

PLANNING COMMITTEE AGENDA

Tuesday 17th August 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

*(Please note this meeting will be broadcast via the Councils YouTube Channel,
webcast and audio recorded) www.braintree.gov.uk*

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

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 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 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 and Speaking on a Planning Application/Agenda Item

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the 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.

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

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

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

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

Substitute Members: Only the named Substitutes on this agenda can 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.

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

Public Attendance at Meeting: Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Councils YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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

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

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

1 Apologies for Absence**2 Declarations of Interest**

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 20th July 2021 and 3rd August 2021 (copies to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A Planning Applications

5a	App. No. 19 00729 REM – Land rear of Green Gables, London Road, BLACK NOTLEY	6-18
5b	App. No. 20 01451 FUL – Rascasse, Sheepcotes Lane, SILVER END	19-49
5c	App. No. 20 01474 FUL – Units 1, 2 and 3, Sixth Avenue, Bluebridge Industrial Estate, HALSTEAD	50-65
5d	App. No. 21 01527 FUL – Cardinal Works, rear of 46 Bradford Street, BRAINTREE	66-95

PART B Minor Planning Applications

There are no applications in Part B

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

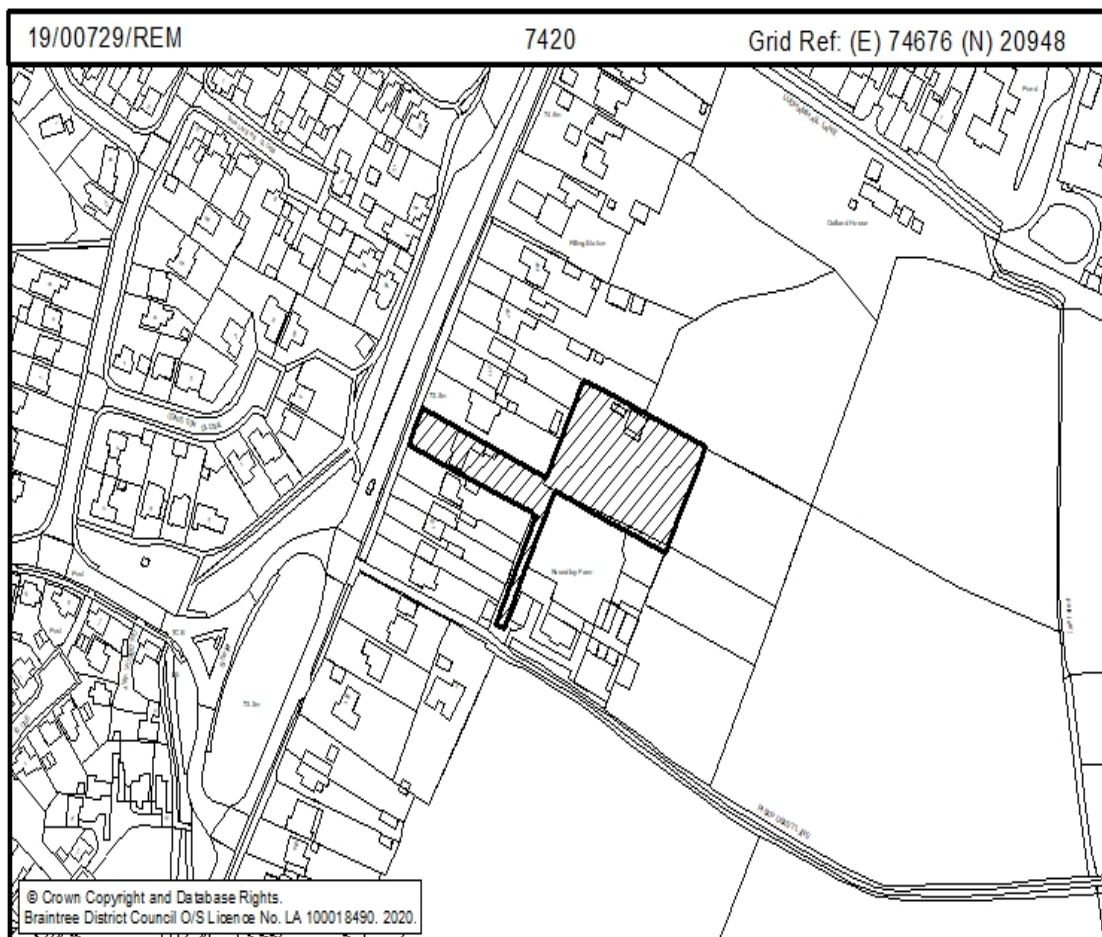
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/00729/REM
DATE VALID: 29.04.19
APPLICANT: Mr Mark Reeves
215 London Road, Black Notley, Braintree, Essex, CM7 8QG
AGENT: Cabotlane LTD
Mr Phil Thornton, 12 Benfield Way, Braintree, Essex, CM7 3YS
DESCRIPTION: Application for approval of reserved matters following outline approval 18/00082/OUT - Erection of 5no. dwellings
LOCATION: Land Rear Of Green Gables, London Road, Black Notley, Essex

For more information about this Application please contact:
Lisa Page on:- 01376 551414 Ext. 2516
or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQEPFDBF0JD00>

SITE HISTORY

18/00082/OUT	Application for outline planning permission with all matters reserved - Erection of 5no. dwellings	Granted	04.12.18
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POLICY CONSIDERATIONS

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. 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 some weight to the Section 2 Plan.

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
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

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
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

Neighbourhood Plan

None

Other Material Considerations

Essex Parking Standards/Urban Space Supplement
Essex Design Guide Urban Place Supplement (2005)
Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation, as Black Notley Parish Council have objected to the proposal contrary to Officer recommendation and at the request of the Chair and Vice Chair of the Planning Committee.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site in effect comprises three parcels of land being; the dwelling and curtilage of 'Green Gables', 215 London Road (a two storey dwelling that sits within an established row of dwellings fronting onto London Road); land that lies to the rear of No's 209 to 213 London Road (which is in residential use and as a landscaped area); and a narrow strip of land that leads south, towards Pickpocket Lane, and which runs behind No's 217 to 225 London Road. The total site extends to some 0.328 hectares.

As noted within the history section, planning permission has been granted with all matters reserved for the erection of 5 dwellings.

PROPOSAL

The existing dwelling of 'Green Gables', 215 London Road is proposed to be demolished to allow for a new vehicular access from London Road, through the depth of the frontage. This then tappers through to the parcel of land to the rear of No's 209, 211 and 213.

Within this plot, 5 dwellings are proposed (1no. detached 4/5bed dwelling; 2no 3/4 bed semi-detached dwellings; and 2no. 2 bed detached dwellings – linked by a single storey roof). Parking is provided by way of garaging and driveway parking. Each dwelling is provided with a private rear garden.

SUMMARY OF CONSULTATION RESPONSES

BDC Waste Services

The revised plan of the access road and turning head are sufficient for our waste collection vehicles to access and turn. Seek assurances that we will not be liable for damage caused to the access road due to carrying out waste collections.

BDC Landscape Services

No comments received to the latest revisions.

BDC Ecology

No objection subject to securing:

- a) A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation in line with the Essex Coast RAMS; and
- b) Biodiversity mitigation and enhancement measures.

ECC Highways

No objections subject to conditions.

PARISH / TOWN COUNCIL

Black Notley Parish Council

Black Notley Parish Council object to the application for the following reasons:

- The mix and style of dwellings appear unbalanced with 4 small houses and one very large detached house giving a cramped appearance and limited parking. (There is no parking off-site);
- There is overlooking and lack of privacy into the existing neighbouring London Road rear gardens and bathroom windows of the proposed development should be frosted to alleviate this and a conditions to prevent later extensions;
- Landscaping with small specimen tree planting will further enhance rear gardens and prevent some overlooking into neighbouring gardens.

REPRESENTATIONS

The application was advertised by way of site notice, newspaper notification and neighbour letters. Objections have been received from 5 neighbours, making the following comments:

- Will increase traffic levels;
- The access is close to a pedestrian crossing, chevron markings, and is on a busy main road – safety concerns;
- Overlooking to neighbouring property and garden - infringe on privacy;
- Neighbour disturbance from noise once dwellings occupied and noise from the access drive;
- Dwellings will not be 'affordable';
- Potential impact to a colony of bats;
- Lack of detail for foul sewer water. Potential damage to sewers;

- Plans are incompatible with what was approved at outline stage in regards to trees and planting;
- Roundlay Farm is a registered agricultural holding and surrounds three sides of the site. Includes farm buildings. Policy states that agricultural livestock buildings should be 400 metres from domestic dwellings and all the proposed dwellings fall within this limit. This could lead to issues with the occupants of the proposed houses in the future and restrict rights of Roundlay Farm;
- Impact to wildlife in the trees and hedges (jackdaws, woodpeckers, squirrels, hedgehogs and small birds).

REPORT

Principle of Development

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), the Shared Strategic Section 1 Plan (2021) and the Braintree District Publication Draft Local Plan (2017).

The application site is located outside of the Development Boundary for Great Notley, where new development is not considered acceptable in principle. However, there is an outline permission on the site for the erection of 5no. dwellings and therefore the principle of the development is already established.

SITE ASSESSMENT

Layout, Scale, Appearance and Landscaping

Paragraph 126 the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policies RLP10 and RLP90 of the Adopted Local Plan seek to protect the existing character of the settlement and the street scene. Policy RLP9 of the Adopted Local Plan states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development. Policy

RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Policy SP7 of the Section 1 Plan sets out place shaping principles, including responding positively to local character and context to preserve and enhance of existing places and their environs.

Policy LPP55 of the Draft Section 2 Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The layout of the proposals takes the form of 'backland' development. Although this is not a common layout in the locality, with most dwellings fronting onto London Road, there are a number of examples where development is sited behind these frontage dwellings. The outline consent also anticipated that the dwellings would be in the form of backland development and thus the principle is accepted. Overall, no harm to the character of the locality would occur.

In terms of the layout on the site itself, there remains one access off London Road. The access sits within a wide and landscaped parcel, and provides access to the rear of the site, where the dwellings are sited. Internal to the site, the development would create a new 'street scene', with all 5 dwellings fronting around the internal access road, and this would create a pleasing layout with an active 'street scene'. The dwellings are laid out such that they would not appear cramped or congested with each other, their plots or the wider site boundaries.

The dwellings are all two storey, which reflects the scale of dwellings in the locality. Although the location on the edge of the settlement does provides more opportunity for the development to be visible, in particular from public footpath PROW 66_2, that is located at some distance to the east of the site (which runs in a north to south direction), the development will be seen against the backdrop of built development. Furthermore, views from the south will be screened by Roundlay Farm – and the built form extends no further east than the built form of Roundlay Farm. In addition, the scale of development at two storey was set as a maximum height on the outline consent and thus was considered acceptable. The site boundaries, consisting of existing trees, to be supported by hedgerow planting (in front of the post and rail fence) will also assist in restricting the prominence of the development, whilst still ensuring the rural character to the edge of the settlement is maintained.

The dwellings are well proportioned with a simple architectural design approach. A modest front canopy marks the entrance to each of the properties. The use of a decorative fascia and chimneys adds interest to the elevation. In terms of materials, the dwellings will have a brick plinth with render walls, under a slate roof, whilst the chimneys will be red brick. The garages will be matching red brick with a slate roof. Overall, the development

will appear of an acceptable design and appearance and the materials are sympathetic to the locality.

With regards to landscaping, the proposals would include new landscape planting along the driveway access and within the backland part of the site to provide an appropriate setting and outlook for the new houses. This would include 5 new trees and hedgerow planting on either side of the access and 7 new trees and hedgerow planting within the backland area of the site. The proposals are considered to be acceptable in this regard.

Amenity for Future Occupiers

Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is repeated in the Section 2 Plan within Policy LPP55 and Policy SP7 of the Section 1 Plan.

The Nationally Described Space Standards (NDSS) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas. All of the dwellings meet with this standard and are considered to provide good quality amenity for future occupiers, in this respect and in terms of general outlook and similar. In regards to external amenity, the garden sizes vary between 130 and 170sq.m, and thus all the dwellings will be in excess of the standards set out within the Essex Design Guide.

To the south of the parcel of land where the dwellings are sited is Roundlay Farm – a working farm with land that extends around the application site. The acceptability of residential dwellings being sited close to such a farm, in terms of noise and smell, has already been accepted on the outline application and cannot now form a planning consideration.

Impact on Neighbouring Residential Amenity

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This is reiterated in Policy LPP55 of the Section 2 Plan.

The dwellings are sited such that they would not result in unacceptable overlooking to neighbours. Plots 1 and 2 are a minimum of 11.5 metres from the closest boundary, but are at an angle such that there would only be a limited oblique angle of overlooking to any neighbours rear garden. Plots 3, 4 and 5 are at least 50 metres from the rear boundaries of properties in London Road.

Concerns raised from neighbours in regards to impacts from noise from the access road are noted. The neighbours that would most impacted in this regard are No.213 and No.217. These are two storey dwellings, with flank

windows facing towards the access and their rear gardens extend the length of the access. Notwithstanding this, the characteristics of the access lessen the impact to neighbours – the access is inset from the boundaries and the boundary treatment is a 1.8 metre high fence with hedgerow planting in front. Furthermore, given the scale of development is for only 5 dwellings, and the fact that turning and appropriate parking is provided within the site itself, it is not considered that the impacts from the access would be unacceptable.

Within the consultation, concerns have been expressed in terms of the potential impact of the development to restrict Roundlay Farm to the south, from erecting future farm buildings. This point relates to a criteria point within the permitted development right under Part 6, Schedule 2 of the General Permitted Development Order. The development does have the potential to require that any new buildings to accommodate livestock or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine, will now require a full planning permission rather than a prior approval process. If the proposed development subject to this current application is approved, it may alter the planning route and process for future applications at Roundlay Farm, however, this would not be grounds to refuse planning permission for this reserved matters application, which must be considered on its own merits.

Highway Considerations

The 5no. dwellings are proposed to be accessed via one vehicular access point onto London Road, with the access drive then extending the depth of the existing curtilage of No.215. Essex County Council as the Highway Authority have reviewed the application and are content that there would be no adverse impact to highway safety or capacity, and subject to conditions in regards to the width and materials of the private drive, and that the vehicle parking and turning as shown on the plan is provided, raise no objections.

In regards to parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Plot 1 will share the triple garage with one space also within their site frontage; Plot 2 will have a side parking driveway and a space within the triple garage; Plot 3 has a space within the triple garage and its driveway; Plot 4 is provided with a single garage and driveway parking; and Plot 5 has a double garage and driveway parking. Each dwelling is therefore assigned parking in accordance with the standards. 2 visitor spaces are also provided in accordance with adopted parking standards.

Habitat Regulations Assessment (HRA)

The site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a

financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£127.30 per dwelling). In accordance with S111 of the 1972 Local Government Act, the Developer has paid this contribution up-front prior to any decision on the application being issued as opposed to entering into a separate unilateral undertaking. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

PLANNING BALANCE AND CONCLUSION

As set out above, although the proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. However, the principle of development on the site for 5no. market dwellings has already been established by the outline planning permission. The principle of development has therefore been established in this case.

The development will provide 5no. market dwellings, with a mix of dwelling sizes. The appearance, layout, scale, access and landscaping for the development is considered to be acceptable. Consequently it is recommended that reserved matters are approved for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Site Plan	Plan Ref: 2-AC-A-000	Version: E
Floor Plan	Plan Ref: 2-AC-A-009	Version: E
Elevations	Plan Ref: 2-AC-A-010	Version: E
Garage Details	Plan Ref: 2-AC-A-011	Version: E
Garage Details	Plan Ref: 2-AC-A-012	Version: E
Floor Plan	Plan Ref: 2-AC-A-013	Version: E
Elevations	Plan Ref: 2-AC-A-014	Version: E
Floor Plan	Plan Ref: 2-AC-A-015	Version: E
Elevations	Plan Ref: 2-AC-A-016	Version: E
Garage Details	Plan Ref: 2-AC-A-017	Version: E

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

Reason

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

- 2 No development shall take place until full details of both the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) and of the finished garden levels and hard surfaces in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

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

Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions in the interests of residential and/or visual amenity.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of a dwelling-house consisting of an alteration to its roof, as permitted by Class B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future roof extensions in the interests of residential and/or visual amenity

- 5 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority.
The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the

specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of the character and appearance of the development and amenity of the area and in the interests of protected species.

- 6 Prior to the first occupation of any of the proposed dwellings hereby approved, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway, and within the site, it shall also be provided with a vehicle passing place on the approach to the bend and narrowing, details of which shall be submitted to and approved in writing.

Reason

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

- 7 The proposed development shall not be occupied until the vehicle parking and turning as indicated on the submitted plans has been provided. The vehicle parking and turning shall always be retained in this form.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hiller Ecology Ltd., May 2018) and Bat Emergence Surveys (Hiller Ecology Ltd, December 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason

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

amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 "A Biodiversity Enhancement Strategy for Protected and Priority species / habitats shall be submitted to and approved in writing by the local planning authority, as outlined within the Extended Phase 1 Survey (Hiller Ecology Ltd., May 2018) and Bat Emergence Surveys (Hiller Ecology Ltd, December 2020). The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason

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

INFORMATION TO APPLICANT

- 1 If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

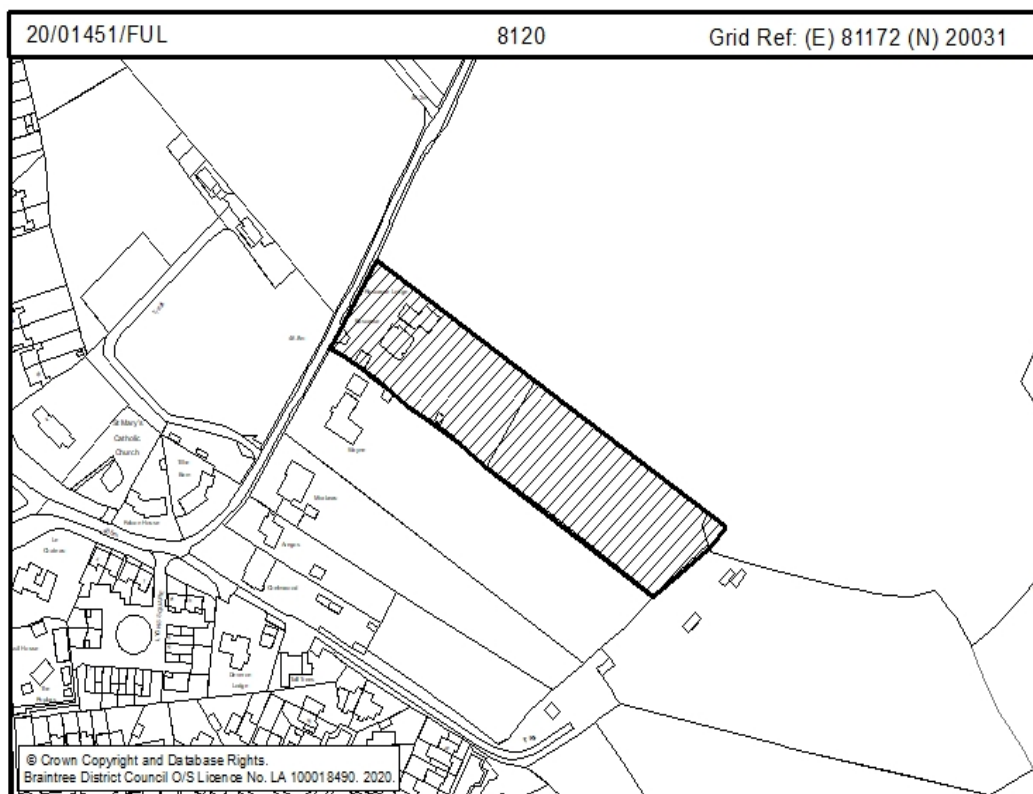
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01451/FUL DATE: 23.09.20
VALID:
APPLICANT: Mr Gary Leckie
Suite 1, The Exchange Court, London road, Feering ,
Braintree, CO5 9FB, Essex
AGENT: Mr Robert Pomery
Pappus House, Tollgate West, Stanway, Colchester, CO3
8AQ, United Kingdom
DESCRIPTION: Erection of a single-storey block to provide 8 x 1 bedroom
residential supported living units (Use Class C3), staff
breakout unit (Use Class C2) and a single-storey detached
building to provide a training room (Use Class C2)), with
associated car parking, landscaping, and sewage treatment
plant.
LOCATION: Rascasse, Sheepcotes Lane, Silver End, Essex, CM8 3PJ

For more information about this Application please contact:
Andrew Martin on:- 01376 551414 Ext. 2591
or by e-mail to: andrew.martin@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QG1DUKBF GG800>

SITE HISTORY

11/00057/REF	Erection of annexe including four additional bedrooms and ancillary accommodation and Change of Use from Class C3b to C2 (residential institution)	Appeal Dismissed	03.05.12
01/01980/FUL	Erection of extension	Granted	29.01.02
75/00069/P	Erection of a prefabricated garage	Granted	19.02.75
05/01186/FUL	Erection of triple garage with granny annexe above at side of property	Withdrawn	19.07.05
06/00016/FUL	Erection of double garage with granny annexe above at side of property	Granted	01.03.06
09/00960/PLD	Proposed Lawful Development - Use as a dwellinghouse	Granted	03.09.09
09/01518/FUL	Erection of single storey side extension, replacement conservatory and change of use to class C2 care home for people with learning disabilities	Refused	19.01.10
11/00388/FUL	Erection of annexe including four additional bedrooms and ancillary accommodation and Change of Use from Class C3b to C2 (residential institution)	Refused	26.08.11
12/00731/FUL	Proposed additional bedroom within existing building and change of use from Class C3b to C2 (residential institution)	Granted	25.07.12
15/01295/FUL	Erection of single storey extension to annexe to provide self-contained additional single bedroom accommodation to existing residential care home	Withdrawn	16.11.15

16/00484/FUL	Erection of single storey extension to annexe to provide self-contained additional single bedroom accommodation to existing residential care home	Granted	06.07.16
16/01568/VAR	Application for variation of Condition 3 of approved application 12/00731/FUL - Which limits the number of bedrooms for residents from 7 to 8	Granted	09.12.16
17/00762/DAC	Application for approval of details reserved by condition no. 4 of approved application 16/00484/FUL	Granted	30.06.17

POLICY CONSIDERATIONS

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. 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 some weight to the Section 2 Plan.

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
RLP21	Institutional Uses in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP35	Specialist Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

LPP78 Flooding Risk and Surface Water Drainage
LPP81 External Lighting

Other Material Considerations

Essex Design Guide – Design and Good Practice
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation, as Silver End Parish Council have objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located approximately 75 metres outside of the Village Envelope of Silver End and is situated approximately 110 metres from the Silver End Conservation Area. Rascasse is the last of a run of properties on the east-side of Sheepcotes Lane, when travelling north out of the village, with the west-side of the road having a far more open and rural character. Rascasse operates as a residential institution under Use Class C2 for residents with learning disabilities.

To the north of the site is open countryside; to the south-east of the site is a parcel of land with extant planning permission for residential redevelopment as part of a wider scheme for 350 dwellings that is currently being built out (Application References 15/00280/OUT & 18/01751/REM refer); and to the south of the site is the neighbouring dwelling at The Waynes, beyond which is another care home operated by the same care provider as Rascasse.

The existing site at Rascasse comprises of a main care home building and an annexe building. To the rear of the residential accommodation is a large area of amenity space with play equipment. The site operates an in and out access arrangement, facilitated by a curved driveway and two access points, with a further driveway that extends along the site's northern boundary and leads to a parking area. To the rear of the existing site, there is a vacant parcel of land to which this planning application primarily relates. Along the northern boundary on this part of the site it is relatively open, apart from some dispersed vegetation, whilst the south-eastern boundary is defined by the more mature off-site trees.

PROPOSAL & PLANNING HISTORY

This planning application seeks full planning permission for the construction of eight, one-bedroom, supported living units, falling under Use Class C3, with associated amenity space and a staff breakout unit, falling under Use Class C2, and a waste treatment plant. The supported living units and the staff

accommodation would be arranged in a U-shape around a central courtyard. A further detached building is proposed and would be utilised as a training facility, falling under Use Class C2. The proposed development also incorporates car parking, secure cycle parking, bin storage, and a large open, grassed area which would incorporate the soakaway for surface water run-off and clean output from the sewage treatment plant.

Access to the proposed development would be shared with the existing, associated care home at Rascasse, albeit the existing driveway along the site's northern boundary would be extended to serve the additional development.

Since the original submission of the application, the proposed development has been amended to take into account the requirements for an appropriate emergency fire access in light of the initial comments received from Essex Fire and Rescue. Specifically, an emergency access route has been proposed that branches off from the existing driveway at Rascasse, passing between the main building and the bin and cycle enclosure adjacent to the site's southern boundary, before then passing through the rear amenity space to the existing care home and re-joining the new access driveway. A suitable turning head, capable of accommodating a fire appliance vehicle, is also proposed on the amenity space to the front of the additional accommodation sought. The emergency access route and turning head would be formed using Grasscrete, or a similar grass reinforcement system, in order to maintain an informal appearance when not in use. To facilitate these changes the red line for the site was extended to encapsulate the entirety of the land associated with Rascasse.

In addition, as part of the aforementioned revision, the Applicant provided further details in respect of landscaping, boundary treatments, and the elevational appearance of the bin and cycle stores. The provision of the waste treatment plant was also added to the description of development.

The existing care home at Rascasse has been the subject of a number of previous planning applications. Most notably in 2011 planning permission was refused and then dismissed at appeal (Application References 11/00388/FUL and APP/Z1510/A/11/2166179 respectively), for the change of use of Rascasse from Use Class C3b to Use Class C2 and its expansion through a four-bedroom annexe. The two reasons for refusing planning permission were that the development sought would not have complied with the requirements of Policy RLP21 of the Adopted Local Plan, by virtue of its scale, and that it would harm the amenity of the locality contrary to Policy RLP11. The subsequent appeal was dismissed on the basis that the development would have harmed the character of the area and the amenity of neighbouring residents by way of visual impact.

Not long after, in 2012, planning permission was subsequently granted for an additional bedroom within the existing building, alongside a change of use from Use Class C3b to Use Class C2 (Application Reference 12/00731/FUL). Then in 2016 planning permission was granted for a single-storey annexe to

provide for a self-contained additional bedroom to the care home (Application Reference 16/00484/FUL). Later in the same year a planning application was submitted and approved to increase the limit on the number of bedrooms for residents from seven to eight (Application Reference 16/01568/VAR). There is no planning history specifically related to the expansion of the facilities at Rascasse within the enclosed land to the rear of the site.

SUMMARY OF CONSULTATION RESPONSES

Anglian Water

Development falls below the threshold for Anglian Water to provide comments.

Archaeology

The site lies within a potentially sensitive archaeological area. Recent investigations to the north-west of the site have revealed Bronze Age and medieval settlement activity. To the north-east of the site, at Bradwell quarry, ongoing archaeological investigations have revealed multi-period archaeological evidence, including an enclosed roman settlement and medieval settlement. Excavations at Bradwell have revealed scattered medieval settlement and activity across the landscape which is likely to extend into the development area. The proposed development has the potential to disturb or destroy surviving archaeological deposits.

Subsequently, conditions are recommended with regards to archaeological trial trenching.

BDC Ecology

Initially responded by imposing a holding objection due to insufficient ecological information having been submitted. The Applicant subsequently commissioned and submitted a Preliminary Ecological Appraisal (PEA).

The Council's Ecology Officer was consulted for a second time and returned a further holding objection due to insufficient ecological information having been submitted. This is because the PEA recommended that further surveys were required to determine the presence, or likely absence, of reptiles within the site.

In early June the requisite reptile survey was submitted by the Applicant. The Council's Ecologist was re-consulted for a third time and, having reviewed the additional survey, returned no objections subject to conditions.

BDC Environmental Health

Acknowledged that, whilst no objection is raised, there have historically been complaints about odour arising from the discharge of the existing private sewage treatment plant into the ditch to front of the site. However, in recent

years this issue has been addressed, as the discharge has been re-routed to a soakaway.

The initial response from Environmental Health also noted that application form does not specify the proposals for foul drainage. Nonetheless, following clarification on the detail of the foul drainage and the proposed sewage treatment plant, the Council's Environmental Health Officer was satisfied that they require no further information and that they maintain their position of no objection.

BDC Landscape Services

Noted that a suitable Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) have been submitted for consideration. Considers that the tree loss proposed to facilitate the development is not sufficient to warrant an objection on the grounds of loss of amenity. No objections raised subject to a suitably worded condition for the tree protection mitigations proposed to be in place prior to the commencement of development.

BDC Waste Services

Refuse strategy should be provided to demonstrate whether the access drive is to be adopted by the Highway Authority, or built to an adoptable standard, in addition it should demonstrate a suitable turning head for a refuse truck. Operatives are not allowed to walk with bins for more than 20 metres from the refuse truck.

ECC Highways

No objections raised.

Essex Fire and Rescue

Initial response received as follows:

Access is considered satisfactory subject to the following:

- The surface should be capable of sustaining a load of 15 tonnes.
- The overall width of the access should be not less than 3.7 metres.
- Openings or gateways should not be less than 3.1 metres.
- There should be vehicular access for a pump appliance to within 45 metres of all points.
- Dead end access routes longer than 20 metres require turning facilities.

More detailed observations on access and facilities for the Fire Service will be considered at the Building Regulation consultation stage.

Following the receipt of a revisions to the proposed development, namely the inclusion of a suitable emergency access route and turning head, Essex Fire

and Rescue responded a second time stating that the access for fire service purposes is considered satisfactory.

PARISH / TOWN COUNCIL

Silver End Parish Council

Objects to the application on the following grounds:

- Application form states a proposed connection to main sewer. There is no main sewer at the property.
- Proposal represents overdevelopment of the site which is within a 'Quiet Lane', thereby making increased vehicle movements unwelcome.

REPRESENTATIONS

Three letters of objection have been received from local residents which are summarised as follows:

- Proposal would set a precedent for commercial development on Green Belt land.
- Existing care home gives rise to ongoing disturbances and disruption to the enjoyment of daily life for the neighbours at The Waynes.
- Siting the proposed accommodation closer to the northern boundary of the application site would reduce the impact upon The Waynes. The close proximity currently proposed would intensify existing amenity issues.
- Insufficient capacity within Sheepcotes Lane to accommodate the additional vehicle movements that would be generated by the proposed development.
- Staff vehicle movements already cause disturbance.
- Measures should be incorporated to prevent residents from trespassing into The Waynes.
- Insufficient waste treatment on the existing site has been a cause of significant odour complaint within the immediate locality.
- Existing residents generate lots of noise.
- Concern that the proposal seeks market housing that could be disposed of or rented with no restrictions.
- Unclear how foul drainage would be dealt with and whether it would have sufficient capacity for all end-users.
- Location of waste treatment plant not specified.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 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.

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

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

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

In addition, the application site is not proposed for allocation as a development site within the emerging Section 2 Plan, meaning it would be contrary to Policy LPP1 of the Section 2 Plan which states that outside of development boundaries, development will be strictly controlled to uses appropriate to the countryside.

Notwithstanding the above, Policy RLP21 of the Adopted Local Plan states that residential care homes may be permitted in the countryside through the conversion, or minor extension to, existing habitable dwellings, as an exception to countryside policies subject to the satisfactory resolution of a number of detailed considerations, including design, residential amenity, parking, and so on.

Moreover, emerging Policy LPP35 of the Section 2 Plan seeks to build-upon and evolve the requirements of Policy RLP21, stating that, amongst other matters, minor extensions to, or the expansion of existing specialist housing in the countryside, may be acceptable subject to specific detailed criteria being met.

In this case the proposed development seeks to expand the existing residential care home on the wider site to provide eight supported living units; a staff breakout unit; and a training facility. Whilst the existing care home would not operate entirely under the same use as the proposed development, it would be closely associated with the operation of proposed development, effectively the existing care home and the proposed development would form part of a single planning unit.

Moreover, despite the supported living units element of the proposed development falling under Use Class C3, due to their being no alternative classification for residential accommodation that sits neatly between Use

Class C2 and Use Class C3, the proposed development would fall within the definition of specialist housing. This is because it has been specifically designed to provide specialist accommodation for a group of people with specific needs. Residents would have the benefit of care and support from on-site staff. The specific operation of the supported living units could be reasonably secured by condition.

Taking the above into account, it is apparent that the proposed development does not meet the requirements of Policy RLP21, nor is Policy RLP21 one of the most important policies for the determination of the application as a whole, as firstly it is not inherently for a residential care home, instead it is for supported living units, and even if a wider interpretation of was residential care home was construed it would not in any case be facilitated through the conversion of, or minor extension to, an existing habitable dwelling.

With regards to emerging Policy LPP35, it is at least relevant to the nature of the proposed development, insofar as it refers to specialist housing more generally. However, once again, it cannot be said that the proposed development represents a minor extension to, or the expansion of, existing specialist housing in the countryside. Pertinently, an initial assessment of the proposed layout highlights that the two buildings proposed would cover an area greater than the existing built-form on the site, meanwhile the Planning Statement confirms that the existing care and the sought supported living units would each accommodate eight residents.

Bringing the above considerations together, the conclusion reached is that the proposed development would principally be in conflict with the Development Plan, as well as the emerging Section 2 Plan. Yet, it is evident that there would be a clear and demonstrable benefit arising from the provision of specialist housing in order to meet a specific demand within the District, as highlighted by the letter of support from Essex County Council, which is appended to the submitted Planning Statement. This will need to be taken into account within the overall planning balance at the end of this report.

With regards to the merits of this particular case, consideration also needs to be given to the resulting harm that would arise from the proposed development not being a minor extension to the existing specialist housing, as this too will have a bearing on the amount of weight afforded to the aforementioned conflict. This is discussed within the detailed assessment that follows.

5 Year Land Supply

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 this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 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.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming 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, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five 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.

SITE ASSESSMENT

Location and Access to Services and Facilities

As has already been highlighted above, with respect to the Development Plan, the site is located outside of development boundaries, contrary to Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan, where Policy CS5 of the Core Strategy seeks, amongst other matters, to restrict development to uses appropriate to the countryside. Moreover, Policy CS7 of the Core Strategy and Policy LPP44 of the Section 1 Plan both seek to promote development in accessible locations in order to reduce the need for travel, particularly private car use.

Paragraph 80 of the NPPF is also material and explains that planning policies should avoid the development of isolated homes in the countryside, albeit subject to certain exemptions. In this case the application site is located at the end of a run of existing properties within Sheepcotes Lane. The site is also situated in close proximity to the Village Envelope of Silver End. As such, whilst the application site is located outside of the Village Envelope of Silver End, the proposed development would not materialise in new isolated

dwellings when taking into account the High Court judgement of *Braintree District Council vs Secretary of State for Communities and Local Government & Ors* [2018].

Notwithstanding the above, it follows that consideration should be given to Paragraphs 105 and 106 of the NPPF, both of which emphasise that growth should be actively managed to make optimal use of sustainable modes of transport which includes public transport, walking and cycling. To achieve this objective it is critical that significant development should be focussed on locations which are or can be made sustainable. Paragraph 105 of the NPPF also recognised that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

Sheepcotes Lane is a country lane without a dedicated footpath or street lighting. This means that the short walk from the site to the centre of the village may not be appealing when it is dark outside or during inclement weather conditions. Nonetheless, the short walk along Sheepcotes Lane does still offer convenient and direct access from the application site to the centre of the village, where there are a number of bus stops operating services to larger centres, such as Braintree and Halstead, in addition to the presence of other, albeit limited, local amenities, facilities and services for day-to-day needs. This is not to say there not be any reliance on private car use amongst staff and visitors, as there would be, but rather the application site would not be unsustainably located when taking into account its rural context. Moreover, given the nature of such developments, including the care and support needs of residents, it is inevitable that private modes of transit would be utilised to transport residents irrespective of whether the location is rural or urban. It is also acknowledged that the proposed development represents an expansion of an existing specialist housing facility that operates on a similar basis.

To summarise, harm would arise from the private car journeys likely to be generated by the proposed development when assessed against the policies of the Development Plan and the NPPF as a whole, but this is tempered by the fact that the proposed development seeks to expand an existing specialist housing facility at Rascasse, which is in a relatively sustainable location for a rural context with opportunities available to access amenities, facilities, and services for day-to-day needs by modes of sustainable transport. The resulting harm is therefore considered to be limited, albeit leading towards moderate.

Design, Layout, Scale & Appearance

Paragraph 126 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 130 of the NPPF details that planning policies and decisions should ensure that developments are, amongst other matters, sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 of the NPPF, amongst other matters, explains that when making decisions local planning authorities should recognise the intrinsic character and beauty of the countryside. The emphasis on local responsiveness and high-quality design is reaffirmed within the National Design Guide (NDG).

Policy SP7 of the Section 1 Plan, Policies RLP3, RLP10, and RLP90 of the Adopted Local Plan, and Policies LPP37, LPP50 and LPP55 of the Section 2 Plan all reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or enhance the area's local distinctiveness.

Also, given the countryside location of the application site, regard must be given to Policies CS5 and CS8 of the Core Strategy, and Policy RLP80 of the Adopted Local Plan. Amongst other matters, these policies seek to strictly control new developments within rural locations, in order to ensure that they do not have an adverse impact upon the landscape character, amenity, and intrinsic value of the countryside.

Furthermore, whilst it has been established that the proposed development would not represent a minor extension or expansion of the existing specialist housing at Rascasse, it is useful to consider the detailed requirements of Policy RLP21 of the Adopted Local Plan and Policy LPP35 of the Section 2 Plan, as doing so provides an insight into why a non-minor extension or expansion would not ordinarily be acceptable.

The detailed requirements for institutional uses, as an exception in the countryside, under Policy RLP21 are that there is a high quality of design and landscaping in terms of scale, form, layout and materials; that there is sufficient amenity open space; that boundary treatments provide privacy and a high standard of visual amenity; that provision is made for the storage and recharging of wheelchairs and invalid carriages; and that parking is provided in accordance with the Council's standards. The latter requirement will be discussed in the highway considerations section below.

In a similar vein, Policy LPP35 stipulates that minor extensions to, or the expansion of, existing specialist housing in the countryside may be acceptable subject to the scale, siting and design of the proposal being in sympathy to the landscape character of the host property; as well as the cumulative impact of the extensions or expansion upon the original character of the property and its surroundings being acceptable. It also requires that a travel plan be provided which sets out how additional staff, visitors, and residents will access the site and ways to minimise the number of journeys by private vehicles.

Turning to the assessment of the proposed development against the preceding policy context, the application site has a clearly defined boundary that is relatively exposed to the north, with open fields beyond. Its context can

therefore be described as having a rural character. However, consideration must also be given to the fact that the particular context is subject to change, given the land to the south-east of the site benefits from an extant planning permission (Application References 15/00280/OUT and 18/01751/REM, for 350 dwellings). This approved development is currently being built-out and will in time come right up to the site's boundary. Subsequently, when viewed from the north in years to come the site would be read against the backdrop of the large housing development adjacent to it, meaning that the impact of the proposed development upon the landscape character and the intrinsic character and beauty of the countryside is comparatively negligible.

The above conclusion is particularly pertinent when also considering the single-storey scale of the proposed development, as well as its modest form and rural appearance. For instance, the residential building proposed has an appearance not dissimilar to a stable-typology which is common within rural locations, albeit residential legibility would be created through the use of openings. Likewise, the more contemporary staff training building would be modest in scale, form and appearance. The way in which both of these buildings are arranged on the proposed layout is also considered to be acceptable. Even when viewed cumulatively with the existing built-form at Rascasse, there would be no harmful impact upon the character of the area.

With regards to boundary treatments, a combination of brick walls; weld mesh fencing; and soft landscaping is proposed. There are no visual amenity concerns arising from this approach and the precise detailing of boundary treatments and landscaping could be readily addressed through the imposition of suitably worded conditions.

During the course of the application, details have been submitted with regards to the appearance of the secure cycle store and bin store. The appearance of the proposed stores would be modest, unintrusive and sympathetic to the overall development. The stores would not detract from the character of the development or the surrounding area.

To summarise, the design, appearance, and layout of the proposed development would be sympathetic to the existing development at Rascasse; the rural character of the area; and the intrinsic character and beauty of the countryside. As such, whilst the proposed development does not represent a minor extension or expansion of the existing specialist housing at Rascasse, the amount of harm that would materialise from it not being a minor expansion or extension to an existing specialist housing site would be negligible in this particular instance.

Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy SP7 of the Section 1 Plan, Policies RLP3 and RLP90 of the Adopted Local Plan, and Policies LPP37 and LPP55 of the Section 2 Plan all emphasise the need to secure a high standard of residential amenity, both for the occupiers of existing

neighbouring properties and the future occupants of new developments. Policy RLP11 sets out that permission will not be granted for changes of use within residential areas where employment or other uses would, by virtue of their character, appearance, noise, fumes, odour, and traffic, harm the character of a predominantly residential area and make it a less pleasant area in which to live. The Council has also adopted the Essex Design Guide (EDG) as a supplementary planning document, which sets out a number of design requirements, including in relation to amenity space.

With regards to neighbouring residential amenity, the occupants of The Wayne to the south of the site have objected to the proposed development on a number of grounds, some of which relate to their living conditions. Most notably instances of noise disturbance are reported in relation to the operation of the existing care home. Privacy and odour has also been cited as a concern. Some of the other matters raised, such as trespassing and items being thrown over fences, are not material planning considerations.

In terms of noise, the proposed development would allow for eight additional residents on the site and this would lead to an increase in domestic activity, but critically the anticipated increase in activity is not considered to be unacceptable when taking into account the separation distance between the proposed buildings and the existing dwelling at The Wayne. Moreover, given the single-storey scale of the proposed supported living units, in combination with the proposed boundary treatment and the existing vegetative screening that defines the common boundary between the site and The Wayne, there would be no harmful loss of privacy to the occupants of The Wayne.

In relation to odour, as set out within the initial consultation response from Environmental Health, it is recognised that there have in the past been complaints due to the discharge from the private sewage treatment system at Rascasse into the ditch at the front of the property. However, the sewage treatment system has been updated in recent years to address this and to re-route the discharge into a soakaway. For the current proposal, the submitted site layout denotes that a new sewage treatment plant would be installed to serve the additional accommodation, with a large area of grassland retained to facilitate a soakaway for clean discharge. This approach has since been re-confirmed by the Applicant and would need to be demonstrated and approved as part of the Building Regulations consenting regime. Nonetheless, following clarification on the detail proposed by the Applicant, Environmental Health have confirmed that there are no objections to the proposed development. It is therefore considered that there would be no harmful odour pollution as a result of the proposed development.

There are no other existing properties within the locality that would be adversely affected by the proposed development with regards to residential amenity.

Turning to the residential amenity of future occupants, each of the supported living units and the staff breakout unit would benefit from a high standard of internal amenity. For instance, the Nationally Described Space Standards

require an internal floor area of 39sq.m for a 1-bedroom, 1-person property, whereas the proposed supported living units and staff breakout unit would have internal floor areas ranging from 51.7sq.m to 56.7sq.m. In terms of external amenity, each unit of accommodation would benefit from a private, enclosed, rear garden in excess of the 50sq.m standard prescribed for one bedroom units. To summarise future occupants would benefit from a very good standard of residential amenity.

As mentioned earlier in this report, the application site shares a common boundary with an approved residential development site for 350 dwellings (Application References 15/00280/OUT and 18/01751/REM). The approved reserved matters application (18/01751/REM) indicates that dwellings would in future back onto the site. However, having regard to the separation distances and single-storey scale of the supported living units proposed, as well as the presence of mature trees that define the common boundary, no adverse impacts are anticipated with regards to the residential amenity of the future occupiers of the adjoining land. It is also noted that there is a current application for the same parcel of land to the rear of the site, (Application Reference 21/01810/FUL), seeking an alternate arrangement to that approved under Application Reference 18/01751/REM, but this application is still under assessment and has yet to be determined.

Highways

Paragraph 110 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Similarly, amongst other matters, Policy RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and LPP55 of the Section 2 Plan, require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users.

Access to the site off of Sheepcotes Lane would remain unchanged from the existing entrance and exit driveway arrangement. The existing driveway adjacent to the northern boundary of the site, which already accommodates an area of parking, would though be extended to provide vehicular access to the new buildings. Essex County Council Highways (ECC Highways) have been consulted on the application and have returned no objections on highway safety grounds or otherwise.

A travel plan was not provided with the application. For a development of this nature, a travel plan is a requirement under emerging Policy LPP35 of the Section 2 Plan, but the Section 2 Plan is yet to be adopted and therefore only limited weight can be afforded to the aforementioned policy. Moreover, in this

instance it is not considered that the absence of a travel plan would justify refusing planning permission. The site, as has already been discussed, is reasonably accessible for its rural context, particularly its close proximity to the Village Envelope of Silver End and the public transport opportunities available within it.

There would be an additional 28 staff employed on the site as a result of the proposed development. This would be alongside the 27.5 staff already providing care to the residents of the existing care home on full and part time basis. But, at any one time, there would be 14 to 18 staff providing care to the residents across the entire site. Overall it is acknowledged that there would be an increase in movements to and from the site, however, as aforementioned it is material that ECC Highways have not raised any objections to the proposed development on highway capacity grounds or highway safety.

Turning to the matter of parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). The VPS do not set criteria for supported living units and as such assessing the acceptability of parking provision requires reasonable judgement. In this case, it is not anticipated that future occupiers would generate a need for parking spaces for personal use, unlike conventional dwellings. There would though reasonably be a demand for staff and visitor parking.

In terms of staff and visitor parking, the existing care home provides for 10 staff spaces and 3 visitor spaces, resulting in a total of 13 spaces. This is one more space than that required under the VPS. For the proposed development it is sought to provide a similar arrangement. With up to 8 staff expected to be on-site providing care the residents of the supported living units on any given shift, it is proposed to provide 12 additional parking spaces. Accordingly, there would be 8 spaces for staff and 4 visitor spaces. This is considered to be an appropriate amount of parking. Each parking space would meet the preferred dimensions prescribed within the adopted VPS of 2.9 by 5.5 metres. An acceptable arrangement for secure cycle parking is also proposed as part of the proposed development.

Ecology & Trees

Paragraph 174 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees. Paragraph 131 of the NPPF also outlines the importance of trees in contributing towards local character and their role in mitigating against and adapting to climate change. This applies to the planting of new trees and the retention of existing trees.

Policy CS8 of the Core Strategy establishes that all development proposals will, amongst other matters, ensure the protection and enhancement of the

natural environment, habitats and biodiversity, and geodiversity of the District. Additionally, Policy RLP81 of the Adopted Local Plan sets out that the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Furthermore, where a proposed development may have an impact on protected species, Policy RLP84 of the Adopted Local Plan goes on to explain that the developer will be required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan in place to ensure there is no harm to protected species and no net loss of priority species. These objectives are reflected under Policies LPP68 and LPP69 of the Section 2 Plan.

In terms of the relationship between the proposed development and existing trees, an Arboricultural Impact Assessment (AIA), prepared by Moore Partners Ltd and dated July 2020, has been submitted for consideration as part of the application and outlines the impact the proposed development may have on the site's existing trees. It notes that there are few trees within the site, but that there is a line of mature trees along the site's rear boundary, albeit they are outside of the application site. In total five low- or poor-quality, fruit trees and six blackthorn scrub would require removal in order to facilitate the proposed development. Additionally, the proposed driveway would encroach into the Root Protection Area (RPA) of a Category B Walnut tree, with the crown spread of this tree also to extend over the driveway. The AIA also concludes that the higher quality trees outside of the application site boundary would not be impacted by the proposed development.

A Tree Protection Plan (TPP) has been submitted to demonstrate how retained trees would be protected throughout the construction phase of the development. The TPP also demonstrates where no-dig construction would be utilised to mitigate against the impact of the proposed development on the aforementioned Walnut tree. It is also noted that the proposed site plan indicates landscape buffer areas the details of which would be secured through a suitably worded soft landscaping scheme condition.

The Council's Landscape Officer has been consulted on the application and, whilst acknowledging that there would be some tree removal to facilitate the development, has not raised any objection on the loss of amenity. They have also raised no objection to the submitted TPP subject to a suitable condition securing compliance with it.

With regards to ecology, the application is supported by a Preliminary Ecological Appraisal, prepared by Essex Ecology Services Limited and dated November 2020, relating to the likely impacts of the development on Protected and Priority Habitats and Species, as well as the identification of proportionate mitigation measures. Initially a holding objection was imposed due to insufficient information having been made available to allow for the determination of the application, however, following the receipt of a further reptile survey, the Council's Ecologist has since confirmed that sufficient information has now been submitted with the application for determination.

They have also raised no objections to the application, subject to the imposition of conditions securing the proposed mitigation measures; a wildlife sensitive lighting design scheme; and the proposed biodiversity enhancements which would deliver net gains for biodiversity.

Foul Drainage

Policy RLP71 of the Adopted Local Plan sets out the need for proposed developments to be served by an adequate water supply, sewerage or foul drainage.

As set out within the above section on residential amenity, the proposed development would incorporate a new sewage treatment plant. The clean discharge from the sewage treatment plant would be accommodated within the soakaway indicated on the proposed site plan to the front of the proposed buildings. Environmental Health have reviewed the application and raised no objections to the approach proposed.

It should equally be noted that the foul drainage system proposed would need to be assessed and approved through the Building Regulations as part of the post-planning process, in order to ensure that it is compliant with the requisite requirements of the separate consenting regime.

Emergency Fire Access

During the course of the planning application it materialised that the existing driveway adjacent to the northern boundary of the site would not be capable of accommodating access for a fire appliance vehicle should there be an emergency. To address this particular issue the Applicant liaised with Essex Fire and Rescue to find a solution. This resulted in a revised layout which incorporates a separate emergency access route through the site which would meet the necessary requirements in terms of weight capacity and width. A suitable turning head has also be incorporated. In doing so it has now be demonstrated how a fire appliance access can satisfactorily be achieved within a maximum distance of 45 metres to the furthest point within the buildings proposed.

Following the receipt of the above revision, Essex Fire and Rescue responded to a second consultation raising no objections.

Refuse and Recycling

Waste Services have responded to the application stating that they would require a refuse strategy showing that the access drive is to be adopted by ECC Highways, or built to an adoptable standard, whilst also showing a size 3 turning head for a refuse truck. It was similarly explained that waste operatives cannot walk with bins for more than 20 metres from the nearest safe place to park the refuse truck.

Given the nature of supported living units, the Applicant has confirmed that staff will manage the refuse and recycling store proposed on a daily basis. On collection days, staff will then bring the bins to the front of the site boundary, in close proximity to the highway, for collection. The empty bins will then be returned to the store adjacent to the supported living units.

The above arrangement is considered to be suitably practical and acceptable and there are subsequently no objections to it.

Archaeology

The Historic Environment Advisor at Essex County Council has responded to the application stating that the site lies within a potentially sensitive archaeological area. It is explained that recent investigations to the north-west of the site have revealed Bronze Age and medieval settlement activity. Meanwhile, to the north-east of the site, at Bradwell quarry, ongoing archaeological investigations have revealed multi-period archaeological evidence, including an enclosed roman settlement and medieval settlement. Moreover, excavations at Bradwell have revealed scattered medieval settlement and activity across the landscape which is likely to extend into the development area. The proposed development therefore has the potential to disturb or destroy surviving archaeological deposits.

To mitigate against potential impacts, the Historic Environment Advisor has suggested pre-commencement condition for archaeological trial trenching which is in accordance with the provisions of the NPPF.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site; the Dengie SPA/Ramsar site; and the Essex Estuaries Special Area of Conservation. New development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites. It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of securing of a financial contribution of £125.58 per new dwelling erected towards offsite visitor management measures at the above protected sites. This financial contribution has been secured by way of an upfront card payment made under S111 of the 1972 Local Government Act.

PLANNING BALANCE & CONCLUSION

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

boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

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. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

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.

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.

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 219 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).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

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.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

Whilst Policy RLP21 of the Adopted Local Plan has been referenced throughout this report, on the basis that it is the closest related policy within the Adopted Plan to specialist housing, it is not considered to be one of the most important policies for determining the application given it is not applicable to specialist housing beyond conventional care homes.

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.

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.

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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and

- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

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

Conflict with the Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside.

Conflict with the Section 2 Plan

The proposed development, by virtue of its location outside of the Village Envelope of Silver End, would also be in conflict with Policy LPP2 of the Section 2 Plan. Furthermore, the proposed development would be in conflict with Policy LPP35 of the Section 2 Plan, as the proposed specialist housing would not be provided through the minor extension to, or expansion of, an existing specialist housing site in the countryside. The proposal would undoubtedly expand upon an existing specialist housing site, but it would not be minor in nature.

As the Section 2 Local Plan is yet to be adopted, albeit it is at examination, this conflict is afforded limited weight.

Location and Access to Services and Facilities

It is acknowledged that there would likely be a reliance on private car use amongst staff and visitors contrary to Policy CS7 of the Core Strategy and the provisions of the NPPF. However, having regard to the site's rural context and its close proximity to the Village Envelope of Silver End and the services, facilities, and public transport opportunities present within it, it is on the whole considered that the site would be relatively accessible and this tempers the

amount of harm that is afforded to the likely private car use. The reliance on private car use is therefore afforded modest weight.

Summary of Public Benefits

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

Delivery of Specialist Housing

The proposed development would deliver eight much needed supported living units in the District which would provide future residents with a living environment that allows them to benefit from independence and privacy, whilst maintaining opportunities for assistance and care where needed. It will also provide future residents with the benefit of choice and tenure security. As part of the proposed development is also sought to provide a training room for staff, this is another benefit that would have direct implications for the residents of both the proposed supported living units and the existing care home.

The above benefits are afford substantial weight.

Economic and Social Benefits

An economic benefit would arise from the construction and occupation phases of the proposed development, as contractors and future residents will consume goods and services within the District. A further economic benefit would arise from the generation of a further 28 care staff jobs.

Social benefits would materialise for the good standard of design proposed and the very good stand of residential amenity that would be enjoyed by future residents and the staff utilising the breakout unit when on shift.

These benefits are cumulatively afforded significant weight.

Planning Balance

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. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations	Plan Ref: 04	
Location Plan	Plan Ref: 01	Version: B
Proposed Site Plan	Plan Ref: 02	Version: C
Proposed Floor Plan	Plan Ref: 03	Version: C
Arboricultural Report		

- 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

To ensure that the development does not prejudice the appearance of the surrounding rural area.

- 3 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the approved written scheme of investigation.

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

Reason

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

- 4 No above ground development shall commence in relation to each building to be erected on the site until samples of materials to be used on the external finishes of the relevant building have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in full accordance with the approved details and shall thereafter be permanently retained as such.

Reason

To ensure that the proposed development does not prejudice the

appearance of the locality or the intrinsic character and beauty of the countryside.

- 5 Prior to the occupation of the development hereby approved, the emergency fire access and fire appliance turning head shall be provided in full accordance with details shown on approved drawing 02 Rev C. The emergency fire access and fire appliance turning head shall thereafter be permanently retained as such and free of any obstruction.

Reason

To ensure that there is an adequate emergency access arrangement in the event of a fire on the site.

- 6 Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate:-

- o A detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment and implementation timetables;
- o Colour and type of material for all hard surface areas and method of laying where appropriate.

The soft planting shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Reason

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

- 7 Prior to the implementation of the landscaping scheme pursuant to Condition 6, an irrigation and maintenance regime shall be submitted to and approved in writing by the local planning authority. Once approved the irrigation and maintenance of the landscaping scheme shall be carried out in accordance with these details.

Reason

To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 8 Prior to the 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 and shall thereafter be permanently retained as such.

Reason

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

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Essex Ecology Services Limited, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason

To conserve and enhance Protected and Priority Species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the NERC Act 2006 (Priority habitats and species).

- 10 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent of the Local Planning Authority.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s.40 of the NERC Act 2006 (Priority habitats and species).

- 11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the eight dwellings hereby approved shall only be used as supported living accommodation, for a maximum of eight residents, and for no other purpose falling under Use Class C3.

Reason

To ensure that the residential accommodation is occupied solely for supported living purposes.

- 12 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the staff breakout unit and staff training building, as indicated on approved drawing 03 Rev C, hereby approved shall only be used for purposes incidental to the provision of care on the site and for no other purpose falling under Use Class C2.

Reason

To ensure that the staff facilities are not used for any purpose other than that associated with the provision of care on the site.

- 13 The development shall only be carried out in accordance with the approved Arboricultural Impact Assessment, undertaken by Moore Partners Limited and dated July 2020. The approved means of tree protection shall be installed prior to the commencement of the development and shall remain in place until the completion of the development to the complete satisfaction of the local planning authority.

Reason

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

- 14 Prior to the occupation of the development hereby approved, the refuse and recycling bin store shall be provided in full accordance with the details indicated on approved drawings 02 Rev C and 03 Rev C. The refuse and recycling bin store shall thereafter be permanently retained as such.

Reason

To ensure that the development provides suitable refuse and recycling facilities and to prevent the unsightly storage of refuse and recycling bins in the interest of visual amenity.

- 15 Prior to the occupation of the development hereby approved, the secure cycle store shall be provided in full accordance with the details indicated on approved drawings 02 Rev C and 03 Rev C. The secure cycle store shall thereafter be permanently retained as such.

Reason

To ensure that appropriate cycle parking is provided in accordance with the Council's adopted Parking Standards.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

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

- 17 No piling shall be undertaken on the site in connection with the construction of the development unless and until a management plan for a system of piling, including resultant noise and vibration levels, has been submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented in full accordance with the approved details and strictly adhered to throughout the entirety of the construction phase of the development.

Reason

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

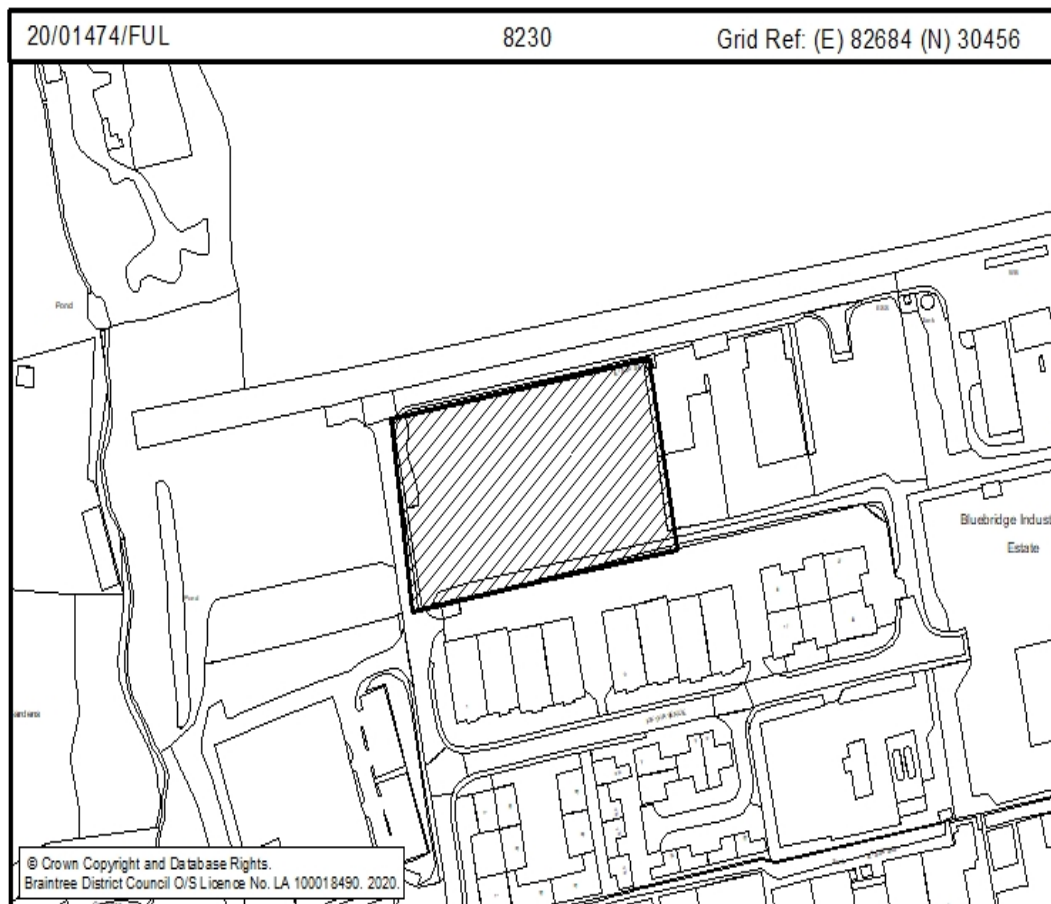
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01474/FUL
DATE VALID: 18.09.20
APPLICANT: PL & DL Lewis
211A Shrub End Road, Colchester, CO3 4RN, UK
AGENT: Iain Wadham RIBA
Mr Iain Wadham, 5 Stanhope Mews East, London, SW7 5QU
DESCRIPTION: Erection of Use Classes E(g) and B8 Commercial Units
LOCATION: Units 1, 2 & 3, Sixth Avenue, Bluebridge Industrial Estate, Halstead, Essex, CO9 2FL,

For more information about this Application please contact:
Carol Wallis on:- 01376 551414 Ext. 2534
or by e-mail to: carol.wallis@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGAN2XBF GJ300>

SITE HISTORY

06/00699/OUT	Proposed industrial development	Withdrawn	28.06.06
07/00681/OUT	Proposed industrial development	Granted with S106 Agreement	02.07.07
09/00292/DAC	Application for approval of details reserved by condition no. 16 of approval 07/00681/OUT	Granted	22.12.09
10/00110/DAC	Application for approval of details reserved by condition nos. 13 and 31 of approval 07/00681/OUT	Granted	20.07.10
10/00754/REM	Reserved matters application for proposed industrial development following outline approval (07/00681/OUT)	Granted	09.11.10
10/00303/DAC	Application for approval of details reserved by conditions 4, 5, 9, 11, 12, 29, 34, 35, 36, 41 relating to application 07/00681/OUT	Granted	01.09.11
11/00491/FUL	Application for removal or variation of Condition 35 of approved application 07/00681/OUT relating to drainage	Granted	22.06.11
11/00201/DAC	Application to discharge condition no. 4 of approved application 10/00754/REM - Reserved matters application for proposed industrial development following outline approval (07/00681/OUT)	Refused	30.09.11
14/00032/DAC	Application to discharge condition no. 16 of approved application 07/00681/OUT - Proposed industrial development	Granted	11.06.14
14/00013/NMA	Application for a non-material amendment	Granted	18.07.14

	following grant of planning application 10/00754/REM (amendment to the landscaping scheme) - Reserved matters application for proposed industrial development following outline approval (07/00681/OUT)		
15/00086/FUL	Erection of two storey office (B1(a)) and general industrial (B2) building, with associated external works	Granted with S106 Agreement	01.06.15
15/00166/DAC	Application to discharge condition no. 19 of approved application 15/00086/FUL - Erection of two storey office (B1(a)) and general industrial (B2) building, with associated external works	Granted	09.09.15
15/00207/DAC	Application for approval of details reserved by condition nos. 3, 7, 8 and 11 of planning application 15/00086/FUL	Part Grant, Part Refused	16.11.15
15/01443/FUL	Erection of new electricity sub-station	Granted	29.12.15
16/00112/DAC	Application for approval of details reserved by condition no. 4 of approved application 15/00086/FUL	Granted	01.03.16
17/00579/FUL	Erection of B1 & B8 Commercial units	Granted with S106 Agreement	10.07.17
18/00383/DAC	Application for approval of details reserved by condition nos. 3, 13, 14 and 15 of approved application 17/00579/FUL.	Granted	06.06.18
20/00926/VAR	Variation of Condition 2 'Approved Plans' of permission 17/00579/FUL granted 10/07/2017 for: Erection of B1 & B8 Commercial units. Variation would allow alterations to the approved plans.	Withdrawn	13.07.20
20/01132/DAC	Application for approval of details reserved by	Granted	21.10.20

condition 4 of approved
application 17/00579/FUL

POLICY CONSIDERATIONS

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. 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 some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP28	Employment Land Provision
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas

RLP36	Industrial and Environmental Standards
RLP42	Employment Allocation North of Bluebridge Industrial Estate, Halstead
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

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
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

None

Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards Design and Good Practice 2009

Braintree District Council Open Space Supplementary Planning Document
2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located on the southern side of Sixth Avenue, in the northern part of the Bluebridge industrial Estate, in the eastern part of Halstead. The site falls within the town development boundary and has been allocated as an Employment site for B1, B2 and B8 uses in the adopted Local Plan Review (2005).

The site is approximately 8,115sq.m in size. It is currently largely vacant and fenced off. There are 2 unoccupied container offices in the north-western corner of the site. The site is accessible via Sixth Avenue. It slopes downhill from east to west and from north to south.

To the east of the site is Central Piling and its parking area. To the further east is an existing anaerobic digestion facility. To the south is other industrial units fronting onto Fifth Avenue. To the immediate west is Third Avenue and to the further west is a piece of land currently under construction for another 4 units for B1/B2/B8 uses approved under Application Reference 18/00955/FUL. To the north of Sixth Avenue is a landscape strip with mature trees which provides visual buffer to the industrial estate.

A previous approval was granted in July 2017 for a similar proposal for development of 3 buildings with associated yard space and parking. It is noted that the pre-commencement condition on landscaping has been not discharged on time, the site inspection conducted by Officers has also confirmed that the previous approved development has not commenced prior to the due date of 10th July 2020. No Additional Environmental Approval has been granted and the previous approval has not been extended under the temporary measures provided under the Business and Planning Act 2020. Therefore, the previous permission has lapsed.

PROPOSAL

The applicant is seeking a new permission for erecting 3 larger commercial buildings with a total floorspace of 3,867.52sq.m, 40 car parking bays including 7 accessible parking spaces for disabled persons, 26 cycle parking spaces, 9 motorcycle parking as well as 13 heavy goods vehicles (HGVs) parking spaces. A total of 13 commercial units for E(g) [former B1] and B8 uses would be provided. The proposed site coverage is about 47%. Due to the gradient difference across the site, it is proposed to divide the site into east and west courts.

The west court consists of 2 buildings, each with a footprint of about 1,308sq.m. Internal access and parking are provided between the 2 buildings. The 2 buildings would provide a total of 10 commercial units. Apart from the B8 warehouse use, Units 1 and 2 would also provide a small internal office of about 18.44 to 18.88sq.m whilst Units 3, 4 and 5 would also consist of a trade counter of about 18.44 to 18.88sq.m as well as a small office ranging from 40.64 to 41.67sq.m. No trade counter nor office would be provided for Units 6 to 10.

The east court would contain the building for Units 11 to 13 with a footprint of about 1,200sq.m. A separate internal access road and parking area would be provided to serve the east court. Apart from the B8 warehouse use, all 3 units would provide a trade counter of about 18 to 22.9sq.m and an office area of about 36 to 45.7sq.m.

SUMMARY OF CONSULTATION RESPONSES

BDC Economic

Supporting the forecasted 48 full-time equivalent (FTEs) to be created.

BDC Environmental Services

No objection subject to conditions on construction and operation hours, restriction of no burning of refuse/waste materials/vegetation during site clearance or construction; and a remediation scheme in case of unexpected contamination.

BDC Landscape Services

No comments received.

ECC Highways

No objection subject to conditions on Construction Traffic Management Plan; provision of access and visibility splays; as well as a Workplace Travel Plan.

ECC SUDS

No objection subject to condition on yearly logs of maintenance for sustainable drainage systems.

Essex Fire and Rescue Service

Access for fire service purposes is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Anglian Water

No objection. It falls within the catchment of Halstead Water Recycling Centre which have available capacity for the foul drainage from this development. The sewerage system at present has available capacity for these flows. No comments on the surface water management as it does not relate to Anglian water operated assets.

PARISH / TOWN COUNCIL

Halstead Town Council

No objection, welcome the jobs coming to Halstead.

REPRESENTATIONS

2 site notices have been displayed along the northern site boundaries and another site notice has been displayed along Third Avenue within the Bluebridge Industrial Estate. No public representation has been received.

REPORT

Principle of Development

The site falls within the town development boundary as well as the allocated employment site for B1/B2/B8 uses. The current proposal for E(g) [former B1] and B8 uses is in line with Policies RLP2, RLP28 and RLP42 of the Adopted Local Plan as well as the principles of the NPPF which supports sustainable economic growth. The principle of development for the same uses was also established under the previous approval in 2017. Therefore, the principle of development is considered acceptable.

Design and Appearance

Policy RLP 42 of the Adopted Local Plan specifically refers to the employment allocation at the northern part of Bluebridge Industrial Estate:

New development shall be carried out in accordance with a development brief provided by the developer, and approved by the Council, which shall include:

- a study of the existing flora and fauna on the site;*
- a structural landscaping scheme to include native species;*
- structural engineering information regarding practicalities and implications of removing soil to achieve slab levels no higher than those existing in Fifth Avenue;*
- a statement concerning the lorry movement associated with the removal of soil;*
- details of consultations with Essex County Council on highway and mineral matters;*
- New development shall have ridge heights no higher than existing ridge heights in Fifth Avenue;*
- New buildings shall be finished with dark, matt colours to minimise impact within the landscape;*
- Illuminated signs will not be permitted;*

A Section 106 agreement may be required for the long-term retention and maintenance of the structural landscaping.

As stated in the delegated report of the previous approval in 2017, the commercial and industrial development is now well established on the estate within the parameters set out in Policy RLP42 of the Adopted Local Plan and that, in this case, it would be onerous to request a separate development brief.

As compared to the previous approval, the current proposal involves 3 larger commercial buildings. However, the scale and design of the buildings are still comparable and compatible to those within the industrial estate. The applicant submitted a street view plan (Drawing No. 2002/105) which demonstrates that the proposed buildings would be of lower height compared to other existing buildings along Sixth Avenue. As compared to other industrial units to the immediate south (Drawing No. 2002/103 Rev. C), the proposed building heights (about 6.2m) would be lower than those in Fifth Avenue (about 7.5m).

Profiled insulated panel system is proposed for the development with light grey roof with translucent panel roof lights and PV panels. Dark and light grey vertical panels, dark grey insulated sectional doors and dark grey aluminium windows are also proposed. These are similar to those used in the adjacent buildings. It is considered that the proposed scale, design and materials are generally in line with the requirements set out in Policy RLP 42 of the Adopted Local Plan.

There are no details provided with regards to external lighting. As the site is located on the edge of the industrial estate as well as the edge of the town, external lighting needs to be carefully controlled to avoid impact upon the wider landscape. Lighting should be designed to minimise its environmental impact through measures such as lamps which are flat to the ground, timers, motion sensor etc. A condition on external lighting is therefore required, should approval be given.

Highway Considerations

The applicant has revised the floorspace provision and parking layout taking into account comments received from Officers and ECC Highways.

The Essex Parking Standards (2009) requires 1 parking space for every 150sq.m of Use Class B8 floorspace, 1 for every 20sq.m of shop floorspace, and 1 for every 30sq.m of office floorspace. The proposal would provide 40 parking spaces including 7 accessible spaces for disabled persons, 13 HGVs bays as well as 26 cycling parking spaces, which are in line with the adopted standards.

The applicant has provided visibility splays for the 2 proposed new site access and track analysis to demonstrate that there is sufficient space for cars and HGVs to manoeuvre within the site. ECC Highways has not raised any objection to the application, subject to conditions to require a Construction Traffic Management Plan; provision of access and visibility splays; as well as a Workplace Travel Plan. A 5-year monitoring fee is also required for the Workplace Travel Plan via a S106 agreement, should approval be given.

Impact on Residential Amenities

The nearest residence would be the residential properties along Fenn Road to the further west of the site. In view of the separation distance of about 250m and the nature of the uses, it is not considered that the proposal causes detrimental harm to the living conditions of nearby residents.

There is no objection raised by Environmental Health. Approval conditions are recommended to limit the construction and operation hours to day time hours as a safeguard, thereby limiting the potential nuisance to local residents.

Landscape and Boundary Treatment

The applicant proposes to use 2.4m high Palisade fencing on top of the retaining wall. Landscaping strips are proposed along the site boundaries and small planting areas are also proposed near to unit entrances, however, planting details have not been provided. A condition is therefore required to ensure that satisfactory landscaping is provided to enhance the appearance of the development and in the interest of local amenity.

Open Space

According to the Open Space SPD (2019), casual or informal open space and outdoor sports provision will be required from B1, B2, and B8 development, subject to a minimum threshold of 1,000sq.m. There will be no requirement to contribute to outdoor equipped playgrounds or allotments.

The applicant has agreed to a financial contribution of £16,853.24 towards the improvement of existing and new facilities at Halstead River Walk. The Open

Space contribution was paid for the previous permission (Application Reference 17/00579/FUL) however the development was not implemented and thus the monies not spent. As such this money is proposed to be transferred over to this new permission and a top up fee made to ensure that the monies secured meet with the current Open Space fees. A deed of variation is in the process of being completed to ensure that the S106 Agreement obligations and commitments secured under planning permission 17/00579/FUL are transferred to this permission and varied as appropriate.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to accord with the abovementioned policies in relation to the employment allocation in the northern part of Bluebridge Industrial Estate. The proposal is also considered to be acceptable in terms of scale, design and appearance, and subject to conditions, in terms of highway and amenity impacts. The proposal would deliver both economic and social benefits, and is considered to constitute sustainable development. Consequently, the application is recommended for approval.

RECOMMENDATION

It is therefore RECOMMENDED that subject to the Applicant entering into a deed of variation to ensure that the S106 Agreement obligations and commitments secured under planning permission reference 17/00579/FUL are transferred and varied, in addition to a further obligation as follows:

- **Workplace Travel Plan** – Financial contribution of £6,132 (sustainability travel index linked) towards a 5-year period monitoring fee of a Workplace Travel Plan.

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with approved plans.

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

RECOMMENDATION

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

APPROVED PLANS

Proposed Roof Plan	Plan Ref: 2002/104	
Floor Plan	Plan Ref: 2002/201	
Location Plan	Plan Ref: 2002/100	Version: B
Proposed Site Plan	Plan Ref: 2002/102	Version: E
Section	Plan Ref: 2002/103	Version: C
Proposed Elevations	Plan Ref: 2002/301	Version: C
Proposed Elevations	Plan Ref: 2002/302	Version: C
Proposed Elevations	Plan Ref: 2002/303	Version: C
Proposed Elevations	Plan Ref: 2002/304	Version: C
Proposed Elevations	Plan Ref: 2002/305	Version: C
Visibility Splays	Plan Ref: 002	Version: B
Drainage Details	Plan Ref: 063/2020/03	Version: P3
Street elevation	Plan Ref: 2002/105	
Proposed Plans	Plan Ref: 2002/205	Version: C
Proposed Plans	Plan Ref: 2002/206	Version: C

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

Reason

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

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

Reason

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

- 3 No development shall commence until a Construction Traffic Management Plan, which shall include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, as well as vehicle parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved Construction Traffic Management Plan.

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 4 No occupation of the development shall take place until the site accesses as shown in principle on the planning application Drawing No.2002.102 has been provided. Access shall include but not be limited to a visibility

splay with dimensions of 2.4 metres by 43 metres in both directions, as shown on Drawing No. 1CA4395 002 Rev B, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To protect highway efficiency of movement and safety, 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.

- 5 No occupation of the development shall take place until a Workplace Travel Plan has been submitted to and approved by the Local Planning Authority in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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.

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

Reason

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

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

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

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

All hard surface areas agreed as part of the scheme shall be carried out

before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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

Reason

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

- 8 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:
Monday to Friday - 08:00-18:00 hours
Saturday - 08:00-13:00 hours
Sunday - No work
Bank Holidays - No work

Reason

In order to minimise nuisance and to ensure the appropriate operation of the uses hereby permitted.

- 9 The use hereby permitted shall not operate outside of the following hours:
Monday to Friday - 07:00-18:00 hours
Saturday - 07:00-14:00 hours
Sundays, Bank Holidays and Public Holidays - No vehicular movements

Reason

In order to minimise nuisance and to ensure the appropriate operation of the uses hereby permitted.

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

Reason

In order to minimise nuisance caused by pollution in the interests of residential amenity.

- 11 During the course of development, should contamination be found that was not previously identified or not considered in a study, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed by a competent person and a 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.

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.

- 12 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent of the Local Planning Authority.

Reason

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

- 13 Prior to occupation of any part of the development hereby permitted, the surface water drainage scheme shown in Drawing No. 063/2020/03 Rev. P3 as agreed in principle shall be provided and implemented in full and permanently maintained as such thereafter.

Reason

To ensure a satisfactory method of surface water drainage.

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

Reason

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

INFORMATION TO APPLICANT

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

2 SuDS features and proprietary devices that promote sustainable environmentally friendly treatment through the use of reusable materials should be considered and incorporated wherever possible. It is noted that whilst SmartSponges provide the necessary mitigation, they do so by using non-recyclable plastics and also produce waste.

3 The applicant should refer to the informatives detailed in the consultation response of Anglian Water dated 22 December 2020.

4 The applicant should refer to the advice of Essex County Fire and Rescue Service given in their consultation response dated 23 September 2020.

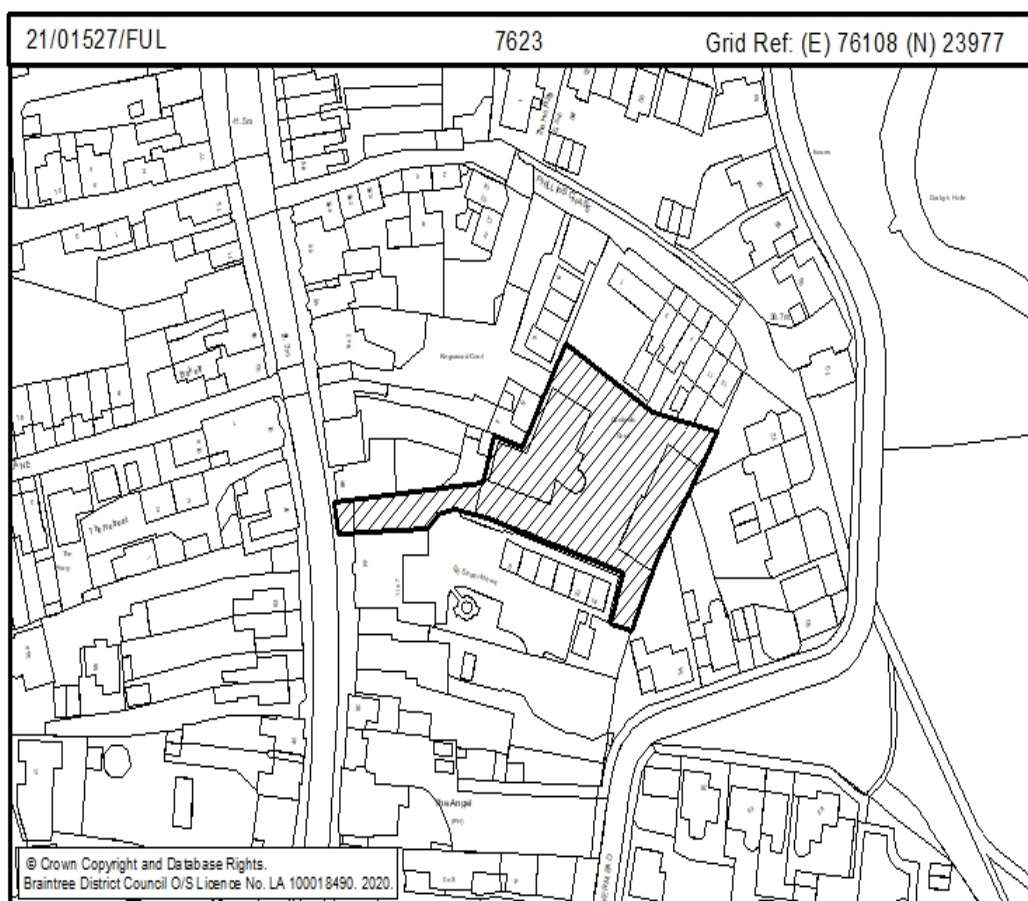
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 21/01527/FUL
DATE VALID: 26.05.21
APPLICANT: Mr L McNamee
C/o Agent, ,
AGENT: Strutt & Parker
Mr Andrew Clarke, Coval Hall, Chelmsford, CM1 2QF,
DESCRIPTION: Change of use from Offices (Use Class E) to a residential use (Use Class C3) consisting of 9 x1 bed, 5 x2 bed (total 14 residential units) with associated car parking, amenity space and covered cycle storage.
LOCATION: Cardinal Works Rear Of, 46 Bradford Street, Braintree, Essex, CM7 9AT

For more information about this Application please contact:
Melanie Corbishley on:- 01376 551414 Ext. 2527
or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSY75MBFL9Q00>

SITE HISTORY

01/01695/FUL	Erection of workshop and office	Granted	22.06.04
03/01287/FUL	Installation of a 'Titan' environmental diesel oil bunded storage tank	Granted	09.09.03
91/00054/P	Change of use of existing office and workshop to class B1 office accommodation with associated car parking and internal and external alterations	Granted	26.02.91
06/00181/COU	Internal and external alteration, change of use of existing office building and workshop to class B1 office accommodation, new main entrance and lift	Granted	22.03.06
07/01919/FUL	Retention of air conditioning units with louvred covers	Granted	12.12.07
17/01602/FUL	Proposed conversion of existing workshop to provide additional office space including new dormer window	Granted	25.10.17
20/00158/COUPA	Notification for prior approval for a proposed change of use of a building from Office Use (Class B1 (a)) to 20 residential units (Class C3)	Withdrawn	18.03.20
20/01431/FUL	External alterations to the Cardinal Court Building comprising the insertion of sky lights, windows and the removal of existing windows	Withdrawn	19.11.20
20/01570/COUPA	Notification for prior approval for a proposed change of use of a building from Office Use (Class B1 (a)) to 12 residential units (Class C3)	Withdrawn	19.11.20

POLICY CONSIDERATIONS

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. 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 some weight to the Section 2 Plan.

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
RLP10	Residential Density
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas

- RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings
- RLP138 Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

- CS2 Affordable Housing
- CS7 Promoting Accessibility for All
- 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)
- SP4 Meeting Housing Needs
- SP5 Employment
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

- LPP1 Development Boundaries
- LPP33 Affordable Housing
- LPP37 Housing Type and Density
- LPP44 Sustainable Transport
- LPP45 Parking Provision
- LPP50 Built and Historic Environment
- LPP53 Provision of Open Space, Sport and Recreation
- LPP55 Layout and Design of Development
- LPP56 Conservation Areas
- LPP60 Heritage Assets and their Settings
- LPP78 Flooding Risk and Surface Water Drainage
- LPP79 Surface Water Management Plan
- LPP80 Sustainable Urban Drainage Systems

Neighbourhood Plan

None

Other Material Considerations

Essex Parking Standards/Urban Space Supplement
 Affordable Housing Supplementary Planning Document (2006)
 Essex Design Guide Urban Place Supplement (2005)
 Open Space Supplementary Planning Document
 Open Spaces Action Plan
 Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the rear of 46 Bradford Street comprising buildings known as the Cardinal Works site. The site is located within the town development boundary of Braintree.

The site itself is located to the rear of No.46 Bradford Street with vehicular and pedestrian access taken from between No.44 and No.46 Bradford Street. The site is 0.16ha in area and comprises two buildings, known as Cardinals Court and Cardinals Building, providing 932sq.m of commercial floorspace and was last used for offices and a workshop and these uses ceased recently.

Cardinal Court occupies the western portion of the site and Cardinals Building, the smaller building occupies the eastern portion of the site. Cardinal Court is an irregular shaped 2.5 storey building with a distinct relatively recent two storey glass atrium feature addition, which is located on the western elevation of the building. Cardinals Building is a 1.5 storey rectangular building, orientated north and south. The northern section of the building steps down and is on lower ground than the southern section of the building.

The site is located in Flood Zone 1 which is the lowest category risk of flooding. The application site is also located in the Bradford Street Conservation Area and is within the setting of a number of listed buildings, including No.46 Bradford Street, No.44 Bradford Street (Stanford House), No.48 Bradford Street, No.50 Bradford Street and No.40 and No.42 Bradford Street.

PROPOSAL

This application seeks planning permission for the conversion of both buildings at the Cardinal Works site to provide 14 residential dwellings, 9no. 1 bedroom flats and 5no. 2 bedroom flats. The proposals also include external alterations to the buildings comprising of the removal of windows, insertion of new windows, insertion of new dormer windows and in the insertion of new doors, with minor repairs to the exterior of the building.

The proposals will provide 14no. car parking spaces, a covered cycle storage and soft landscaping.

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

(Note: This consultation was written pre changes to the NPPF thus refers to previous paragraph numbers).

The site and the two unlisted buildings (Building1 and Building 2) are located within the Bradford Street Conservation Area. Bradford Street to the west is the main thoroughfare through this part of the Conservation Area, with many listed buildings fronting the street. The site is within the setting of a number of these, including No.46 (List UID: 1338270), No.44 Stanford House (List UID: 1122514), No.48 (List UID: 1122515), No.50 (List UID: 1338271) and No.40 and No.42 Bradford Street (List UID: 1122513).

Buildings 1 and 2 were built in the late twentieth century as workshops and then converted to office use. They are set within a rear court off Bradford Street, conforming to the established pattern, whereby industrial and manufacturing buildings were sited to the rear of those fronting the street. This pattern is evident along Bradford Street and despite some unsympathetic alterations, the buildings generally retain the character of traditional industrial buildings.

Paragraph 200 of the National Planning Policy Framework (NPPF) states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

I have concerns regarding the proposed scheme. I do not consider the proposed domestic appearance of the converted buildings to represent a preservation or enhancement of the character of the Conservation Area and the settings of the listed buildings. The introduction of skylights to both buildings and the extensive box dormer in Building 2 are particularly inappropriate. The existing industrial character and utilitarian design of the buildings would be altered to an overtly domestic character.

A site layout plan has been provided and I have further concerns regarding the landscaping and potential impact on the heritage assets resulting from the high density of parking spaces and the resulting traffic from residents and visitors.

The heritage statement accompanying the application states that there would be a dilution of the character of the site but considers this change to be negligible. I disagree with this assessment. While the principle behind the change of use from office to residential is acceptable in principle, the proposed scheme would neither preserve nor enhance the character of the

Conservation Area and the setting of the listed buildings, contrary to Paragraph 200 of the NPPF.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The scheme would result in a less than substantial level of harm to the heritage assets, invoking paragraph 196 of the NPPF, which requires an assessment of the balance of harm to public benefit. For the reasons stated above, I am unable to support this application.

BDC Environmental Health

No objection to the principle of the conversion of the buildings to residential however concerns have been raised about a number of the flats that are afford a poor level of amenity. Lack of "view" for occupants of those flats may have some impact upon their mental health.

Conditions regarding constructions, no burning of waste, submission of a dust and mud control management plan and no piling conditions are requested.

Waste Services

The waste receptacles (bins and bags) will need to be located at a point no more than 20 metres from the adopted highway, so that our waste and recycling collection crews, can get to them. This will need to be incorporated into the plans, as there is nowhere here for our collection vehicles to turn around, or safely reverse.

BDC Landscape Services

No comments received.

BDC Ecology

No objection subject to securing:

- a) A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation in line with the Essex Coast RAMS; and
- b) Biodiversity mitigation and enhancement measures.

ECC Highways

All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-

purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the submission of a construction management plan and the provision of a residential travel information pack for each new dwelling.

Essex Police

BDC RPL90 (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.

Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. Care needs to be taken to ensure that there is an effective access control/visitor entry system on communal entrances that does not incorporate a 'Trades button' in order to mitigate crime risks.

We would welcome the opportunity to consult on this development to assist the developer demonstrate compliance with this policy by achieving a Secured by Design Homes award.

Anglian Water

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment

The foul drainage from this development is in the catchment of Bocking Water Recycling Centre which currently does not have capacity to treat the flows the

development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

This response has been based on the following submitted documents: Planning Statement and Site Plan Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information. We therefore request a condition requiring on-site drainage strategy.

Surface Water Disposal

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. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.

Anglian Water would therefore recommend planning conditions regarding on-site foul water drainage and a surface water management strategy.

ECC Suds

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the development.

BDC Housing Research and Development

The proposal is for conversion of office to 14 residential units on a site measuring 0.16 hectare, it does not therefore require an affordable housing contribution.

NHS

Financial contribution of £4,600 to be used towards the increase in capacity at nearby surgeries.

Natural England

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); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your 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. 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.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. 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 we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Essex Fire and Rescue

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

Access is considered satisfactory subject to the following:

- Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 18 tonnes.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

BDC Economic Development

The Economic Development Team note that with employment density guides, for every 12sqm of general office space, there is 1 FTE expected. It is noted that with 932sqm of general office space being re-categorised for residential, it is expected that there will be a loss of 77.6 FTEs. Therefore, there are no significant economic benefits for the re-categorisation of this premise/site.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

12 representations received making the following comments:

- Concerns about the ceiling heights proposed, in the absence of section drawings.
- Drawings do not show position of services, i.e. water, drains etc.
- Concerns that there is no parking provision for emergency vehicles or delivery vans.
- Unclear details with regards refuse collection, which appear insufficient.
- Concerns that the scheme does not provide sufficient on-site parking for residents, which would cause problems on Bradford Street, which is an extremely busy road.
- Exacerbate existing parking issues along Bradford Street.
- Vehicle visibility when leaving the site is poor.
- Amenity for the new residents would be poor.
- Bradford Street was characterised by missed use and the loss of commercial and retail premises has been to its detriment.
- Loss of privacy to residents in River Mead due to installation of new windows.
- Noise and disturbance to neighbours from the new use.
- Light pollution from new flats.
- Concern that the proposals do not comply with the NDSS.
- Poor living standards for the new residents.

- Concerns that the scheme would not comply with the Building Regulations.
- The refuse area is located on land owned by a neighbour.
- Insufficient outside space provided within the development.
- Parking spaces are too small.
- Loss of privacy.
- Detrimental impact on the Conservation Area.
- Concern about the potential contamination of the site.
- Concerns about flooding from the site.
- Increase in traffic to and from the site which could be dangerous.
- Detrimental impact on nearby listed buildings.
- Access drive is not wholly owned by the applicant and that the re-surfacing of the driveway could damage nearby properties.
- Could result in more on-street car parking in River Mead, causing obstructions.
- The site has not been put forward in the Local Plan.
- Transport Assessment is incorrect as the local bus services are not regular.

REPORT

Principle of Development

National Planning Policy Framework (NPPF) 2021

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 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 75 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

The application site is located within the Town Development Boundary in Braintree, where new development is considered acceptable in principle.

Overall, in terms of the Adopted Local Plan, the Core Strategy, the Section 1 Plan, the Section 2 Plan and the NPPF, the principle of the redevelopment of the site is supported in principle in planning policy terms.

5 Year Housing Land Supply

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 this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 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.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming 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, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five 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.

SITE ASSESSMENT

Location and Access to Services and Facilities.

The strategy set out in the Section 2 Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in inter alia Braintree, Witham and the A12 corridor, and Halstead".

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

In this case, the application site is located within the Town Development Boundary of Braintree, and is therefore located in a sustainable location with access to services and facilities as well as a range of public transport.

Design and Appearance

Paragraph 126 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policies RLP3, RLP10 and RLP90 of the Adopted Local Plan seek to protect the existing character of the settlement and the street scene. Policy RLP9 of the Adopted Local Plan states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development. Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Policy SP7 of the Section 1 Plan sets out place shaping principles, including responding positively to local character and context to preserve and enhance of existing places and their environs.

Policy LPP55 of the Draft Section 2 Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The proposals include the installation of a number of new windows, doors and a dormer window to the existing buildings to enable the creation of the 14 flats. The style, scale and design of the existing buildings are one of industrial character and utilitarian design and it is considered that this would be lost as the buildings would be altered to an overtly domestic character. Therefore the resulting buildings would not be in keeping with the wider street scene surrounding the site. More detail on this matter is provided in the section below.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy LPP56 of the Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.

Policy LPP60 of the Section 2 Plan relates to heritage assets and their settings. It states that the Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.

The site and the two unlisted buildings (Building 1 and Building 2) are located within the Bradford Street Conservation Area. Bradford Street to the west is the main thoroughfare through this part of the Conservation Area, with many listed buildings fronting the street. The site is within the setting of a number of these, including No.46, No.44 Stanford House, No.48, No.50 and No.40 and No.42 Bradford Street.

Buildings 1 and 2 were built in the late twentieth century as workshops and then converted to office use. They are set within a rear court off Bradford Street, conforming to the established pattern, whereby industrial and manufacturing buildings were sited to the rear of those fronting the street. This pattern is evident along Bradford Street and despite some unsympathetic alterations, the buildings generally retain the character of traditional industrial buildings.

Paragraph 200 of the National Planning Policy Framework (NPPF) states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those

elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The Council's Historic Buildings Consultant has concerns regarding the proposed scheme as the proposed domestic appearance of the converted buildings do not represent a preservation or enhancement of the character of the Conservation Area and the settings of the listed buildings. The introduction of skylights to both buildings and the extensive box dormer in Building 2 are considered to be particularly inappropriate. The existing industrial character and utilitarian design of the buildings would be altered to an overtly domestic character.

The Historic Buildings Consultant has further concerns regarding the landscaping and potential impact on the heritage assets resulting from the high density of parking spaces and the resulting traffic from residents and visitors.

The heritage statement accompanying the application states that there would be a dilution of the character of the site but considers this change to be negligible. The Historic Buildings Consultant disagrees with this assessment. While the change of use from office to residential is acceptable in principle, the proposed scheme would neither preserve nor enhance the character of the Conservation Area and the setting of the listed buildings, contrary to Paragraph 200 of the NPPF.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The scheme would result in a less than substantial level of harm to the heritage assets, invoking paragraph 196 of the NPPF, which requires an assessment of the balance of harm to public benefit.

Officers consider that the public benefits arising from the development would not outweigh the less than substantial harm identified to the heritage assets.

Amenity for Future Occupiers

Paragraph 174 in the NPPF states that 'planning policies and decisions should ensure that development that create places that are safe with a high standard of amenity for all existing and future occupants of land and buildings'. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is repeated in Section 2 Plan within Policy LPP55 and Policy SP7 from the Section 1 Plan.

The Nationally Described Space Standards (NDSS) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas.

For one bedroom dwellings two floor areas are provided, one person occupancy would require at least 39sq.m and for two person occupancy, at least 50sq.m would be required. The submitted floor plans indicate that all 9 one bedroom flats would contain a double bedroom and therefore could be occupied by two persons.

For two bedroom dwellings two floor areas are provided, three person occupancy would require at least 61sq.m and for four person occupancy, at least 70sq.m would be required.

The table below sets out the unit numbers, the bedroom number, the occupancy and the proposed floor area.

Unit	Bed No.	Floor Area
1	1 (2 persons)	46sq.m
2	1 (2 persons)	59sq.m
3	1 (2 persons)	46sq.m
4	1 (2 persons)	46sq.m
5	1 (2 persons)	46sq.m
6	1 (2 persons)	53sq.m
7	1 (2 persons)	45.7sq.m
8	1 (2 persons)	45.7sq.m
9	1 (2 persons)	36sq.m
10	2 (3 persons)	41.9sq.m
11	2 (3 persons)	80sq.m
12	2 (3 persons)	83sq.m
13	2 (4 persons)	66sq.m
14	2 (4 persons)	55sq.m

Of the nine one bedroom, two person occupancy flats, seven are undersized. Flat ten is a two bedroom property, with three person occupancy and provides 41.9sq.m, and is approximately 20sq.m undersized. Flats 13 and 14 contains two, double bedrooms and both have floor areas below the advised minimum floor area of 70sq.m.

Therefore 10 of the 14 flats proposed have floor areas that are significantly below the prescribed figures from the NDSS. This signifies a poor level of internal amenity space for the future occupiers of the new dwellings.

National and local plan policies, specifically CS10 of the Core Strategy, requires new development to make the appropriate provision for publically accessible green space. Furthermore the Essex Design Guide sets out minimum private garden sizes for new dwellings and in the case of flats is indicates that a communal space could be provide at 25sq.m per dwelling.

This would equate to an area of 350sq.m. Three areas of amenity space are shown on the proposed block plan, when combined measure approximately 206sq.m. It is acknowledged that a case could be made that some flatted developments to have a non-policy compliant level for outside space, however Officers consider that the amount provided is significantly below the requirement in the EDG. Furthermore two of the proposed areas are located next to habitable rooms in flats 4 and 11, with no defensible space between the two. This would result in an unacceptable level of intrusion to the occupiers of these flats.

Building 1 is proposed to contain 10 flats. To facilitate flats 1-4, 5 and 7, bedroom windows are proposed to be inserted in the rear facing elevations on the ground and first floor. These windows will have an extremely limited outlook as they will overlook the existing boundary treatment and a substantial outbuilding within the garden of the neighbour property. This is considered unacceptable resulting in a poor level of amenity for future occupiers.

Furthermore, the bedroom serving flat 9 would only be served by roof lights along with one of the bedrooms proposed in flat 10, this type of opening being the only window for these rooms is considered unacceptable resulting in a poor level of amenity for future occupiers.

The second bedroom proposed for flat 10 would be served by a window which is located in an adjoining dressing area. This is considered unacceptable resulting in a poor level of amenity for future occupiers.

Building 2 is proposed to contain four flats, all with two bedrooms. Flats 11 and 12 propose bedrooms along the rear of the building and the conversion would involve the insertion of two ground floor windows in the rear elevation of the building. These windows are located within approximately 1.3m of the rear boundary fence. The only outlook from these two new bedrooms would be onto a close boarded fence, which is considered unacceptable resulting in a poor level of amenity for future occupiers.

The rear bedroom proposed in flat 14 does not include any windows, which is considered unacceptable resulting in a poor level of amenity for future occupiers.

The proposals are therefore unacceptable, resulting in a poor level of amenity for future occupiers, conflicting with the NPPF, contrary to the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.

Impact on Neighbouring Residential Amenity

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is reiterated in Policy LPP55 of the Section 2 Plan.

Roof lights are proposed along the rear elevation of Building 2, which could offer unacceptable views of the private gardens belonging to a number of properties in River Mead. None of these gardens are significant in size and therefore Officers consider that the proposals conflict with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.

No other impacts are envisaged to the amenity of nearby residential properties as a consequence of the proposed development.

Highway Considerations

No objection is raised to the proposal by ECC Highways, subject to conditions.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The submitted plans show that 14 parking spaces would be provided for the 14 no. flats. The Council's adopted Parking Standards requires a minimum of 1 parking space per 1 bedroom dwelling, 2 spaces per 2 bedroom dwelling and 0.25 visitor space per dwelling. Therefore a minimum of 23 spaces would be required.

The Standards also state that reductions of the vehicle standard may be considered if the development is in an urban area (including town centre locations) that has good links to sustainable transport. In this case, the site is located nearby to the town centre which benefits from bus services and a train station. There are also public car parks close to the site. This is a location where it may be reasonable for the LPA to accept a lower level of parking provision.

That said, in this case the proposed parking provision is considered unacceptable given each property could accommodate at least two people and no visitor car parking is provided.

Despite the development boundary location it is considered the scheme underprovides car parking for the proposed scheme and given the number of potential occupiers and visitors, the proposal could result in cars parking on the nearby highway, which is unacceptable. Furthermore, the lack of sufficient car parking within the site layout is a further indication that the proposals represent an overdevelopment of the site.

Refuse

Policy RLP90 of the Adopted Local Plan provides a number of criteria relating to the layout and design of new development, one of which states that overall

planning and detailed design shall incorporate measures to ensure the maximum practical environmental sustainability throughout the construction and occupation of the development and in particular waste separation. This sentiment is reiterated in Policy RLP9 of the Adopted Local Plan. Policy LPP55 of the Section 2 Plan states that designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised.

The submitted plans indicate that there is a bin store sited centrally within the site between the two buildings and a bin collection point to the front of building 2. The Council's Waste Team have concerns about the siting of the bin store, as it is located more than 20m from an adopted highway. It is not clear from the details whether the size of the bin store or collection point is sufficient to serve 14 flats.

The application has not been supported by vehicle tracking information with regards refuse vehicles servicing the site. Therefore the applicant has not sufficiently demonstrated that the site can be safely served by a refuse vehicle.

Given the above, Officers consider that the proposal conflicts with Policies RLP9 and RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan.

Drainage and Flood Risk

Paragraph 166 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Policy RLP69 from the Adopted Local Plan states that where appropriate, the District Council will require developers to use sustainable drainage techniques such as grass swales, detention/retention ponds and porous paving surfaces, as methods of flood protection, pollution control and aquifer recharge.

No Flood Risk Assessment (FRA) has been submitted with the application.

The Lead Local Flood Authority (LLFA) at Essex County Council have reviewed the application, and raise an objection to the granting of planning permission based on the following:

The information provided does not allow us to assess the development. Please provide information as required within the new ECC SUDS design guide.

The position of the LLFA is supported by Anglian Water who have suggested that their preferred method of surface water disposal would be to be a sustainable drainage system (SuDS) and as such they currently object to the application.

In the absence of this information and the objection raised by Essex County Council it is therefore considered that the application is contrary to Policy CS8 of the Core Strategy and Policy RLP69 of the Adopted Local Plan.

Habitat Regulations Assessment (HRA)

The site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£127.30 per dwelling). In accordance with S111 of the 1972 Local Government Act, the Developer has paid this contribution up-front prior to any decision on the application being issued as opposed to entering into a separate unilateral undertaking. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

PLANNING OBLIGATIONS

Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were to grant it permission.

Open Space

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. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for amenity green space.

A total financial contribution of £18,761.43 would be sought for outdoor space (allotments, outdoor sport, informal open space and equipped play).

There would also be a requirement to secure the on-going maintenance of amenity green spaces provided on site.

NHS

Financial contribution of £4,600 to be used towards the increase in capacity at nearby surgeries.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a designated development boundary where the principle of development is generally considered to be acceptable in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.

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. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

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.

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.

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 the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1, SP3 and SP7 of the Section 1 Plan and Policies RLP2, RLP3, RLP56, RLP90, RLP95 and RLP100 of the Adopted Local Plan.

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. Policy SP7 of the Section 1 Plan sets out place shaping principles and states that all new development must meet high standards of urban and architectural design. One of the criteria relates to protecting amenity of existing and future residents and users. 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.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential development within village envelopes and town development boundaries, where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. As with Policy RLP2, it is considered that the policy remains broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given more than moderate weight.

Policy RLP56 of the Adopted Local Plan states that development will be required to provide off-street vehicles parking in accordance with the Council's Adopted Parking Standards, which requires maximum standards for parking provision. It is considered that the policy is broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given full weight.

Policy RLP90 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments, large and small. One of the criteria states that development should not have an unacceptable impact upon neighbouring amenity. It is considered that the policy is consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given full weight.

Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 201 and 202 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

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.

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 untilted) 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.

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 a well-

- designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

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

Heritage

The proposals fail to enhance the character and appearance of the Braintree Conservation Area and would be harmful to the settings of the nearby listed buildings. The harm is considered to be less than substantial, however the harm is not considered to be outweighed by the public benefits of the proposal. This conflict is afforded significant weight.

Future Occupiers Amenity

The proposals fail to provide an acceptable level of amenity for the future occupiers of the new dwellings with regards internal floor space and outlook and on-site outdoor amenity space, in conflict with the abovementioned policies. This weighs against the proposal and is afforded significant weight.

Car Parking Provision

The proposal fails to provide a sufficient level of on-site car parking which is likely to result in unacceptable on-street parking in the nearby roads, in conflict with the abovementioned policies. This weighs against the development and is afforded significant weight.

Refuse

The proposals fails to provide sufficient refuse bin arrangements for the new residential use contrary to the abovementioned policies. This weighs against the proposals and is afforded significant weight.

Harm to Neighbouring Residential Amenity

The application proposes to insert roof lights into the eastern elevation of Building 2, which is likely to cause an unacceptable level of overlooking to the adjacent rear garden belonging to properties in River Mead, in conflict with the abovementioned policies. This weighs against the proposals and is afforded significant weight.

Drainage

The proposal fails to provide adequate information in relation to sustainable urban drainage and therefore the proposal is considered to be contrary to the abovementioned policies in this regard. This weighs against the proposals and is afforded significant weight.

Summary of Public Benefits

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

Delivery of Market and Affordable Housing

The development would facilitate the provision of 14no.new market dwellings. This is afforded moderate weight, given the scale of the development and the Council's current 5 year housing land position.

Economic and Social Benefits

The proposal would deliver economic benefits during the conversion period and economic and social benefits following occupation of the development, in supporting local facilities. However this is no more than any development and therefore this is afforded no more than moderate weight.

Section 106 Obligations

Should it have been entered into the proposals would have secured a number of Section 106, obligations including the aforementioned open space and an NHS contribution.

The Section 106 benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with planning policy.

Planning Balance

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 are outweighed by the harms, including the harm arising from the conflict with the development plan, such that planning permission should be refused in line with the Development Plan.

RECOMMENDATION

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

- 1 The proposal by way of its design and layout would result in internal floors areas which would not comply with the Nationally Described Spaces Standards, resulting in sub-standard and unsatisfactory internal environments which would fail to provide a satisfactory amenity for future occupiers. Furthermore many of the flats have a poor and enclosed outlook, with windows within close proximity to and overlooking existing boundary treatments. In addition the introduction of a number of roof lights to Building 2, would cause detrimental overlooking to neighbouring residential properties.

The proposal would be harmful to the amenity of future occupiers and the amenity of nearby existing residential properties, contrary to Policies RLP3 and RLP90 of the Adopted Local Plan, Policy LPP55 of the Section 2 Plan and the NPPF.
- 2 The proposal provides an insufficient level of allocated off street car parking and visitor car parking, likely to result in the displacement of vehicles on to the nearby highway. Furthermore, the lack of sufficient car parking within the site layout is a further indication that the proposed development represents an overdevelopment of the site. The proposal is therefore contrary to Policy RLP56 of the Adopted Local Plan (2005), Policy LPP45 of the Section 2 Plan (2017), The Adopted Vehicle Parking Standards Design and Good Practice SPD (2009).
- 3 Insufficient information is provided to ascertain how waste and recycling will be stored and collected from the site and thus it is not possible to assess whether sufficient space is provided within the site for the new residential use and/or whether this can be satisfactorily collected from the site. In the absence of this information, it is considered that the proposal is contrary to Policies RLP9 and RLP90 of the Adopted Local Plan (2005) and Policy LPP55 of the Draft Section 2 Plan (2017).
- 4 The proposed development results in the domestication of the existing buildings which does not represent a preservation or enhancement of the character of the Conservation Area and the settings of the nearby listed buildings. The existing industrial character and utilitarian design of the buildings would be altered to an overtly domestic character, which would be harmful to the character of the street scene, Conservation Area, and setting of nearby listed buildings. The resultant harm is less than substantial and is not outweighed by the public benefits of the proposed.

The proposal is therefore contrary to Policies RLP90, RLP95 and RLP100 of the Adopted Local Plan (2005), Policy SP7 of the Section 1 Plan (2021), Policies LPP50, LPP55, LPP56 and LPP60 of the Section 2 Plan (2017) and the NPPF.

5 Insufficient information has been submitted in relation to proposals for a sustainable urban drainage system such it has not been possible for the Local Planning Authority to make an assessment. The proposal is therefore considered to be contrary to the NPPF, Policies RLP78 and RLP80 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy.

6 Policy CS10 of the Core Strategy (2005), requires new development to make the appropriate provision for publicly accessible green space. Furthermore the Essex Design Guide (2005) sets out minimum private garden sizes for new dwellings.

The proposal significantly under provides outdoor amenity space, some of which given its position, would give rise to a level of intrusion on privacy and harm to future occupiers given the lack of any defensible space to habitable rooms. The poor design and layout resulting in the under provision of amenity space and an unacceptable level of intrusion in to private space would be harmful to residential amenity. The lack of adequate amenity space is also a further indication that the proposals represent the inappropriate overdevelopment of the site. The proposals are therefore contrary to the NPPF, Policy RLP90 of the Adopted Local Plan (2005), Policy CS10 of the Core Strategy, Policy SP7 of the Section 1 Plan (2021), and Policy LPP55 of the Draft Section 2 Plan (2017).

7 The proposed development would trigger the requirement for:

- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports, equipped play and allotments.

These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2 and CS10 of the Core Strategy and the Open Space Supplementary Planning Document (SPD).

SUBMITTED PLANS

Location Plan	Plan Ref: 01	
Proposed Site Plan	Plan Ref: 02	
Existing Ground Floor Plan	Plan Ref: 03	Version: A
Existing 1st Floor Plan	Plan Ref: 04	Version: A
Existing Elevations	Plan Ref: 05	Version: Front
Existing Elevations	Plan Ref: 06	Version: Side
Existing Elevations	Plan Ref: 07	Version: Rear

Existing Elevations	Plan Ref: 08	Version: Side
Proposed Ground Floor	PlanPlan Ref: 09	Version: A
Proposed 1st Floor Plan	Plan Ref: 10	Version: A
Proposed 2nd Floor Plan	Plan Ref: 11	Version: A
Proposed Elevations	Plan Ref: 12	Version: Front
Proposed Elevations	Plan Ref: 13	Version: Side
Proposed Elevations	Plan Ref: 14	Version: Rear
Proposed Elevations	Plan Ref: 15	Version: Side
Existing Floor Plan	Plan Ref: 16	
Existing Elevations	Plan Ref: 17	Version: Bldg 2
Existing Elevations	Plan Ref: 18	Version: Bldg 2
Proposed Floor Plan	Plan Ref: 19	Version: A
Proposed Elevations	Plan Ref: 20	
Proposed Elevations	Plan Ref: 21	

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER