

# PLANNING COMMITTEE AGENDA

**Tuesday 8th February 2022 at 7.15pm**

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

This is a decision making public meeting of the Planning Committee, which will be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

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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 J Beavis  
Councillor K Bowers  
Councillor P Horner  
Councillor H Johnson  
Councillor D Mann  
Councillor A Munday

Councillor Mrs I Parker (Vice Chairman)  
Councillor F Ricci  
Councillor Mrs W Scattergood (Chairman)  
Councillor P Schwier  
Councillor Mrs G Spray  
Councillor J Wrench

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy (*Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel*).

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

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

A WRIGHT  
Chief Executive

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

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

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

### **Public Question Time – Registration to Speak on a Planning Application/Agenda**

**Item:** The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

**Members of the public will be invited to participate in Public Question Time remotely and once registered they will be provided with the relevant link and joining instructions for 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 three minutes each to make a statement.

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

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

**Public Attendance at Meeting:** The Council has reviewed its arrangements for this meeting in light of the continuing Covid pandemic and has considered that in order to protect the safety of the public, Councillors and Officers this decision making meeting of the Planning Committee should be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber at Causeway House, Bocking End, Braintree and members of the public will be able to view and listen to the meeting virtually. There will be no public attendance at Causeway House. The public may

watch this meeting via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

**Substitute Members:** Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

**Documents:** Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

For further information on how the Council processes data, please see the Council's Privacy

Policy: [https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

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

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

## **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 Meetings**  
To approve as a correct record the Minutes of the meetings of the Planning Committee held on 14th December 2021 and 25th January 2022 (copies to follow).
- 4 Public Question Time**  
(See paragraph above)
- 5 Planning Applications**  
To consider the following planning application
- 5a App. No. 19 00014 FUL – Land at junction of Laburnum Way and Dorothy Sayers Drive, WITHAM** **5-55**
- 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.*

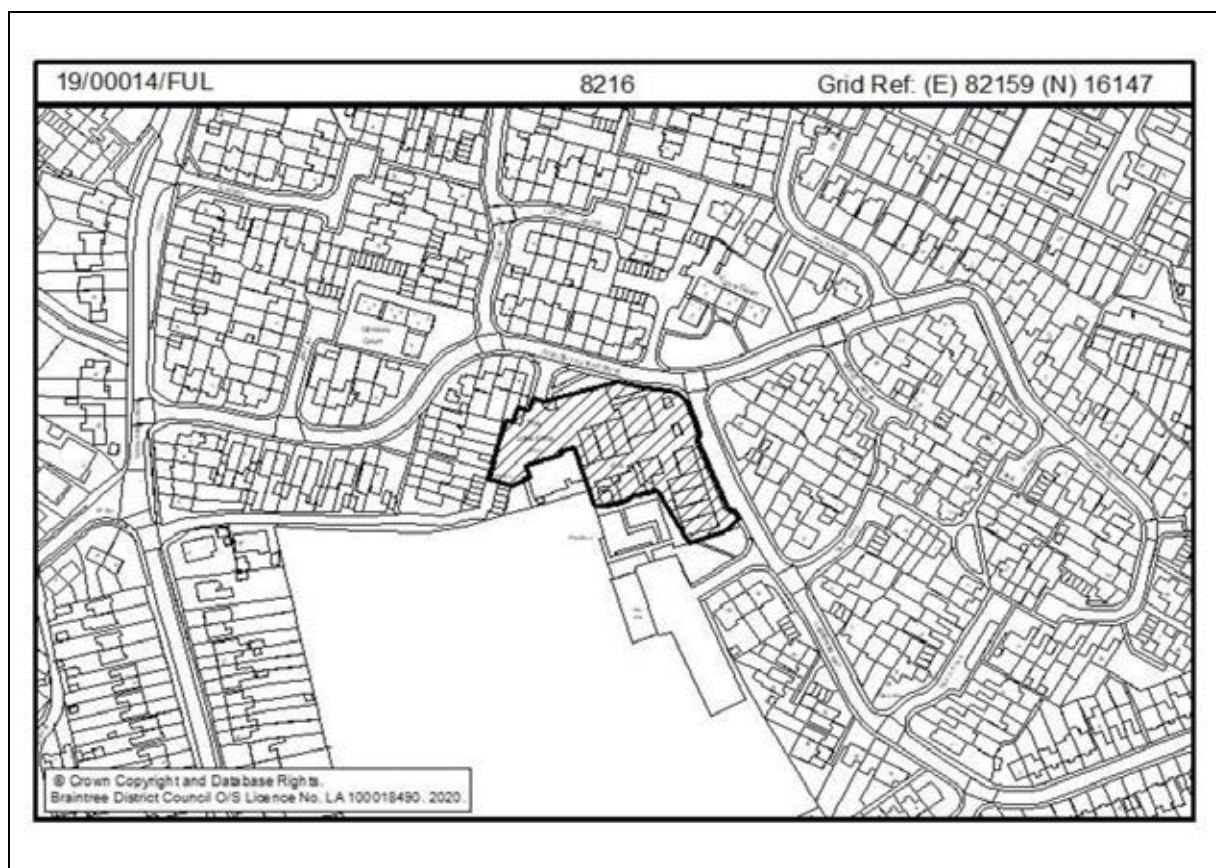
## **PRIVATE SESSION**

## **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.

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| <b>Report to:</b> Planning Committee              |  |   |
| <b>Planning Committee Date:</b> 8th February 2022 |  |   |
| <b>For:</b> Decision                              |  |   |
| <b>Key Decision:</b> No                           |  | <b>Decision Planner Ref No:</b> N/A   |
| <b>Application No:</b>                            | 19/00014/FUL   |   |
| <b>Description:</b>                               | Detailed planning application for the redevelopment of Rickstones Neighbourhood Centre to provide commercial floorspace (Units 1-3 Use - Class E and Units 4&5 - Hot Food Takeaway) and 21 flats, together with private soft landscaped area and gardens, car parking and associated infrastructure.   |   |
| <b>Location:</b>                                  | Land At Junction Of Laburnum Way And Dorothy Sayers Drive, Witham  |   |
| <b>Applicant:</b>                                 | Mr S and Mrs K Patel   |   |
| <b>Agent:</b>                                     | Mr Alex Rogerson, JLL  |   |
| <b>Date Valid:</b>                                | 4th January 2019   |   |
| <b>Recommendation:</b>                            | <p>It is RECOMMENDED that the following decision be made:</p> <p>§ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</p> |   |
| <b>Options:</b>                                   | <p>The Planning Committee can:</p> <ul style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ul>  |   |
| <b>Appendices:</b>                                | <b>Appendix 1:</b>   | Approved Plan(s) & Document(s)<br>Condition(s) & Reason(s) and Informative(s) |
|   | <b>Appendix 2:</b>   | Policy Considerations   |
|   | <b>Appendix 3:</b>   | Site History  |
| <b>Case Officer:</b>                              | <p>Neil Jones</p> <p>For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2533, or by e-mail: <a href="mailto:neil.jones@braintree.gov.uk">neil.jones@braintree.gov.uk</a></p>   |   |

## Application Site Location:



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| <b>Purpose of the Report:</b>  | The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.   |
| <b>Financial Implications:</b> | <p>The application was not subject to the usual application fee paid as under the Fee Regulations the applicant was entitled to a 'Free-Go' having previously paid an application fee for a previous application which was withdrawn.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>The Applicant will pay a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p> |
| <b>Legal Implications:</b>     | <p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>   |
| <b>Other Implications:</b>     | The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.  |



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| <p><b>Equality and Diversity Implications</b></p> | <p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> |
| <p><b>Background Papers:</b></p>                  | <p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>○ Application Form</li> <li>○ All Plans and Supporting Documentation</li> <li>○ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:<br/> <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 19/00014/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>○ National Planning Policy Framework (NPPF)</li> <li>○ Braintree District Local Plan Review (2005)</li> <li>○ Braintree District Core Strategy (2011)</li> <li>○ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>○ Braintree District Publication Draft Section 2 Local Plan (2017)</li> </ul>   |



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|  | <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p> |
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## 1. EXECUTIVE SUMMARY

- 1.1 The application site, known as the Rickstones Neighbourhood Centre, comprises 0.38 hectares of land which currently accommodates a pair of two storey flat roofed retail blocks, with a total of 8no units on the ground floor and with 7no flats over. The site is located to the south west of the junction between Dorothy Sayers Drive and Laburnum Way, and next to the Rickstones Sports Ground and play area, in the north of Witham. Sadly the buildings and public realm have received little investment in recent years and this has resulted in the area assuming a 'run-down' appearance which is exacerbated by the high number of commercial units standing empty and having been boarded up.
- 1.2 Consequently, there is a clear need to rejuvenate the site, and to this end the Council commissioned external consultants to prepare the Rickstones Neighbourhood Centre Development Brief in 2010 and this remains an adopted Supplementary Planning Document.
- 1.3 It is proposed that the existing buildings are demolished and the site redeveloped with a mixed use development with ground floor commercial floorspace (Units 1-3 Use - Class E and Units 4 & 5 - Hot Food Takeaway) and 21 flats, together with private soft landscaped area and gardens, car parking and associated infrastructure.
- 1.4 The proposed development has been the subject of a protracted process which began with a number of pre-application advice meetings with Officers; a previous application that was withdrawn by the Applicant before determination; and now the current planning application which has itself been the subject of extensive discussions and the submission of revised plans.
- 1.5 The proposal does not strictly adhere to all the recommendations contained within the Development Brief. It should also be noted that the level of car parking being provided is below the level normally required by the Council's adopted parking standards.
- 1.6 Despite these, and other issues, it is recommended that the application is granted planning permission, subject to completion of a Section 106 legal agreement covering the Heads of Terms set out in this report, and subject to the recommended planning conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site, known as the Rickstones Neighbourhood Centre, formerly known as Elm Rise Shopping Precinct, comprises 0.38 hectares of land which currently accommodates a pair of two storey flat roofed retail blocks, with a total of 8no units on the ground floor and with 7no flats over.
- 5.2 The Rickstones Neighbourhood Centre was built around the same time as the surrounding Forest Road residential estate and is located to the south west of the junction between Dorothy Sayers Drive and Laburnum Way, with the northern and eastern boundaries of the application site adjacent to these roads respectively. The two blocks, herein referred to as 'A' (50-54 Dorothy Sayers Drive) and 'B' (2 – 10A Laburnum Way) are inward facing, forming a loose semi-grassed precinct to the north of the Rickstones Pavilion and the adjacent recreation ground / Public Open Space (POS), including its car park and a play area. A 25 space parking area also serves the Rickstones Neighbourhood Centre and the adjacent Little Elms Public House, located to the north-west.
- 5.3 There are no on-street parking restrictions within the vicinity of the site. In addition, there is a lay-by at the eastern boundary of the site on Laburnum Way with space for 5 cars; these spaces are used by local residents and visitors to the commercial units.
- 5.4 There has been little investment in the site over the last few years, with the Applicants seeking to redevelop it since at least 2007; it has become 'run-down' in its appearance, with high commercial vacancy rates. Further, as intimated previously, the general ambience of the existing development isn't helped by the fact that the rear elevations of the commercial units face the public highway, with service entrances, bin storage and in some cases air conditioning and extraction equipment flues providing poor quality and largely inactive frontages at ground floor level. Consequently, there is a clear need to rejuvenate the site, as signified by the Council's adoption of the Rickstones Neighbourhood Centre Development Brief in 2010, which will be discussed in greater detail below.

## 6. PROPOSAL

- 6.1 Full planning permission is sought for the redevelopment of the Rickstones Neighbourhood Centre, through the demolition of the existing two blocks, to provide 423sq. m. of commercial floorspace (Class E – Commercial, Business and Service - and Hot Food Takeaway) and 21no flats (20no 2 bedroom flats and 1no 3 bedroom flat), together with private soft landscaped area and gardens, car parking and associated infrastructure.
- 6.2 The proposal follows the withdrawal of hybrid planning application reference 18/00019/OUT, for full permission for the redevelopment of Block A to provide up to 430sq.m of commercial floorspace (within Use Class A1, A2, A3 and A5) and 13no flats together with public realm improvements, car parking and associated infrastructure; and outline permission for the redevelopment of Block B to provide up to 12no flats with all matters reserved.
- 6.3 The scheme, the subject of this current application, has been the subject of detailed discussions between Officers and the Applicants, with subsequent revisions and additional public consultation carried out.
- 6.4 The Applicants' design team have considered the findings of the 2010 Development Brief, with the aim of responding positively and proactively in achieving the general principles of that document, whilst having regard to current planning policy and Officer's recent advice to them.
- 6.5 The new development has been designed as a composition of two closely adjacent buildings to achieve measured block permeability, whilst signifying the access to a private courtyard. The separation would clearly define the two buildings: the mixed-use one to the north - addressing Dorothy Sayers Drive and the car park shared with the Public House; and the purely residential block to the east alongside Laburnum Way. The height of the proposed buildings has been informed by the three storey Vane Court and Wimsey Court, to the north-east and north-west respectively, and the top storey of both blocks would be achieved within a mansard roof to reduce the scale of the buildings.
- 6.6 The Applicants explain that in terms of the urban design approach, the strategy aims to repair non-coordinated street structure along Dorothy Sayers Drive, with strong definition of the building's importance as a neighbourhood centre, while vastly improving public realm and the residents' amenity provisions, as well as the quality of spaces. Another aim is also to create attractive and active commercial street frontage along Dorothy Sayers Drive, with a clear connection with the car park and the Public House, grouping the commercial aspects together; and to create landscaped, semi-private & secluded residential amenity areas for the future residents that are predominantly south and south west facing.
- 6.7 Each proposed flat has been designed with an inset terrace to prevent any protrusion from the main volume of the rear elevation, which would provide

each resident with private external space, to negate overlooking issues from respective neighbours.

- 6.8 The new commercial units would have access to a service corridor running at the back of the building, with a separate access from the car park. These would also have an access to individual extraction ducts, leading all the way to the top of the roof, completely integrated in the design and not visible from the public realm. Shopfronts would be predominately glazed, with integrated roller shutters for a tidy, coherent appearance, when not in use. There are now 5no commercial units proposed, it is anticipated that two of these, units 4 & 5 at 87 & 90 sq. m respectively, would be for hot food takeaways (as existing). Units 1, 2 & 3 are shown to be 79, 117 & 50 sq. m respectively, these are identified for Use Class E and could be combined to create either 2no units or a larger single multipurpose unit, giving future tenants additional flexibility.
- 6.9 The existing car park to the front of the site would be enlarged to allow for two rows of perpendicular parking, increasing the total number of available parking spaces, with it being split into two parts - a 21 space marked residential only car park; and the 33 unmarked spaces within the mixed-use car park for the shops & Public House visitors' use. The car park would also comprise a number of accessible parking spaces and is designed for the access of up to a 20m articulated delivery truck.
- 6.10 The general material strategy is to create a simple material palette, rooted in immediate context, with clear distinction between various aspects and uses. The northern, street facing elevation would use a light yellow brick, the second level being situated within a zinc clad mansard roof. The southern, recreation ground facing elevations would have larger openings, and warm staggered 'thermowood' facades, contrasting the rigidity of the 'external' elevations.
- 6.11 The following drawings and documents (including revised versions thereof) have been submitted as forming part of the planning application:
- § Location Plan;
  - § Proposed Neighbourhood Plan;
  - § Site Layout Plan - Masterplan;
  - § Floor Plans, Elevations and Section drawings;
  - § 3D Model Visualisations;
  - § Design and Access Statement;
  - § Planning Statement;
  - § Foul and Surface Water Drainage Assessment;
  - § Transport Statement;
  - § Travel Plan; and
  - § Viability Assessment.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 No objection. Anglian Water has assets crossing this site and therefore the site layout should take this into account and accommodate those assets  
*[Officer Note: The proposed redevelopment will involve building over an existing 450mm diameter public sewer. Anglian Water has agreed in principle a 'building over' agreement.]*
- 7.1.2 The foul drainage from this development is in the catchment of Witham Water Recycling Centre, which along with the sewerage system will have available capacity for these flows.
- 7.1.3 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable.
- 7.1.4 No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. They therefore recommend that the Applicants need to consult with Anglian Water and the Environment Agency and request that the agreed strategy is reflected in the planning approval with the imposition of an appropriate condition.

### 7.2 BDC Environmental Services

- 7.2.1 No objection. They state that given that there are proposals to introduce soft landscaping and private garden areas, and that there is likely to be made ground below the site, which would be excavated for the development, it is recommended that a contaminated land assessment is secured by way of a planning condition.
- 7.2.2 Further it is recommended that there is a condition imposed that 'any externally mounted plant, equipment and servicing particularly air handling plant shall be selected and/or acoustically treated to achieve 10dB(A) below the typical background noise level at the nearest noise sensitive premises.' For any food premises, development should not be commenced until a scheme of ductwork has been submitted to and approved in writing by the Local Planning Authority. Details shall specify that all extract ductworks be fitted with a suitable odour control system commensurate with

the use of the premises, terminating at least 1 metre above ridge level and shall be maintained thereafter.

7.2.3 Given that there is residential property below commercial property then the following information would be required. Development not be commenced until a scheme for protecting the proposed residential property flats from noise from the commercial premises below has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme to be completed before any part of the noise sensitive development is occupied.

7.2.4 It is also recommended that delivery hours to the retail units are restricted to Monday to Saturday 0800 to 1800 hours.

7.2.5 A lighting design should be submitted and approved prior to installation of any lighting at the site; and given that existing premises will be demolished, a dust control scheme should be submitted and adhered to prior to commencement of the development. Details of noise levels in connection with any piling also to be submitted prior to commencement of development, with no site clearance, demolition or construction work to take place on the site, including starting of machinery and delivery of materials, during anti-social hours.

### 7.3 BDC Operations

7.3.1 No objection. The plans comply with the requirements for waste and recycling collections to take place from flats.

### 7.4 Essex County Council (ECC) Highways and Transportation

7.4.1 No objection. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a number of requirements, to be secured by way of planning conditions and obligations:

- § Construction traffic management plan;
- § The site access to be laid out as shown in principle on planning application drawing TIA-WIT-0015 prior to occupation of the proposed development;
- § The provision of Residential Travel Information Packs;
- § The upgrading of the pair of bus stops which would best serve the proposal site;
- § A £20,000 index-linked contribution (plus ECC S106 agreement monitoring fee) towards possible future waiting restrictions at and/or in the vicinity of the site; and
- § For the non-residential element of the proposal, a car park management plan.

### 7.5 ECC Infrastructure Planning (Education)

7.5.1 No objection. They we will not be requesting a contribution on this occasion.



- 7.6      ECC - Lead Local Flood Authority
- 7.6.1    No objection.
- 7.7      ECC Place Services – Ecology
- 7.7.1    No objection. This response is subject to securing: a) a proportionate financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar Site, Dengie SPA/Ramsar Site and Essex Estuaries SAC; and b) ecological enhancement measures.
- 7.8      Essex County Fire & Rescue Service
- 7.8.1    No objection. Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- 7.9      Essex Police
- 7.9.1    No objection. BDC Policy RLP90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. To make any meaningful comment they would require the finer detail, such as the proposed lighting, boundary treatments and physical security measures especially as this development sits within a key area of Witham. They would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document 'Q', at the same time as achieving a Secured by Design award to the current guidelines. It is noted that reference is made to SBD within the Design and Access Statement.
- 7.10     Highways England
- 7.10.1   No objection. The Highways Act Section 175B is not relevant to this application.
- 7.11     Natural England
- 7.11.1   No objection. It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 7.11.2   In the context of the Council's duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these

coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

7.11.3 The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. They therefore advise that the Council considers, in line with their recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'.

7.11.4 Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases they advise that the Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; permission should not be granted until such time as the HRA has been undertaken and the conclusions confirmed.

## 7.12 NHS England (CCG)

7.12.1 Officers are aware that the NHS will be seeking a financial contribution from the development but a written consultation response is yet to be received at the time of writing this report, their comments will be reported to the Planning Committee by way of a Members update.

## 8. PARISH / TOWN COUNCIL

### 8.1 Witham Town Council

8.1.1 No objection, but they request that:

- § Section 106 monies be used in the area to create a community healthcare hub along with monies from Rickstones Road and Conrad Road developments, and that they be involved in the process;
- § The District Council formally update the development brief;
- § Community involvement;
- § Advice from Essex County Highways;
- § Maintenance of shared areas and garden;
- § Noise mitigation;
- § Lighting of outside spaces;
- § Provision of a lift;
- § Consideration of a sprinkler system and fire escapes;
- § Consideration of heating system in line with climate change;
- § That consideration be given to include the existing tiled feature wall in the new development;
- § A lockable gate be provided for the sports field car park.

## 9. REPRESENTATIONS

9.1 The application was the subject of two rounds of public consultation, the second following the receipt of revised plans in July and September 2021, following discussions between the Applicants and Officers of Braintree District and Essex County Councils.

9.2 In regard to the first round of consultation, 6no letters of representation were received by the Council, 1no supporting the application and 5no objecting to the scheme. A further 3no letters of objection were submitted from some of those that had previously provided representations as a result of the second round of consultation. In totality the following comments are made:

### 9.3 Character and Appearance

- § The construction of a three storey building appears to have been based solely upon the presence of Wimsey Court and Vane Court, which are situated much further back from the road with greenswards to their frontages, resulting in much less imposing profiles;
- § Two storey properties are in the majority in the area, and 2no large three storey buildings constructed in the style proposed would dominate the surrounding properties, particularly those on Laburnum Road, and compromise the amount of natural light that they receive;
- § Concerned that the current buildings have been allowed to fall into disrepair;
- § The proposal would give rise to an over-development of the site;

### 9.4 Access and Parking

- § It is hard to see how extra vehicles that would be generated could be accommodated safely and reasonably in the space available;
- § An overspill would lead to even greater on-street parking pressures;
- § Cars already park on the pavement and are a hazard to pedestrians;
- § Concern over the proximity of the development to the rear boundaries and service access to no's 30-38 Dorothy Sayers Drive;

### 9.5 Retail provision

- § Question why so much provision has been given for retail; the chemist has moved to the Rivenhall Park development and over the years lots of shops have come and gone hence the boarded up buildings;
- § Has any research been done into what shops would actually be interested in moving in;
- § The space would be better used now as living accommodation and there would then be no need for the third storey.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

- 10.1.1 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).
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 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 74 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.
- 10.1.5 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 (see below).

## 10.2 5 Year Housing Land Supply

- 10.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.
- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.
- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

## 10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core

Strategy (2011) and the Braintree District Shared Strategic Section 1 Local Plan (2021), hereinafter referred to as the 'Section 1 Plan'. The land in question is located within the Town Development Boundary for Witham, where the general principle of development is supported by Local Plan Review Policy RLP2.

- 10.3.2 Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.
- 10.3.3 In addition, the Section 2 Plan also specifically identifies the application site as a Comprehensive Development Area on its Proposals Map (Inset 2A - Witham North), pursuant to its Policy LPP30. This policy states: *"Land at Rickstones Neighbourhood Centre, Dorothy Sayers Drive, Witham is allocated as a Comprehensive Redevelopment Area for a mixed use development where a combination of retail, community uses, public house, pavilion, residential development and car parking will be supported. Development of the Comprehensive Redevelopment Area should be in accordance with the principles of the adopted Supplementary Planning Document."*
- 10.3.4 An assessment of the proposal in relation to the Comprehensive Development Area Supplementary Planning Document is set out within the Site Assessment section of this report.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 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.
- 11.1.2 Policy CS7 of the Core Strategy, amongst other things, states that future developments will be provided in accessible locations to reduce the need to travel; and that sustainable travel will be encouraged through the requirement for travel plans from major developments. A draft Travel Plan has been submitted as part of the application.
- 11.1.3 Witham is identified as a main town in the settlement hierarchy in the Core Strategy which states in Paragraph 4.9 that it is a thriving town with good transport links and a higher amount and proportion of local employment than Braintree.

- 11.1.4 The strategy set out in the Section 1 Plan is to concentrate growth in the most sustainable locations – that is, by adopting a spatial strategy that promotes development where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities.
- 11.1.5 In this case, notwithstanding the fact that the application site itself provides commercial (albeit currently under-utilised) floorspace, it is also located in a highly accessible location with good access to a wide range of other services and facilities, as well as public transport. For example, the site is adjacent to the Rickstones Pavilion, recreation ground and play area, as well as the Little Elms Public House. It is also within 0.4 miles (0.6km) of the Templars Primary & Nursery School, Cressing Road, half a mile (0.8km) from the Morrison's supermarket, and within 0.8 miles (1.2km) of Witham train station, amongst other things.
- 11.1.6 The scheme also proposes to provide 423sq. m. of commercial floorspace (Use Class E – the new use class which includes Commercial, Business and Services, including retail - and Hot Food Takeaway) which would benefit existing and future residents.
- 11.1.7 Therefore, in respect of access to and from the site, the proposal is considered to be in a sustainable location within the town which also weighs in its favour in the overall planning balance.
- 11.2 Comprehensive Development Area
- 11.2.1 As highlighted above, Policy LPP30 of the Section 2 Plan allocates the Comprehensive Development Area for a mixed use development, with the Rickstones Neighbourhood Centre Development Brief SPD being adopted in 2010.
- 11.2.2 The Brief was commissioned with the aim of:
- § Enabling redevelopment of the Rickstones Neighbourhood Centre;
  - § Enabling investment and improvement of the public realm through the introduction of new and improved community uses; and
  - § Establishing a policy and design framework for the site to realise the above objectives, whilst providing flexibility in the detailed design of any future planning applications at the site.
- 11.2.3 The vision for the SPD is cited as follows: "To stimulate the creation of a new neighbourhood centre where the local community are proud to take ownership and responsibility for maintaining its longevity as a focus for community activity."
- 11.2.4 Within its appraisal of the site, the SPD highlights its physical scope, which not only includes the application site and the access thereto, but also the Public House and a garage court which serves dwellings located within Dorothy Sayers Drive to the west; and the pavilion and recreation ground car park to the south. The 'Site Uses' plan set out therein also identifies



land ownership boundaries, and clearly highlights the land within the ownership and control of the Applicants: essentially the two mixed commercial and residential blocks; the amenity areas in between them and immediately surrounding them; and the main car park which fronts Dorothy Sayers Drive.

- 11.2.5 The SPD identifies a broad range of opportunities, including: To regenerate the site and create an improved neighbourhood centre; Improve on existing uses and provide new facilities for the local community; and Improve the street scene along Dorothy Sayers Drive and Laburnum Way.
- 11.2.6 At the preliminary stages of the Development Brief process, several options were considered, but found not to meet the key objectives or to be able to deliver viable development. These proposals would not therefore have any commercial reality and it was necessary to consider alternatives.
- 11.2.7 Further options were produced and subjected to financial appraisal; with the process concluding that Option 1 (Redevelopment with pub, garages and Laburnum Way block retained) & Option 2 (Redevelopment with pub and garages only retained) were capable of delivering the key objectives whilst remaining attractive and commercially viable, in 2010. Viability was however subject to a decision being made by the Council on two key factors, namely: A significant reduction in affordable housing and other planning obligation provision, or a transfer in the value generated by the pavilion to the developer of this scheme.
- 11.2.8 The number of units proposed is 21no, thereby giving rise to a net gain of 14no residential units on the site. Therefore, it is considered that pursuant to Policy CS2 of the Core Strategy, no affordable housing would need to be provided as part of this scheme.
- 11.2.9 Notwithstanding this, another key change in circumstances since the SPD was adopted is that the pavilion has been improved by the Council and leased out to Valley Green Football Club. The fact that the Pavilion is subject to a lease has meant that it is not possible to incorporate its redevelopment as part of this scheme. The recreation ground car park to its south, and the north eastern corner of the sports ground to its west (and south of the pub) have therefore also been excluded from the application site, which all comprise land owned by BDC.
- 11.2.10 In addition, the Applicants have confirmed that notwithstanding their best efforts to partner with the owners of the pub, their attempts to enter into any form of meaningful dialogue have been unsuccessful. Evidence of their attempts has been included within the submissions.
- 11.2.11 Consequently, the site area proposed for redevelopment has been reduced from that originally envisaged 10 years ago, to that as identified on the site location plan (0.91ha down to 0.38ha), and is now confined to a single ownership, that of the Applicants. However, in spite of the reduced site area, the Applicants have sought to adhere to the spirit of SPD option 2 - 'Redevelopment with pub and garages only retained', where possible, but

with Officers acknowledging that it would not be practicable or reasonable to seek slavish adherence to this option due to the change in circumstances. However, notwithstanding the Town Council's suggestion that the SPD be updated, with such an advanced scheme now before the Local Planning Authority it is considered that this would not be necessary or amount to be a prudent use of public resources.

11.2.12 Three of the key development components set out within the Brief, identified as being critical to unlocking the redevelopment potential of the site, are that there is:

- § A need to optimise the residential development potential of the site. Residential development will realise the most significant land value and increase the commercial feasibility of the redevelopment proposals. A mixture of housing and flats would be required to obtain an appropriate land value and market appeal;
- § A need to rationalise existing retail floorspace. There are a number of empty retail units. The site is close to the Witham High Street where the town's retailing offer is highly competitive. This location cannot therefore maintain the current level of retail provision. It would therefore be appropriate to re-focus the site's retail floorspace offer; and
- § Provision of a small food retailing anchor store would encourage further investment and use of the site. Other examples of out of town neighbourhood centres fair well where an anchor store is present.

11.2.13 The illustrative masterplan for option 2 identified a residential development of 18no units in total (4 x three bed houses, 10 x two bed houses and 4 x one bed flats), as well as a food store of 300sq. m. footprint and ground floor retail units with a 200sq. m. footprint. This compares with the current proposal of 21no flats (1no of which would be a 3no bedroom unit) and 423sq. m. of commercial floorspace (Class E and Hot Food Takeaway).

11.2.14 Due to the decreased site area, it is considered that a development of a greater density than that originally envisioned within the SPD is necessary to ensure viability (more of which is discussed below); and that in a highly accessible location such as this, it is considered an appropriate location for flats. The use of flats in combination with ground floor commercial floorspace is deemed wholly appropriate in a neighbourhood centre. Therefore, the omission of houses from the dwelling mix is not considered to be objectionable as a matter of principle.

11.2.15 In Paragraph 5.12, the Core Strategy states that higher densities do not necessarily mean low quality, and in fact many of our older town areas and villages are built to very high densities. The Adopted Local Plan in Paragraph 3.28 states that the "density to which new residential development is built will depend on a number of factors, including the location of the site and the characteristics of the surrounding area. A specific density standard is not considered to be appropriate. In general terms developments of less than 30 dwellings per hectare will be resisted. Developments of 30 to 50 dwellings per hectare, which make more efficient

use of land, will be encouraged. A greater density of development may be acceptable at locations with good public transport and close to town and local centres...”

11.2.16 The density of the development amounts to 54 dwellings to the Hectare; this is considered to be appropriate for this previously developed site which is well located with the town to public transport and community services and facilities. In addition, the 5no commercial units proposed would allow for the rationalisation of existing retail floorspace on the site, whilst enabling the provision of a modern small food retailing anchor store. The proposed in-built flexibility of this floorspace (enabling the potential combination of larger multi-purpose unit/s) also assists in meeting the Brief’s key development components. In this regard, the Applicants have provided information from a firm of Chartered Surveyors to demonstrate the potential demand for the commercial aspect of the scheme.

11.2.17 Therefore, subject to the assessment of all other key material considerations, including matters of character and appearance, living conditions, highways, and viability, it is considered that the proposal adheres to the general spirit of the SPD and would give rise to a high quality redevelopment of an important neighbourhood centre within one of the District’s main towns.

### 11.3 Design, Appearance and Impact upon the Character and Appearance of the Area

11.3.1 Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable 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.

11.3.2 Paragraph 130 of the NPPF stipulates, 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.

11.3.3 Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design, and should reflect place shaping principles, including:

- § Responding positively to local character and context to preserve and enhance the quality of existing places and their environs;
- § Providing buildings that exhibit individual architectural quality with well-considered public and private realms; and
- § Enhancing the public realm through additional landscaping, street furniture and other distinctive features that help create a sense of place.

- 11.3.4 In addition, Policy RLP90 of the Adopted Local Plan seeks a high standard of layout and design in all developments, and planning permission will only be granted where, amongst other things, the layout, height, mass and overall elevational design of buildings and developments is in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality.
- 11.3.5 On architecture, the SPD sets out a framework for new development and states that in designing the buildings themselves, there is scope for architectural innovation. It goes on to state that the Council will expect excellent architecture to realise the potential of the site, create character and provide first class residential and community uses, but is open to the choice of materials. Furthermore, the SPD encourages modern methods of construction in well-designed modern buildings; and it is stressed that the use of inferior materials and systems that mimic dull suburban detailing will not be supported.
- 11.3.6 The redevelopment of the Rickstones Neighbourhood Centre has been through various iterations, including at pre-application and previous planning application stages, whereby Officers expressed concerns to the Applicants with regard to the overall scale of development and its relationship to its surroundings; this was notwithstanding the 'in principle' support for it due to its location within the settlement boundary and the adoption of the SPD.
- 11.3.7 With regard to the original plans the subject of this application, a number of areas were highlighted by Officers as to requiring further attention and revisions: the Car Parking area, Public Realm, Retail Units, Approach to Laburnum Way, Approach to Dorothy Sayers Drive, Amenity Space, Refuse & Cycle Storage, Internal Layout of Flats and Elevational Treatments. These have been addressed by the Applicants through amendments to the scheme, so as to ensure that a high quality contemporary development would be provided that addresses the broad principles of the SPD, whilst adhering to the Council's adopted amenity and parking space standards wherever possible.
- 11.3.8 Quite clearly, there is a need for the redevelopment of the Rickstones Neighbourhood Centre to take place; the resulting buildings would be of a greater scale than those that currently exist on the site, but nonetheless 3 storey development is acknowledged by the SPD as being a potential design solution, and the presence of both Vane Court and Wimsey Court in close proximity is material to the case in hand.
- 11.3.9 The increased set-back of the proposed blocks from the two road frontages would ensure that their dominance within the street scene is reduced, whilst ensuring that a key pair of marker buildings are provided, befitting of a mixed use development at the core of the community that it would serve.
- 11.3.10 Finally on this matter, the Council's Landscape Officer has visited the site and assessed the trees which stand close to the development and which would potentially be impacted by the development. The Landscape Officer

states that there is an attractive group of trees on Dorothy Sayers Drive, near the entrance to the car park and the public house. The trees stand outside the application site, on third party land, but the existing car parking area extends to the site boundary close to the trees. The hardstanding for the car park has been there for some time and has not adversely affected the group of trees. The Applicants propose that the car park is improved as part of the redevelopment and this will presumably involve the resurfacing of the car park and potentially the excavation of the existing surface. If the application is approved it is recommended that a condition is imposed which will require the approval of an Arboricultural Impact Assessment. This will assess the potential impact on the trees and require details of tree protection and a method statement for carrying out the car parks in a way that does not adversely affect the root protection area of the trees.

- 11.3.11 To the south of the application is the area of open space owned by Braintree District Council, within this space there are a number of semi-mature conifers, two of which are growing almost on top of the application site boundary, including a large multi stemmed tree. It would not be possible to retain these given the proximity to the proposed new building. Officers consider that it is not necessary for these trees to be retained, noting that one of the trees is in a poor condition and would in any event need to be monitored and eventually removed. Instead of amending the scheme to try and retain these trees it is considered more prudent to mitigate for their loss and it is recommended that the Applicants provide funding for replacement planting within the vicinity of the site, with five new trees as it will take time for them to replace the existing ones in terms of their physical presence, and to allow for failures.
- 11.3.12 The Town Council has asked that consideration be given to include the existing tiled feature wall in the new development, however Officers are not aware that it constitutes a design feature worthy of conservation, with it appearing to be a rather roughly cast concrete panel. Therefore it is considered that its retention is not necessary.
- 11.3.13 Overall, it is considered that the contemporary design and proposed use of high quality materials would lift the character and appearance of the built context in this part of Witham, in compliance with the SPD and the policies cited above.

#### 11.3A Heritage

- 11.3A.1 There are no designated or undesignated heritage assets identified on, or within the immediate locality of the site.

#### 11.4 Living Conditions

- 11.4.1 As with matters of character and appearance, pursuant to Paragraphs 126 and 130 of the NPPF, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve; good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development

acceptable to communities, with a high standard of amenity for existing and future users. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The Section 2 Plan Policies have similar objectives as those set out in the Adopted Local Plan.

- 11.4.2 The nearest existing residential properties to the proposal are 1 & 3 Laburnum Way and 58 Dorothy Sayers Drive, with the distance between the east facing elevation of Block B and the front elevations of the former two dwellings being approximately 19 to 21 metres; these dwellings are orientated approximately 45° to the road and therefore would not be face-on to the development, with mutual views being oblique.
- 11.4.3 No.58 is orientated at 90° to No's 1 & 3 with its south west flank elevation facing the site. The external amenity space that serves this dwelling is located to its side, between it and the public highway of Laburnum Way and its intervening footway and verge; this is bounded by a timber close-boarded fence. The garden area of No.58 is currently overlooked by the bedroom windows of the first floor flat at 4A Laburnum Way in particular.
- 11.4.4 Building B would have 4no windows facing No.58's private garden, although only one of these on the north eastern aspect (the southernmost ones) would serve habitable rooms – the other windows, from north to south, would serve a communal stairwell; and a private lobby and bathroom serving Flats F6 and S6 on the first and second floors respectively.
- 11.4.5 Views from the habitable room windows would be more oblique and furthermore both of these flats would also have full height patio doors leading onto a south west facing balcony on the opposite elevation. These patio doors are considered to be the primary source of outlook from the flats, from which the future occupants' attention would generally be focussed. Consequently, it is considered that the living conditions of the occupants of No.58 would be protected from an undue loss of privacy through overlooking.
- 11.4.6 Taking this into account, as well as the degree of separation between the proposed development and existing dwellings on the opposite side of the road, it is also considered that the proposed development would not give rise to an undue loss of outlook or light upon the occupants of No's 1 & 3 Laburnum Way and No.58 Dorothy Sayers Drive.
- 11.4.7 The Applicants have confirmed that the development has been laid out internally so as to comply with the nationally described space standards.
- 11.4.8 In terms of external amenity space, the Essex Design Guide (EDG) stipulates that for two or more bedroom flats communal residents' gardens must be provided on the basis of a minimum area of 25sq. m per flat. They must be screened by above-eye-level walls or hedges, and must contain a sitting-out-area that receives sunshine during at least part of the day, as demonstrated in the submitted plans.

- 11.4.9 In addition balconies and terraces can provide outdoor amenity space, and where over 5sq. m in extent will count towards the total garden provision for the flats.
- 11.4.10 With the exception of 3no units (F5, S2 and S5) which would have 4sq.m of balcony, all other balconies provided would be 5sq. m; these would all be south or south west facing over the recreation ground. All units would have access to a private residential courtyard of 400sq. m, averaging out at approximately 33sq. m per unit.
- 11.4.11 Furthermore, residences at the ground floor would have private south-facing gardens, as well as four residences at the first floor and one residence at the second floor. Therefore the proposal would provide external amenity space which exceeds the requirements of the EDG.
- 11.4.12 With regard to noise and other potential disturbance affecting the living conditions of future occupants of the flats, Environmental Services have specified that a number of conditions be imposed upon any grant of planning permission.
- 11.4.13 They recommend that there is a condition imposed that any externally mounted plant, equipment and servicing, particularly air handling plant, shall be selected and/or acoustically treated to achieve 10dB(A) below the typical background noise level at the nearest noise sensitive premises. For any food premises, development should not be commenced until a scheme of ductwork has been submitted to and approved in writing by the Local Planning Authority. Details shall specify that all extract ductworks be fitted with a suitable odour control system commensurate with the use of the premises, terminating at least 1 metre above ridge level and shall be maintained thereafter. It is proposed to internalise any extract ducts within the fabric of the building so as to conceal them from public view, in the interests of the character and appearance of the area; their point of exit would be mounted on the roof.
- 11.4.14 Environmental Services also recommend the imposition of a condition requiring acoustic details, so as to ensure that future residents are protected from any potential noise transmission from the commercial units below, and that delivery hours to the retail units are restricted to Monday to Saturday 0800 to 1800 hours.
- 11.4.15 Subject to such suitable controls, it is considered that the proposal would not give rise to demonstrable harm to the local environment or the residents within it, in terms of noise and/or air pollution from commercial activity or service vehicles.
- 11.4.16 Consequently, the proposal would mitigate and reduce to a minimum, potential adverse impacts resulting from the development upon its future residents, as well as the occupants of surrounding residential properties.



## 11.5 Highway Considerations

- 11.5.1 Leading on from above, 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.
- 11.5.2 In addition, Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development which would have an unacceptable impact on the surrounding area, as a result of traffic generation. It also states that the Council will refuse proposals where access roads would not be adequate to cope with consequential traffic.
- 11.5.3 As with any new development, it is inevitable that additional road traffic would be generated, however the key generally is to provide other options, such that future users are given the opportunity to travel by more sustainable means. These other options, such as walking, cycling and public transport have been covered within the first section of this site assessment; and as highlighted above, the application has been submitted with a Transport Statement (TS) and an accompanying Draft Travel Plan.
- 11.5.4 The Transport Statement includes a TRICS assessment which demonstrates that the proposed development would result in an overall decrease in the number of vehicle movements when compared to the existing arrangement (the fall-back position of all existing commercial units being fully occupied), by 47% during AM and PM peak hours, and 49% daily.
- 11.5.5 The existing site provides a total of 901sq. m Gross Floor Area of commercial use and 7 two-bedroom residential flats. The existing A1 food store has a Gross Floor Area of 280sq. m whilst the remaining 621sq. m is a mix of A1 (non-food retail) and A5 (food takeaways). The parking area is also used by the adjoining public house. Based on the current uses if the Council's current parking standards were applied car parking could be 101 spaces (minimum 17 spaces for residential flats & maximum of 84 for commercial units & public house). Currently the parking area is set out informally but it is estimated to have capacity for approximately 25 vehicles.
- 11.5.6 The Council's parking standards do however say within their informative notes that a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and existing car parking facilities.
- 11.5.7 It was unclear to Officers during site visits whether all the existing flats are occupied but clearly the majority of the commercial units are currently

empty. Whilst the current level of parking provision is below that which the parking standards would require the low levels of commercial activity mean that the site is not operating near to its maximum capacity. Officers do however acknowledge that there is a fall-back position i.e. if the Applicants chose to refurbish the existing buildings to seek full occupancy of the site then parking provision would be much lower than would be required.

- 11.5.8 Turning to the proposed development, it is suggested that commercial units 4 & 5 proposed in the application would be used as takeaways (to provide for the existing businesses on the site), with a combined floor area of 177sq. m giving rise to a maximum need of 9no parking spaces.
- 11.5.9 The other three units (totalling 246sq. m), could be used either separately, as 2no units or as one combined shop, or are anticipated for retail use, although could also be used for other uses falling within Class E.
- 11.5.10 Food retail requires a higher level of parking than for non-food retail, and therefore assuming that units 1-3 were put to such a use, they would require a maximum of 18no spaces, which would give rise to a maximum of 27no spaces for the commercial element of the proposed development, plus 3no bays for disabled parking – i.e. 30no maximum in total to serve the new commercial units, and 63no maximum to serve the new commercial units and the public house.
- 11.5.11 In terms of the residential element, the adopted parking standards set out a normal minimum requirement of 2no spaces per dwellings with 2+ bedrooms, plus the visitor parking provision i.e.47no parking spaces for the residential uses. However, much like for commercial development, the standards do say that reductions of the vehicle standard may be considered if there is development within an urban area that has good links to sustainable transport.
- 11.5.12 In view of the above, following discussions between Officers, the Applicants and ECC Highways it has been agreed to allow a lower provision of 1no space per unit for the flats due to the site's accessible location. This stance is subject to the provision of Residential Travel Information Packs to future occupants; the upgrading of the pair of bus stops which would best serve the proposal site; and the provision of a £20,000 index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards possible future implementation of a parking scheme in the vicinity of the site, if the Highway Authority considered that parking within the highway had become problematic. For the non-residential element of the proposal, the provision of a car park management plan is also recommended to ensure that arrangements are in place to manage the car parking areas and ensure that they are used in accordance with their designated purposes. These requirements are covered either by planning condition or obligation (pursuant to Section 106 of the Town and Country Planning Act 1990) below.
- 11.5.13 The proposed layout plans show that the reconfigured car park would provide 54no parking spaces. The eastern end of the car park is shown to

be designated as a residents parking area with 21 spaces providing each flat with one parking space. The remainder of the parking area will 33no spaces would be provided to serve the commercial aspects of the scheme and the retained public house. The Applicants Transport Assessment notes that the public house has four further parking spaces available. These have not been included within the assessment as they stand outside the Applicants control and therefore cannot be controlled. There is also a layby on Laburnum Way which provides five unallocated parking spaces for visitors to the site. Again these spaces have not been included but add to quantum of parking on or immediately adjacent to the site.

- 11.5.14 The existing and proposed commercial activities are intended to provide facilities and services for the neighbourhood in which they stand. The public house for example appears to serve the local community and is not what might be considered a destination pub drawing customers from across the town and the wider area. The proposed hot food takeaways and other commercial units are not large units and are also likely to draw the majority of their custom from local residents. Due to the site's central location, and the intention for it to continue to serve the community within which it is situated, it is considered that many prospective customers to it would likely carry out the short journey on foot or by cycle, either in combination with visiting other services and facilities at the neighbourhood centre and the adjacent public open space i.e. linked trips, or en-route to or from the railway station, sources of employment within the town, schools etc. It is concluded therefore, that given the location and scale and characteristics of the commercial uses that the proposal would make adequate car parking provision on site, and would not materially conflict with the adopted parking standards.
- 11.5.15 The above would be further mitigated by the provision of dedicated and secure cycle parking to be made available for both residents and customers, in accordance with the standards. Those serving the future occupants of the flats would be incorporated within a dedicated store within the ground floor of Block B, over an existing sewer and in agreement with Anglian Water. Cycle parking for the visitors to the flats and the commercial elements would be provided adjacent to the car park.
- 11.5.16 Notwithstanding the third party concerns on parking provision and the potential overspill of cars parked on the surrounding streets, having regard to the fall-back position, the highly accessible location of the site, the potential for linked sustainable trips, the nature of the proposal within the heart of the community and additional parking provision that is available but not in control of the Applicants, it is considered that the proposal would not give rise to material harm to highway safety, and therefore reasons for refusal of planning permission could not be substantiated on such grounds.
- 11.5.17 Concern over the proximity of the development to the rear boundaries and service access to No's 30-38 Dorothy Sayers Drive are also noted, however the submitted site plan clearly shows that this has been accommodated within the scheme, with car parking spaces to be set away from the north western boundary, to facilitate access thereto.

## 11.6 Flood Risk and Drainage

- 11.6.1 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.
- 11.6.2 Paragraph 166 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.
- 11.6.3 The proposal site lies in Flood Zone 1 with a low risk of groundwater flooding, surface water and sewer flood risk across the site overall. The soil types would not support the effective use of infiltration methods for disposing of surface water, hence it is proposed that surface water is channelled to Anglian Water's sewer network via a series of Geo-Cellular underground tanks to restrict flows during time of heavy rain. This has been deemed acceptable by both Anglian Water and the LLFA.
- 11.6.4 The foul drainage from this development is in the catchment of Witham Water Recycling Centre, which along with the sewerage system will have available capacity for these flows.
- 11.6.5 Therefore, from this basis it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.

## 11.7 Habitat Regulations Assessment (HRA / RAMS)

- 11.7.1 Policy SP2 of the Section 1 Local Plan states that contributions will be secured from the development towards mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and Dengie SPA.
- 11.7.2 As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, currently £127.30 per dwelling. This would be secured through the S106 Agreement.

## 11.8 Other Matters

- 11.8.1 With regard to the comments of Witham Town Council, a financial contribution towards Primary Healthcare is sought in accordance with the recommendation of the Mid and South Essex CCG. The Town Council suggest that the contribution be put towards the creation of a community healthcare hub along with monies from Rickstones Road and Conrad Road developments. The District Council do not have responsibility or powers to plan how Primary Healthcare is provided – this is the responsibility of the CCG. The required financial contribution will be collected but it will need to be spent in accordance with the CCG's plans for Primary Healthcare delivery. The Town Council can of express their preferences to the CCG but ultimately the contribution will need to be spent on a project which increases healthcare capacity for local residents in a manner which accords with their plans.
- 11.8.2 The maintenance of shared residential amenity areas on the south side of the flats would be managed through a management company funded by residents. There are a number of other amenity areas, soft landscaping and public realm around the development which would need to be managed. Ensuring appropriate management arrangements for these areas is very important to ensure that the public realm is not allowed to deteriorate again as it has. This should be controlled through a planning obligation, and the lighting of outside spaces would be the subject of a planning condition (see below).
- 11.8.3 The provision of a lift is not necessary to comply with Part M of the Building Regulations and there is no policy requirement for this. Matters of Fire Safety and heating would be dealt with under Building Regulations Parts B and L respectively.
- 11.8.4 The Town Council request that a lockable gate be provided for the sports field car park and there may be some merit in doing this. The District Council's Operations team have been consulted on the application but this was not an issue that they raised.

## 11.9 Site Assessment Conclusion

- 11.9.1 There are no substantive objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the scheme in a sustainable manner, in broad accordance with the SPD, Officers are of the opinion that the development could be accommodated without significant adverse impacts to interests of acknowledged importance, subject to the imposition of reasonable planning conditions.

## 12. PLANNING OBLIGATIONS

- 12.1 Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made

acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF then sets out the tests which must be met in order to seek planning obligations:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

- 12.2 Policy SP6 of the Section 1 Local Plan states that all development must be supported by the infrastructure, services and facilities that are identified as being necessary to serve the development. This includes the social infrastructure that is required for healthy, active and inclusive communities, and promoting health and well-being for future residents, such as the provision of green open space; safe places for active play; and growing food.
- 12.3 Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in District.
- 12.4 The above policies are consistent with Paragraph 93 of the National Planning Policy Framework (NPPF) which states that planning decisions need to provide the social, recreational and cultural facilities and services the community needs.
- 12.5 The Council's Open Space Supplementary Planning Document (SPD) states that for developments under 300 dwellings provision for Outdoor Sports is sought as a commuted sum rather than on-site provision. Similarly, in respect of allotments and equipped play areas the SPD states that for developments under 250 dwellings and 50 dwellings respectively, a commuted sum is required to contribute towards off-site provision rather than the developer being required to provide these facilities on-site.
- 12.6 The SPD sets out the Council's standards for Open Space provision with reference to both quantitative and qualitative measures. These standards are then used to establish a scale of financial contributions with the contribution levels based on the cost of providing these types of facilities. To reflect the standards contained within the SPD, and the different levels of demand for Open Space generated by different size dwellings, the level of financial contribution is calculated according to the number of bedrooms of each proposed residential unit.
- 12.7 The following identifies the planning obligations that the District Council would normally seek to secure through a S106 agreement for such a development with a net increase of 14no residential units.

## **Community Building**

- 12.8 The adjacent pavilion building was re-roofed relatively recently and has been leased out to Valley Green Football Club. It is understood that the pavilion is used at weekends when football teams are training and playing matches but that the club use it rarely at other times. Nonetheless the Council still retains the freehold of this building and has responsibility for the upkeep of the land that surrounds it.
- 12.9 Such a contribution could also be used for improving existing community facilities, including the provision of the aforementioned lockable gate if deemed appropriate by the Council's estates or open spaces department. This contribution would amount to £6,994.68.

## **Essex RAMS**

- 12.10 The site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and Dengie SPA.
- 12.11 As such, the developer is required to pay a financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site, currently £127.30 per dwelling for the uplift in the number of dwellings (14no) which equates to £1,782.20.

## **Healthcare**

- 12.12 The development would generate an increased demand upon existing healthcare services, which if unmitigated, would be considered unsustainable.
- 12.13 A financial contribution of £5,351.08 is therefore required to be included within the S106 agreement.

## **Public Open Space**

- 12.14 The Council's Open Space SPD sets out details on how the standards set out by Core Strategy Policy CS10 will be applied. A development of this size would be expected to make a financial contribution of £25,159.64.
- 12.15 As highlighted above, to the south of the application site are a number of semi-mature conifers, two of which are growing almost on top of the application site boundary, including a large multi stemmed tree. It would not be possible to retain these given the proximity to the proposed new building. Officers consider that it is not necessary for these trees to be retained, but to mitigate for their loss it is recommended that the Applicants provide funding for replacement planting on this area of open space, with five new trees as it will take time for them to replace the existing ones in terms of their physical presence, and to allow for failures.



- 12.16 The cost of the removal of the two trees by the Council's contractor, including stump grinding and disposal; and the cost of replacement planting, protection and watering /establishment costs over 2 years would be £4,750.00.
- 12.17 It would also be necessary for the S106 to include an obligation for the Applicants to form a Management Company responsible for the day to day and longer term management and maintenance of the external amenity and parking areas provided within the application site.

### **Parking Scheme**

- 12.18 As highlighted above, whilst they have accepted the reduced amount of parking on the site, ECC Highways have stipulated that a £20,000 index-linked contribution be secured. This money will be held by the County Council and then if there are problems with on-street parking the County Council will have money to investigate, consult, design and implement a traffic regulation order. Possible parking or waiting restrictions in the vicinity of the site would only be applied if these were considered necessary. Officers consider this is unlikely and if parking restrictions are not required then the contribution would be returned to the Applicants.

### **Travel Plan**

- 12.19 The application is supported by a Travel Plan the implementation of which can be secured by way of planning condition. This has been considered by the ECC Highways who require that it be implemented for a minimum period of 5 years with an associated £1,533 monitoring fee per annum for a period of 5 years, plus the relevant sustainable travel indexation.
- 12.20 It is considered that the above obligations satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonably related to the development in scale and kind.

## **13. PLANNING BALANCE AND CONCLUSION**

- 13.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within the Town Development Boundary for Witham, where the general principle of development is supported by Policy RLP2 of the Adopted Local Plan.
- 13.2 Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need.

- 13.3 In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.
- 13.4 Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.
- 13.5 As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.
- 13.6 As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
- 13.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.
- 13.8 The application site is located within the Town Development Boundary for Witham, where the general principle of development is supported by Policy RLP2 of the Adopted Local Plan. This policy is consistent with the NPPF as it identifies land in a sustainable location where the Council accepts the principle of development. In addition, the Section 2 Plan also specifically identifies the application site as a Comprehensive Development Area on its Proposals Map pursuant to its Policy LPP30, which states that its redevelopment should be mixed use and be in accordance with the principles of the adopted Supplementary Planning Document. The SPD seeks to ensure the efficient use of the land available and the provision of mixed use development which will provide both housing and commercial

development. These aims are consistent with Paragraphs 120 and 130 of the NPPF. Significant weight is attributed to these policies.

- 13.9 Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan which permit development within Town Boundaries where it satisfies amenity, design, environmental and highway criteria; and where it can take place without material detriment to the existing character of the settlement. These policies are consistent with Paragraph 130 of the NPPF. As policies RLP3 and LPP1 are considered to be broadly consistent with the NPPF the weight they can attributed does not need to be restricted. Significant weight is attributed to these policies.
- 13.10 Policy CS7 of the Core Strategy promotes accessibility for all, and in particular states that future development will be provided in accessible locations to reduce the need to travel, an objective contained within Paragraph 105 the NPPF. It is considered that this policy is not out-of-date and can be given significant weight. Policy LPP44 of the Section 2 Plan also reiterates the above with a focus on facilitating sustainable modes of transport through new developments. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight at this time.
- 13.11 Policy RLP90 of the Adopted Local Plan seeks inter alia to ensure that developments recognise and reflect local distinctiveness in terms of scale, density, height and massing. All of these factors go to the heart of good urban design, which is a significant consideration as set out within Section 12 (Achieving Well-designed Places) of the NPPF. Moreover, the 2021 NPPF has introduced a significant emphasis on 'beautiful design' NPPF including references in Paragraphs 8b, 73c, 125, 126, and 128. This change therefore not only seeks to secure good design but also seeks to raise the overall standard of a development in conjunction with a number of other new policy additions such as the requirement for tree lined streets. As such, it is considered that RLP90 is not out-of-date and can be given significant weight. Policy LPP55 of the Section 2 Plan also reiterates many of the above points set out in Policy RLP90 and the NPPF. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight.
- 13.12 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 13.13 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 13.14 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable

development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being);
- an environmental objective (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

#### Summary of Adverse Impacts

- 13.15 The adverse impacts and the weight that should be accorded to these factors are set out below:

#### **Conflict with Rickstones Neighbourhood Centre SPD**

- 13.16 As set out within the report whilst the proposals are considered to adhere to the spirit of the SPD, the proposals are not considered to be fully compliant. The SPD is adopted planning policy so not following the SPD completely can be considered an adverse impact, albeit that Officers consider this adverse impact should be given limited weight given the age of the SPD and the fact that Officers consider that the conflict with the proposals is limited. It should also be noted that the proposals are otherwise generally consistent with the Development Plan which further limits the harm.

#### **Car Parking Provision**

- 13.17 The development would provide a level of car parking provision for the residential development which is below the Council's minimum car parking standards. Parking provision for commercial development has maximum car parking standards but the provision for the existing and proposed commercial uses would be significantly below the maximum car parking standards. This failure to comply with the parking standards and adherence with Policy RLP56 of the Adopted Local Plan and the risk that this cause an increase in parking on adjoining residential streets are adverse impacts but the weight that should be attributed to this harm should be limited given the

nature of the commercial uses and the ability of residents to use relatively sustainable modes of transport.

### **Loss of trees**

- 13.18 The loss of two trees on the Council owned Open Space next to the application site is an adverse impact, however the trees are assessed to be of a poor quality and one of them is in a poor condition and is likely to need to be felled in the foreseeable future. The loss of the trees, albeit with replacement trees being provided in compensation, should be given limited weight.

### **Summary of Public Benefits**

- 13.19 The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

### **Delivery of Market Housing**

- 13.20 The redevelopment of the site would provide new residential units to replace the existing flats which have a tired appearance and provide an additional 14 dwellings. The provision of predominantly 2 bedroom flats is also beneficial as other developers are often reluctant to provide this type of accommodation for market sale. The provision of this housing would also deliver associated economic and social benefits, some of these would only exist during the construction phases, whereas others would be sustained, such as the increased patronage of existing services and facilities in the Town. It would also make a small additional contribution to the Council's housing land supply. Overall these benefits are given moderate benefit.

### **Delivery of Retail Units**

- 13.21 The application in this case proposes new commercial units to replace the existing facilities, many of which are in a poor condition, and a number of which stand empty and boarded up. The units have been designed in a manner that they are integrated within the building in a way that still provides quality residential units above the ground floor units. Two relatively small hot food take-away units are proposed and the remaining units will have a flexible Use Class E. The new commercial units will be new purpose built buildings which should be attractive to commercial users and it is hoped will help create a vital and sustainable neighbourhood centre. Provision of commercial uses to serve the surrounding residential estates reducing the need for residents to travel further to access these services. It will also help secure some of the existing jobs provided at the centre and hopefully create new jobs within the new commercial units. The provision of the retail units is considered to be an important benefit with environmental, social and economic benefits and should be given significant weight.

## **Location and Access to Services and Facilities**

- 13.22 The site is in an accessible location with access to local services and facilities which could support a degree of day-to-day living. Public transport options also exist with bus routes and Witham railway station being within walking distance of the site. With employment areas and the town centre facilities and services also within walking or cycling distance residents would have the opportunity to reduce their reliance on the private motor vehicle. The location of the site is considered to provide social and environmental benefits which provide a moderate benefit weighing in favour of the development.

## **Appearance of the Area**

- 13.23 There would also be environmental benefits in the redevelopment of a site that has been proposed for rejuvenation by the Council for approximately 10 years (through the adoption of the SPD) and would provide attractive new buildings and a high quality public realm. Overall, the scheme would enhance the character and appearance of the area, whilst protecting the living conditions of both existing and future residents of the site and its surroundings. These benefits should be afforded significant weight.

## **Planning Balance**

- 13.24 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts, including the conflict with the Rickstones Neighbourhood Centre SPD. Consequently it is recommended that planning permission is granted for the proposed development.

## **14. RECOMMENDATION**

- 14.1 It is therefore RECOMMENDED that subject to the Applicants entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- § **Community Building** - Financial contribution of £6,994.68 (index linked) paid prior to the occupation of the fifth residential dwelling;
- § **Essex Recreational Avoidance and Mitigation Scheme** - £1,782.20 (index linked from April 2022);
- § **Primary Healthcare** - Financial contribution – amount to be confirmed - (index linked) paid prior to first residential occupation of the development;
- § **Public Open Space** - Financial contribution of £25,159.64 (index linked) paid prior to the occupation of the fifth residential dwelling, towards the provision of new / improved Public Open Space specified within the District Council's Open Space Action Plan within the Witham North Ward;

- § **Formation of Management Company** - to secure suitable management arrangements for areas of public realm and amenity space on-site, including the car park but excluding the communal residents gardens at the rear of the flats;
- § **Tree Removal / Replacement Provision** - Financial contribution of £4,750.00 (index linked) prior to the commencement of development;
- § **Parking Scheme** - Financial contribution of £20,000.00 (index linked) paid prior to the occupation of the development, towards possible future implementation of a highway parking scheme which may include making a Traffic Regulation Order;
- § **Travel Plan monitoring fee** - Financial contribution of £1,533p.a. for 5 years (index linked) paid prior to occupation of the development;
- § **Car Park Management Plan;**
- § **BDC & ECC Monitoring Fees**

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 14.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

| <b>Reference:</b>              | <b>Description:</b>                 |
|--------------------------------|-------------------------------------|
| Plan Ref: EX-A-1001            | Location Plan                       |
| Plan Ref: PA-A-2000 Version: C | Site Masterplan                     |
| Plan Ref: PA-A-2001 Version: K | Proposed Site Plan                  |
| Plan Ref: PA-A-2101 Version: M | Proposed Ground Floor Plan          |
| Plan Ref: PA-A-2102 Version: L | Proposed 1st Floor Plan             |
| Plan Ref: PA-A-2103 Version: L | Proposed 2nd Floor Plan             |
| Plan Ref: PA-A-2104 Version: H | Roof Plan                           |
| Plan Ref: PA-A-3101 Version: D | Proposed Elevations and Floor Plans |
| Plan Ref: PA-A-3102 Version: D | Proposed Elevations and Floor Plans |
| Plan Ref: PA-A-3103 Version: D | Proposed Elevations                 |
| Plan Ref: PA-A-4101 Version: C | Section                             |
| Plan Ref: PA-A-4102 Version: C | Section                             |
| Plan Ref: PA-A-1010 Version: G | Other Plan                          |
| Plan Ref: PA-A-2111 Version: C | Waste Management Strategy           |
|                                | Design and Access Statement         |

#### Conditions & Reasons and Informatives

1.

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

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

2.

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

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

3.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use of units 1, 2 & 3 of the ground floor commercial premises shall be for no other purpose than uses set out within Class E; and the use of units 4&5 of the ground floor commercial premises shall be for no other purpose than for Hot Food Takeaway.

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



4.

The external materials and finishes on the buildings hereby permitted shall be as indicated on page 36 of 45 of the submitted Design and Access Statement (Revision C).

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

5.

All electrical and telephone services to the development shall be run underground.

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

6.

All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

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

7.

Prior to installation of any meter cupboards on the external elevations of the dwellings hereby approved details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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

8.

All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

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

9.

Prior to installation, details of all ground surface finishes, including kerbs shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality and to ensure that a high quality public realm is created.

10.

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the agreed implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

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 in accordance with the approved landscaping scheme.

Reason: To enhance the appearance and the biodiversity value of the development.

11.

No development, including site clearance, demolition, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

12.

Prior to commencement of the development above slab level, a Biodiversity Enhancement Strategy for Protected and Priority Species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason: In the interests of protecting and enhancing biodiversity.

13.

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

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

14.

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

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including

- details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours; and
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason: This condition is required prior to the commencement of development so as to protect highway efficiency of movement and safety from construction vehicles (including associated with demolition), in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

15.

No occupation of the development shall take place until the following have been provided or completed:

- a. The site access as shown in principle on planning application drawing TIA-WIT-0015 has been implemented;
- b. The upgrade, to Essex County Council specification, the pair of bus stops on Rickstones Road closest to the proposal site, details of which shall have been agreed with the Local Planning Authority prior to development above slab level;
- c. A finalised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The provision of the approved Travel Plan shall be adhered to at all times; and
- d. The first occupant of each new dwelling to be provided with a Residential Travel Information Pack (to include six one-day vouchers for use with the relevant local public transport operator), promoting the use of sustainable transport, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

16.

The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

17.

The bicycle parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

18.

The development shall not be occupied until the areas 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.

19.

The car park areas where the refuse collection vehicle is required to go to collect refuse and recycling shall be constructed to take a load of 26 tonnes.

Reason: To ensure that the refuse vehicles can safely enter and leave the site without damaging the car park surface.

20.

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 of lighting.

21.

Prior to the commencement of the construction of the buildings hereby permitted, a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The investigation and risk assessment is required prior to the commencement of development to ensure that mitigation measures are in place from the outset for the reasons previously referred to.

22.

Prior to commencement of the development above slab level, a scheme for protecting the future occupants of the proposed flats from noise from the commercial units on the ground floor shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before the flats are first occupied and shall be permanently maintained as such.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

23.

Any externally mounted plant, equipment and servicing, including air handling plant shall be selected and/or acoustically treated to achieve 10dB(A) below the typical background noise level at the nearest noise sensitive premises.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

24.

Development shall not be commenced above slab level until a scheme of ductwork has been submitted to and approved in writing by the local planning authority. The details shall specify that all extract ductworks shall be fitted with a suitable odour control system commensurate with the use of the premises, terminating at least 1 metre above ridge level, unless otherwise agreed with the local planning authority and shall be maintained thereafter.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted and those in the wider locality from air pollution.

25.

The hours for deliveries to the commercial units shall be restricted to Monday to Saturday 0800 to 1800 hours, excluding Bank and Public Holidays.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted and those in the wider locality from noise and disturbance.

26.

The commercial premises shall not be open for business and trading, including making food and drink deliveries, outside the following hours:-

- Monday to Friday 06:00 hours - 23:00 hours
- Saturdays 06:00 hours - 23:00 hours
- Sundays 07:00hours - 22:00 hours
- Public and Bank Holidays 07:00 hours - 22:00 hours

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted and those in the wider locality from noise and disturbance.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### 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  |
| 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                               |
| RLP36  | Industrial and Environmental Standards                                |
| RLP49  | Pedestrian Networks   |
| RLP52  | Public Transport  |
| RLP56  | Vehicle Parking   |
| RLP62  | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP64  | Contaminated Land   |
| RLP65  | External Lighting   |
| RLP69  | Sustainable Urban Drainage  |
| RLP71  | Water Supply, Sewerage & Drainage                                     |
| RLP74  | Provision of Space for Recycling                                      |
| RLP77  | Energy Efficiency   |
| RLP90  | Layout and Design of Development                                      |
| RLP92  | Accessibility   |
| RLP93  | Public Realm  |
| RLP138 | Provision of Open Space in New Housing Developments                   |

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

|      |  |
|------|--|
| CS6  | Retailing and Town Centre Regeneration         |
| CS7  | Promoting Accessibility for All                |
| CS8  | Natural Environment and Biodiversity           |
| CS10 | Provision for Open Space, Sport and Recreation |

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

|     |   |
|-----|---|
| SP1 | Presumption in Favour of Sustainable Development                  |
| SP2 | Recreational disturbance Avoidance and Mitigation Strategy (RAMS) |
| SP3 | Spatial Strategy for North Essex                                  |
| SP4 | Meeting Housing Needs   |
| SP6 | Infrastructure & Connectivity                                     |
| SP7 | Place Shaping Principles  |



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

|       |  |
|-------|--|
| LPP1  | Development Boundaries   |
| LPP17 | Housing Provision and Delivery   |
| LPP30 | Comprehensive Redevelopment Area - Rickstones Neighbourhood Centre                             |
| LPP37 | Housing Type and Density   |
| LPP44 | Sustainable Transport  |
| LPP45 | Parking Provision  |
| LPP50 | Built and Historic Environment   |
| LPP51 | An Inclusive Environment   |
| LPP53 | Provision of Open Space, Sport and Recreation  |
| LPP55 | Layout and Design of Development   |
| LPP67 | Natural Environment and Green Infrastructure   |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat  |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP75 | Energy Efficiency  |
| LPP78 | Flooding Risk and Surface Water Drainage   |
| LPP80 | Sustainable Urban Drainage Systems   |
| LPP81 | External Lighting  |
| LPP82 | Infrastructure Delivery and Impact Mitigation  |

## Other Material Considerations

Supplementary Planning Documents (SPD's) & Supplementary Planning Guidance:

Essex Design Guide for Mixed Use and Residential Areas (2005)  
Essex Design Guide Urban Place Supplement (2005)  
External Lighting Supplementary Document  
Parking Standards – Design and Good Practice (September 2009)  
Rickstones Neighbourhood Centre Development Brief SPD

## Statement on Draft Local Plan

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local

Plan (“the Section 2 Plan”) and the weight that can be given is related to:

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

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

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

Accordingly the Council affords significant weight to the Section 2 Plan.

APPENDIX 3:

SITE HISTORY

|              |  |           |          |
|--------------|--|-----------|----------|
| 07/02052/OUT | Erection of 4 no. retail units and 29 no. flats  | Refused   | 26.11.07 |
| 18/00019/OUT | Hybrid planning application for the redevelopment of Rickstones Neighbourhood Centre seeking; full permission for the redevelopment of Block A to provide up to 430sqm of commercial floorspace (within Use Class A1, A2, A3, A4 and A5) and 13 flats together with public realm improvements, car parking and associated infrastructure; and outline permission for the redevelopment of Block B to provide up to 12 flats with all matters reserved. | Withdrawn | 04.01.19 |