LBC has also been submitted for consideration).

## CONSULTATIONS

### BDC Environmental Health

No objection subject to conditions controlling demolition, site clearance and construction to minimise disturbance to nearby residents. A contamination assessment condition is also proposed.

### BDC Landscape Services

No objection subject to following amendments to the Landscape Drawing (PSOH17/LAND/01):

1. The proposed hedgerow needs to be specified as a double staggered row using 5 plants to the metre and including at least 10% holly as an evergreen component.
2. Hornbeam has been proposed as a suitable tree for planting in proximity to the structure - this is a high forest tree which will become too large for the location so suggest this selection is modified and substituted with *Acer campestre* vars, or *Pyrus chanticleer*. Both are beneficial for wildlife and robust to establish through dry weather conditions.

### BDC Ecology

No objection subject to a condition requiring a further bat survey is undertaken prior to any works being undertaken.

### Historic Buildings Consultant

Objection. In summary the following comments were made:

- Less than substantial harm to the curtilage listed barn and less than substantial harm to the listed historic farmhouse as a result of impact on its setting/significance. Paragraph 196 of the NPPF is relevant.
- Car parking space in front of the listed farmhouse would have a considerable and adverse impact upon the setting of the listed building.
- The siting of the workshop would not have an adverse impact upon the significance of the listed building. The proposal includes a new build workshop whilst concurrently converting existing buildings in the site which could be considered for such as use as their 'optimum viable use'. Further justification is needed.
- Fenestration to south gable is not supported. Detracts from aesthetic value and architectural quality of the building.

The Historic Buildings Consultant was re-consulted following the submission of revised plans. In summary the following comments were made:

- Further detail required relating to insulation, any damp protection, a repair schedule, a schedule of interventions to the existing frame.
- No objection to the reconfigured plan which shows the first floor unit as 'free standing' and as such having potentially no adverse impact on the significant timber frame.

- Recommend conditions requiring samples of all new materials (particularly roof materials) and details of new fenestration and landscaping.

Following this comment from the Historic Buildings Consultant, further supporting documentation was received from the agent regarding the repair schedule, details of proposed insulation and details of the proposed intervention. The Historic Buildings Consultant reviewed this documentation and required further detail and clarification. It is reasonable and appropriate in this case to condition an approval of the application that prior to commencement details of the schedule of repairs, method of insulation and schedule of interventions should be submitted to the Local Planning Authority and approved in writing.

### Highway Authority

The Highway Authority requested additional information to demonstrate visibility splays could be achieved. The applicant was also asked to provide information on the traffic generation of the site for the extant use and the predicted traffic generation of the proposed use.

The applicant submitted the required additional information and the Highway Authority were re-consulted. The Highway Authority responded that, having considered the information submitted and levels of vehicular movements associated with the extant use of the existing access from the site onto Little Yeldham Road, they were satisfied that the proposal does not represent an intensification of use of the existing access. Therefore, providing the proposal is carried out in accordance with drawing PSOH 17/land/01, the impact of the proposal is acceptable to the Highway Authority.

### PARISH / TOWN COUNCIL

Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council object to the application. In summary the following comments were made:

- The site is outside the development boundary and conflicts with RLP2 of the Adopted Local Plan and CS5 of the Adopted Core Strategy and the emerging Local Plan.
- The site is not required to meet the 5 year housing supply.
- The site is located in the Land Settlement Association housing estate, infill dwellings in spaces between these houses have always been refused and dismissed on appeal.
- The site is not in a sustainable location having no safe pedestrian access and being remote from public transport facilities and key local amenities. The proposal is contrary to CS7 of the Adopted Local Plan.
- The access is hazardous with very poor visibility in both directions caused by a bend in the highway. Intensification of the use of this access on a previous proposal was rejected by Highway Authority.
- The layout of the site does not show any capacity for overflow parking.

- The amenity space proposed although meets the minimum standards it is argued wherever this is useable space.
- Concern that the proposal will have a negative impact upon the setting of the Heritage asset.

## REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and the immediate neighbours were notified by letter. 2 objections have been received. In summary the following comments were made:

- The site is outside of the development boundary.
- Development is not required to meet 5 year housing land supply
- The site is located in the Land Settlement Association housing estate for Little Yeldham. Infill houses have always been refused and appeals dismissed.
- The site is not in a sustainable location and conflicts with Policy CS7 of Adopted Core Strategy.
- Access is hazardous.
- Amenity space proposed is not practical.
- The proposal will have a negative impact on setting of Heritage Asset.
- Proposed parking provision is inadequate.
- There is no pavement along Little Yeldham Road for pedestrians.
- Poor access to services and facilities.
- Proposed landscaping would reduce visibility splays further.
- A dependent relative will still have a car and therefore the parking provision remains inadequate.
- Insufficient justification has been given for the proposed workshop.
- Is a Granny annexe for a two storey building with a spiral staircase appropriate?
- Will conditions be placed on the use of the Granny annexe?

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### 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 adopted.

The Council 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.

### Residential Use

The site is located outside of a development boundary and therefore countryside policies apply as set out in Policy RLP2 of the Adopted Local Plan. Policy CS5 of the Adopted Core Strategy states that development outside development boundaries 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.

Paragraph 79 of the NPPF permits new dwellings outside of development boundaries and in isolated locations where the, *b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets c) development would reuse redundant or disused buildings and enhance its immediate setting.*

Policy RLP38 of the Adopted Local Plan permits the conversion of rural buildings to residential use providing that the applicant has made every reasonable effort to secure suitable employment or community re use and the application is supported by a statement of the efforts that have been made. The criterion states that, the buildings should be of a permanent and substantial construction and capable of conversion without major extension or complete reconstruction, their form, bulk and design are in keeping with surroundings, no unacceptable impact on landscape, protected species or historic environment, safe and satisfactory vehicle access and egress can be accommodates.

Policy RLP101 of the Adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

Policy LPP42 of the Draft Local Plan refers to the conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete rebuilding to residential use where: the location of site is accessible and sustainable; there is no unacceptable impact on protected species or heritage assets and their settings; site is served by an existing access; no unacceptable impact on residential amenity; no unacceptable impact on the character of the site or surrounding countryside and its

landscape value. Applications for such proposals must be supported by a frame survey, structural survey and where listed a heritage statement setting out the implications of the development. Where considered appropriate surveys will be required for protected species.

A Structural Report (prepared by Robert Hays Partnership June 2017) has been submitted with the planning application. The report concludes that, *'the building is considered to be generally good structural condition and would prove suitable for conversion to a proposed residential use after some localised repair and reinstatement'*.

A Marketing Statement (letter from Whirledge and Nott dated Jan 2017) has been submitted with the planning application. This concludes that the property has been marketed for 12 months on the internet and with press advertising (6 adverts throughout the year). It details the specific enquiries received but concludes that there has been no serious interest in the property for commercial or community use. As some time has lapsed since the marketing was carried out (in 2016) Officers sought an update to the marketing assessment. An email from Whirledge and Nott dated June 2019 states, *'I am not aware of any material changes to the barns nor the market for commercial property that would make the position any better now. In my opinion, it remains the case that the calibre of potential tenants is poor and many are seeking low rents on flexible terms. Terms that would not justify the cost of conversion nor provide a viable return. Clearly one can never tell who is in the market at any particular time but the property was exposed to the market for a good period and looking at the market generally, particularly in your area, I am of the opinion that any remarketing undertaken at this stage would most likely yield the same result'*.

The proposal accords with the criterion of Policies RLP38 and RLP101 of the Adopted Local Plan and Policy LPP42 of the Draft Local Plan. It would also accord with Paragraph 79 of the NPPF by securing the optimal viable use of the heritage asset and reusing a redundant existing building.

### Annexe

Policy RLP18 of the Adopted Local Plan provides support for annexe accommodation for dependent relatives, however to be considered as an annexe, the building must have both a physical and a functional relationship with the main dwelling.

Whilst the proposed annexe contains all the amenities that would mean that the annexe would be adequately occupied as a separate dwelling, the building would be located close to the host dwelling approximately 13 metres to the south of the proposed annexe. The annexe is one bedroom, with a kitchen/lounge, bathroom and dressing room. The annexe is intended for a dependent relative of the applicant and a statement has been submitted by the applicant confirming this. The dependant relative will be able to use the existing garden of the host dwelling and the parking provision associated with the host dwelling therefore maintaining a physical and functional relationship

with the host dwelling. The proposal is considered to accord with the criterion of Policy RLP18 of the Adopted Local Plan.

### Heritage

A Heritage Statement has been submitted with the planning application. The Old Hyde is Grade II listed. The barn and granary building subject to this application are curtilage listed.

The Historic Buildings Consultant has provided advice during the pre-application process and during the course of the planning application. Revised plans have been received during the course of the application to address concerns raised by the Historic Buildings Consultant.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow for changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The proposed works would retain the original form of the buildings, including the original Crittall windows, with internal works proposed with the addition of partition/stud walls to create living accommodation. Two roof lights are proposed on the rear elevation and a single roof light on the side elevation.

The barn fronts onto a courtyard with The Old Hyde adjacent. There is a distance of approximately 20 metres between The Old Hyde and the main part of the barn. The external appearance of the barn frontage will remain unchanged. Whilst it is noted that the 'setting' will alter with the provision of car parking spaces, bonded gravel driveway, estate fence and front gardens for the proposed dwellings however, these additions are not considered detrimental to the setting of The Old Hyde.

The proposal complies with Policies RLP100 and RLP101 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes.

## DETAILED CONSIDERATIONS

### 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 to secure high quality design in all developments. Policy RLP100 of the Adopted Local Plan and Policy LPP50 of the Draft Local Plan focus specifically on heritage assets.

The agricultural buildings (barn/granary) proposed to be converted are situated approximately 20 metres to the east of The Old Hyde. The granary is sited on the southern boundary of the site abutting Little Yeldham Road. The main barn is attached to the granary and is sited along the eastern boundary of the site. The overall length of the main barn is approximately 29 metres.

The residential uses can be accommodated within the existing building such that no external extensions are proposed.

The garden area proposed for Unit 1 is 101sq.m and 166sq.m for Unit 2. This accords with the Essex Design Guide 2005 which seeks a minimum provision of 100sq.m for 3 or more bedroom dwellings.

It is proposed to convert the main barn into 2 dwellings (3 bedrooms) referred to as Unit 1 and Unit 2 on the submitted plans. The granary is proposed to be converted into a one bedroom annexe. The submitted plans indicate that the first floor accommodation for Unit 2 is to be formed by pods located within the general height barn space. Fire exits and roof lights are proposed for the bedrooms.

The Barn is a 'Double Essex Barn' in that it has two full height porches on the western side. There are original Crittall windows within the barn. The application indicates that it is proposed to retain all Crittall windows where practical, fully overhauled and prepared and repainted. Where this is not practical, matching units shall be procured from Crittall or approved agents. This accords with Policy RLP100 of the Adopted Local Plan as the character and fabric of the building is proposed to be retained and therefore does not result in the loss of the buildings historic and architectural elements of importance.

The proposed workshop is situated approximately 3 metres to the north of The Old Hyde. The proposed workshop measures 15.7 metres in width (incorporating a covered area measuring 5 metres and pellet store measuring 2.2 metres) and 4 metres in depth. The 'pellet store' of the outbuilding is subordinate in height and depth to the main part of the outbuilding, reducing the overall bulky appearance. The north part of the outbuilding is a car port, with the south and west part of the carport open. A single roof light is proposed in the south elevation to provide light to the workshop and a light on the east elevation. A slate roof and brick plinth with weatherboard exterior is proposed. These materials are considered sympathetic to the countryside

setting. The height to the apex of the roof is 3.8 metres, and 2.3 metres to the eaves. A single window is proposed on the east elevation overlooking the garden of The Old Hyde.

The proposed development is considered to accord with the policies mentioned above. The proposed workshop accords with the criterion of Policy RLP18 of the Adopted Local Plan as it is compatible with the scale and character of the existing dwelling and the plot upon which it stands. It is subordinate to the existing dwelling in terms of bulk, height, width and position.

#### Impact on Neighbouring Amenity

The NPPF requires planning to always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

Taking into account the position of the existing agricultural building proposed to be converted to residential dwellings and an annexe and the relationship with surrounding residential properties it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, loss of privacy.

#### Highway Issues

The application proposes to use the existing access off Little Yeldham Road. The submitted Block Plan proposes to improve access visibility by altering the driveway.

The Highway Authority sought additional information from the applicant regarding visibility splays and traffic generation for the extant use and proposed use. The applicant submitted the information regarding the traffic generation which was then reviewed by the Highway Authority who concluded the proposal does not represent the intensification of use of an existing access and therefore the application does not represent (in highway terms) a change to the existing situation. Therefore, the information originally sought regarding visibility splays was no longer required and therefore has not been submitted.

The Highway Authority do not raise an objection subject to the proposal being carried out in accordance with the proposed site plan which show the changes to the access. This can be secured by way of a suitable worded planning condition.

The submitted plan indicates the provision of 7 car parking spaces. 2 spaces are proposed for The Old Hyde, 2 spaces for each residential unit and 1 visitor space. This accords with the Essex Vehicle Parking Standards which requires a minimum of 2 spaces per 2+ bedroom. The proposal accords with Policy RLP56 of the Adopted Local Plan.

## Ecology

A Bat and Owl Survey (prepared by John Dobson Essex Mammal Surveys August 2017) was submitted with the application. The report concludes that, *'the secure nature of the barn meant that it was unsuitable for occupation by barn owls and no evidence of this species was found'*. It also concluded that, *'there was no evidence of bats at the site'*.

The Council's Ecology Officer has reviewed the report and notes the report states, *'Please note that this survey records the status of the building at the time of the survey. However, if more than a year were to elapse before the start of the building work, it would be prudent to conduct a further survey to see if bats have colonised the barn during the intervening period.'*

As over a year has lapsed since the survey was undertaken a condition is proposed in this particular case that a further bat survey is undertaken prior to any works being undertaken. This accords with Policy RLP184 of the Adopted Local Plan and Policy LPP68 of the Draft Local Plan which seeks to impose conditions to protect protected species and their habitats.

## Landscaping

The Landscaping Officer had sought amendments to the original plans submitted requesting that the proposed hedgerow be specified as a double staggered row using 5 plants to the metre and including at least 10% holly as an evergreen component. Concern was also raised regarding the proposed planting of Hornbeam in close proximity to the building due to its height. An alternative species *Acer campestre* vars, or *Pyrus chanticleer* was recommended. Revised plans were received addressing these matters. The proposal accords with Policies RLP80 and RLP81 of the Adopted Local Plan which seeks to ensure that development integrates into the local landscape and appropriate native species are planted and Policy LPP69 of the Draft Local Plan.

## Contamination

The Council's Environmental Health Officer has recommended that a contamination assessment condition be attached to any grant of consent. Given, the previous use of the site which included a garage, it is considered reasonable to include this condition.

## PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located 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.

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).

The creation of two residential dwellings through the conversion of an existing building would have a minor influence on the vitality of the community with future occupiers supporting to a limited extent the existing services and facilities in the neighbouring town of Halstead and village of Great Yeldham.

The development would not be large enough such to bring about the creation of new services within neighbouring settlements.

The development will perform only a marginal economic role i.e. the short term employment related to construction.

In providing a social role, development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being. The prospective occupiers of the dwellings would support health, cultural and social facilities in Great Yeldham and Halstead to only a limited extent. The provision of two dwellings would make a contribution to the Council's 5 Year Housing Land Supply, albeit this would be limited given the scale of development proposed.

In terms of the environmental role, development should contribute to protecting and enhancing the natural, built and historic environment. Given the poor pedestrian connectivity between the site and the services and facilities within Great Yeldham and Halstead, the proposal would encourage dependency upon travel by car.

When considering the environmental impact on balance, the building is existing. The NPPF supports new residential development in the countryside where development would re-use redundant or disused buildings and enhance its immediate setting. This is relevant and applicable to this planning application. The proposal for conversion of an existing building to residential use would make effective use of the land in this instance ensuring the long term viability of an existing structurally sound building in the countryside. Furthermore, the proposal would ensure the optimum viable use of a heritage asset according with paragraph 79 of the NPPF. The proposal would also accord with the Council's policies in relation to the conversion of rural buildings.

When considering the planning balance and having regard to the benefits as above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would constitute sustainable development 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

Proposed Elevations  
Proposed Plans

Plan Ref: PSOH 17/ELEV/01  
Plan Ref: PSOH 17/PLAN/01

Version: F  
Version: D

Block Plan	Plan Ref: PSOH17/LAND/01	Version: G
Topographical Survey	Plan Ref: 9176-1	
Ground Floor Plan	Plan Ref: 9176-2	
First Floor Plan	Plan Ref: 9176-3	
Elevations	Plan Ref: 9176-4	
Elevations	Plan Ref: 9176-5	
Section	Plan Ref: 9176-6	
Proposed Elevations	Plan Ref: PSOH 17/ELEV/02	Version: C
Location Plan		

- 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 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must

include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service
  - lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

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

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

Reason

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

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

Reason

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

- 6 Development shall not be commenced until a survey of the application site has been carried out to establish the presence of any protected species or any other ecological implications which could be affected by the proposed development. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within one month of the completion of the survey.

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

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

Mitigation/compensation works shall be carried out in accordance with the

scheme and programme approved in accordance with the above.

Where protected species are not present, details of the means of enhancing biodiversity of the site by mitigation / compensation works to include a method statement shall be submitted to and approved in writing prior to the commencement of development.

Reason

In order to assess whether there are protected species in the locality.

- 7 Prior to first occupation of the development hereby approved the amendments to the vehicular access as shown on drawing no. PSOH17/land/01 shall be completed in full in accordance with this drawing and thereafter retained and maintained in the approved form.

Reason

To ensure satisfactory vehicular access to the site in the interests of highway safety.

INFORMATION TO APPLICANT

1 Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49Y

2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

3 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work

of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

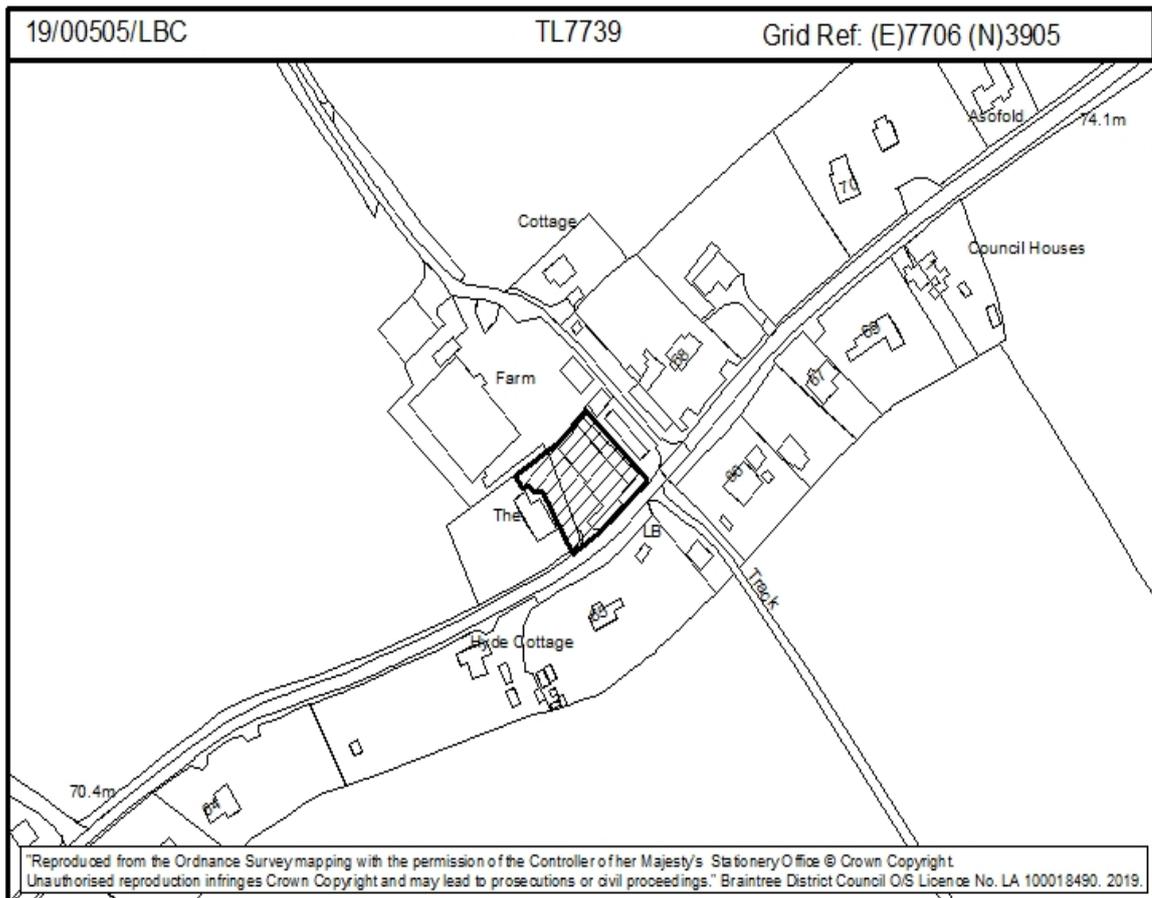
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/00505/LBC  
DATE VALID: 26.03.19  
APPLICANT: Mr & Mrs Andrew Perkins  
The Old Hyde, Little Yeldham Road, Little Yeldham, CO9 4QT  
AGENT: Mr Mark Homer  
East Barn, Blackmore End, Braintree, CM7 4DR  
DESCRIPTION: Conversion of redundant agricultural building to form 2 new dwellings and annexe to be used as ancillary accommodation to the existing dwelling The Old Hyde and construction of detached workshop building  
LOCATION: The Old Hyde, Little Yeldham Road, Little Yeldham, Essex, CO9 4QT

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](mailto: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=POEPHHBF FL000>

### SITE HISTORY

15/01362/LBC	Replacement of 3 no. windows and 2 no. doors	Granted	05.04.16
17/00280/FUL	Conversion of redundant agricultural building to form 5no dwellings and construction of detached workshop building	Withdrawn	30.08.17
17/00281/LBC	Conversion of redundant agricultural building to form 5no dwellings and construction of detached workshop building	Withdrawn	30.08.17
17/02258/CLPLB	Application for a Certificate of Lawfulness of Proposed Works to a Listed Building - Replacement windows	Granted	06.02.18
19/00504/FUL	Conversion of redundant agricultural building to form 2 new dwellings and annexe to be used as ancillary accommodation to the existing dwelling The Old Hyde and construction of detached workshop building	Pending Decision	

### POLICY CONSIDERATIONS

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

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

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

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

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

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

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

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings  
RLP101 Listed Agricultural Buildings

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

CS9 Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP50 Built and Historic Environment  
LPP60 Heritage Assets and their Settings

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Little Yeldham Parish Council has objected to the proposal contrary to Officer recommendation.

#### SITE DESCRIPTION

The application site is situated to the north of Little Yeldham Road between the villages of Little Yeldham and Great Yeldham outside of a defined development boundary. To the north of the site is a Public Right of Way (Footpath 8). This site is situated to the north east of Great Yeldham (approximately 1.5 miles) and to the north of main town Halstead (approximately 8 miles).

The Old Hyde is Grade II listed. The redundant agricultural barn subject to this application is situated to the north east of the Old Hyde and is curtilage listed.

The subject building is currently vacant. The Planning Statement advises that *'until recently the granary and part of the main body of the barn were occupied by a successful wood turning business. With the retirement of the directors this business ceased trading and the premises became vacant. A smaller portion of the barn was temporarily used by the Applicant, Mr Perkins, for his joinery business but this has been relocated elsewhere'*.

There is an existing access into the site from Little Yeldham Road.

## PROPOSAL

The proposal seeks permission for the conversion of a redundant agricultural building to form 2 new dwellings and annexe to be used as ancillary accommodation to the existing dwelling and construction of detached workshop building.

The proposed annexe is situated within the former granary which fronts onto Little Yeldham Road. The main body of the barn is proposed to be converted into 2 new dwellings. The barn fronts onto a courtyard with The Old Hyde adjacent. A small front garden with a single car parking space adjacent is proposed for each of the new dwellings. An additional 4 car parking spaces and a detached workshop are proposed abutting the boundary of the site to the south west of the main barn. A rear garden is proposed for each of the residential units.

This application seeks listed building consent for the works proposed. An application for planning permission (application reference 19/00504/FUL has also been submitted for consideration).

## CONSULTATIONS

### Historic Buildings Consultant

Objection. In summary the following comments were made:

- Less than substantial harm to the curtilage listed barn and less than substantial harm to the listed historic farmhouse as a result of impact on its setting/significance. Paragraph 196 of the NPPF is relevant.
- Car parking space in front of the listed farmhouse would have a considerable and adverse impact upon the setting of the listed building.
- The siting of the workshop would not have an adverse impact upon the significance of the listed building. The proposal includes a new build workshop whilst concurrently converting existing buildings in the site which could be considered for such as use as their 'optimum viable use'. Further justification is needed.
- Fenestration to south gable is not supported. Detracts from aesthetic value and architectural quality of the building.

The Historic Buildings Consultant was re-consulted following the submission of revised plans. In summary the following comments were made:

- Further detail required relating to insulation, any damp protection, a repair schedule, a schedule of interventions to the existing frame.
- No objection to the reconfigured plan which shows the first floor unit as 'free standing' and as such having potentially no adverse impact on the significant timber frame.
- Recommend conditions requiring samples of all new materials (particularly roof materials) and details of new fenestration and landscaping.

Following this comment from the Historic Buildings Consultant, further supporting documentation was received from the agent regarding the repair schedule, details of proposed insulation and details of the proposed intervention. The Historic Buildings Consultant reviewed this documentation and required further detail and clarification. It is reasonable and appropriate in this case to condition an approval of the application that prior to commencement details of the schedule of repairs, method of insulation and schedule of interventions should be submitted to the Local Planning Authority and approved in writing.

#### PARISH / TOWN COUNCIL

Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council object to the application. In summary the following comments were made:

- The site is outside the development boundary and conflicts with RLP2 of the Adopted Local Plan and CS5 of the Adopted Core Strategy and the emerging Local Plan.
- The site is not required to meet the 5 year housing supply.
- The site is located in the Land Settlement Association housing estate, infill dwellings in spaces between these houses have always been refused and dismissed on appeal.
- The site is not in a sustainable location having no safe pedestrian access and being remote from public transport facilities and key local amenities. The proposal is contrary to CS7 of the Adopted Local Plan.
- The access is hazardous with very poor visibility in both directions caused by a bend in the highway. Intensification of the use of this access on a previous proposal was rejected by Highway Authority.
- The layout of the site does not show any capacity for overflow parking.
- The amenity space proposed although meets the minimum standards it is argued wherever this is useable space.
- Concern that the proposal will have a negative impact upon the setting of the Heritage asset.

## REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and the immediate neighbours were notified by letter. 2 objections have been received. In summary the following comments were made:

- The site is outside of the development boundary.
- Development is not required to meet 5 year housing land supply
- The site is located in the Land Settlement Association housing estate for Little Yeldham. Infill houses have always been refused and appeals dismissed.
- The site is not in a sustainable location and conflicts with Policy CS7 of Adopted Core Strategy.
- Access is hazardous.
- Amenity space proposed is not practical.
- The proposal will have a negative impact on setting of Heritage Asset.
- Proposed parking provision is inadequate.
- There is no pavement along Little Yeldham Road for pedestrians.
- Poor access to services and facilities.
- Proposed landscaping would reduce visibility splays further.
- A dependent relative will still have a car and therefore the parking provision remains inadequate.
- Insufficient justification has been given for the proposed workshop.
- Is a Granny annexe for a two storey building with a spiral staircase appropriate?
- Will conditions be placed on the use of the Granny annexe?

## REPORT

The main consideration in the determination of this application is the impact on the character and appearance of the listed building. A listed building consent application is not concerned with the acceptability of the proposed use in principle, just the physical alterations proposed and the impact of this on the listed building.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

A Heritage Statement has been submitted with the planning application.

The barn and granary building subject to this application are curtilage listed. The Old Hyde is Grade II listed.

The Historic Buildings Consultant has provided advice during the pre-application process and during the course of the planning application. Revised plans have been received during the course of the application to address concerns raised by the Historic Buildings Consultant.

The proposed works would retain the original form of the buildings, including the original Crittall windows, with internal works proposed for the addition of partition/stud walls to create living accommodation. Internal repairs are proposed with insulation and intervention works. Two roof lights are proposed on the rear elevation and a single roof light on the side elevation.

The proposal complies with the criterion of Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes. In addition the proposal complies with part (a) of Policy RLP101 of the Adopted Local Plan; however no consideration has been given to the proposed use of the barn or any other part of Policy RLP101 as part of this listed building consent application.

It is recommended that conditions be placed on any grant of consent to control materials, finishes, window and door detailing, schedule of repairs, proposed method of insulation and details of proposed intervention.

### CONCLUSION

Subject to conditions, it is considered that the proposal complies with the criterion of Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes.

### 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

Proposed Elevations  
Proposed Plans

Plan Ref: PSOH 17/ELEV/01  
Plan Ref: PSOH 17/PLAN/01

Version: F  
Version: D

Topographical Survey	Plan Ref: 9176-1	
Ground Floor Plan	Plan Ref: 9176-2	
First Floor Plan	Plan Ref: 9176-3	
Elevations	Plan Ref: 9176-4	
Elevations	Plan Ref: 9176-5	
Section	Plan Ref: 9176-6	
Proposed Elevations	Plan Ref: PSOH 17/ELEV/02	Version: C
Block Plan	Plan Ref: PSOH 17/LAND/O1 REV G	Version: G

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

Reason

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

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

Reason

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

- 3 The works hereby approved shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

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

- 4 The works hereby approved shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

- 5 All rainwater goods shall be black metal and permanently maintained as such.

Reason

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

- 6 Internal works shall not be commenced until a schedule of all new, internal surface materials including walls, ceilings and floors and a schedule of all internal and external joinery indicating the proposed finish and decoration to be used has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building

- 7 No electricity, gas or water meter boxes shall be fixed to the external fabric of the building.

Reason

In the interests of listed buildings.

- 8 No works shall commence until a schedule of repairs, with details of the proposed method of insulation and internal finishes and details of proposed intervention, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and thereafter retained.

Reason

To ensure the proposed development does not prejudice the architectural or historic merits of the listed building.

- 9 No conversion shall take place until the applicant has secured and undertaken a programme of building recording in accordance with a written scheme of investigation to be submitted to, and approved in writing by the local planning authority.

Reason

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

- 10 Prior to the removal of the existing Crittall windows, details and drawings of the proposed new windows should be submitted to and approved in writing by the local planning authority. The details as agreed shall be those implemented on site and thereafter retained in the approved form.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building

## INFORMATION TO APPLICANT

1 For a scheme of archaeological building recording it must be commensurate with a 'Level 3' as detailed in Historic England Guidance Understanding Historic Buildings.

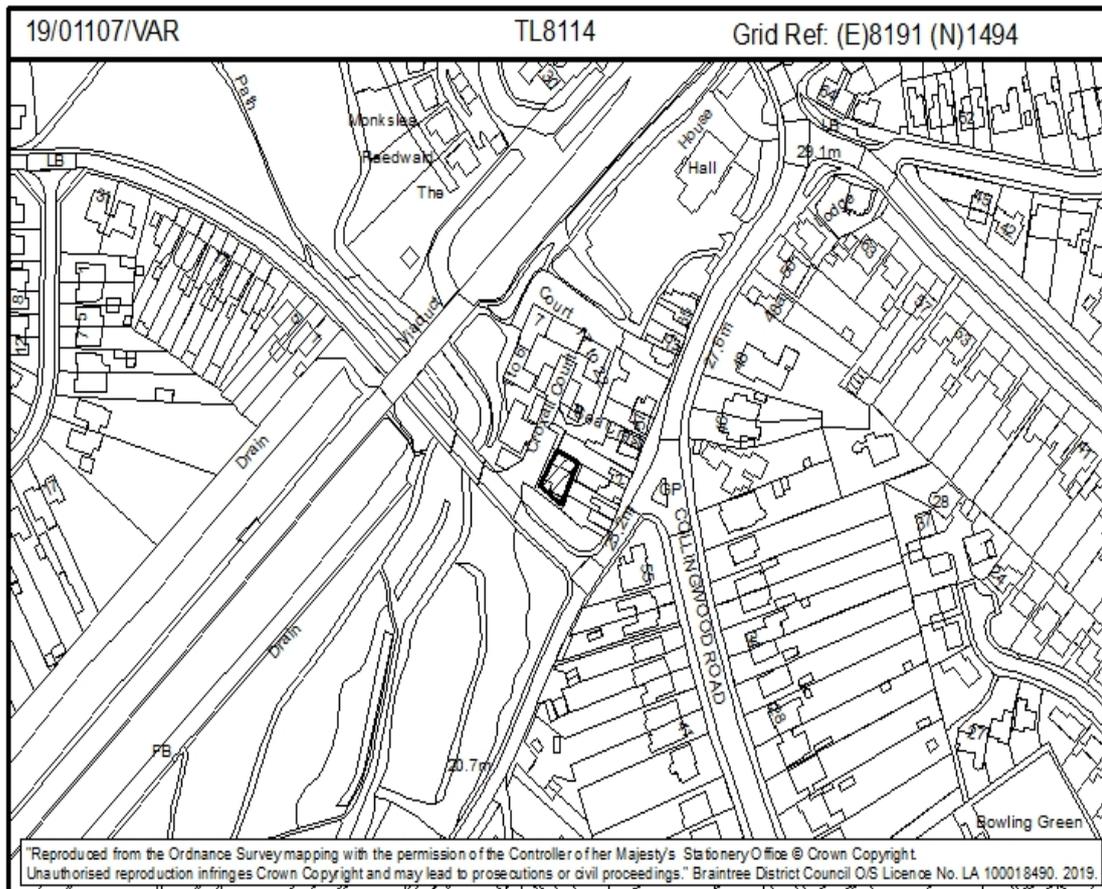
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01107/VAR  
DATE VALID: 20.06.19  
APPLICANT: Mr Karl Barker  
C/O Agent  
AGENT: Mr Andrew Stevenson  
21A , High Street, Great Dunmow, CM6 1AB  
DESCRIPTION: Variation of Condition 2 (Approved Plans) of permission 18/00476/VAR granted 17/07/18 for: Variation of Condition 2 of planning permission 14/01176/FUL (Erection of 2 bedroom dwelling). Variation would allow: - Internal reconfiguration of first floor to provide 3 bedrooms.  
LOCATION: Armond Cottage, Armond Road, Witham, Essex, CM8 2HA

For more information about this Application please contact:  
Mrs Liz Williamson on:- 01376 551414 Ext. 2506  
or by e-mail to: [liz.williamson@braintree.gov.uk](mailto:liz.williamson@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTEHQGBFH3U00>

## SITE HISTORY

91/00013/DC	DCAppeal	Appeal Dismissed	
03/01233/FUL	Erection of 2 no. houses	Refused	11.08.03
03/02020/FUL	Erection of 2 no. houses	Refused then dismissed on appeal	05.12.03
05/00805/FUL	Erection of one 2 bedroomed dwelling	Refused	15.06.05
08/00428/FUL	Erection of new 2 bedroom dwelling	Granted	02.05.08
11/00324/FUL	Application for a new planning permission to replace an extant planning permission (08/00428/FUL) in order to extend the time limit for implementation - Erection of new 2 bedroom dwelling	Granted with S106 Agreement	05.10.11
14/01176/FUL	Erection of a new 2 bedroom dwelling	Granted	11.12.14
17/01064/DAC	Application for approval of details reserved by condition nos. 4, 5, 6, 7 and 8 of approved application 14/01176/FUL	Granted	27.07.17
17/02219/NMA	Application for a non- material amendment following grant of planning permission 14/01176/FUL (Erection of a new 2 bedroom dwelling) - Installation of 2no. obscured glass velux roof windows to South East elevation 780mm x 550mm in size	Refused	16.01.18
18/00476/VAR	Application for a variation of Condition 2 of planning permission 14/01176/FUL (Erection of a new 2 bedroom dwelling) - Insertion of pair of roof lights within south elevation	Granted	17.07.18

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing 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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

RLP95 Preservation and Enhancement of Conservation Areas  
RLP138 Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development  
SP6 Place Shaping Principles  
LPP1 Development Boundaries  
LPP37 Housing Type and Density  
LPP45 Parking Provision  
LPP50 Built and Historic Environment  
LPP53 Provision of Open Space, Sport and Recreation  
LPP55 Layout and Design of Development  
LPP56 Conservation Areas

Neighbourhood Plan

N/A

Other Material Considerations

None

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 has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a detached property within the town development boundary and Conservation Area of Witham. The property, as approved, has been erected at a lower level than the neighbouring properties at 2-8 Guithavon Avenue.

BACKGROUND

The property was originally granted planning permission under application reference 14/01176/FUL for a 2 bedroomed detached dwelling with off-road parking to the front of the property and an amenity area to the rear. An application was subsequently submitted in 2018 to vary Condition 2 of the aforementioned planning permission, under application reference

18/00476/VAR, for the insertion of two rooflights in the south facing elevation, which was granted permission and has subsequently been implemented.

## PROPOSAL

The proposal seeks to retrospectively vary the previously approved plans pursuant to application reference 18/00476/VAR. The first floor layout as previously approved included two bedrooms, an en-suite, and a separate bathroom. This application seeks permission to retrospectively create a study/child's room by reducing the size of the existing bathroom and relocating the en-suite bathroom. There would be no external alterations to the building, although by nature of the re-configuration of the first floor an additional bedroom would be created. The dwelling has therefore become a three bedroomed property rather than a two bedroomed property as previously approved.

## CONSULTATIONS

### Historic Buildings Consultant

No objection raised as the proposed amendment would have no impact upon the Witham Conservation Area.

## PARISH / TOWN COUNCIL

Witham Town Council has submitted two letters of representation and objects to the application for the following reasons:

- Recommends refusal on the grounds of lack of amenity and parking provision.
- Numerous variations have been submitted compared to the approved plans
- The approved plans were for a two bedroomed dwelling, the variation proposed a three bedroomed property
- The proposed variation would be of overall detriment to the surrounding area.

## REPRESENTATIONS

Letters were sent to adjoining properties and a site notice was publicly displayed within close proximity to the application site. Subsequently, no letters of representations have been received in response to this variation of approved plans.

## REPORT

### Principle of Development

In this case the site lies within the defined settlement boundary. In this location, as set out in Policies RLP3, RLP17, RLP90 and RLP95 of the

Adopted Local Plan, Policies LPP1, LPP38, LPP50 LPP 55 and LPP56 of the Draft Local Plan and Policy CS9 of the Adopted Core Strategy, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area or heritage assets and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In this case there is an extant planning permission which has been substantially completed. It is therefore considered that the principle of the proposed development has been established and is acceptable subject to satisfying the abovementioned policies and all other material considerations.

#### Design, Appearance and Impact on Conservation Area

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', as it creates better places in which to live and work, whilst helping to make development acceptable to communities.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout and effective landscaping.

Policy CS9 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan reflect the NPPF by seeking the highest possible standards of design and layout in all new developments.

The applicant seeks to vary the previously approved plans pursuant to application reference 18/00476/VAR, which was granted permission for the construction of a new dwelling. The variation to the approved plans relates to internal alterations to the first floor involving the creation of an additional bedroom. There would be no external alterations to the dwelling and therefore the proposal would be acceptable in terms of design and appearance and would have no impact upon the character and appearance of the Conservation Area.

#### Residential Amenity

The new bedroom would be gained by erecting a stud wall in order to utilise some of the unused space in the original bathroom. The external dimensions of the dwelling remain the same.

The proposed re-configuration of the first floor seeks to utilise the floor area to its full potential. The formation of the additional room, creates a box room measuring 1.7m by 1m, which could either be used as a study or as a single bedroom.

The recommended minimum garden size as stated in the Essex Design Guide for a 3 bed dwelling is 100sqm. The amenity area to the rear of the property currently measures 60sqm. Whilst there would be a shortfall of private useable external amenity space of approx. 40sqm the dwelling is located in a sustainable location, in the centre of Witham, directly opposite a large public park. In the case of this application, the fact there is a large amenity area so close by outweighs any potential harm caused by the shortfall of private amenity space.

The internal alterations would have no impact on the Conservation or on the existing street-scene. The character of the dwelling would remain unaffected and therefore the proposals would be acceptable in this regard.

#### Impact on Neighbour Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan, both emphasise the need to protect the amenity of nearby properties by preventing loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

As aforementioned, the proposals would not affect the external appearance of the property as the variation to the approved plans seeks to amend the first floor layout. Notwithstanding this, it is noted that a window which would previously have served a bathroom will now serve a bedroom/study. The previous approval didn't include a condition to require obscure glazing as the outlook wouldn't result in any overlooking affecting neighbouring properties. Therefore, there would subsequently be no harm to the amenity of existing or future occupants.

#### Highway Issues

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 proposed amendments to the first floor layout would provide an additional bedroom creating a three bed dwelling. Therefore, the proposed amendments would not affect the existing car parking arrangements. It is considered that there are no highways impacts associated with the proposed amendments subject to this application.

#### CONCLUSION

The application seeks retrospective permission for the creation of an additional study/bedroom which has been achieved through the internal

reconfiguration of the floor area. There are no amendments proposed to the external appearance of the property which would therefore remain unaltered. An existing window on the rear elevation would remain clear glazed, however the change from a bathroom to a bedroom/study would not result in any impacts on neighbouring residential amenities. There are two parking spaces which meet the requirements of the Essex County Council's Parking Standards for a 3 bedroomed dwelling.

The approved dwelling is a good quality design which, with the proposed amendment to the first floor would meet the needs of future occupiers. It is however acknowledged, that through the creation of an additional room at first floor level, the existing amenity area to the rear of the property does not meet the amenity requirements as outlined in the Essex Design Guide

Despite the shortfall of amenity space Officers conclude that the proposed variation to the approved plan, which seeks to create an additional room at first floor level, would not be sufficiently detrimental to warrant the refusal of planning permission in this instance.

### RECOMMENDATION

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

### APPROVED PLANS

Floor Plan	Plan Ref: 5176 201	
Floor Plan	Plan Ref: 5176 202	Version: Rev A
Location Plan	Plan Ref: 647/03/A	

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

#### Reason

To ensure that the development does not prejudice the appearance of the Conservation Area.

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

#### Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house /

provision of any building within the curtilage of the dwelling-house, as permitted by Class A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 4 The details of the areas and facilities for the storage or refuse and recyclable materials shall be carried out in accordance with the details submitted and approved as part of application 17/01064/DAC.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 5 The details of the external lighting shall be carried out in accordance with the details submitted and approved as part of application 17/01064/DAC.

Reason

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

- 6 The details of the energy-efficient construction materials and processes shall be carried out in accordance with the details submitted and approved as part of application 17/01064/DAC.

Reason

In the interest of promoting sustainable forms of development.

- 7 The details of the scheme of landscaping shall be carried out in accordance with the details submitted and approved as part of application 17/01064/DAC.

Reason

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

- 8 The details of the system of piling and resultant noise and vibration levels shall be carried out in accordance with the details submitted and approved as part of application 17/01064/DAC.

Reason

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

- 9 The two velux roof lights in the side (south east) elevation as shown on

Drawing No. 647/02/A shall be glazed with obscure glass to a minimum of level 3 and shall be so retained at all times.

Reason

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

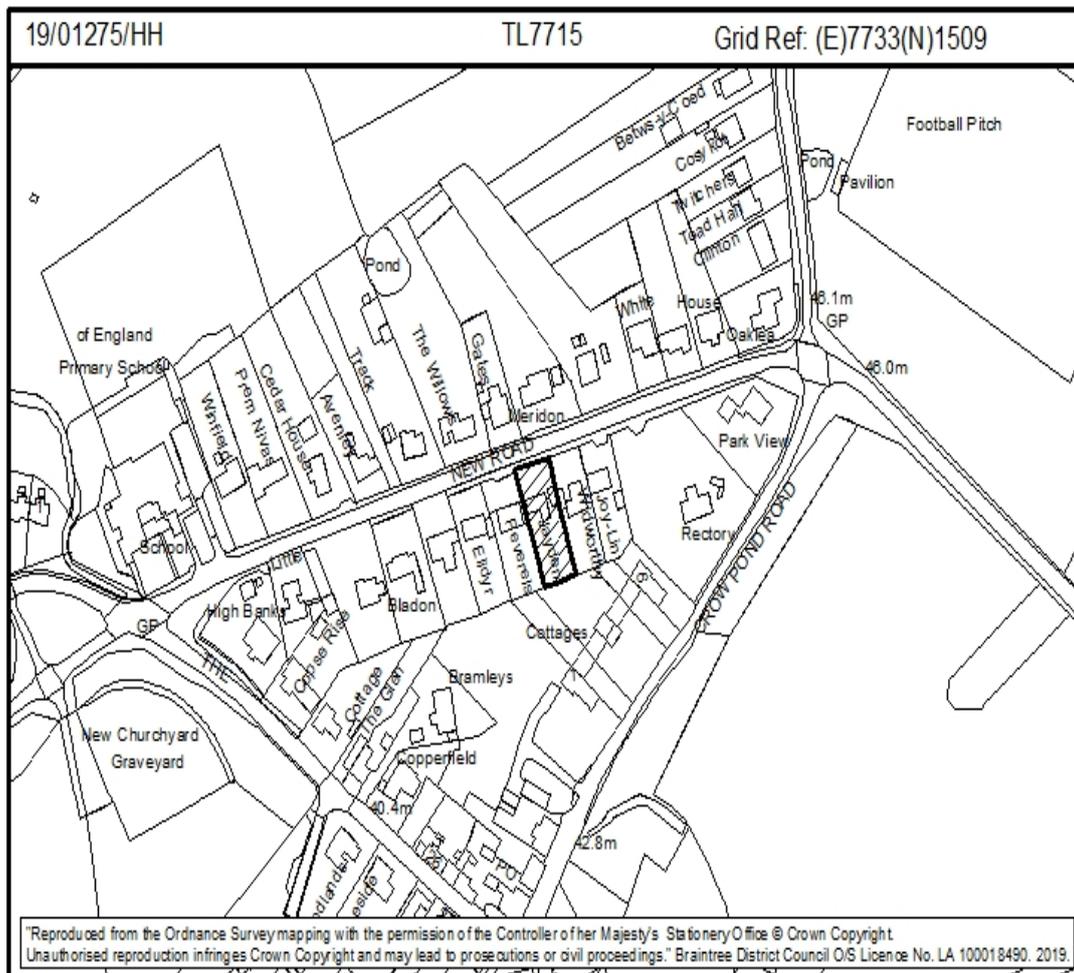
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/01275/HH  
DATE VALID: 17.07.19  
APPLICANT: Mr & Mrs O'Shea  
Jayden, New Road, Terling, Essex, CM3 2PN  
AGENT: Mr Ashley Robinson (R.K.)  
112 Inchbonnie Road, South Woodham Ferrers,  
Chelmsford, Essex, CM3 5ZW  
DESCRIPTION: Demolition of existing garage and porch and construction of new storm porch, two storey side and rear extensions.  
LOCATION: Jayden, New Road, Terling, Essex, CM3 2PN

For more information about this Application please contact:  
Fiona Hunter on:- 01376 551414 Ext.  
or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto: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=PUS6K7BFH1100>

## SITE HISTORY

80/00023/P	Erection of extension to garage.	Granted	05.02.80
97/00505/FUL	Erection of first floor rear extension	Granted	13.05.97

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Terling Parish Council supports the proposal contrary to Officer recommendation.

### SITE DESCRIPTION

The application site is located within the Village Envelope of Terling. The property is a detached, three bedroom dwellinghouse located on the southern side of New Road. The property has been previously extended with a two storey rear extension and has a single storey detached garage to the side. A generous amenity area is located to the rear, with off road parking located to the front. New Road is varied in character with a number of dwelling types and designs present, mostly detached houses set within large plots.

## PROPOSAL

This application seeks full planning permission for the reconfiguration of the host dwelling through the demolition of the existing garage and the construction of a two-storey side extension and a two-storey rear extension. A storm porch is also sought to the front of the dwelling.

The two-storey side extension would be set forward of the front elevation of the host dwelling with a gable roof form, and would extend past the rear elevation of the property. The two-storey side extension would measure 3.6 metres by 10.6 metres at both ground and first floor level. The side extension would be situated 0.9 metres from the boundary with Widworthy. The two-storey rear extension would create an infill in the existing L-shaped property, measuring 3.8 metres by 6.0 metres. The rear roof would be reconfigured to create a double pitched form with a central valley.

The materials proposed comprise render to the ground floor of the front of the property, along with the rear and side elevations, and weatherboarding to the first floor of the front elevation. The proposed storm porch would be an open timber construction with a pitched roof and brick plinths.

## CONSULTATIONS

### BDC Ecology

No objection but recommend an informative about nesting birds in buildings.

## PARISH / TOWN COUNCIL

Terling and Fairstead Parish Council supports application.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. Two representations from neighbouring properties (Twitchers on Fairstead Road, and Tregantle on New Road) were received in connection with this application, supporting the proposals.

In addition, two representations have been received from Cllr Dervish and Cllr Bebb respectively, noting support for the proposal.

## REPORT

### Principle of Development

The application site is located within the Terling Village Envelope 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, Appearance and Layout

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 extensions would create an enlarged dwelling with approximately double the habitable accommodation of the original property. To the rear the two-storey rear extension would in-fill an area to the side of the existing extension and the neighbouring property at ‘Peverels’. This would be substantially hidden from view and would be of a form and scale which would not be harmful to the existing dwelling or character of the surrounding area.

Whilst set within a generous plot, the two-storey side extension would infill the established gap between the application property and the neighbouring dwelling at ‘Widworthy’. This would result in the dwelling almost completely filling the width of the plot with only narrow gaps remaining on either side. The dwelling’s elongated form would dominate the plot and would reduce the sense of spaciousness around the properties, which is characteristic of the street. Its projection further forward from the original front elevation, together with the introduction of a gable end, further adds to the extensions bulk. This, combined with the positioning of the ‘storm porch’ off balances the property and results in an awkward built form with a proliferation of fenestration at this end of the dwelling. This conflicts with the simpler form and more modest form of window arrangement which is characteristic of the original dwelling.

The enlarged dwelling, as a result of the two-storey side extension, would be dominant in scale with the first floor covering the width of the site. This is without sympathy to the bulk and form of the original dwelling, which would cause the enlarged property to appear unduly prominent in the street scene and out of character with surrounding properties.

## 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 extensions would be in close proximity to both 'Peverels' to the west and 'Widworthy' to the east. There would be no harm to the amenity of the adjoining dwelling at 'Peverels', as the neighbouring property has an existing single storey side extension adjacent to the boundary, which is similar in depth to the proposed two-storey rear extension.

To the east, the proposal would result in the creation of a first floor element in close proximity to the boundary with 'Widworthy'. This neighbouring property is a two-storey chalet bungalow which has first-floor windows facing west towards the proposal and north over the road. Due to the orientation of the dwellings it is not considered that the proposal would be harmful to the availability of light to these windows. However the first floor element would be overbearing with regards to its depth and massing in such close proximity, creating an unneighbourly tunnelling effect between the main built form the dwellings and would add to an increased sense of enclosure harmful to the amenity of this neighbouring property.

#### Highway Issues

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 proposal would result in the removal of the existing garage, however sufficient parking remains to the front of the property.

#### CONCLUSION

The proposal fails to achieve a high standard of layout and design, representing an overdevelopment of the plot, to the detriment of the character and appearance of the host dwelling, the street scene, the character of the area and neighbouring residential amenity. The application is therefore recommended for refusal.

#### RECOMMENDATION

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

- 1 The two-storey side extension, by virtue of its depth, height, width, massing and detailed design, would represent an overdevelopment of the application site. It would be dominant in scale, to the detriment of the character and appearance of the host dwelling, the streetscene, the character of the surrounding area and the

neighbouring residential amenity of 'Widwothy' through an unacceptable increased sense of enclosure. The proposal would therefore be contrary to the National Planning Policy Framework, Policies RLP17 and RLP90 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy and Policies LPP1, LPP38, LPP50, and LPP55 of the Braintree District Publication Draft Local Plan.

### SUBMITTED PLANS

Existing Elevations and Floor Plans  
Proposed Elevations and Floor Plans  
Block Plan

Plan Ref: 01A  
Plan Ref: 02B  
Plan Ref: 03A

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER