

# PLANNING COMMITTEE AGENDA

**Tuesday, 31 January 2017 at 07:15 PM**

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

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

**Membership:-**

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor T Cunningham	Councillor Mrs I Parker
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

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

N BEACH  
Chief Executive

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

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

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

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

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

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

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

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

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

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

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

## **PUBLIC SESSION**

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### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

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

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 10th January 2017 (copy to follow).

### **4 Public Question Time**

(See paragraph above)

### **5 Deferred Item - Application No. 16 01605 FUL - The Kings Head, Chapel Road, RIDGEWELL**

**5 - 19**

### **6 Planning Applications**

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

Where it has been agreed that 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:-

#### **6a Application No. 15 01366 OUT - Carrier Business Park, East Street, BRAINTREE**

**20 - 54**

#### **6b Application No. 16 01665 OUT - Land West of Finchingfield Road, STEEPLE BUMPSTEAD**

**55 - 104**

#### **6c Application No. 16 02040 FUL - Brook Hall, Brook Hall Lane North, FOXEARTH**

**105 - 118**

#### **PART B**

Minor Planning Applications:-

6d	Application No. 16 01417 FUL - Kings Cottage, Church Road, GOSFIELD	119 - 125
6e	Application No. 16 01418 LBC - Kings Cottage, Church Road, GOSFIELD	126 - 131
6f	Application No. 16 01763 VAR - Land rear of 16 High Street, HALSTEAD	132 - 145
6g	Application No. 16 01792 FUL - Riverside House, Station Road, EARLS COLNE	146 - 151
6h	Application No. 16 01812 FUL - Avon Lea, Ulting Road, HATFIELD PEVEREL	152 - 160
6i	Application No. 16 01955 ADV - McDonalds, Galleys Corner, Braintree Road, CRESSING	161 - 171

**7 Urgent Business - Public Session**

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

**8 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

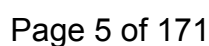
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**9 Urgent Business - Private Session**

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

## DEFERRED ITEM

For more information about this Application please contact:  
Katie Towner on:- 01376 551414 Ext. 2509  
or by e-mail to: [katie.towner@braintree.gov.uk](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

00/00029/REF	Proposed change of use from public house to private dwellinghouse	Appeal Dismissed	13.11.00
00/00635/COU	Proposed change of use from public house to private dwellinghouse	Refused then dismissed on appeal	07.06.00
00/00636/LBC	Proposed change of use from public house to private dwellinghouse	Permission not Required	07.06.00
77/01425/P	Cask Store and lobby extension.	Granted	16.03.78
13/00864/FUL	Insertion of bi-folding doors (three panels in total) within east side of newer extension overlooking beer garden , the removal of paint and treatment of internal timber beams, repainting of external brickwork, erection of 1800mm high red brick wall, wooden boundary fence along the eastern boundary and iron gate and posts on the front boundary, installation of two external solid oak doors, alterations to car park and landscaping of grounds and the proposed demolition of outbuilding, relocation of public house sign.	Refused	19.11.13
13/00865/LBC	Insertion of bi-folding doors (three panels in total) within east side of newer extension overlooking beer garden , the removal of paint and treatment of internal timber beams, repainting of external brickwork, erection of 1800mm high red brick wall, wooden boundary fence along the eastern boundary and iron gate and posts on the front boundary, installation of two external	Refused	19.11.13

13/00228/TPOCON	solid oak doors, alterations to car park and landscaping of grounds and the proposed demolition of outbuilding, relocation of public house sign. Notice of intent to carry out works to trees in a Conservation Area - Remove 2 Sycamores to ground level and carry out a 20% crown thin to 1 Yew tree	Part Grant, Part Refused	24.10.13
14/00014/FUL	Insertion of two timber wide french doors to east side garden; removal of paint and treatment of timber beams, repainting of external brick work, blocking up of opening on North elevation with blockwork and plaster, erection of 1800mm high red brick wall, wooden boundary fence along east side boundary, iron gate and posts on front boundary, installation of two external painted solid oak doors, alterations to car park and landscaping of grounds, removal of tarmac replacing with hogging, removal of broken fencing on west side and replace with hedgerow plants, removal/demolition of outbuilding, relocation of public house sign and internal alterations.	Granted	03.06.14
14/00015/LBC	Insertion of two timber wide french doors to east side garden; removal of paint and treatment of timber beams, repainting of external brick work, blocking up of opening on North elevation with blockwork and plaster, erection of 1800mm high red brick wall, wooden boundary fence	Granted	03.06.14

	along east side boundary, iron gate and posts on front boundary, installation of two external painted solid oak doors, alterations to car park and landscaping of grounds, removal of tarmac replacing with hogging, removal of broken fencing on west side and replace with hedgerow plants, removal/demolition of outbuilding, relocation of public house sign and internal alterations		
15/00003/DAC	Application for approval of details reserved by condition no. 2 of approved application 14/00015/LBC	Granted	18.03.15

### POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was



subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment  
CS11          Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP3          Development within Town Development Boundaries and Village Envelopes  
RLP56        Vehicle Parking  
RLP95        Preservation and Enhancement of Conservation Areas  
RLP100       Alterations and Extensions and Changes of Use to Listed Buildings and their settings  
RLP128       Maintenance of Rural Services and Facilities  
RLP151       Protection of Community Services

### Braintree District Draft Local Plan

SP1            Presumption in favour of sustainable development  
LPP47        Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas  
LPP50        Alterations, Extensions and Changes of Use to Heritage Assets and their Settings  
LPP55        Retention of Local Community Services and Facilities

### APPLICATION DEFERRED

This application was originally considered at Planning Committee on 22<sup>nd</sup> November 2016. The Planning Committee deferred the decision in order to allow an application seeking the Kings Head to be listed as an Asset of Community Value, to be determined. The Kings Head was listed as an Asset of Community Value on the 23<sup>rd</sup> December 2016. The application is now brought back to the Planning Committee for consideration. It is for the Local Planning Authority to decide whether a listing as an Asset of Community

Value is a material consideration when determining a planning application. As such the listing of the pub as an Asset of Community Value can be given weight in the determination of a planning application and thus referred to in a reason for refusal; however the listing as an Asset of Community Value doesn't prevent a planning application for a change of use being approved.

The listing of the pub as an Asset of Community Value does not alter the content of the below Officer report, or the officer recommendation. The reason for refusal has been updated to make reference to the Asset of Community Value.

Since the application was previously heard at Committee a letter from North West Essex CAMRA has been received in objection to the proposal, the contents of which are summarised below:

- The Kings Head has been an extremely successful pub in the past
- The pub has the potential to once again be a viable business under the right management
- We are aware of two parties interested in taking on the premises
- The current presentation of the pub makes it appear less like a pub

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

This application is being presented at Committee, as in consultation with the Chairman and Vice Chairman the proposal was considered potentially significant in its impacts.

#### SITE DESCRIPTION

The application site is located to the eastern side of Chapel Road within the Village Envelope of Ridgewell.

The site comprises the pub building and an area to the rear used for car parking and a garden. The Public House is a Grade II listed building, and lies within the Ridgewell Conservation Area. The pub is bounded by residential properties on either side.

The pub has been closed since March 2016.

#### PROPOSAL

This application seeks planning permission for the conversion of the Kings Head public house to a residential dwelling. The application relates only to a change of use and thus no external changes to the building are proposed. Floor plans have been provided which show some minor changes to the internal layout. These internal changes would not require planning permission, but are likely to require listed building consent, which has not been applied for at this time.

## CONSULTATIONS

Ridgewell Parish Council – Objects to the application. The community wish the property to remain as a public house and feel the village is able to support two such commercial enterprises. The majority of the village regard the Kings Head as an important part of the village history and think that insufficient effort has been put in to developing the potential of the business in terms of availability of suitable choices of menu offered, the lack of consistent opening times, the initial removal of parking bays and negligible efforts to visibly market the business.

There has been insufficient evidence that the pub is either no longer viable in terms of the existing property or that the property has been properly marketed for sale at a marketable price in an established agency.

The majority of those who attended the Parish meeting did however agree with comments made regarding the much improved visual changes which had been made to the building.

ECC Historic Buildings Advisor – The works undertaken thus far have had a positive effect upon the heritage asset with the character and appearance of the public house enhanced sympathetically. The optimum use of the heritage asset is as a public house. However if the Council is satisfied that this use is no longer viable then the proposed scheme would have minimal impact on the historic fabric. It would be detrimental if the signage was removed.

ECC Archaeology – A programme of historic building recording should be undertaken.

## REPRESENTATIONS

4 Letters of support and 60 letters of objection have been received to date in response to the public consultation, the contents of which are summarised below.

### Letters of support are summarised below:

- The pub did not always received local support
- The pub needed complete refurbishment
- The pub was on the market a long time before they purchased it
- The police station, butchers, sweet shop and post office in the village have all been converted to houses
- The village does not need two pubs
- The preservation of a beautiful building should be commended

### Letters of objection are summarised below:

- The pub is a public asset
- The service was poor

- The pub has not been run to its full potential
- The car parking has been reduced
- The pub has not been advertised locally (i.e. leaflet drops)
- Opening times were ad hoc and limited
- The business was for sale at an unrealistic price
- 18 months is not sufficient time to make a business work.
- Less than 2 years of on/off trading does not constitute a true depiction of its viability
- The seating area at the front of the site was made in to a garden
- There has not been sufficient effort to sell the business as a public house
- The marketing of the business when it was for sale was limited and low key
- Two goods pubs would be an attraction for the village
- Not all viable options for the continuance of the public house/diversification have been fully explored
- The renovation period would have impacted on profit and custom
- This and surrounding villages are growing, more facilities are needed not less
- The beer garden is now screened from view
- The pub would provide jobs for local people
- The building does not appear as a licensed property
- The proposal will harm the setting, character and structural integrity of the public house
- The change of use will not preserve or enhance the character or appearance of the area
- The proposal would have a detrimental effect on the rural economy
- An accessible public house is of heritage value within a Conservation Area
- There is no cycle parking

## REPORT

### Principle of Development

The application site is located within the Village Envelope of Ridgewell as identified in the adopted Local Plan. A residential use in principle is therefore not objectionable.

Although the site is not located in the countryside, Ridgewell is a small village and could be said to be rural in nature, given its distance from a main town. Paragraph 28 of the National Planning Policy Framework (NPPF) makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to

enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 states that the loss or significant reduction of existing services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available. Policies RLP128 and RLP151 seek to protect community facilities, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

Ridgewell benefits from two public houses, the Kings Head, subject to this application and, The White Horse. The village also has an Indian takeaway, but few other local amenities/facilities exist. The above mentioned policies do not take explicit account of existing levels of provision. To this extent it does not differentiate between the loss of a public house in a village with two pubs and the loss of a village's only pub. The existence of two village pubs is not therefore sufficient justification alone for accepting the closure of one. Notwithstanding this it is reasonable to suggest that the existence of two pubs might undermine their viability. In addition the existence of two pubs is also likely to reduce the social harm caused by the closure.

Permission was sought in 2000 (00/00635/COU) for the conversion of the public house to a private dwellinghouse. The application was refused on the basis that sufficient evidence was not provided to demonstrate that the pub was not economically viable and that all options for its continuance had been fully explored. A subsequent appeal was dismissed with the Inspector agreeing with the Council's deductions.

The pub was purchased freehold by the applicants in June 2013. The purchase price has not been disclosed. From the date of purchase until July 2014 the pub was closed for refurbishment. The pub ceased trading in March 2016 and was put up for sale. It is not known as to whether the pub is still for sale. The applicants own and also reside in the pub.

The property has been for sale since the end of March 2016, with agents TW Gaze based in Norfolk. It is considered that the marketing was limited with particulars sent only to those known by the estate agent to have an interest in such commercial property. The pub was for sale freehold at the asking price of £425,000. The applicant has advised that the pub has also been offered as leasehold, but no details have been provided of this. The pub has not been placed on the open market, advertised with a local agent or within local/national press, nor has a for sale sign been present at the site. In the 6 months the pub was for sale, 2 viewings were undertaken but no offers were made. No information has been provided as to why the prospective buyers were not interested in purchasing the business. As far as Officers are aware the asking price of the pub has not been reduced.

It is considered, taking account of recent public house sales in similar areas, that £425,000 is an unrealistic asking price considering the location of the pub and the trading potential. Furthermore given that the public house is now closed and as it is not a trading entity this will reduce the market appeal and value, as its viability will be questioned. The property currently has a higher value for conversion in to a residential unit than for use as a public house.

The application is supported by accounts for 5 months' worth of trading in 2014 and a trading between 1<sup>st</sup> November 2014 and 31<sup>st</sup> October 2015 which detail that the business made a loss in both years. The account history provided is limited and therefore it is not possible to assess any long term trends, however the applicant was only trading for 20 months. The accounts suggest that the business has not been profitable since it has been in the ownership of the applicant. In their statement which supports the application, the applicant acknowledges that it was a case of starting from scratch and thus it is reasonable to consider that losses would be experienced to some degree. The pub has clearly been successful in the past and no information has been provided which details how the pub has reached its current predicament. It is not unusual for businesses to see periods of downturn, and this does not mean in all cases that businesses will thereafter remain unviable.

The applicant purchased the public house in 2013 and immediately undertook renovations which resulted in the pub being closed for 12 months, not opening for trade until July 2014. As such at the time of closing, the pub had been trading for approximately 20 months. It is considered reasonable to assert that a business, starting essentially from scratch, will need longer than 20 months in order to become established; especially as such a business will rely on reputation to attract customers and customers who had gone elsewhere whilst the pub was closed will need to be encouraged back.

The applicant does not make specific mention of a business plan and this hasn't been submitted to support the application. It is understood that at least £150,000 has been ploughed in to renovating the pub. New businesses need time to establish a customer base and find its place in the market. No reference is made to the business plan acknowledging that money would likely be needed to cover costs whilst the business became established and started to make a profit.

The applicant has specified that the pub was open Wednesday – Sunday and staff time sheets have been provided to evidence this. These staff time sheets detail two members of staff and cover periods between July and January (no year specified) for one member of staff and between June 2015 – December 2015 and February 2016– March 2016 for the other member of staff. Representations received in response to the public consultation mention ad hoc opening times which became erratic such customers could not rely on the pub to be open. It is inevitable that this would deter customers, especially those travelling from beyond the village and it would also limit passing trade. The applicant does not suggest that opening times became variable, however

if this was the case it is reasonable to suggest that with reduced opening hours a fall in turnover would have been inevitable.

The pub has undergone a number of changes since in the ownership of the applicant. Both internally and externally the building has been extensively reconditioned. The applicant details that some £150,000 has been spent on the pub renovations. Within the grounds of the pub the car parking area has been reduced; the external seating area at the front of the site omitted and replaced with planting and a wall erected which screens a view of the beer garden from the public realm. It is Officer's opinion that given the works undertaken that the building and wider site is not readily distinguishable as a business premises, despite the pub sign. The works undertaken have undeniably "domesticated" the appearance of the site. The loss of car parking will discourage customers as they will not travel to a pub if they cannot park and the non-apparent appearance as a licensed premises will affect the potential for passing trade. It is Officer's opinion that cumulatively the changes as described above will have had an impact on trade and consequently takings.

The applicant advises that the business has been advertised in a number of ways, including adverts in local press, leaflet drops in Ridgewell and nearby villages and an advert in the Romford Recorder. No details are given on how many times adverts were placed in the 20 months the pub was trading. The applicant also details a number of events that were held at the pub during the first year of trading. It is advised that several events were cancelled due to a lack of interest. A number of the representations received allude to a less than satisfactory customer experience, including quality and price of the food and a limited selection of drinks. Dissatisfied customers will inevitably affect trade.

The representations received from local residents and the Parish Council suggests that the pub is a valued community facility. From the evidence submitted Officers do not consider that the pub has been offered for sale at a realistic price, which will have impacted upon the interest from potential buyers. A lack of interest in itself however does not suggest that the use is unviable. Furthermore the accounts provided, although suggesting the pub has made a loss up to November 2015, do not in themselves robustly evidence that a pub use is unviable and would be in the long term; especially given the pub was trading for only 20 months. In addition, no details have been provided which suggests that all options for the continuance of the pub have been explored.

Rural pubs are important in terms of the social fabric of the community, especially in this case where there are few other local facilities. This is recognised by both the NPPF and local planning policies. Pubs can also provide economic benefits to rural areas through the attraction of visitors. The retention of the pub has generated support within the community. It is considered, despite the fact that it is currently closed; the pub is a valued local facility and has the potential to be an asset to the community in the future.

In Officer's opinion the pub has not been marketed at a realistic sale price or advertised on the open market and it has not been demonstrated that sufficient attempt has been made to maintain a viable public house business or that diversification of the business has been considered. As such it has not been adequately demonstrated that the public house is an unviable business or that all options for the continued operation of the pub have been considered. The change of use to residential has not therefore been satisfactorily justified.

The proposal would result in the permanent loss of a valued local facility which would have a harmful effect on the social vitality and sustainability of the community. The evidence submitted does not satisfy Officers that a pub use is economically unviable or that all options for the continuance of the pub have been fully explored. The proposal would, therefore, be contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

The Council acknowledges that it cannot demonstrate a deliverable 5 year supply of land for housing. The conversion of the pub to a dwelling would add to housing supply, however the addition of a single dwelling would be negligible. Furthermore Officers consider that any benefits that one additional dwelling would provide are outweighed by the harm that would result by way of the loss of the pub.

#### Impact on Designated Heritage Assets

The NPPF advises that where a development 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 securing its optimum viable use.

The heritage consultant has advised that the works undertaken thus far have had a positive effect upon the heritage asset with the character and appearance of the public house enhanced sympathetically and the conversion to a residential use would have minimal impact on the historic fabric or the character and appearance of the Conservation Area. The heritage consultant advises that the optimum use of the heritage asset is as a public house. The conversion of the public house to a residential dwelling is not of any public benefit and would be contrary to achieving the social and environmental role of sustainable development in this respect.

#### Design, Appearance and Layout

There are no external changes proposed to the property. As mentioned above the floor plans indicate some internal alteration which does not require the benefit of planning permission. Depending on the nature of the proposed internal changes it is likely that listed building consent would be required.



### Impact on Neighbour Amenity

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. Furthermore the NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings.

It is not considered that the use of the property as a residential dwellinghouse would give rise to any material impact upon the amenities of neighbouring properties.

### Highway Issues

The site has an existing access which could be utilised for a residential use and can accommodate car parking to comply with the adopted standard.

### CONCLUSION

In conclusion the NPPF makes it clear that in order to support a prosperous rural economy local planning authorities should promote the retention and development of local services and community facilities and should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services. This is reinforced within local planning policy whereby policies RLP128 and RLP151 of the Local Plan Review and policy CS11 of the Core Strategy all seek to retain local services and facilities.

Officers consider that the pub is a valued local facility and this has been demonstrated by the representations received from local residents and the Parish Council. The pub has been for sale discreetly for 6 months before the application was submitted. It is considered that the marketing exercise has been limited in terms of how and where the property has been advertised for sale. Furthermore it has not been demonstrated that the property has been marketed at a realistic price and on this basis a lack of interest from potential buyers is not unexpected. The lack of interest in this case does not therefore demonstrate conclusively that the pub is no longer viable. It has not been demonstrated that sufficient attempts have been made to maintain a viable public house business or that diversification of the business has been considered. The accounts submitted provide only limited detail and are not sufficient to evidence that a pub use is unviable and would be in the long term. In Officer's opinion it has not been adequately demonstrated that the public house is an unviable business, nor have all other options for its continuance been fully explored.

Although the proposal would prove some benefit in providing an additional residential unit, this benefit is extremely limited in terms of the addition to housing supply and would not outweigh the significant harm that would result from the loss of the pub and ensuring the optimum viable use of the heritage asset.

The proposal would be contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

### RECOMMENDATION

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

- 1 Paragraph 28 of the National Planning Policy Framework (NPPF) makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses, to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 of the Core Strategy states that the loss or significant reduction of existing services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available. Policies RLP128 and RLP151 of the Local Plan Review seek to protect community facilities, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

The NPPF also requires harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal would result in the loss of a valued local facility, which is listed as an Asset of Community Value, harmful to the social vitality and sustainability of the community and fail to secure the optimum viable use of the heritage asset. The evidence submitted does not satisfy the Local Planning Authority that the public house has been marketed at a realistic price nor that the marketing has been robust, that it is unviable or that all options for the continuance of the business have been fully explored. The proposal falls contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

SUBMITTED PLANS

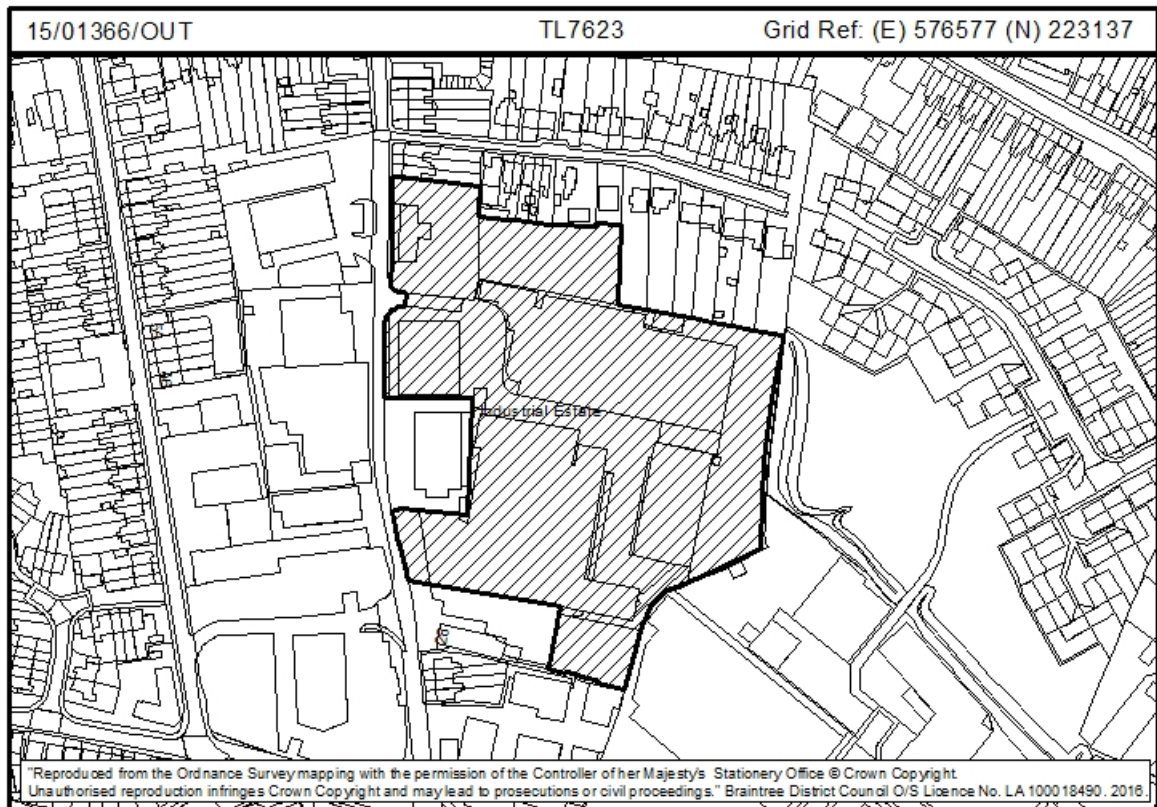
Location Plan  
Block Plan  
Existing Floor Plan  
Proposed Floor Plan  
Existing Block Plan  
Proposed Block Plan  
Floor Plan  
Floor Plan

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01366/OUT DATE: 22.12.15  
 VALID:  
 APPLICANT: Carier (Braintree) Ltd  
 C/o Stuart Wilsher, Boyer Planning Ltd  
 AGENT: Mr S Willsher  
 Boyer Planning Ltd, 14 De Grey Square, De Gray Road,  
 Colchester, Essex, CO4 SYQ  
 DESCRIPTION: Redevelopment of site to involve the demolition of all  
 existing buildings and erection of up to 74 dwellings, of  
 which 30% will be affordable, erection of pump station and  
 associated access arrangements from East Street  
 LOCATION: Carier Business Park, East Street, Braintree, Essex

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



## SITE HISTORY

05/01130/COU 10/01027/FUL	Change of use to Gym	Granted	17.08.05
	Variation of condition 3 of planning permission 05/01130/COU to the following: The premises shall not operate outside the following hours: Monday - Friday 0600 - 21.30 hours Saturday 08.00 - 16.00 hours Sundays, Public and Bank Holidays 08.00 - 16.00 hours. Between 0600 and 0800 hours Monday to Friday the rating level of the noise emitted from the site shall not exceed the background noise level at the boundary of the nearest noise sensitive premises (in accordance with BS4142:1997)	Granted	15.09.10
14/00144/FUL	Demolition of existing Carrier Business Park warehouse (Unit 5) and existing two storey attached office. Installation of new handrails to raised area and new cladding to newly exposed flank wall of neighbouring industrial unit. Installation of new palisade fencing to front of site to match existing boundary treatments.	Granted	28.03.14
14/00079/NMA	Application for non-material amendment of planning application 14/00144/FUL - Demolition of existing Carrier Business Park warehouse (Unit 5) and existing two storey attached office. Installation of new handrails to raised area and new cladding to newly exposed	Granted	08.01.15

	flank wall of neighbouring industrial unit. Installation of new palisade fencing to front of site to match existing boundary treatments.		
09/00040/FUL	Demolition of part of building to provide two separate buildings and division of these buildings into 12 no. smaller units for use within classes B1, B2 and B8 (Business, General Industry and Storage or Distribution) including external alterations and car parking	Granted	19.03.09
09/01620/FUL	Change of use of sports/social club building at the Carrier Site	Granted	01.02.10

### POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP27	Location of Employment Land
RLP33	Employment Policy Areas
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality

RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

#### Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP3	Providing for Employment
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP1	Location of Employment Land
LPP2	Employment Policy Area
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP43	Health and Wellbeing Impact Assessment
LPP44	Provision for open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems



Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document

Essex Design Guide

Open Spaces Supplementary Planning Document

Open Spaces Action Plan

Essex Parking Standards Design and Good Practice 2009

External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications.

NOTATION

The majority of the application site, with the exception of the northernmost portion is allocated as an Employment Policy Area in the Braintree District Local Plan Review 2005.

The entire application site has a draft allocation for residential development in the Emerging Draft Local Plan. This draft allocation was approved by the Local Plan Sub-Committee on 15<sup>th</sup> December 2016.

The application has been advertised as a departure from the Council's adopted Development Plan.

SITE DESCRIPTION

The application site is located within the Town Development Boundary of Braintree. It measures approximately 2.1 hectares and fronts onto East Street, from which vehicular access is currently taken. The current boundary treatment to East Street consists of a 1.8m palisade fence.

The site is bounded to the north by existing residential dwellings located on St Marys Road, to the south by industrial/commercial buildings and to the east partly by industrial/commercial buildings and partly by an area of informal public amenity space.

The site currently contains a large area of concrete hardstanding where previous industrial buildings have been demolished, in addition to a number of remaining industrial units with associated hardstand and parking. At the northern end of the site there is a terrace of units (92 to 102 East Street) which are also in commercial use but are of a significantly smaller scale and are of a more residential appearance.

The site is primarily of a level topography with a slight fall of approximately 1.5 metres from north to south, although substantial areas are level due to the construction of expansive concrete hardstands over what would previously have been a more sloping site. There are two lower areas of land, one located centrally within the southern portion of the site which sits approximately 1.5 metres below the adjacent land and a second at the southern periphery of the site which sits between 3 and 5 metres below the adjacent land.

## PROPOSAL

The applicant seeks Outline Planning Permission, with all matters reserved, for the redevelopment of the site to involve the demolition of all existing buildings and the erection of up to 74 dwellings, of which 30% will be affordable, the erection of a pump station and associated access arrangements from East Street.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage. As all matters are reserved, access; appearance; landscaping; layout and scale would all be considered at Reserved Matters.

The applicant has submitted an illustrative site layout plan which demonstrates one way in which the site might accommodate the proposed number of dwellings. This illustrates that the main vehicular access would be taken from East Street, slightly to the north of the existing access position. A second emergency access point would be located toward the southern end of the site, again from East Street. Internal access would be provided via a spine road running from north to south through the site with two cul-de-sacs leading deeper into the site to the east. The southernmost area of the site is shown to contain a parking area and area of amenity land with the remainder of the site accommodating the proposed dwellings.

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

- Planning Statement
- Design and Access Statement
- Viability Assessment
- Desktop Contamination Report and Ground Investigation Report
- Noise Report
- Transport Assessment
- Utilities Assessment
- Flood Risk Assessment and Drainage Strategy
- Ecology Survey

## CONSULTATIONS

### ECC Historic Buildings Advisor

No objection. The site is located to the east of the Braintree Conservation Area with little visual or historic association. The buildings proposed for demolition are not of historic or architectural merit. The development will not affect the setting of the Conservation Area.

### ECC Flood and Water Management

No objection subject to the imposition of conditions relating to the submission and approval of a detailed surface water drainage scheme and a scheme to minimise off site surface water and groundwater flood risk during the construction of the development.

### BDC Housing Research and Development

No objection. 30% affordable housing required. Details of the mix would be subject to a reserved matters application.

### BDC Waste Services

No objection.

### ECC Highways

No objection subject to visibility splay condition relating to the proposed main access. Consider that it would be possible for the required visibility splays to be achieved if the main vehicular access is positioned as shown on the illustrative site layout plan.

If, as part of a reserved matters application, the main access were to move from the position shown, the applicant would need to prove they would still be able to provide the required visibility for the access.

Travel Information Packs and a Construction Management Plan are also required.

### NHS

No objection. The development would give rise to a need for improvements to healthcare capacity to mitigate impacts arising from the development. The development would impact upon the services of 4 GP practices. The GP practices do not have capacity for additional growth. Improvements to capacity would therefore be required through the relocation of Mount Chambers Surgery, a proportion of the cost of which would need to be met by the developer. A developer contribution of £28,083 will be required.

#### Essex Fire and Rescue Services

Due to what would be considered an excessive distance to the nearest statutory fire hydrant it is considered that additional fire hydrants will need to be installed within the curtilage of the site, with the cost being met by the developer.

#### Anglian Water

No objection. Require an informative to be added to any planning decision notice relating to the need to incorporate Anglian Water assets on the site within any detailed site layout. Bocking Water Recycling Centre has available capacity for foul drainage from this development.

Development may lead to an unacceptable risk of flooding downstream. The pre-planning report allowed for gravity connection to the public sewer however the proposed plan shows a pumping station. Anglian Water will require a drainage strategy by way of planning condition to allow an assessment of the proposed pump flow rate. Conditions relating to a foul water drainage strategy and surface water management strategy are therefore required.

#### Environment Agency

No objection.

#### ECC Historic Environment Officer (Archaeology)

No objection subject to a condition relating to the securing of a programme of archaeological evaluation in accordance with a Written Scheme of Investigation to be approved by the Local Planning Authority.

#### BDC Engineers

No objection.

#### BDC Environmental Health

No objection. Conditions required in relation to contaminated land and also requested in relation to the removal of asbestos from the site and the removal of Japanese Knotweed from the site prior to the commencement of development. A condition requiring the submission and approval of a noise mitigation scheme is also required.

#### BDC Landscape

No Objection. The nature of the existing site means there is little biodiversity value and the structure/design of the buildings seems to preclude a refuge for roosting bats.

The proposed layout seems to offer little amenity with a limited amount of open space and the illustrative tree planting shown on the layout will be difficult to secure within the confines of the scheme and available space on the street frontage. Notably, the line of trees proposed for the footway/cycleway seems impractical in the space available and are unlikely to flourish.

Require a condition requiring a landscape strategy to be submitted and approved before development starts; the strategy should identify the opportunities for appropriate planting on the frontage, within car parking courts and on the limited area of open space and explain how these will be managed and maintained for the benefit of the public realm in the long term.

Better quality spaces should be sought at Reserved Matters where the landscape treatment can flourish rather than a scheme that is inevitably compromised by lack of space. Suggest that in this case the landscape scheme should focus on a few good quality elements.

Also require a condition restricting the clearance of trees and vegetation to those months outside the bird nesting season (March – August).

#### ECC Economic Growth and Development

No objection. Proposed development is located within the Braintree Central Ward. Although there is some Early Years and Childcare capacity in the area it is insufficient to meet the demand from this development. A contribution of £92,427 is therefore required to make additional provisions through a proposed project to expand provision/provide a new facility within the Ward.

The development is located within Braintree Group 6 (Braintree Town and surrounds) primary forecast planning group. The group is forecast to have a deficit of 146 permanent places by the school year 2019-20. The demand generated by this development would be in addition to this demand. A contribution of £270,218 is therefore sought to mitigate the impact upon local primary school provision with a project to replace 26.7 places of temporary accommodation.

No contribution towards additional secondary school places is requested as there is forecast to be a surplus of 213 places by school year 2019-20. No school transport contribution is sought towards school transport given the proximity of the site to the nearest primary and secondary schools.

#### REPRESENTATIONS

Seven letters of objection were received to the original development proposal covering the following matters:

- Development will worsen existing traffic congestion on East Street which is used as a cut through
- Highway safety concerns

- East Street partly single lane due to on street parking and unsuitable for increased traffic cut through
- Double yellow lines would be required on East Street with road widening
- No footpath on parts of East street
- Dangerous for cyclists already
- East Street unsuitable for construction traffic
- Question what precautions taken to remove asbestos on site
- Concerned regarding subsidence of sheds and fences as houses on St Marys are circa 1.5m higher than application site
- Potential overlooking
- Loss of amenity (footfall, lighting) caused by new development
- What improvements to East Street are proposed?
- Safety concerns regarding parking against our garden fence
- 91 homes is too many for the site
- Existing residents already struggle with accessing local health and educational facilities which already lack sufficient capacity
- Applicant previously objected to another planning application on the grounds of East Street already suffering from traffic problems
- Site is protected by Policy RLP33 for employment use only
- What will happen to existing business on the site?
- Some of the houses are positioned too close to adjacent Industrial buildings with overbearing/noise implications
- Gas Cylinders stored nearby and a 200 metre exclusion zone has been placed around these. Essex Fire and Rescue should therefore be consulted
- Concern that introducing a noise sensitive use adjacent to existing unrestricted commercial premises will impact upon business viability and commercial operations
- Concerned that releasing this land for residential will fragment the wider employment area its sits within
- Council's Employment Land Review recommends retaining the site for employment use
- Applicant's viability report is based upon assumed site coverage of 50% which seems low
- The floorspace assumption is based upon single-storey buildings only and should include scenarios for at least two storey buildings
- Query some of the costs assumptions in the viability report (build costs seem high; yield figure seems high; costs inputs seem high). Therefore urge the Council to undertake a careful analysis of the viability assessment by an appropriately qualified expert.
- Consider that a marketing exercise for employment use of the site should be completed
- Noise impact to future residents will be unacceptable
- Adjacent cooling plant will work harder during the summer with greater noise implications

Four letters of comment were received raising the following matters:

- Freeola Ltd employs 19 staff who work on the site at 92 - 102 East Street and has been in situ for 11 years. This is in addition to the 17 staff who work on the remainder of the site
- Quite strong demand for commercial property in Braintree
- Changing commercial property to residential might cause Freeola Ltd to move away from Braintree
- East Street isn't suitable for heavy goods vehicles but hope a balance between light commercial and housing can be achieved
- Car park for adjacent commercial business is located on site boundary and operates from 6am until 9.30pm. Concerned that future residents may complain about vehicle noise jeopardising the existing established business.
- Request more extensive tree screening between back gardens of St Mary's Road housing and proposed parking spaces on the site
- Request that restricted access to East Street is considered to reduce through flow
- Concerned that there is no risk assessment due to proximity of a cooling tower and a large refrigeration plant running on the adjacent commercial site. Also an adjacent engineering company with gas cylinders.

One letter of support was received raising the following matters:

- Site is perfectly located for housing with all required facilities within walking distance
- Change of use to residential would see reduction in the number of larger commercial vehicles using the surrounding roads
- Current site is not aesthetically pleasing and the buildings are beyond their expected lifespan. They are not compliant with the thermo-dynamic requirements of modern buildings and the new requirements being imposed by the energy act 2011 which come into force in 2018
- Large number of modern, newly specified industrial/warehouse/office units are available on sites which are far better located for employment uses outside of the old mixed housing/industrial area. (e.g. Skyline which is served by the A120)

Two objections were received following a public re-consultation with regard to the revised proposal:

#### 92-102 East Street (Freeola Ltd)

- Objection. My company occupies 92 – 102 East Street, these buildings would be demolished under the current proposal. Revised layout now shows houses on our plot rather than flats. Cannot see why the landlord needs to include this small parcel of land as part of the scheme when he could achieve the same income by selling our existing building without refurbishment as offices. The building next to us was not available on the rental market and has already been demolished.
- Council's Viability Consultant's Report is wrong. I searched for over a year for our current property and demand is clearly outstripping supply.

Proposed development is not about viability but about maximising profit. I have spent £425,000 on a listed pub with associated Listed Building Control issues which is less suitable for my business than our current offices and would obviously not have done this if more viable buildings existed.

- I urge the Council to rule my plot outside of the development because it is viable and is still occupied. We would buy the property if it was for sale. Also concerned if the Greenfields owned building is included in the development if it is true that Greenfields received a Council grant to purchase it.

#### Norish Ltd and Jaynic Ltd

- Objection. Norish/Jaynic site is located immediately to the south of the application site at Benfield Way as long term established commercial occupiers.
- We note that the revised layout has moved the housing away from our shared boundary and also that the orientation of the new houses will now provide some noise attenuation to their rear gardens. However, we maintain our objection with regard to the proximity of and conflict between the proposed residential use and our commercial site and the impact this would have on the ability of Norish/Jaynic Ltd to maintain an unfettered commercial operation.
- Noise Assessment has not been updated to reflect the revised site layout. We acknowledge that the revised layout moves the housing further from our site and associated noise impact but consider the noise assessment should still be updated. We note that the Council's Environmental Health officer has no objection to the applicant's Noise Assessment subject to two planning conditions relating to noise mitigation measures. We support the use of these conditions which we considered essential. Also request that if permission is granted no residential dwellings are permitted within 20 meters of our site boundary.
- Also maintain our objection to the principal of residential development on the application site. Site is identified for employment use under the adopted Local Plan as is surrounding land. Permitting residential development on this site will create a conflict of adjacent uses. We do not consider that the acceptance of the applicant's viability case by the Council's Viability Consultant provides sufficient material considerations to justify the granting of planning permission as a departure from the adopted Development Plan. Norish and Jaynic Ltd will refer the Council back to their objections to this application in order to defend their property and commercial interests if permission is granted and their commercial operations are adversely affected.



## REPORT

### Principle of Development

#### 5 Year Housing Land Supply

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at the time of writing is, therefore, that its forecast supply for the period 2017 - 2022 is 3.8 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

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

The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

#### The Application Site

The majority of the application site is designated as an Employment Policy Area in the adopted Local Plan. The exception is the northernmost part of the site which contains no's 92 to 102 East Street with associated curtilage and two parking areas, one formal and one informal. This area of the site is undesignated in the adopted plan. No's 92 to 102 East Street is currently occupied by Freeola Limited, a local company who have objected to the application and wish to remain in the building. There is no planning policy protection afforded to this area of the site for an employment use and the termination or otherwise of Freeola's lease is a matter for the consideration of the site owner. The general principle of the re-development of an undesignated area of land within the Town Development Boundary for residential use is acceptable in terms of planning policy and the Council cannot prevent the termination of Freeola's lease.

The remainder of the site is designated as an Employment Policy Area in the adopted Local Plan where Policy RLP33 states that only B1 (Business); B2

(General Industry) and B8 (Storage and Distribution) uses will be permitted. This allocation is not proposed to be taken forward into the new Local Plan and the site has a draft allocation for residential development which was approved by the Local Plan Sub-Committee on 15<sup>th</sup> December 2016. The application to re-develop the site in a residential capacity is therefore a departure from the adopted development plan although it would be in accordance with the draft allocation in the emerging Local Plan.

The applicant has submitted a Viability Assessment Report in support of the application. The Report covers the majority of the site which is allocated as an Employment Policy Area and excludes the undesignated northern part of the site described above, where the principle of residential development is not objectionable. The Viability Assessment demonstrates that the re-development of the site for an employment use is not viable. This Report has been independently assessed by the Council's own viability consultant who is in agreement with the report's findings.

The applicant's report finds that the existing buildings on the site are coming to the end of their useful life and that the current employment ratio on the site is one employee to 263m<sup>2</sup> of floorspace which is not considered sustainable. The site would therefore need to be re-developed for an employment use. The report also finds that the site is poorly located within the road network for access by Heavy Goods Vehicles but also that businesses are beginning to expand and that there is now a relative shortage of floorspace available within the Braintree town area. Overall, based upon an appraisal of an achievable £ per sqft rental return in the current market the applicant's report concludes that *'It is quite clear that although this site has been recommended within Braintree District Employment Land Needs Assessment...it is not viable for that purpose'*.

The Council's Viability Consultant has carried out an independent review of the applicant's Viability Appraisal. The review finds that the applicant's Viability Report is reasonable in its approach and content and that it reflects *'a likely non-viable scenario; by usual measures; one which does not appear workable using current appropriately placed assumptions for the envisaged development type and location'*. Officers are therefore satisfied that the applicant has demonstrated that the re-development of the site in an employment capacity is not viable.

The NPPF provides clear guidance (para 22) that *'where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'*. The application site is located within the Town Development Boundary of Braintree, the District's main town which sits at the top of the identified settlement hierarchy and is considered a sustainable location for new residential development.

In addition, the site consists of previously developed or 'brownfield land'. The NPPF (para 17) places significant weight on the effective use of land by re-

using previously developed (brownfield) land. The proposed development would result in the effective re-use of a large area of brownfield land and this is an important factor which weighs in favour of granting planning permission for the scheme.

### Conclusion

Taking into account the following:

- The applicant has demonstrated that the use of the site in an employment capacity is not viable;
- The site is located within the Town Development Boundary of Braintree on brownfield land;
- The Council is currently unable to demonstrate a 5 year housing land supply and the proposed development would deliver a substantial number of market and affordable houses to help meet this existing shortfall;
- The site is proposed for allocation for residential development in the emerging draft Local Plan;

the general principle of the re-development of the site for a residential use is considered acceptable and is supported at Officer level, subject to further detailed material considerations which are set out below.

### Site Assessment

#### Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires *‘the highest possible standards of design and layout in all new development’*. At the national level, the NPPF is also clear in its assertion (para 56) that *‘good design is a key aspect of sustainable development’* and that (para 58) developments should *‘function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping’*.

The current application is an outline application with all matters reserved. The applicant has submitted, in addition to a site location plan an illustrative masterplan which is supported by further illustrative plans including house type layout and proposed site levels. A detailed access drawing has also been submitted demonstrating how the proposed main vehicle access and the emergency access could be achieved.

The applicant seeks permission for the erection of up to 74 dwellings. The submitted illustrative plans demonstrate one way in which the site could accommodate the proposed quantum of development at a gross density of approximately 35 dwellings per hectare. The masterplan makes provision for the required level of car parking in accordance with the Essex Parking Standards (2009); garden sizes accord with those required by The Essex Design Guide (two gardens are slightly sub-standard however many are over

standard, some significantly); back to back distances are complied with and often exceeded and an area of informal open space is provided for residents.

The illustrative masterplan is a revised version, which follows detailed and prolonged design discussions with Officers. The applicant originally proposed a higher density scheme of 89 dwellings which Officers considered constituted over development of the site. Through the application process the quantum of development was reduced with the current masterplan of 74 dwellings being reached after lengthy discussions. The currently proposed density of 35 dwellings per hectare is considered appropriate for an urban brownfield site and as set out above the masterplan now demonstrates that the basic design and layout parameters required by the Council can be met.

In terms of detailed layout, Officers would not support certain aspects of the illustrative layout which would need to be revised at Reserved Matters stage. In particular, the use of parking courts is not supported, particularly where they sit immediately adjacent to the rear boundary fence of a dwelling and the provision of a rear access path to a number of units (no's 25 to 36 and 41 to 47) is not a secure design principle. The current layout is also overly dominated by car parking and the public realm and the street frontages need to be re-designed to address this on several areas of the site. Officers however note that the indicative parking provision exceeds the required standards (including visitor parking) by 8 spaces. In addition the illustrative housing mix includes only 4no. 1 bed units, which is unusually low for a scheme of 74 dwellings. This provides opportunities to re-jig the housing mix and reduce the requirement for parking provision with associated opportunity to improve the development's street frontages to an acceptable standard.

The applicant has also, at Officer's request, demonstrated on the illustrative masterplan how the existing building located adjacent to but outside the site's western boundary could be replaced by dwellings at a future date if this plot of land becomes available for re-development. Overall it is considered that the proposed quantum of development is acceptable.

### Landscape/Townscape

Core Strategy Policy CS8 *Natural Environment and Biodiversity* states that '*development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment*'.

The application site is a previously developed site which has an industrial/commercial history and sits within the town boundary. The existing landscape and townscape value of the site is therefore negligible and the residential re-development of the site represents an important opportunity to significantly improve the current situation. In particular, the development presents an opportunity to create a positive residential frontage to this section of East Street which would greatly improve the existing townscape in the locality.

The illustrative masterplan includes tree planting across the site, in addition to an area of informal public open space at the site's southern periphery. There are a small number of scattered trees located within the site boundary the primary function of which in landscape terms is to provide a degree of screening to the existing dwellings to the north. Landscaping is a reserved matter and at the detailed design and layout stage the applicant would need to identify any existing trees that would be retained and areas of new planting and screening where appropriate. The scheme also has the ability to introduce an element of landscaping to the East Street frontage which is currently entirely industrial in its nature. This would represent a significant improvement to the current street scene.

### Ecology

Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species.

The site primarily consists of concrete hardstanding's and buildings, however the applicant has submitted an Ecology Survey in support of their application. The Survey found that Japanese knotweed is present on some areas of the site and recommends that this is controlled by a specialist contractor. No evidence of bat roosting was found in any of the existing buildings on the site, all of which were inspected. This was also the case for all the existing trees on the site.

The Report found no evidence of any other protected species and recognised that the proposed re-development of the site could provide enhancements which would benefit multiple species and biodiversity in general.

Precautionary measures were identified and recommended in the form of site clearance being undertaken outside the bird nesting season, the use of Bat sensitive lighting and precautionary construction techniques sympathetic to badgers.

### Highways and Transport

The applicant seeks outline permission with all matters reserved including access. However, a Transport Assessment has been submitted in support of the application which includes a detailed access drawing demonstrating how both a primary vehicular access and a secondary emergency access to the site can be achieved.

The primary access would be located in the position of the existing vehicular access to the site from Station Road but would upgrade the access to an

adoptable standard, with both the access and the internal site access road being 5.5 metres in width with 2 metre wide pedestrian footways on either side, demonstrating that a safe and satisfactory access could be achieved to the site. The emergency access would consist of a new 3 metre wide shared footway/cycleway and would provide a further link to East Street for future occupants of the development.

Parking provision has been made as set out in the Design and Layout section of the above report, in accordance with the Essex Parking Standards (2009).

In terms of trip generation, the applicant's Transport Assessment states that the development is likely to generate 42 trips in the AM peak (13 arrival and 29 departure) and 45 in the PM peak (31 arrival and 14 departure). The Transport Assessment finds that this level of trip generation can be accommodated within the existing capacity of the East Street/Coggeshall Road junction and the East Street/Manor Street junction with the overall impact of the development on the highway network being negligible.

A number of residents have objected on highway grounds with regard to matters such as current traffic congestion on East Street, highway safety and the ability of East Street to accommodate traffic generated by the development. Essex County Council, the statutory Highway Authority have however reviewed the application in detail (both the original proposal and the revised proposal) and have no objection to the proposed development on highway grounds. Conditions are required relating to the visibility splay of the main access and the provision of a Construction Management Plan. Travel Information Packs are also required.

It is not therefore considered that there are any grounds to justify a refusal of planning permission in relation to highway matters.

#### Impact on Neighbour Amenity

The application site is bounded to the south, east and west by commercial development. To the north, the site boundary abuts the rear/side curtilages of existing residential development on East Street and St Mary's Road. The impact of the proposed development upon neighbour amenity is a detailed consideration which would be assessed in full at the Reserved Matters stage, however the illustrative masterplan demonstrates a proposed layout which is compatible with these existing dwellings and would not result in an unacceptable degree of overlooking or loss of amenity.

The site's proximity to existing commercial development is also an important consideration with regard to the amenity of future occupiers of the proposed development. The applicant submitted a Noise Report in support of their application which demonstrates that the site is suitable for residential development when assessed against the criteria of British Standard BS 8233:2014 and the World Health Organisation Document 'Guidelines for Community Noise'. The main sources of noise identified were traffic noise from East Street and noise from the large commercial building situated

adjacent to the site's south eastern boundary which has external mechanical services plant fitted.

The Noise Report assessment was based upon the originally submitted site layout plan. This proposed a number of dwellings in the southernmost area of the site, immediately adjacent to the commercial building plant. The Report identified noise mitigation measures including the use of sealed windows with mechanical ventilation to elevations facing East Street and the provision of 2 metre high solid boundary treatments to rear gardens and the use of glazing and ventilation systems to elevations located in close proximity to the commercial building plant. The revised masterplan no longer locates dwellings immediately adjacent to the commercial plant, however a condition would be required to secure a detailed noise mitigation scheme to be submitted and approved as part of the Reserved Matters stage. The Council's Environmental Services Team have reviewed the Noise Report and have no objection to the proposed development subject to the above condition being secured and including a requirement to validate the mitigation measures to ensure they are actually carried out in full.

The proximity of the adjacent commercial buildings is also a consideration in terms of the general amenity of future occupiers of the proposed development. The revised masterplan indicates how dwellings could be positioned to ensure that an acceptable outlook was achieved, particularly with regard to the large commercial building located adjacent to the site's south eastern boundary which is of considerable height. The originally submitted masterplan included dwellings on the southernmost part of the site which appeared crammed in-between commercial buildings and would have had a very poor outlook. This has been addressed in the revised masterplan partly by re-designing the illustrative layout and partly by reducing the total number of proposed units.

### **Other Matters**

#### **Archaeology**

Essex County Council Place Services (Archaeology) has no objection to the application, subject to the imposition of a condition relating to the securing of a programme of archaeological evaluation of the site to the satisfaction of the Local Planning Authority.

#### **Contamination**

The Council's Environmental Services Team have no objection to the application subject to the imposition of conditions relating to further contamination surveys and site remediation and the removal of the Japanese Knotweed located on the site.

### Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and proposes to utilise a piped storage system and a small detention basin located at the southern end of the site to accommodate surface water drainage. There also exists the potential for SUDs schemes to be employed across the site, subject to the results of future ground investigation and contamination investigations.

The Lead Local Flood Authority (Essex County Council) consider that the surface water drainage scheme proposed demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage and the County Council have specified conditions which should be attached to any permission granted relating to the required content of this scheme.

### Reserved Matters Timescales

The applicant has agreed, at Officers request, to reduce the time period for the submission of the Reserved Matters Application from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and would result in the development being brought forward earlier than could normally be expected which in turn would assist the Council to address the current shortfall in the 5 year housing land supply.

### Site Assessment Conclusion

There are no objections to the application from any statutory consultees.

Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

### Section 106

The following identifies those matters that the District Council would seek to secure through a planning obligation.

#### **Affordable Housing**

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the urban area of Braintree where the provision of 30% affordable housing is required.



The applicant submitted an Affordable Housing Statement in support of the application confirming that 30% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 74 dwellings this equates to 22 dwellings.

The Council's Strategic Housing Team requires a 70/30 tenure mix (rent over shared ownership) to be secured. The affordable dwellings are required to be clustered in two or possibly three areas of the site and should be compliant with either lifetime homes standards or Part M 2 of Building Regulations. All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction.

In addition, if the scheme is to be delivered in two phases then 50% of the affordable housing is to be delivered in each phase.

This is an outline application where design and layout are reserved matters. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the types of affordable housing that is required to meet local need. The Council's Strategic Housing Team advise that the following affordable housing mix would be considered appropriate based upon the illustrative masterplan:

- 4 x 1 bedroom 2 person flats
- 15 x 2 bedroom 4 person houses
- 3 x 3 bedroom 5 person houses

However it is recommended that the S106 Agreement specify that an Affordable Housing Strategy be submitted (as part of a site wide housing strategy to cover phasing and market housing mix) to the Council for approval prior to the submission of the first application for Reserved Matters.

## **Healthcare**

NHS England advise that the proposed development would be likely to have an impact on the services of 4 GP Practices operating in the vicinity of the site which do not have capacity for the additional growth resulting from the development. The development would therefore give rise to a need for improvements to capacity; in this instance through the relocation of Mount Chambers Surgery, a proportion of the cost of which would need to be met by the developer. A financial contribution of is £28,083 is therefore required and should be paid prior to the commencement of development.

## **Education**

The County Council has stated that there is sufficient existing capacity for Secondary School provision but that a financial contribution is required toward additional Early Years and Childcare provision and a financial contribution of is also required toward additional Primary School place provision.

The financial contributions are sought using the County Council's standard formula S106 Agreement clauses, the formula and therefore the exact amounts being based upon the final number and mix of dwellings constructed.

## **Open Space**

Policy CS10 requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would usually be expected to make provision for equipped children's play areas and informal and casual open space on site with a financial contribution towards the provision of off-site outdoor sports facilities and allotments. Given the constrained nature of the site, its location within Braintree Town and the NPPF's emphasis on the effective re-use of brownfield sites it is considered appropriate in this instance for a financial contribution to be made toward the off-site provision of equipped children's play space with most of the required informal open space to be provided on site. Any shortfall in on site provision for informal open space would need to be met by way of a financial contribution.

These calculations would be completed at the Reserved Matters stage when the final dwelling mix and site layout would be known and the financial contributions required through a Section 106 Agreement.

A site wide Landscape Strategy is also required to identify the opportunities for appropriate planting on the site's frontage with East Street, within areas for car parking and on areas of open space within the proposed site layout. The Strategy will be required to explain how these areas of open space and landscaping will be managed and maintained for the benefit of the public realm in the long term.

## **Highways and Transport**

Residential Travel Information Packs are to be provided by the Developer for future occupants of the development, to include six one day travel vouchers for use with the relevant local public transport operator.

## **Conclusion**

The application site is positioned in a sustainable location, on a brownfield site within the Town Development Boundary of Braintree, the District's largest town. It is well positioned for future residents to access a wide range of services and facilities and provides good access to public transport services.

The applicant has demonstrated that it is not viable to re-develop the site for an employment use and the site is the subject of a draft allocation for residential development in the emerging Local Plan. There are no objections to the proposed development from statutory consultees and Officers are of the opinion that the site can accommodate the proposed quantum of development in a sustainable manner.

The development would make a significant contribution toward the Council's 5 year housing land supply, a factor which must also be given weight in the determination of this application.

The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

Officers therefore consider that the proposed development would be sustainable and accordingly recommend that this application is approved.

#### RECOMMENDATION

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

- **Affordable Housing** (30% provision; 70/30 tenure split (rent over shared ownership); clustered in two or three areas of the site; for a 2 phase development 50% to be delivered in each phase; delivered without reliance on public subsidy; units to be compliant with either lifetime homes standards or Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction).
- **Site Wide Housing and Phasing Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision, housing mix and a phasing plan).
- **Site Wide Landscape Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of how areas of open space and landscaping will be managed and maintained for the benefit of the public realm).
- **Healthcare** (financial contribution of £28,083. Trigger point for payment being prior to the commencement of development).
- **Public Open Space** (financial contribution toward outdoor sports provision, equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD).

Financial contribution towards informal open space provision if the Reserved Matters site layout does not provide the total required amount on site as required by Policy CS10 and the Council's Open Spaces SPD. SUDs feature to be excluded from this calculation. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Trigger point for public open space payments being prior to commencement of development.

- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Education** (financial contribution required based on the County Council's standard formula and index linked to April 2015. Trigger point for payment being upon the occupation of the first unit).

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

#### APPROVED PLANS

Location Plan  
Levels

Plan Ref: SITE LOCATION PLAN  
Plan Ref: EXISTING SITE LEVELS 3008-12

#### 1 Details of the:-

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

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

Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

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

Reason

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

- 2 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 74 dwellings, the erection of a pump station and associated access arrangements from East Street with associated parking, public open space, landscaping, surface water attenuation and associated infrastructure and shall demonstrate compliance with the approved plan listed above.

Reason

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

- 3 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted or of existing ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy.

- 4 Prior to the occupation of the development the main vehicular access and secondary emergency access shall be implemented in accordance with the details to be approved at Reserved Matters.

Reason

To ensure the access is constructed to an acceptable standard and in the interests of highway safety.

- 5 Any reserved matters application relating to access shall be accompanied by full details of the proposed site access including visibility splays. Prior to occupation of any dwelling, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600 mm in height at all times.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the

highway and of the access.

- 6 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials including turning and offloading facilities for delivery/construction vehicles within the limits of the site;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition and construction working hours.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 7 No development shall commence, including any demolition until a dust assessment in accordance with IAQM Dust from Construction sites guidance has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved Dust Assessment throughout the construction period of the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The assessment is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 8 a) Prior to the commencement of development a comprehensive survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's REVISION A GROUND

INVESTIGATION REPORT completed by Richard Jackson and dated October 2015 to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

b) Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

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

#### Reason

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

before any on-site work commences.

- 9 Prior to the commencement of development a Noise Report detailing the noise mitigation measures that will be incorporated into the development based upon the recommendations of the submitted Noise Report completed by Sharps Redmore dated 21 December 2015 shall be submitted to and approved by the local planning authority. The noise mitigation measures shall be completed in accordance with the approved details.

Reason

To protect the amenity of the future occupiers of the development. The Report is required prior to the commencement of development to ensure that the development is constructed in accordance with the agreed mitigation measures.

- 10 No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological works is required prior to the commencement of development to ensure that any archaeologically on the site is recorded before construction works start.

- 11 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Investigation into the feasibility of infiltration at the location of the SUDs features. Should this prove achievable this should form the basis of the surface water drainage strategy. If it is found not to be possible discharge from the site must not be more than 50% of the existing brownfield rate for all events up to and including the 1 in 100 event plus a 40% allowance for climate change. This should be based on a detailed assessment of the existing on site drainage system.
- Provide sufficient surface water treatment for all elements of the development, in line with the CIRIA SUDs manual (C753). Including sufficient treatment for the main spine road which should be considered a medium pollution risk.



#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that the development of the site is carried out in accordance with an approved drainage scheme.

- 12 No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding are in place when works commence on the site.

- 13 No development shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that measures to maintain the surface water drainage system are in place before works commence on the site.

- 14 The applicant or any successor in title must maintain yearly logs of maintenance 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 that 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 floor risk.

- 15 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent environmental and amenity problems arising from flooding. The Foul Water Strategy is required prior to the commencement of development to ensure that the development is constructed in accordance with the agreed details.

- 16 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

- 17 No vehicular movements relating to the demolition of the existing buildings or the construction of the development to, from or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

In the interest of the amenity of residents of the locality.

- 18 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

In the interest of the amenity of residents of the locality.

- 19 Prior to the first occupation of the development a report validating the noise mitigation measures required by Condition 9 and confirming that such measures have achieved the required noise mitigation standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the approved noise mitigation measure are carried out in full in the interests of protecting the amenity of future residents of the development.

- 20 No above ground works shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes of the dwellings and buildings on the site have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 23 Prior to installation of any meter cupboards on the dwellings details of the location, design and materials for the relevant phase of the development shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

- 24 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure within the relevant phase of the development 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 be permanently retained as such and only in accordance with the approved details.

Reason

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

- 25 No above ground works shall commence in the relevant phase of the development until details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

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

- 26 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:
- a minimum of 1 car parking space per 1 bedroom dwelling;
  - a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
  - a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and to include a minimum of 4 blue badge bays plus 4% of total capacity; and
  - standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 27 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed during the development.

- 28 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no enlargement of any dwelling-house as permitted by Classes A, B, D and E of Part 1 of Schedule 2 of that Order without first obtaining planning permission from the Local Planning Authority.

Reason

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

- 29 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

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

- 30 Prior to first occupation details of a scheme for the provision of bat and bird boxes including a strategy for the scheme's implementation shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter so maintained.

Reason

In the interest of protecting and enhancing biodiversity.

INFORMATION TO APPLICANT

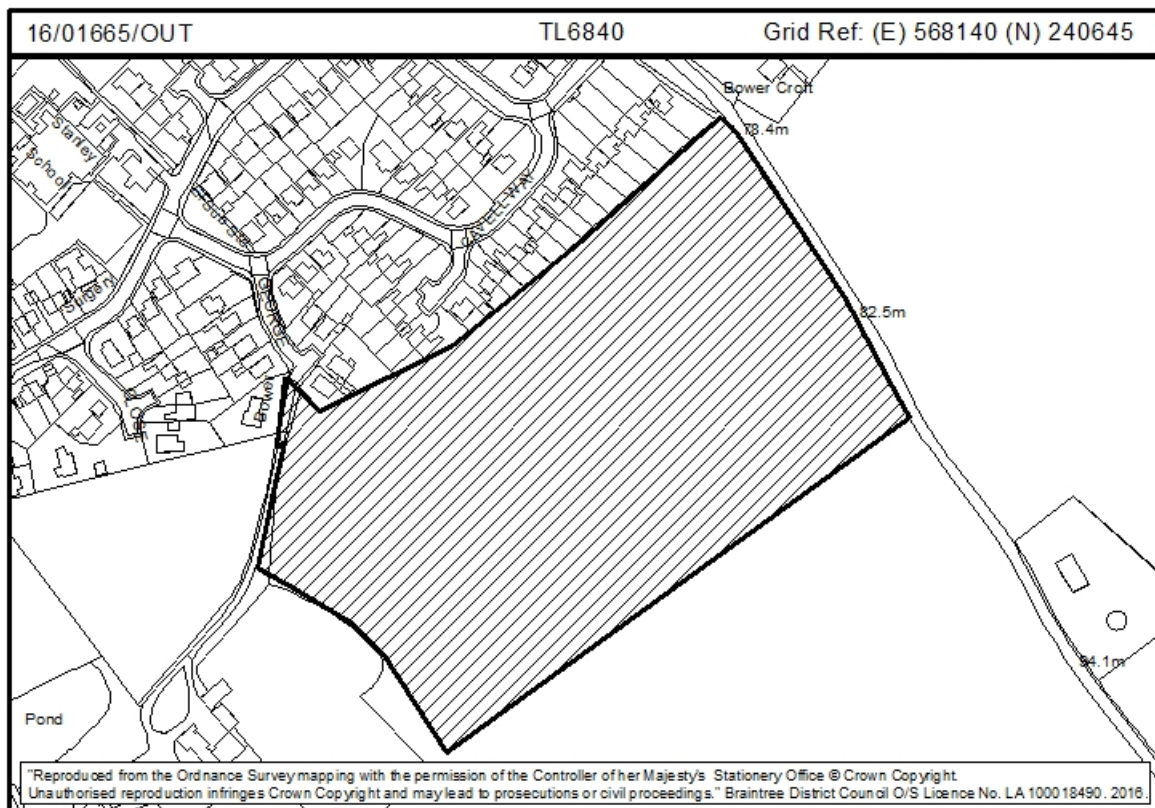
- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 2 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 diversion works should normally be completed before development can commence.
- 3 You are advised that the Japanese Knotweed identified on the site should be managed and disposed of in accordance with the relevant legislation.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01665/OUT DATE: 30.09.16  
 VALID:  
 APPLICANT: Gladman Developments Ltd  
 Gladman House, Alexandria Way, Congleton, CW12 1LB,  
 Cheshire  
 DESCRIPTION: Resubmission of application 16/00410/OUT - Outline  
 planning permission for up to 65 residential dwellings  
 (including up to 40% affordable housing), introduction of  
 structural planting and landscaping, informal public open  
 space and children's play area, surface water flood  
 mitigation and attenuation, vehicular access point from  
 Finchingfield Road, pedestrian access from George Gent  
 Close and associated ancillary works. All matters to be  
 reserved with the exception of the main vehicular site  
 access.  
 LOCATION: Land West Of, Finchingfield Road, Steeple Bumpstead,  
 Essex,

For more information about this Application please contact:  
 Nina Pegler on:- 01376 551414 Ext. 2513  
 or by e-mail to: [nina.pegler@braintree.gov.uk](mailto:nina.pegler@braintree.gov.uk)



## SITE HISTORY

16/00053/REF	Outline planning permission for up to 95 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access from George Gent Close and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access		
16/00001/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Residential development of 95 dwellings and associated public open space and landscaping	Screening/ Scoping Opinion Adopted	12.02.16
16/00410/OUT	Outline planning permission for up to 95 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access from George Gent Close and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access	Refused	06.07.16



## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1            Housing Provision and Delivery

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

#### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

#### Supplementary Planning Guidance

BDC Affordable Housing Supplementary Planning Document  
 Essex Design Guide  
 BDC Open Spaces Supplementary Planning Document  
 BDC Open Spaces Action Plan  
 ECC Parking Standards – Design and Good practice

#### Other Guidance

Braintree District Landscape Character Assessment 2006

Historic Environment Good Practice Advice in Planning Note 3 (Historic England, 2015)

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan and is therefore an application which has significant policy implications.

## NOTATION

The application site is located outside, but adjacent to the Steeple Bumpstead village envelope, as designated in the Braintree District Local Plan Review, 2005.

This application has been advertised as a departure from the Council's adopted Development Plan.

## SITE DESCRIPTION

The application site lies on the southern side of Steeple Bumpstead and on the western side of Finchingfield Road. To the north of the site is a residential estate which is accessed off Bower Hall Drive. To the west of the site is Bower Hall farm. To the east and south of the site is agricultural land. The site abuts an area of woodland (to the west) where Bower Hall once stood. The western boundary of the site adjoins the former walled garden of Bower Hall, which was demolished c.1945.

The 4.75 ha site comprises agricultural land which rises as you travel out of the village. Existing levels measure approximately 86.31m AOD along the south eastern boundary of the site and drop to approximately 76.6m AOD along the north western boundary, closest to the existing residential development.

The road side boundary is enclosed by an existing hedge and there is an existing drainage ditch along the north western boundary of the site. The site can currently be accessed from George Gent Close, which also provides access to the farm buildings at Bower Hall Farm located to the south west of the site.

## PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of up to 65 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access from George Gent Close and

associated ancillary works. All matters are reserved with the exception of the main vehicular site access which would be on Finchingfield Road and include a 2 metre footway to link to the existing footway.

As a matter of clarity, the application form indicates that the applicant is seeking permission for access and scale with all other matters reserved but the description states that permission is sought just for the access. The applicant has confirmed that permission is sought only for the access and that all other matters are reserved.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. Besides access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters.

The application is also supported by a suite of documents which include –

- Planning & Affordable Housing Statement;
- Air Quality Report;
- Arboricultural Report;
- Archaeological Statement;
- Design & Access Statement;
- Development Framework/Parameters Plan
- Ecological Report;
- Flood Risk Assessment;
- Foul Drainage Report;
- Heritage Statement;
- Landscape and Visual Impact Appraisal;
- Noise Impact Assessment;
- Site Investigation Report (Phase 1);
- Socio-Economic Sustainability Statement;
- Statement of Community Involvement;
- SUDS Checklist;
- Sustainability Assessment;
- Transport Assessment;
- Travel Plan
- Utilities Statement

The density of the development would be approximately 30 dwellings per hectare over an area of 2.17ha (1 hectare less than previously proposed). Public open space (including an equipped play area), amenity space, woodland planting and landscaping would cover approximately 2.42ha approx.1 hectare more than previously proposed). A drainage basin would also be included which would take up 0.16ha of land. An indicative layout has been submitted with the application.

Information within the application indicates that it is likely that on average around 25 to 30 market dwellings would be completed per annum. The

affordable housing would be delivered simultaneously alongside the market dwelling completions. It is anticipated that the development of the site would take in the order of three years to complete.

## CONSULTATIONS

Anglian Water – The Steeple Bumpstead Water Recycling Centre does not have capacity to treat the flows of waste water from the development. However, Anglian Water are obligated to accept the foul flows from development with planning permission and would therefore take the necessary steps to ensure there is sufficient capacity. The sewerage system has capacity to accept foul waste from the development.

Environment Agency – No response at the time of writing.

Essex Police – No response at the time of writing the report.

Essex County Fire & Rescue Service – No response at the time of writing.

Education (Essex County Council) – Request £54,834 towards secondary school transport. Primary and secondary schools have surplus places.

Education (Suffolk County Council) – Spare capacity at primary and secondary schools in Suffolk therefore no contributions requested.

Environmental Services (BDC) – No objection subject to conditions to protect neighbouring amenity during construction and the submission of soil sampling results.

Waste Services – No comments.

Landscape Services – No objection in terms of ecology subject to conditions to secure further bat and badger surveys.

BDC Housing – In accordance with Policy CS2 of the Core Strategy 40% of the dwellings should be affordable homes. This should be a 50/50 mix of affordable rent and shared ownership.

Highway Authority – No objection subject to conditions. States that since the original Transport Assessment was submitted the number of regular bus services has been reduced to a service that runs three times a day on week days and once on Saturdays and a school day service. However a demand response service has been introduced which must be booked in advance and operates between 6am and 8pm. Notes that the location of the site is such that for the vast majority of journeys the only practical option will be the car. This should be taken into consideration when assessing the sustainability and acceptability of the site.

Historic Buildings Advisor – The Conservation Area and Church of St Mary would have their setting affected detrimentally by the development. In

accordance with the NPPF, this harm would be less than substantial and such harm should be assessed against any resultant public benefit.

Historic England – Question the conformity of the proposed development to the Framework's approach to sustainable development. Although the housing would not directly harm the setting and significance of the Church Moot Hall and other historic buildings close to them, it is not clear from the illustrative material that the development would establish a strong sense of place in a way that responds to local history and character. If it were not to do so the development would cause some harm to the setting and significance of the conservation area. Recommend that the Council considers the potential for the proposed development to cause modest harm to the setting of Steeple Bumpstead Conservation Area.

Historic Environment Officer – No objection. Recommends a condition requiring a programme of archaeological work prior to the commencement of development.

Lead Local Flood Authority (LLFA), Essex County Council – Holding objection. The FRA fails to:

- Provide enough storage on site;
- Consider urban creep;
- Provide an indicative drainage layout/plan;
- Provide details of an adoption and maintenance scheme.

NHS England – The existing GP practice does not have capacity for the additional growth resulting from the development. Request a contribution from the developer to mitigate the impact of the development on the NHS funding programme for the delivery of primary healthcare provision. Do not raise an objection if a contribution of £24,610 can be secured through a S106 Agreement.

Steeple Bumpstead Parish Council – Object for the following reasons:

- A site allocations plan has been approved for inclusion within the draft Local Plan. The site is not included within this;
- The site is outside the village envelope;
- The development would have a negative impact upon the landscape particularly given the slope of the land. The development would rise higher than the rest of the village which is nestled with the valley landscape;
- Would result in a loss of privacy and light for residents to the north;
- Does not meet the requirements of the NPPF with regard to sustainability in respect of environmental harm;
- The Moot Hall is vulnerable to damage from heavy traffic entering the village from Finchingfield Rd;
- The development would change an agricultural field with a rural character to a large housing estate;

- Perimeter landscaping would be unlikely to mitigate the harm of the development;
- The harm in terms of character and visual appearance would be far greater than the benefits of the landscape buffer and vistas;
- The proposed houses would have an 'in depth' impact because of the slope of the land and because of the depth of the houses which would be visible over a large area;
- The roads are narrow and congested. Occupiers would need to use their cars to get to work locations and surrounding towns for shopping;
- Highway safety concern regarding the new access due to the high volume and speed of traffic using the road;
- Will lead to an increase in pollution;
- Will result in a loss of Grade 2 agricultural land;
- Concern regarding flood risk. The village has had a flood prevention scheme. The proposal does not adequately take this into account;
- The attenuation pond should not be placed next to the children's play area due to risk of accidents.

The Parish Council accept that the development would provide additional market and affordable housing and would contribute socially and economically to the village.

Helions Bumpstead Parish Council objects for the following reasons:

- Steeple Bumpstead lacks jobs and facilities and the development would generate excessive traffic.
- Traffic from the development would have an adverse impact on protected lanes through neighbouring villages.
- The additional traffic will cause a danger to people using the rural lanes for exercise and leisure.

## REPRESENTATIONS

Objections – Over 550 letters of objection have been received (occupants from several properties have submitted a number of separate letters).

Listed below is a summary of the main material planning objections:

- The site is outside the village envelope and is a greenfield site;
- The site is not in a sustainable location;
- An additional site has already been identified for development in the village and other sites were rejected;
- The site was not submitted as part of the Call for Sites process;
- Query whether the new Local Plan is advanced enough to reject the site and whether there are enough sites from the Call for Sites exercise to allocate more sustainable sites;

- A comprehensive review of all sites to provide a 5 year land supply should be undertaken;
- The Council has a 5 year land supply of housing;
- The Council should publish a new Local Plan as a matter of urgency;
- There is not a demand for this amount of new houses;
- The number of dwellings is disproportionate for the size of the village;
- Allocated sites and brownfield sites should be developed first;
- Steeple Bumpstead is not a key service village;
- The village will become a town;
- It would set a precedent for the development outside the village envelope;
- Brownfield sites should be developed first;
- The development of sites in Haverhill is more logical;
- It would change the character of the landscape and have a negative impact on local character and distinctiveness. The valley landscape and the view when entering the village would be destroyed;
- The site is exposed, highly visible and sloping. No sections have been provided to show the relationship between the proposed and existing houses;
- The village is low lying and in a conservation area;
- Landscape screening would have to be exceptionally high;
- The development does not accord with the Council's Landscape Character Assessment. The site has a high level of landscape sensitivity;
- Removal of hedgerow & loss of wildlife;
- Site is visible from surrounding area including the road from Haverhill;
- Proposals have been put forward for a large part of the village to be included within the Dedham Vale Area of Outstanding Natural Beauty;
- The public consultation carried out by the agent was inadequate;



- Poor infrastructure and facilities – limited public transport, poor road infrastructure, insufficient capacity at the school and doctors surgery, no cycleways;
- It is difficult to access shops, leisure and health services by public transport;
- The village has a poor bus service;
- The shop, post office and petrol station are on a single site/a single business ¾ mile away from the site. Residents have to travel to nearby towns to access a supermarket;
- The nearest town, Haverhill, is 2 miles away via roads without footpaths;
- There are insufficient employment opportunities in the village;
- Increase in the risk of flooding in an area where major flood defence works have been carried out;
- The surface water drainage proposals are inadequate;
- The drainage feature would be dangerous if sited next to the children's play area;
- The sewerage infrastructure is insufficient;
- Concern regarding maintenance of the existing boundary drainage ditch;
- Loss of Grade 2 agricultural land;
- Impact upon protected species;
- Impact upon historic character of the village and historic assets including the Moot Hall from heavy traffic;
- It would add to congestion already experienced in the village;
- Existing roads are narrow and congested due to on street parking and there are a lack of footpaths;
- Access out of the village via Bower Hall Drive and Queen Edith Drive has not been taken into account;
- Concerns regarding safety of the access and other road users including cyclists and bikers;
- Access would be on a road which has the national speed limit;

- The traffic count was taken from the wrong location, closer to the village than the proposed access;
- Lack of public transport serving the village. The bus stop is 800 metres away;
- The majority of traffic will have to travel through the village to get to the larger towns, Stansted airport and London;
- Proposed footpath link is unsuitable as George Gent Close gets very busy;
- Impacts upon residential amenity – overlooking, loss of light, privacy and view. No detail provided about screening between the northern side of the site and existing properties;
- Increase to carbon footprint;
- Would result in additional night time light;
- There would be severe disruption during construction;
- Concerns raised about the validity and accuracy of the reports submitted;
- The site is the same as previously submitted. The number of houses has reduced but the issues remain the same;
- Issues raised with the previous application have not been addressed.

A letter of objection has been received from the 'Hands off Steeple Bumpstead' group making the following points:

- The proposal fails to accord with all three dimensions of sustainability set out in the NPPF;
- Insufficient employment opportunities in the village. Residents would need to travel out of the village for employment.
- Poor transport infrastructure between the village and nearby towns.
- There is only 1 regular daily bus service which runs four times a day during the week and only to Haverhill and Saffron Walden. More restricted service at weekends. There is no regular bus service to Braintree or Sudbury;
- Site is located to the south of Bumpstead Brook. Majority of journeys would take place along roads to the north of Bumpstead Brook along already congested roads;
- Cycling is not a practical means of transport due to the routes and hills;
- Sustainability in terms of transport provision cannot be demonstrated. Reliance on the private car would be necessary. Occupants of social housing may not have a car;

- The doctor's surgery is already under significant strain. The building would need to be extended but is not owned by the surgery;
- There is no secondary school in the village. Pupils have to be bussed to Hedingham School which is the catchment secondary school;
- The shop is approximately 1km from the site. Residents need to visit bigger towns for supermarkets;
- Concern regarding safety of the access as the road is used by a significant number of bikers who travel at high speed;
- The proposal is contrary to national and local policy which promotes sustainable transport;
- The development would have a harmful impact on the distinctive rural character and appearance of the area;
- Views of the open countryside, heritage assets and historic landscape which contribute to the character and setting of the village would be irretrievably lost;
- The proposal fails to make a positive contribution to local character and distinctiveness;
- There will be an increase in pollution, emission outputs and carbon footprint;
- An additional site for housing has already been identified by the Parish Council for 30+ houses which would meet Steeple Bumpstead's housing needs;
- The documents fail to address concerns about flood risk and have not shown that surface water run-off and drainage can be managed;
- There is no evidence that there is capacity to cope with sewerage from the development;
- Loss of light and privacy for existing houses;
- Loss of Grade 2 agricultural land;
- Historic buildings could be damaged by heavy traffic;
- Negative impact upon protected species;
- In terms of affordable housing the developer is proposed intermediate homes, not social rented housing. The proposal is unlikely to produce homes that are genuinely affordable;
- The submission of the application on this site overrides any local or neighbourhood planning input, helping to direct growth to appropriate areas;
- The new Local Plan is advancing and identifies suitable sites to meet national planning requirements. This does not include development of the magnitude proposed in Steeple Bumpstead;
- Believe that BDC has up to date policies and a 5 year land supply plan;
- The public consultation carried out by the agent was inadequate;
- The site is outside the village envelope and fails to accord with Policies CS5 and RLP2;
- Steeple Bumpstead is defined as an 'Other Village' within the Core Strategy. The proposal for 95 dwellings is disproportionate and inappropriate.

A letter of objection has been received from the Sturmer Flood Action Group raising concern that the development would increase flooding of the Bumpstead Brook and would have a knock on effect on the Stour Brook. It

requests that flood attenuation methods are included with area acceptable to the Essex SUDs department and that these are added to the ECC Register of Drainage Assets.

## REPORT

### Planning History

A planning application was submitted last year for the same site. This was also an outline planning application, the difference being that planning permission was sought for up to 95 dwellings. The application was refused by the Council's Planning Committee on 6<sup>th</sup> July 2016. The reasons for refusal are set out below:

1. The NPPF advocates a presumption in favour of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic.

Para.34 of the NPPF states that decisions should ensure that developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Para.55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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

Policy RLP53 of the Braintree District Local Plan Review states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exist and the layout of the developments has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

One of the core principles set out in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy CS5 of the Core Strategy seeks to strictly control new development to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Core Strategy states, 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment'. The Council's Landscape Character Assessment includes planning guidelines. For the area which includes the application site the guideline are to:

- Maintain cross-valley views and characteristic views across and into valleys.
- Ensure any new development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

RLP80 of the Braintree District Local Plan Review states that development that would not successfully integrate into the local landscape will not be permitted.

Policies CS9 of the Core Strategy and Policies RLP90, RLP95 and RLP100 of the Local Plan Review seek to conserve local features of architectural, historic and landscape importance, including the setting of listed buildings and designated Conservation Areas.

In the case of Steeple Bumpstead the facilities and amenities are such that residents are unable to meet their everyday requirements within the village. Furthermore, public transport facilities are limited and development in this location would undoubtedly place reliance upon travel by car. It is not considered that the site proposed is a sustainable location for new residential development.

In addition, the proposal would have a significantly adverse impact upon the landscape and historic character of the area. The proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contributes to the rural setting of the village. The location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area. Views of the open countryside, heritage assets and historic landscape which contribute to the character and setting of the village would be irretrievably lost.

It is therefore considered that this site is an unsustainable location for new development and the harm identified to the landscape character of the area and important features which contribute to the setting of the village would fail to perform the environmental role of sustainability. When considering the NPPF as a whole, the harm identified significantly and demonstrably outweighs any benefits of the development. For these reasons the proposal would fail to accord with

the principles and guidance set out in the NPPF and the local planning policies and guidance set out above.

2. Planning policy as set out in the National Planning Policy Framework and Policies RLP69 and RLP71 of the Braintree District Local Plan Review seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted to address the issue of surface water run-off and flood risk in order to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal therefore fails to accord with the policies referred to above.

3. Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to their location. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District.

The proposed development would trigger the requirement for:

- The delivery of affordable housing on site;
- A financial contribution towards school transport;
- A financial contribution towards health services;
- The provision, maintenance and delivery of public open space.

These requirements would 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 the above policies and adopted SPD.

This decision was subsequently appealed and a Public Inquiry has been scheduled for July 2017.

This decision is a material consideration in the determination of the current application. Consideration must be given as to whether the previous reasons for refusal have been overcome.

The red line identifying the site remains the same as previously submitted. The Framework Plan submitted with the current application shows an indicative location for the reduced number of dwellings. This shows the

dwelling in approximately the same location as previously shown but does not extend as far west. It shows a larger area of public open space to the west and south of the residential area. It includes some additional hedgerow and tree planting adjacent the existing woodland but removes the woodland planting around the southern boundary of the site.

### Principle of Development

### Planning Policy Context – Housing

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the Council consider that the development management policies of the Pre-Submission Site Allocations and Development Management Plan (ADMP) (now subsumed within the draft Local Plan) are also relevant in the determination of planning applications.

The National Planning Policy Framework (NPPF) states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF in 2012.

It is however acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council had been working on the Site Allocations and Development Management Plan (ADMP), to build on the strategic policies set out in the Core Strategy, since the adoption of the Core Strategy in 2011. This was to complete the suite of documents required in the Local Development Framework to guide development in the District. This Plan was to provide detailed land use allocations across the District, including settlement boundaries and policies used in the determination of planning applications. The Plan applied the minimum housing targets set out in the Core Strategy (approved 2011).

However, since work on the Plan began, national planning policy has changed substantially and the Regional Spatial Strategy, from which our housing target in the Core Strategy was derived, has been abolished. A key requirement specified in the NPPF is that local authorities should 'boost significantly' their supply of housing. As the Council began to gather evidence on what the new housing target would be, it became clear that it would be higher than that which is presently set out in the Core Strategy and Site Allocations and Development Management Plan.

As previously stated national planning policy has changed significantly in specifying how local planning authorities should plan for housing growth and delivery and the Council need to respond to this. Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the Pre-Submission ADMP for examination by the Planning Inspectorate. Officers instead began

work on a new Local Plan which will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF - including the need to 'boost significantly' the supply of housing in the district. The Core Strategy stated that the Council would plan, monitor and manage the delivery of a minimum of 4637 dwellings between 2009 and 2026 – this equates to a minimum of 272 dwellings per annum. In accordance with national planning policy, the Council commissioned research to establish the Objectively Assessed Need for housing in the district. The Objectively Assessed Housing Needs study for Braintree District Council and its Housing Market Area ('HMA') partners (Peter Brett Associates, November 2016) provides the updated OAN evidence. Whilst the OAN figures for the other parts of the HMA were little changed, the updated evidence resulted in a reduction in the annual average OAN for Braintree District from 845 dwellings to 716 dwellings. The study took into account up-to-date evidence on household projections and economic forecasts and so it provides a good indication of the dwelling target that is likely to be adopted as part of the new Local Plan, the Submission Draft of which is scheduled to be published in the Spring of 2017.

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Based on its latest assessment, its view as at 3<sup>rd</sup> January 2017 is that the Council is currently able to demonstrate a 3.8-year deliverable housing land supply across the District, when measured against the OAN figure of 716 dwellings (plus an allowance for accrued shortfall and the NPPF buffer), in the context of considering current planning applications. This does not mean that sites outside of existing development boundaries are automatically appropriate for new development as it states at Paragraph 14 of the NPPF that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Officers recommend that the Council should determine this application on its merits, having regard to the principles of sustainable development set out in the NPPF and other relevant national and local planning policies and guidance.

The Council is committed to working to create a new Local Plan as a matter of urgency which will be fully compliant with national planning policy. Public consultation on a draft Local Plan took place in the summer of 2016 as part of the process required to get the new Local Plan adopted in 2017. The responses to this consultation are currently being considered and a consultation on the Pre-Submission Local Plan will take place in the coming months. The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:



“That the broad spatial strategy for the District should concentrate development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the North-West of Braintree - off Panfield Lane;
- Land to the West of the A131 at Great Notley (entirely employment-related);
- Land to the South-West of Witham - off Hatfield Road;
- Land to the North-East of Witham (in Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in-line with government policy as set-out in the NPPF.

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. Steeple Bumpstead is not one of these villages. Its relative lack of public transport, facilities and employment opportunities, mean it does not act as a local service centre. Amendments to the settlement hierarchy set out in the draft Local Plan were made at the Local Plan Sub-Committee meeting on 28th November 2016. It was agreed that Steeple Bumpstead would fall within the ‘Secondary Villages’ category. The text to accompany this which will appear in the Pre-Submission Local Plan states that “Secondary villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of Key Service Villages. Development of a small scale may be considered sustainable within a Secondary Village, subject to the specific constraints and opportunities of that village”.

In addition, the Council considered about 360 sites brought forward through two “Call for Sites” exercises, of which about 80 have been included in the list of preferred sites in the new Draft Local Plan, along with others. As part of this work, due to the scale of new housing that is required, 2 new stand-alone garden communities are also being planned, with upwards of 10,000 homes each, to deliver sustainable and substantial growth and infrastructure into the future.

In the meantime the Council is not delaying consideration of new sites until the Draft Local Plan has been considered at Public Inquiry and its policies (with or without modification) have been adopted by the Council. On the contrary, it is considering planning applications for new housing on their merits, having regard to the policies of the NPPF (in particular, the requirement that development should be sustainable) and their impacts. Planning applications for significant amounts of new housing have been submitted in advance of the new Local Plan, some of which have already

been permitted, having regard to impact and issues of sustainability, others of which remain to be determined.

Some local residents have argued that a development of this size should not be considered in advance of the new Local Plan. If the Council were to fail to determine the application the applicant would be able to appeal to the Secretary of State / Planning Inspectorate on grounds of non-determination. Officers do not recommend that the application is refused as being premature in advance of the new Local Plan being developed and adopted.

### Site Location & Designation

Policy RLP 2 of the Local Plan Review states that 'New development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply'.

Core Strategy Policy CS5 'The Countryside' states that 'Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity'.

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

Policy RLP 53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- direct public transport services exist, or there is potential for the development to be well served by public transport.
- the layout of the developments has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site, normally a maximum of 400 metres from the centre of the development.

Para.34 of the NPPF states that decisions should ensure that developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Para.55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The proposed site is located within the countryside, outside of the development boundary for Steeple Bumpstead, as defined on the proposals map of the Braintree District Local Plan Review 2005, the Pre Submission Site Allocations and Development Management Plan 2014 (which forms part of the Interim Planning Policy Statement) and the draft Local Plan. The application site has no specific designation / allocation in the current Development Plan.

The village of Steeple Bumpstead is not a Key Service Village and therefore falls within the 'other villages' category as defined in the Core Strategy. Land outside of defined village envelopes is classified as countryside. Para.71 of the Core Strategy states that one of the core objectives is to "reduce the need to travel by locating development in sustainable locations where it will enable people to access employment, housing, retail provision, public transport and key services; such as education, healthcare, recreational facilities and open space".

Since the previous planning application was determined, the site has been put forward for consideration as an allocated site for residential development in the Draft Local Plan. This proposal was considered by the Local Plan Sub-Committee on 31<sup>st</sup> October 2016. The Committee was advised that planning permission was refused under the reference 16/00410/OUT as the proposal was not considered to amount to sustainable development. It was advised that no further evidence suggests the site is now to be considered sustainable since the planning application was made and it was recommended that the site is not allocated within the Pre-Submission Local Plan. The Committee decided that the Inset Map for Steeple Bumpstead should remain unchanged from that in the draft Local Plan and the site should not be allocated for residential development.

It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development (such as helping the District Council meet demand for housing supply and the provision of Affordable Housing) that are outweighed by any identified adverse impacts of the proposed development.

The population of Steeple Bumpstead is 1,627 (Census 2011) living in 666 households. This proposal would deliver a further 65 dwellings. It is not disputed that the village is served by a range of facilities. As a village, Steeple Bumpstead benefits from a doctor's surgery, pre-school, primary school, petrol station which also has a post office and general store, two public houses, two churches and a small business centre. However these are dispersed throughout the village and there is not a central core where services and facilities are located together. Moreover, the retail offer, professional services, employment, leisure opportunities and public transport are limited. Residents are unable to meet their everyday requirements within the village and will need to travel to the larger towns of Haverhill, Saffron Walden or others for many shopping needs and to access banks and professional services. The petrol station/store is over 800 metres from the centre of the site. Pupils will also need to travel to access secondary schools and sixth forms. The nearest bus stops to the centre of the site are located on Bower Hall Drive (approximately 450 metre walk) north of the proposed development and Chapel Street (approximately 400 metre walk) (as shown on the Traveline website). There is also another bus stop approximately 800m north west of the site on the B1054. A 400m walk distance is generally considered to be a reasonable walk distance between development and bus stops. There is no railway station; the closest is located at Audley End, approximately 16 km

west of the site. There are only 2 regular buses services which serve Steeple Bumpstead. The No.60 (Audley End – Haverhill) provides a daily service (4 buses in both directions each day from Chapel Street but less from Bower Hall Drive). The availability of bus services at the start and end of the day to transport commuters to and back from the rail services is limited and likely to leave little option but to travel by car. The No.118 is a school service which runs between Newport and Great Yeldham once in the morning and once in the afternoon on school days only with the bus stop being at Claywall Bridge. There are no cycleways or safe cycle routes in the village or between the village and other towns and villages. For these reasons it is not considered that the site proposed is a sustainable location for the scale of the development proposed.

### Sustainable Development

The NPPF states in paragraph 14, 'at the heart of the NPPF is a presumption in favour of development... for decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be considered in isolation, because they are mutually dependant. These are considered in more detail below.

Paragraph 9 of the NPPF states that the pursuit of “sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life”.

#### (1) Economic Impacts

An assessment of the potential socio-economic impacts of the development has been submitted in support of the application by the applicant. This report highlights a number of positive benefits including the following:

Creation of jobs - both direct and indirect during construction of the development and indirectly through increased on-going demand for goods and services as a result of the occupation of the proposed dwellings. The report suggests that the proposed development could help to sustain 92 full time equivalent jobs during the construction phase. This could also contribute towards supporting the local labour force.

Additional income to the Council from New Homes Bonus & Council Tax- The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is paid annually over the course of six years and is based on the amount of additional council tax revenue raised for new-build homes.

Reduce the cost of housing - redress this imbalance by offering a wider range of house types which are more affordable thus encouraging young start up families to the area. If the cost of housing remains high younger families cannot enter the housing market or a higher percentage of their income is spent on mortgage or rental payments and household bills leaving little disposable income to spend locally.

Contribution to local economy - up to 65 residential dwellings could be home to 156 new residents bringing increased spending power to Steeple Bumpstead. The benefits of increased household expenditure to the local economy will be enhanced and ensure the long term economic competitiveness of Steeple Bumpstead.

S106 contributions – these will be accrued by the local authority for the benefit of the residents.

It is not disputed that the proposal would deliver some economic benefits. New jobs would be created at the construction stage (although this would not be a long term benefit), new residents are likely to support existing businesses, the delivery of affordable housing and improvements to local services and facilities.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of ‘local financial consideration’. Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is

not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

## (2) Social Impacts

The applicant has also undertaken an assessment of the social impacts of the proposal as follows:

Provision of Market Housing - Boosting the supply of land for housing. The development proposals will contribute to the 5 year supply of Braintree.

Choice of homes - The proposed development of up to 65 net additional dwellings will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and market assessment for Braintree. New homes in Steeple Bumpstead will enable people to access the housing market locally rather than being forced to move away due to lack of available housing.

Rural Communities - The proposals will assist in helping to maintain and enhance the vitality of the community.

Provision of Affordable Housing - The application proposals would deliver 40% affordable homes (26 dwellings).

Public Open Space Provision - The development proposals provide on site public open space, a landscape setting, along with an equipped children's play area.

It is acknowledged that the proposal would fulfil a social role by contributing to the support and vitality of the village. It would deliver a mix of housing, including market and affordable housing, a new play area and public open space. Financial contributions would be secured through a S106 Agreement to enhance and improve local facilities. These benefits would be consistent with the social dimension of sustainable development.

## (3) Environmental Impacts

As with the previous application, the area of greatest concern is the environmental impact of the development. Although the site abuts the Steeple Bumpstead village envelope, it forms part of the open countryside. Core Strategy Policy CS5 'The Countryside' states that 'Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'.

The main aim of Policy CS5 is to establish clear areas where countryside policies apply and where development is restricted to protect the character

and appearance of the rural landscape. This policy aim is considered to be consistent with the NPPF which indicates the intrinsic character and beauty of the countryside should be recognised, while supporting thriving rural communities within it. Para.109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy CS8 of the Core Strategy states, 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment'.

RLP80 states that development that would not successfully integrate into the local landscape will not be permitted.

One of the core principles set out in the National Planning Policy Framework is that 'Planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside'.

Information submitted with the application indicates that environmental benefits include the following:

- Conserve and enhance ecological biodiversity through significant areas of planting to provide green infrastructure, ecology and wildlife benefits. Habitat creation measures to ensure biodiversity is retained with enhanced hedgerows and green corridors. Such measures will ensure a net biodiversity gain.
- Provision of domestic gardens which provide an opportunity to improve biodiversity over and above agricultural use.
- Flooding betterment – the proposals seek to discharge surface water from the site and the existing ditch system surrounding the site into a SUDs attenuation pond with ultimate discharge at greenfield run-off rate.

The applicant has submitted a 'Landscape & Visual Assessment'. It states that the visual receptors which will be most affected by the development would be those within closest range of the site boundary and of highest sensitivity. These primarily include road users of Finchingfield Road, a sole residence near Mill Farm, residents backing directly onto the Site, and public right of way users to the south along Mill Chase. The applicant's Assessment concludes that:

- Operational effects on the character of LCA B2 will be direct and adverse due to the physical changes proposed within this area, but limited and contained in nature. With the mitigation measures considered, effects at Year 0 will be Negligible to Minor Adverse. By

year 10, taking into consideration the beneficial effects arising from the proposed structural planting, effects would be Negligible overall.

- Development of the Site would constitute a small change to the immediate setting of the Landscape Character Area (LCA), but not of a scale or location that would be out of character with the village as existing. Effects will be indirect and are not considered to be greater than Negligible in the long term.
- Effects on other LCAs are not considered to be greater than Negligible due to distance, Steeple Bumpstead already forming part of the setting to the LCA and lack of intervisibility.
- Development will result in localised permanent adverse changes to the landscape, although the creation of new public open space, structural landscaping, and boundary reinforcements are considered to result in beneficial effects. Effects at Year 0 are considered to be Moderate Adverse. The long term landscape effects on the Site would be of Minor Adverse by Year 10, as the proposed planting matures.
- Effects on existing dwellings considered to be negligible to Minor Beneficial in the long term following establishment of the proposed planting. Properties along the Site boundary are likely to experience Minor to Moderate Adverse effects.
- The number of roads subject to visual effects is minimal. It is considered that these are confined to Finchingfield Road between the settlement edge and Mill Chase, and Mill Chase. Any other occasional opportunities are limited to elevated locations along short stretches at long distances (such as along Haverhill Road), and therefore effects on glimpsed views would be no greater than Negligible. Users of Finchingfield Road passing the site would see their views change from either a roadside hedgerow or open view across the site, to proposed development and a new vehicular access. The effect on visual amenity would be Moderate Adverse on completion. Over time these effects overall would reduce to Minor Adverse following establishment of the proposed frontage open space and vegetation. Approaching from the south views would change from a defined settlement edge adjacent to farmland, to a vegetated settlement edge with proposed development at short distance set beyond public open space. On completion the effects would be Minor to Moderate Adverse. As planting establishes the scheme would deliver beneficial effects through a more sympathetic settlement edge, resulting in a Minor Adverse effect on balance. Road users at short distance on the approach to the site from the north may see glimpses of development between existing properties, however the proposed residential development is well set back from the northern corner and fronted by open space. Effects are likely to be Negligible to Minor Adverse at completion and Negligible in the longer term. Due to distance, angle of view and intervening plateau



topography, effects upon road users of Mill Chase at Year 10 are overall considered to be Negligible at worst.

- There are few public footpaths through the local area that allow opportunities for views. Where views are possible they are typically at long distance. Effects in the long term would be no greater than Minor Adverse to Negligible.
- Views from definitive footpaths at short distance would be minor adverse at Year 10 as the proposed planting established.
- The landscape and visual effects on completion of the proposed development would be localised and limited in their extent. As a result of the delivery of public open space, new and reinforced hedgerows, new woodland and structural planting, the adverse effects would diminish over time as the Green Infrastructure framework becomes established and matures, and provides screening and softening of the development.
- The site's landscape character has the ability to absorb change through the introduction of high quality development. The proposed development would bring beneficial effects and would be appropriate within this landscape context. The effects as a result of the proposed development would not give rise to any unacceptable landscape and visual harm.

The site lies within an area defined by the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (September 2006) as 'B2 Hempstead Farmland Plateau'. The site also abuts 'A2 Stour River Valley' LCA.

The key characteristics of the B2 LCA are indicated to include rolling arable farmland and hills surrounding steep valleys with small streams, settlements located in the valleys, number of interesting and colourful vernacular buildings within small linear settlements. Overall it has a strong sense of tranquillity and sense of place.

The River Stour and one of its tributaries, the Bumpstead Brook; flow south west to north east through the north west of the village. Steeple Bumpstead is situated along the valley at between 60 and 65m AOD and extends up the northeast valley slope. The Site itself is situated on the south eastern slope of the Bumpstead Brook valley.

The LCA states that "Sensitive key characteristics and landscape elements within this character area include small copses of woodland and low, well maintained hedges or tree belts (which are sensitive to changes in land management). The skyline along the rolling hills is visually sensitive to new development, which may be visible within panoramic views across the plateau. The overall sense of tranquillity within the character area is also sensitive to change and potential new development. There is also a sense of

historic integrity, resulting from a historic and scattered or dispersed settlement pattern, which is sensitive to potential large scale development. There are also several important wildlife habitats within the area (including 30 sites of importance for nature conservation, comprising ancient woodland, semi-natural grassland and wetland habitats), which are sensitive to changes in land management. Overall, this character area has relatively high sensitivity to change". These references contribute to recognition of the significance of the site as a valued landscape for the purposes of the NPPF.

There are 3 suggested Landscape Planning Guidelines specific to the B2 Hempstead Farmland Plateau LCA which any new development should respect. These guidelines are:

- Maintain cross-valley views and characteristic views across and into valleys.
- Ensure any new development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.
- Develop strategies for managing and monitoring traffic on minor roads during busy tourist periods.

Suggested Landscape Planning Guidelines for the A2 Stour River Valley LCA within which the adjacent settlement of Steeple Bumpstead lies include: Planning should....

- Consider the visual impact of new residential development upon valley slopes
- Maintain cross-valley views and characteristic views across and along the valley.
- Ensure any new development on valley sides is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

The existing built environment to the north terminates with the rear elevations of the dwellings on Edith Cavell Way. This is the intersection between the southern edge of the village and the open countryside beyond. The dwellings sit low within the valley, whilst the application site rises up away from the village and contributes towards the rural setting of the village. The site is also visible as you approach Steeple Bumpstead from the B1057 on the northern side of the village. There are also several public rights of way within the vicinity of the site and the site is visible from these. These are factors which must be considered when assessing the capacity of the landscape to absorb new development. A development of the scale proposed is not considered to be small scale in the context of the scale of the existing village.

The proposed development would sit on the valley side, extending development away from the village at an elevated position. Advice has been sought from a Landscape Consultant (Michelle Bolger Expert Landscape Consultancy). The report is available to view on the Council's website.

As set out in the previous Committee report, the historic part of the settlement sits along the edges of the valley floor, generally below the 70m contour. The proposed new housing would be visible and evident above the level of the existing housing. Residential expansion of the village during the latter half of the twentieth century took advantage of a shallow sloping terrace to the south of the village. This expanded the settlement boundary to around the 75m contour along the settlement edge adjacent to the application site. The application site slopes away from the existing settlement edge up the adjacent valley. As with the previous application, the new housing proposed would extend above the 80m contour. The new housing will be seen noticeably above the level of the existing housing within the settlement and at a similar level to the top of the church tower from a number of key viewpoints within the surrounding countryside. Accordingly the development proposals do not respect the historic settlement pattern of the village.

The Council's Landscape Consultant comments that it has not been possible to identify, either in the Landscape Visual Appraisal (LVA) or the Design and Access Statement, where the landscape reasons for refusal are addressed either with regard to the first application or with regard to the revised application. There is no evidence that the revised layout is a response to a visual assessment of the development. She advises that the LVA does not assess whether the revisions to the application would result in reduced visibility of the development. The largest area of development that has been omitted, on the western side of the development, is in fact the least visible part of the development. It is screened from the west by the copse east of Bowers Hall Farm (to which it is adjacent) and from the east by the remainder of the development.

The applicant's LVA in fact reaches the same conclusions with regard to the landscape and visual impacts of the revised application as it reached with regard to the first application. The only change between the two assessments is that the LVA for the revised application acknowledges that there will be significant visibility of the development from the footpath network to the east. This area had not been assessed in the first application and no viewpoints were identified.

Some of the development above 80m AOD has been omitted but not all of it. The development still extends above the 80m contour and in the centre of the site it is very similar to the first application, extending up to about 82m AOD. Although the amount of development proposed at this level has been reduced, the maximum level at which development would be located has not changed.

The Council's Landscape Consultant comments in her report that the cemetery which is contained by vegetation and a low brick wall to Finchingfield Road clearly forms part of the village. The housing to the west of Finchingfield Road and the cemetery to the east together provide a very clear boundary between the village and the surrounding landscape. At this boundary there is a marked change between the enclosed, predominantly

valley character of the village and the character of the surrounding landscape which is very open and undulating and characterised by long views.

The report also states that development on this site would, in fact, have a surprisingly wide degree of visibility due to the location of the site, the topography of the surrounding landscape and the character of the settlement. Because the site is located on the rising valley side and because there is no development at a similar level on the northern side of the valley there are views across Steeple Bumpstead towards the site from the footpath network to the north and from Haverhill Road. The nature of the views, across a valley, results in foreshortening and the opposite valley side appears relatively close. There would also be views from the west around Helions Bumpstead but these do have the character of long distance views.

The revised application has omitted the woodland and thereby the potential problems previously identified with shading. The revised application shows a new 'hedgerow and tree line' along the southern boundary. The implication is that this will allow filtered views across the valley. What is not clear from the LVA is how much this will change the visual impact of the development from Finchingfield Road. There has been no change in the Visual Effects Table (listed in Appendix C of the applicant's LVA) to the description of the visual changes from LVA Viewpoints 6 & 7 on Finchingfield Road. It will necessarily be the case that if the hedgerow with trees allows filtered views of the opposite valley side it will also allow more views of the development. Initially on approaching from the south this will be views of roofs and then, when closer to the site, the houses on the southern edge of the development. This will be the case both from Finchingfield Road and from the footpath network to the east.

The Council's Landscape Consultant advises that the revised application does reduce some of the harm identified for the first application but concludes that a number of the key concerns raised previously still remain. The bullet points below summarise where adverse impacts have been reduced and where they remain significant.

- The size of the development has been reduced.
- The proposals still extend up to approximately 82m AOD although less of the development is shown at the highest level. The proposals would continue to fail to be consistent with the historic settlement pattern.
- The setting of the village, in particular when viewed from the north, would be adversely affected but there would be a reduction in the degree of harm.
- The proposals, including the proposals for structural planting, would continue to adversely affect cross-valley views and characteristic views across and into valleys contrary to the Landscape Planning Guidelines for the area.
- The proposals would continue to adversely affect characteristic views of Steeple Bumpstead on the approach from the north along Haverhill Road and from the south along Finchingfield Road.

- The change to the setting of the village and cross valley views would continue to adversely affect views identified as valued views in local walking routes although there would be a reduction in the degree of harm from the north.
- Revisions to the proposed green infrastructure along the southern boundary may allow filtered cross valley views to remain but at the same time would result in greater visibility of the development.

In addition to the concerns previously set out, the Council's Landscape Consultant considers that the existing southern edge of Steeple Bumpstead is consistent on both sides of Finchingfield Road, even though the character and land use is different. The site would project beyond what is a clear junction between village and countryside and as a consequence would appear poorly contained by the village.

The Consultant's report concludes "Although the revised application does reduce some of the harm identified as resulting from the first application it is still inconsistent with the historic development pattern and would adversely affect valued cross valley views. Consequently, it would have a harmful impact upon the distinctive rural character and appearance of the area. Views that contribute to the character and setting of the village would be lost or significantly changed".

The Report includes a number of annotated photographs which show the likely impacts of the proposed development, including the roofline of the proposed development and also the height of the proposed planting, on the landscape. These clearly demonstrate the scale and extent of the harm to the landscape which would arise.

Reference is also made to the Steeple Bumpstead Circular Walk and The Trailmane 8km Steeple Bumpstead Walk. The development proposals would have a negative, cumulative impact on views from these walks, well used public footpaths and public vantage points.

Having regard to the above, it is considered that the proposal fails to respond to the landscape planning guidelines for the Landscape Character Area in which it falls (referred to above). Notably:

- The development is not small scale;
- It would not maintain cross-valley views and characteristic views across and into valleys;
- It would not respond to the historic settlement pattern and landscape setting.

The applicant acknowledges that with regards to effects upon the site and its immediate setting, development will result in localised Permanent Adverse changes to the landscape. It states that the long term landscape effects on the site would be of Minor Adverse by Year 10, as the proposed planting matures. However it considers these effects would be localised and limited in their extent and that the adverse effects would diminish over time as the

proposed landscaping becomes established and matures, and provides screening and softening of the development. In conclusion, it considers that the site's landscape character has the ability to absorb the change, that the proposed landscape feature would be appropriate within the existing landscape context and that the development would not give rise to any unacceptable landscape and visual harm.

As with the previous application, the Council's Landscape Consultant and Officers do not agree with the above or the conclusions of the applicant's Landscape and Visual Impact Assessment and consider that the proposal would have a significantly adverse impact upon the landscape character. Whilst it is acknowledged that the scale of the residential development (ie the number of dwellings) has been reduced, it remains the case that the proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contributes to the rural setting of the village. The greatest reduction in the residential development is on the western side of the site, closest to the existing woodland. The development would extend the settlement out of the valley in the same way as previously proposed, with residential development extending to the same height up the valley side. Officers remain of the view that the location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area. The sloping nature of the land and its proximity to the road would increase the prominence of any new development. The proposal would be visible from one of the gateway entrances to the village and also within the wider landscape from roads and footpaths around the village, impacting upon views across the valley. Views of the open countryside and local setting would be irretrievably lost. The proposed new landscaping would take time to mature. It would be used to screen views of the new development but as a result would obscure longer views across the valley and village from the south.

It is not considered that this revised application overcomes the previous reason for refusal. The proposal fails to accord with the policies and guidance set out above and that the environmental impact would be such that this proposal could not be considered to be sustainable development.

#### Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'. Policy CS9 of the Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

This is an outline application where design, layout and landscaping are reserved matters. The application includes a Development Framework Plan that indicates the key aspects of the design and layout, such as access, public open space and landscape features, SuDs features, and equipped play area. It is indicated that the density of the development would be 30 dwellings/hectare. The Illustrative Masterplan has been developed by the applicant to demonstrate to the Council that a development of the number of units proposed could be accommodated within the site whilst adhering to relevant design principles and standards. If the Council were accepting of the principle of the development, this would seem an appropriate density given the edge of village location. Of course, the detailed layout would form part of a reserved matters application at which time the density could be considered in more detail, ensuring that adequate parking, amenity space, public open space etc is provided. The application is for 'up to 65 residential dwellings' and if the Council were minded to grant planning permission a condition could be imposed limiting the number of dwellings to this amount.

It appears that pedestrian links could be provided to the existing development to the north via George Gent Close. This would provide good pedestrian access to the primary school and would provide existing residents access to the proposed public open space & play area.

It is acknowledged that concerns have been raised in the letters of representation about the proposed layout. However, the submitted plans are only indicative and would be likely to change if the application progressed. It is not possible to consider matters of layout and design at this stage.

### Impact Upon the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Para.132 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. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 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 securing its optimum viable use.

Policies RLP90 and RLP100 seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy RLP95 seeks to preserve and enhance the character and appearance of designated Conservation Areas.

Historic England's 'Historic Environment Good Practice Advice in Planning: 3' guide states that the character of a historic place is the sum of all its attributes, which may include: its relationships with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Heritage assets and their settings contribute to character but it is a broader concept, often used in relation to entire historic areas and landscapes. It also states that a conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated.

The document advises that the contribution of setting to the significance of a heritage asset is often expressed with reference to views, a purely visual impression of an asset, and including views of the surroundings from or through the asset. It states that views which contribute more to understanding the significance of a heritage asset include those where relationships between the asset and places or natural features are particularly relevant. It further advises that setting is not in itself a heritage asset, nor a heritage designation, and its importance lies in what it contributes to the significance of the heritage asset.

The site sits within a historic landscape with moated sites (Old Hall, Latchleys Farm, Hempstead Hall) located to the south of the site. The historic sites of Moyns Park, Bower Hall, Old Hall, Latchleys Manor House and Herkstead Hall which all date between the 16<sup>th</sup> and 18<sup>th</sup> centuries are also present within the landscape to the south and punctuate the approach into the settlement.

The northern boundary of the site is approximately 140 metres from the edge of the Conservation Area. St Mary's Church (a Grade I listed building dating from the 11<sup>th</sup> Century) is located in the centre of the village, approximately 465 metres to the north west of centre of the site as the crow flies. Close to the church are a number of Grade II and Grade II\* listed buildings. Due to the development which has evolved around these buildings, it is only the tower of the church which is readily visible from the site.

Historic England advises that although the number of dwellings has been reduced, it continues to question the conformity of the proposed development with the NPPF's approach to sustainable development. It states that although the proposed housing would not directly harm the setting and significance of the Church Moot Hall and other historic buildings close by, it is not clear from the plans submitted that the development would establish a strong sense of place in a way that responds to local history and character. If it were not to do so the development would cause some, albeit modest harm, to the setting and significance of the Conservation Area.

The proposal has been considered by the Council's Heritage Consultant who advises that the development of this land would begin to extend the settlement out of the valley and would be visible from Finchingfield Road to the south, the Haverhill Road to the north, as well as points on minor roads and on footpaths. Developing this land would further detach the historic village



from the farmland which has historically formed its immediate setting whilst also contributing further to a suburban character. It would, therefore, affect the setting of a Conservation Area, particularly its character on the approaches to it which alters how the historic village, and the heritage assets within it, are experienced and interpreted.

The Steeple Bumpstead Conservation Area encompasses the old centre of the village and hence forms the setting of the Grade I St Marys Church. The tower of the church, after which the village is named, would be inter-visible with the development when approaching the village by both vehicle and public footpath. It is important to recognise how the Conservation Area is experienced from a moving viewpoint. Having first focussed upon the church tower from a long distance, greater detail is gradually revealed. At the current transition point between Steeple Bumpstead and open countryside other elements such as the grade II\* Moot Hall become apparent, providing a visual connection between the historic village and its farmland setting. Development of this land would thereby alter how the Conservation Area is experienced through further detaching the historic core from the point of transition from farmland to village.

The Council's Landscape Character Assessment states that within the B2 Hempstead Farmland Plateau LCA 'are the churches with towers or spires within views into and across the valleys'. The assessment provided by the Council's Landscape Consultant clearly identifies that the development would be seen within the setting of St Mary's Church. The scale of the development is such that it would adversely impact upon its setting and also its prominence as a landmark building when seen from a number of public footpath numbers, including those on the opposite valley side. During the winter months there will be a greater degree of transparency and the built line of the development will be more prominent and visible from within the surrounding landscape.

The Council's Heritage Consultant advises that the Conservation Area and Church of St Mary would therefore have their setting affected detrimentally by the development. In accordance with the NPPF, this harm would be less than substantial and such harm should be assessed against any resultant public benefit. The Conservation Area and the church contribute to the character of the village and the site contributes to the setting of this. The development would have a visual impact which is detrimental to the character and setting of the village, heritage assets and the broader historical narrative of the landscape.

#### Impact on Neighbouring Amenity

One of the core planning principles set out in the NPPF is to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity.

The properties on Edith Cavell Way, Ann Coles Close and George Gent Close which back onto the site are those which would be closest to the

development. Whilst their outlook would change significantly as a result of the development private views are not protected. Although the design and layout of the development is not known at this stage, it could be designed so that the development would not result in an unacceptable loss of privacy. It is acknowledged that some existing gardens are short in length and that the site rises up away from the existing dwellings. The applicant would need to give careful consideration to this and demonstrate to the Council that existing amenity would not be compromised if the scheme were to progress.

There is the potential for the development to affect the amenity of residents of adjoining properties during the construction period. If the Council were minded to approve the development Officers would recommend a number of conditions to control construction activity in order to minimise the impact on those properties.

### Highway Issues

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A plan showing the proposed vehicular access from Finchingfield Road (a classified road) has been provided within the Transport Assessment. This shows that visibility splays of over 78 metres can be achieved in both directions. The speed limit in the location of the proposed access is 60mph. This reduces to 30mph at the location of the established development at Bower Hall Drive.

Concerns have been raised in the letters of representation about the adequacy of the access, speed surveys and the proposed visibility splays. Queries have been raised regarding the location of the traffic surveys and the scale of the plan. The visibility splays have been calculated using vehicle speeds which have been supplied by the developer, as is standard practise. The Case Officer has raised these queries directly with the Highway Authority.

The Highway Authority has advised that the visibility splays required have been calculated using Design Manual for Roads and Bridges (DMRB) which are the most appropriate standards in this circumstance, just outside of a 30 mph speed limit. These standards are most demanding standards and were designed for use on the trunk road network. The Officer has re-checked the measurements electronically and confirmed that they tie up with the scale and requirements in the Highway Authority's recommendation.

A hand held survey, showed a wet weather corrected 85th percentile speed of 33mph in each direction. (Wet weather corrected speeds are 4mph lower than speeds recorded in dry weather and are the speeds that DMRB advise should be used to design highway infrastructure). These speeds, along with the gradient of the road, were taken into account when requiring the visibility splays of 2.4m by 78m and 2.4m by 82m and site visits showed that these

were achievable within the highway or land controlled by the applicant, if a hedge line were removed.

The position of the hand held survey is not the same as the position of the automatic traffic counts which are collected using a 'tube' on the ground. The applicant has indicated that the handheld survey was undertaken closer to the site access point but the objector is sceptical of information provided by the applicant. However, it was also noted that in fact, longer visibility distances are available along the whole frontage. The Highway Authority has advised that the maximum achievable visibility splay would be 2.4m by 101m to the north and 2.4m by 148m to the south. These equate to wet weather corrected speeds of 40mph and 50mph respectively, thus providing a comfortable margin of error in the speed survey undertaken. Given that the distance between the 30mph limit and the proposed site access is approximately 120m, although vehicles may well be travelling at a faster speed it is highly likely they will be within these parameters.

In order to achieve the visibility the hedge line and village sign would have to be removed, but if this is undertaken the Highway Authority is satisfied that the access has adequate visibility for the speed of the road.

Concern has also been raised about traffic in the village. The distribution of traffic on the network is always difficult to analyse and drivers may choose to use a route, or not, for a number of reasons. If these vehicles choose not to use the route along Church Street because it is too narrow and parked cars making it difficult to pass, there are other routes available. When considering the previous development (for a higher number of houses), the Highway Authority advised that it is unlikely that the development would cause severe impact in terms of capacity and congestion, as the number of extra vehicles is relatively low, as are the existing flows along the roads.

There is an existing footpath along the side of No.1 Edith Cavell Way which provides pedestrian access to the village. The proposed plans include a new footpath from the development to link up with the existing footpath. A new pedestrian link would also be provided between the development site and George Gent Close, providing a short and safe walking route to the primary school. This would accord with Policy RLP49 which states that the needs of pedestrians should be fully incorporated in the design and layout and provide appropriate links to other land uses and developments.

The provision and layout of parking would be dealt with at Reserved Matters stage as part of layout and design if the application progressed. It would be expected to include off road and visitor parking and cycle parking in accordance with the Council's adopted Parking Standards.

A Travel Plan (TP) has been submitted with the application. This indicates that a Travel Plan Co-ordinator (TPC) will be appointed one month prior to initial occupation and will act as a liaison point for any issues relating to the TP. This will include liaising with the local authority and public transport

operators. It is expected that a resident or local resident group would fulfil this role.

The TPC will be responsible for developing the final TP, which will be brought into action within 3 months of the first residents travel survey. In terms of the roles and responsibilities, the TPC will be expected to:

- Administer/manage the TP and provide a liaison in implementing the plan with ECC;
- Ensure travel awareness amongst future residents;
- Provide a point of contact and travel information;
- Coordinate the travel surveys upon 25% occupation;
- Promote and encourage the use of travel modes other than the car and car-sharing where appropriate;
- Ensure the availability of the most up to date travel information;
- Ensure that all residents receive a Resident Travel Information Pack, which will contain details of public transport services i.e. timetables and route information as well as advice on walking and cycle routes to the site.

Concern is raised about the implementation and effectiveness of the proposed Travel Plan and whether this is enforceable. For these reasons little weight is given to this document.

The previous application was not refused on the grounds of highway safety. The Highways Authority has considered the application and advised that there is no objection to the current application on the grounds of highway safety. Accordingly a refusal on such grounds cannot be justified.

### Trees and Ecology

Policy RLP 80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP 84 states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

Development of the site would not result in the loss of any existing landscape features within the site as these are confined to the boundaries.

An Arboricultural Assessment has been submitted with the application. This states that a total of nine individual trees, two hedgerows and a single woodland were surveyed as part of this assessment. The report indicates that the area of woodland to the south west of the site has seen little in past management. However, collectively it was regarded as being high in arboricultural quality and a key feature in the surrounding landscape. It is therefore recorded as retention category A (high quality/value). The Assessment states that no significant tree loss will be required. Any trees which would be removed are specimens of low arboricultural quality. This includes a mature red horse chestnut situated to the north west of the site. The report indicates that this is in poor physical condition with limited life expectancy. Officers accept that new landscaping across the site (which would form part of a reserved matters application) would mitigate against this loss.

In order to facilitate the access, the existing boundary hedgerow will need to be removed along the entire length of the boundary to provide the necessary opening for the access road and to satisfy the required visibility splays. The hedgerow was assessed as being of low arboricultural quality. The Assessment indicates that new tree and hedgerow planting along this boundary will suitably mitigate for the loss. However it is acknowledged in the Assessment that the hedgerow offers a range of ecological benefits as natural wildlife corridors.

The application contains a Phase I habitat survey undertaken by the applicant's ecologist to assess the ecological value of the site and identify any ecological constraints on the proposed development. The use of the site for arable production, with limited field margins, results in a relatively poor ecological value.

Habitats present are limited to the boundary hedgerows, a drainage ditch and a single mature tree. The eastern boundary hedgerow was identified as being of moderately high to high nature conservation value. The hedgerow, in addition to the single mature red chestnut (which is proposed to be removed) are likely to be of some value to local wildlife. The majority of the existing hedgerow will be removed to accommodate access. However, proposals include native species-rich hedgerow planting along the southern boundary, in addition to the creation of a small woodland area adjacent to the existing off-site woodland.

The single mature red horse-chestnut located within the site's north-western extent was identified as having low potential to support roosting bats. As the tree may be lost (dependent on layout) further surveys would be required to

confirm the presence/absence of roosting bats. These surveys are seasonally restricted to the period of May to September.

The boundary hedgerows are likely to be of value to birds for forage, shelter and nesting and the arable farmland may be of seasonal value to ground nesting birds. It is likely to support a typical farmland assemblage which may include small numbers of declining farmland birds. However, given the widespread availability of similar farmland habitats within the locality, its loss is unlikely to result in any significant impacts to any local bird populations.

All nesting birds are protected under the Wildlife and Countryside Act 1981, which makes it an offence to kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. Any vegetation should therefore be removed outside of the bird breeding season (March to Aug/Sept). If this is not possible, vegetation should be checked prior to removal by an experienced ecologist. If active nests are found vegetation should be left untouched until all birds have fledged.

Although there are no waterbodies within the site, the report identifies one pond located approximately 100m west, which is considered to be of 'average' habitat suitability for great crested newts. A Great Crested Newt Survey has been carried out and submitted with this application. No Great Crested Newts were recorded in association with the surveyed pond. The Survey states that in the highly unlikely event that GCN are recorded during works, all activities must cease immediately and the ecologist or Natural England should be contacted for further advice.

A Badger Survey identified the presence a subsidiary sett on the woodland edge on the site's south-western corner. To avoid any potential disturbance effects during construction and occupation, a 20m 'no works / no development' buffer from the edge of the sett should be maintained. This buffer would need to be robustly fenced during the construction phase. A further badger survey would be required prior to commencement of development.

A number of recommendations are made within the submitted ecology reports regarding measures which should be undertaken during site clearance and construction to remove / reduce the potential for harm to birds and other creatures and the requirement for further surveys are identified. It is recommended that these matters could be covered by conditions/informatives if the application were acceptable in all other respects. The report also indicates that the provision of an additional species-rich hedgerow along the site's southern and western boundaries would improve the connectivity of the off-site woodland to the remaining landscape.

### Drainage and Flood Risk

The site lies in Flood Zone 1 (lowest risk of flooding). The nearest open channel watercourse is an unnamed land drain, located along the northern

boundary of the site and flowing in a westerly direction. Bumpstead Brook (a Main River) flows in an easterly direction northwest of the Site.

Paragraph 103 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 109 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.

A Ministerial Statement issued by The Secretary of State for Communities and Local Government on 18 Dec 2014 states that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. It states "To this effect, we expect local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. Under these arrangements, in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development."

These changes took effect from 6 April 2015. It also states that for avoidance of doubt the statement should be read in conjunction with the policies in the National Planning Policy Framework. The statement should also be taken into account in the preparation of local and neighbourhood plans, and may be a material consideration in planning decisions.

Paragraph 086 of the Planning Practice Guidance (PPG) states that when considering major development (i.e. developments of 10 dwellings or more) the local planning authority should consult the Lead Local Flood Authority (LLFA).

The Lead Local Flood Authority (Essex County Council) became a statutory consultee on planning applications from 15th April 2015.

A Flood Risk Assessment has been submitted which considers the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. This states that surface water can be managed through an appropriately sized attenuation pond, with an outfall to the ordinary watercourse on the northern boundary of the site. All runoff will be restricted to the greenfield runoff rate with discharge using complex

controls. It is recommended a flapped outfall is fitted to ensure that the surface water system does not back up during a flood event. The Report indicates that volume of storage required is 503m<sup>3</sup>.

The application also indicates that the incorporation of landscaping areas (i.e. gardens, landscaped areas and public open spaces) will result in a proportion of the rainfall infiltrating into the soil substrate and combined with an attenuation system will reduce the peak surface water runoff compared to current conditions and ensuring that the development will not increase flood risk elsewhere.

Information within the application indicates that in order to address risks from fluvial flooding it is proposed to provide a 4m easement, free from development, along both banks of the onsite/bounding land drains. This would provide access for inspection and maintenance purposes, including vehicle access. It is also proposed to set finished floor levels of units a minimum of +150mm above external ground levels to mitigate residual flood risk from fluvial flooding.

It is stated that the drainage ditch along the north western boundary is located within the development site. As such the land owner is considered a 'Riparian Owner' and is responsible for the maintenance of this. Riparian ownership and responsibilities will pass onto those properties which are located adjacent to the land drains should the site be developed.

The information submitted has been considered by the Lead Local Flood Authority (ECC). It has raised an objection as it considered that, for a number of reasons, insufficient information had been submitted within the FRA to assess the flood risk arising from the development. As with the previous application, it is the case that the applicant has submitted insufficient information to address the issue of surface water run-off and flood risk, contrary to the policies referred to above.

### Section 106

The following identifies those matters that the District Council would seek to secure through a planning obligation.

Paragraph 204 of the Framework 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.

Affordable Housing – Policy CS2 of the Core Strategy states that on developments of this size affordable housing will be directly provided by the developer on-site with a target of 40% affordable housing provision on sites in rural areas. The applicant has submitted a Draft Heads of Terms for a Section 106 Agreement. Within this document the provision for 40% affordable



housing is acknowledged. The Council's Housing Enabling Officer has advised on the mix of type and tenure of housing which would be sought. This could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education – Essex County Council has stated that there is sufficient capacity within the primary and secondary schools closest to the site in the County. The site is located in the priority admissions area for Hedingham School and Sixth Form. However it notes that the development is approximately 11 miles from this school. It suggests that Suffolk County Council is consulted to see if this school has any capacity as it would provide a shorter journey time. Suffolk CC has been consulted and advises that the closest primary and secondary schools within Suffolk have spare capacity. As the nearest secondary school is more than 3 miles from the development Essex County Council is obliged to provide school transport and therefore requests a financial contribution of £54,834 towards this provision.

Health – NHS England advises that the GP surgery within the village has insufficient capacity to meet the demand arising from a development of this size and therefore the development must provide appropriate levels of mitigation. The capital cost of additional health services arising from the development would be £24,610. NHS England requests that this sum is secured through a S106 Agreement if planning permission is forthcoming.

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 informal and amenity open space and an outdoor equipped playground. A financial contribution would be sought for allotments and outdoor sport. The provision/contribution is based upon a formula set out in the SPD. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects would be secured through a S106 Agreement.

At the time of writing a S106 Agreement had not been prepared or signed and this therefore forms a reason for refusal. However it is acknowledged that this could be overcome at a later date should the applicant decide to appeal the decision.

It is noted that a number of concerns have been raised in the letters of representation about the impact of the proposed development upon the GP surgery and school. The responsibility for these lies with NHS England and the Education Authority (Essex County Council) respectively. As set out above, they have been consulted on the proposals and have requested contributions to mitigate the effect of the development based upon their own

data. The District Council does not have any of its own data, nor has it been presented with any contrary data which could justify requiring additional contributions.

### Other Matters

**Archaeology** – The site abuts the site of the former Bower Hall. The origins of Bower Hall can be traced back to 1392. The house was thought to be built in 1720 but was demolished after the Second World War. Records held by the County Council and referred to within the applicant's own desk based assessment identify the potential for the survival of elements of the medieval landscape around Bower Hall and possible earlier activity. Medieval structural fragments have been observed within the gardens. The proposed development could impact on any archaeological remains within the development site. As a result the County Council's Historic Environment Officer has recommended that a condition be applied which requires that an agreed programme of archaeological work, including trial trenching, should be carried out prior to the commencement of development to determine the nature and extent of the known archaeological remains.

**Loss of Agricultural Land** – The site comprises Grade 2 'best and most versatile' agricultural land. The Natural England Agricultural Land Classification Maps indicate that the vast majority of agricultural land within this part of Essex falls within grade 2 agricultural land. As such, it is inevitable that some development of such land will be necessary in order to meet the significant housing requirements. Paragraph 112 of the Framework states that "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land."

**Construction Activity** – The Council's Environmental Services Team have been consulted regarding the proposed development. They have raised no objection, subject to a number of conditions to control construction activity (hours of working; piling; dust and mud control). It is inevitable that there will be some disruption with construction activities. These would not be permanent in nature.

**Foul Drainage** – A report submitted with the application indicates that there are public foul sewers located to the north of the development site in George Gent Close which can be accessed by means of a short length of offsite sewer constructed in the public highway between the site boundary and the proposed connection point on the public sewer. The developer will be required to serve a notice on the Sewerage Undertaker under section 106 of the Water Industry Act 1991 in relation to the connection to the public sewer. This is not a matter which can be controlled by the planning system.

Anglian Water has advised the Council that the existing sewerage system has capacity to accept foul waste from the development but the Steeple Bumpstead Water Recycling Centre does not currently have capacity to treat the waste. However, if planning permission is granted, Anglian Water has a responsibility to accept flows from the development and would therefore take

the necessary steps to ensure that there is capacity. This is a matter for the statutory undertaker to ensure.

In order for foul water from the proposed development to be effectively drained, a new network of foul sewers (both onsite and offsite) will be constructed. These will connect to the existing public foul sewer network. All sewers will be constructed in accordance with the national industry guidance entitled "Sewers for Adoption" and will be offered for adoption to the Sewerage Undertaker under an agreement pursuant to section 104 of the Water Industry Act 1991. This will ensure the long term maintenance of all new sewers and is the standard practice for new development.

### Other Utilities

**Electricity** - The anticipated point of connection for the new development would be from the existing high voltage cable within Edith Cavell Way to the north of the site. A new secondary substation is likely to be required on site. Details of this would be required as part of a later submission.

**Gas** - National Grid plans indicate there are no existing gas mains within the site boundary. There is an existing low pressure (LP) main to the north of the site boundary within Finchingfield Road, this will be unaffected by the proposed development. It is anticipated this existing gas network could be extended to feed the proposed development; a connection off the LP main is likely to be provided and a new mains gas infrastructure would be laid on site with associated service connections.

**Water** – It has been indicated that there is an existing water main running inside the site boundary parallel with Finchingfield Road. This would be the likely connection point for the development. New mains infrastructure would be laid on site to serve the new domestic properties.

**Telecoms** - There are overhead cables running along Finchingfield Road on the opposite side to the proposed development; these will be unaffected. The proposed new site could be fed by extending this existing infrastructure. Broadband connections are available within the area.

**Contamination** – The Phase 1 Site Investigation report indicates that there is negligible risk from potential contamination but that samples should be collected to confirm soil quality which could be the subject of a suitably worded condition.

**Appeal Decision Great Bardfield** – Officers acknowledge that planning permission was granted on appeal for up to 37 dwellings at Great Bardfield (Planning Application 15/01354/OUT refers) on a site which is outside but adjacent to the village envelope. In that case the main issues were whether the proposal would be appropriately located, having regard to national and local planning policy, whether future residents would have reasonable access to services and facilities, and whether there would be a significant loss of the best and most versatile agricultural land.

It is acknowledged that some similarities can be drawn between the applications and sites - both sites are adjacent the village envelope, both villages are designated as an 'other village' in the Core Strategy, the proposed percentage increase in population is similar and in both cases the Council is unable to demonstrate a five year supply of housing land. However, the size and character of the sites and villages are quite different. Great Bardfield has a greater number of facilities and shops, including a small supermarket, and a more frequent bus service. Although the Inspector notes that there are relatively limited employment opportunities, there is nonetheless, a business centre in the village.

The Inspector concluded that residents would have quite good access to a range of services and facilities nearby which could meet some daily needs and that local infrastructure and services would cope adequately with the additional demands arising from future residents of the development. When undertaking the planning balance, the Inspector considered that the adverse impacts in terms of some reliance on travel by car outside of peak hours and the relatively limited economic opportunities within the village did not significantly and demonstrably outweigh the social and economic benefits.

There are differences between these applications, sites and villages. Notably the character of the site at Steeple Bumpstead is quite different and Officers consider that the proposal would have a harmful impact upon the character of the area to the extent that, when undertaking the balance, the proposal would fail the environmental aspect of sustainability. This was not an issue which was relevant to the Great Bardfield case. Furthermore, each application should be considered on its individual merits.

## CONCLUSION

As set out above the development of new housing will always bring benefits but those benefits do not always outweigh all other considerations. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted.

It is acknowledged that the provision of market and affordable housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply and this should be given significant weight.

In addition to the benefits of providing additional market and affordable housing the applicant refers to a range of other benefits including the creation

of construction jobs; increased demand for local services; the provision of public open space within the site and as a result of financial contributions to mitigate for the impacts of this development. Such benefits would be consistent with the social and economic dimensions of sustainable development.

Nevertheless, the site is not one which would offer sustainable access to the range of facilities that are required to meet the everyday needs of the development, nor would the prospective residents have good access by public transport or other sustainable means to the services within the catchment serving the village.

Officers acknowledged that the scale of the development in terms of the proposed number of dwellings has been reduced and have given due consideration to this point. However, Officers remain of the opinion that in environmental terms, the impact of the proposed development upon the character and appearance site and surrounding area, having particular regard to its location, the topography of the site and the scale of the development is considered to fail the environmental aspect of sustainable development, as described above.

It is also concluded that the development will result in some (less than substantial) harm to the setting of the church, Conservation Area and the broader historical narrative of the landscape.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the harm to the landscape and setting of heritage assets, together with the poor location of the site in terms of access to services, are adverse impacts that would significantly and demonstrably outweigh the acknowledged benefits and accordingly it is recommended that this application is refused.

Furthermore, it has not been demonstrated that the proposal adequately addresses the issue of surface water run-off and flood risk. This issue remains unresolved and therefore forms a reason for refusal again.

Finally, a S106 Agreement has not been secured to ensure the delivery of affordable housing and public open space and financial contributions towards health services and school transport in order to mitigate against the impacts of the development.

## RECOMMENDATION

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

- 1 The NPPF advocates a presumption in favour of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic.

Para.34 of the NPPF states that decisions should ensure that developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Para.55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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

Policy RLP53 of the Braintree District Local Plan Review states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exist and the layout of the developments has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

One of the core principles set out in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy CS5 of the Core Strategy seeks to strictly control new development to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Core Strategy states, 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment'. The Council's Landscape Character Assessment includes planning guidelines. For the area which includes the application site the guideline are to:

- Maintain cross-valley views and characteristic views across and into valleys.
- Ensure any new development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

RLP80 of the Braintree District Local Plan Review states that development that would not successfully integrate into the local landscape will not be permitted.

Policies CS9 of the Core Strategy and Policies RLP90, RLP95 and RLP100 of the Local Plan Review seek to conserve local features of architectural, historic and landscape importance, including the setting of listed buildings and designated Conservation Areas.

In the case of Steeple Bumpstead the facilities and amenities are such that residents are unable to meet their everyday requirements within the village. Furthermore, public transport facilities are limited and development in this location would undoubtedly place reliance upon travel by car. It is not considered that the site proposed is a sustainable location for new residential development.

In addition, the proposal would have a significantly adverse impact upon the landscape and historic character of the area. The proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contributes to the rural setting of the village. The location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area. Views of the open countryside, heritage assets and historic landscape which contribute to the character and setting of the village would be irretrievably lost.

It is therefore considered that this site is an unsustainable location for new development and the harm identified to the landscape character of the area and important features which contribute to the setting of the village would fail to perform the environmental role of sustainability. When considering the NPPF as a whole, the harm identified significantly and demonstrably outweighs any benefits of the development. For these reasons the proposal would fail to accord with the principles and guidance set out in the NPPF and the local planning policies and guidance set out above.

- 2 Planning policy as set out in the National Planning Policy Framework and Policies RLP69 and RLP71 of the Braintree District Local Plan Review seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted to address the issue of surface water run-off and flood risk in order to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal therefore fails to accord with the policies referred to above.

- 3 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing

schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to their location. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District.

The proposed development would trigger the requirement for:

- The delivery of affordable housing on site;
- A financial contribution towards school transport;
- A financial contribution towards health services;
- The provision, maintenance and delivery of public open space.

These requirements would 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 the above policies and adopted SPD.

#### SUBMITTED PLANS

Location Plan	Plan Ref: 7013-L-01
Framework Plan	Plan Ref: 7013-L-01
Topographical Survey	Plan Ref: TOPO_01_2D
Photograph	Plan Ref: PHOTO VIEWPOINTS 1 & 2

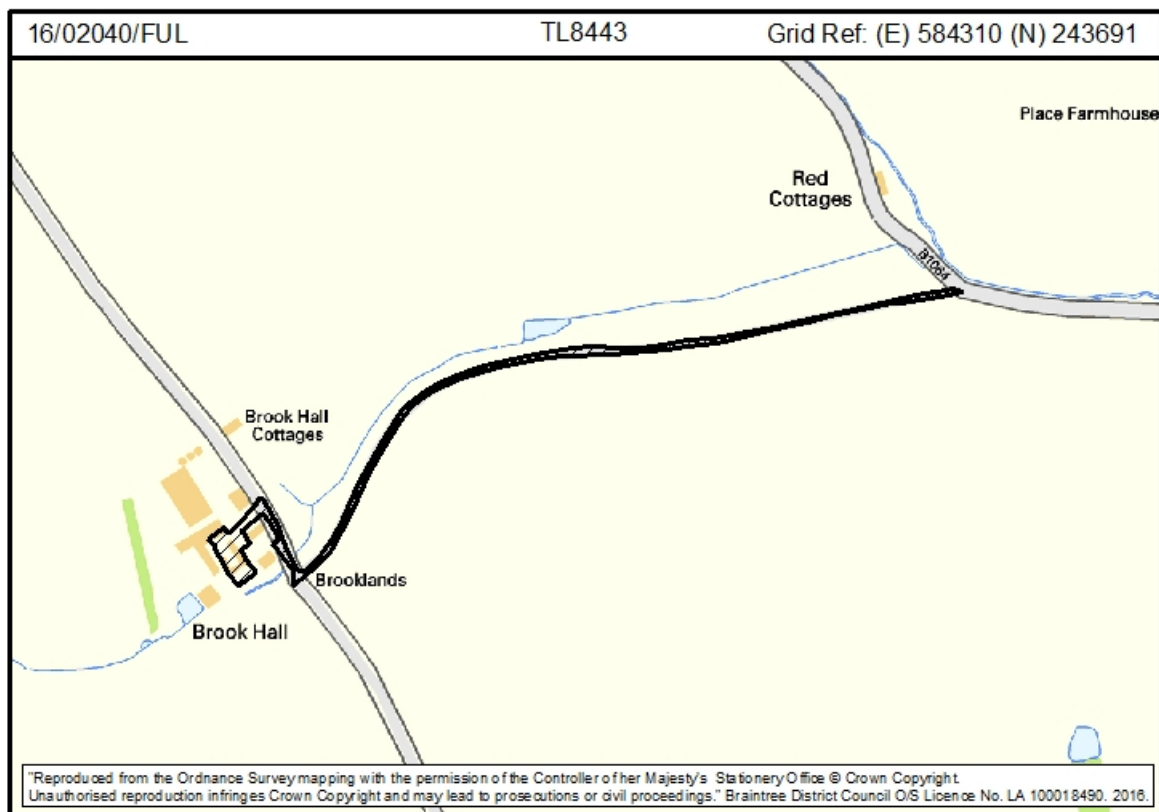
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 16/02040/FUL DATE: 02.12.16  
 VALID:  
 APPLICANT: Brook Hall Farm Partnership  
 Mr David Fahie, C/O Agent  
 AGENT: Whymark Moulton Ltd  
 Mr Barry Whymark, 14 Cornard Road, Sudbury, CO10 2XA,  
 United Kingdom  
 DESCRIPTION: Retrospective application for the change of use and  
 alterations to disused agricultural outbuildings to form 3 no.  
 dwellings with associated private gardens and car parking  
 spaces  
 LOCATION: Brook Hall, Brook Hall Lane North, Foxearth, Essex, CO10  
 7HP

For more information about this Application please contact:  
 Nina Pegler on:- 01376 551414 Ext. 2513  
 or by e-mail to: [nina.pegler@braintree.gov.uk](mailto:nina.pegler@braintree.gov.uk)



## SITE HISTORY

16/01587/FUL	Retrospective application for the change of use and alterations to disused agricultural outbuildings to form 3 no. dwellings with proposed associated private gardens and car parking spaces.	Refused	28.10.16
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## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the

parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy

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

#### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development

#### Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
LPP34	Residential Conversion of Buildings in the Countryside
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP57	Protected Species

#### Other Material Considerations

Site Allocations and Development Management Plan  
Essex Design Guide  
Essex Parking Standards

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

This application is brought before the Planning Committee at the request of the Chair and Vice Chair of the Committee.

#### NOTATION

The site is located in the countryside.

## SITE DESCRIPTION

The site is located within an existing farm in the countryside to the south east of Foxearth. The buildings subject of this application are located to the north east of the farmhouse. To the north of the farmhouse are stables and outbuildings, beyond which are more modern agricultural buildings and silos. The site is accessed via a long track from the main road. The track is also a public footpath.

## PROPOSAL

This application seeks retrospective planning permission for the change of use and alterations of former single storey agricultural buildings to form 3 no. two bedroom dwellings. The buildings have been converted within the last year. The buildings form an L-shaped development around a courtyard/stable yard. On the other sides of the courtyard are existing stables and an agricultural building (with attached lean-to structure facing the dwellings). The application also includes alterations in order to provide each dwelling with a private garden and parking provision. An open fronted brick building within the courtyard would provide a covered area for bin and bike storage.

## CONSULTATIONS

Parish Council - No response at the time of writing.

Engineers – Unaware of any surface water issues affecting the site.

Environmental Health – No objection in principle to the development, but requests the details of the internal arrangements. The Environmental Health Officer was made aware that floor plans have been provided with the application. No further comments have been received.

Landscape Services – No response at the time of writing.

## REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter. No letters of representation have been received.

## REPORT

### Site History

A similar planning application was submitted in September 2016. This was refused for the following reasons:

1. The site is located in the countryside where national and local planning policies are generally restrictive of new residential development unless

there are exceptional circumstances and where this represents a sustainable form of development.

Guidance set out in Para.55 of the National Planning Policy Framework (NPPF) states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

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

In this case it is not considered that this site is located in a sustainable location. It is located within a farm complex in a rural location where occupants would be reliant on the car to access services and facilities. Having regard to Para.55 of the NPPF, by virtue of its location and scale, it is not considered that this development would enhance or maintain village communities. In addition, the development is not required for a rural worker. The building is not listed and the development is not a form of enabling development. The conversion is not innovative or exceptional in design. It is not disputed that the buildings were redundant prior to conversion. In terms of the penultimate criterion and the setting of the buildings, they are located within a cluster of other farm buildings and stables which appear to still be in use for these purposes. The development faces into the stable yard. The immediate setting is one of a rural and agricultural nature. Prior to their conversion, the buildings would have been in keeping and compatible with the appearance and use of the buildings to which they predominately related. Given their proximity and relationship to the remaining agricultural and equestrian buildings, it is not considered that the conversion of the buildings amounts to a development which enhances its setting to the extent that it can be considered as an exceptional or special circumstance.

Furthermore, the approval of this application would set a precedent for the conversion of further outbuildings within this farm complex, in a

location which the Local Planning Authority considers to be unsustainable for new residential development.

2. One of the core planning principles set out in the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy RLP 90 of the Braintree District Local Plan Review states that the Council seeks a high standard of layout and design in all developments, large and small, in the District. It states that buildings, open areas, circulation spaces, and other townscape and landscape areas shall be of a high standard of design and materials. It also states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

Guidance set out in the Essex Design Guide (an adopted Supplementary Planning Document) states that dwellings with one or two bedrooms should be provided with a garden of 50sqm. This garden space is to be entirely on the private, non-entrance side of the house and to contain a screened, unoverlooked sitting-out area adjacent to each house.

In this case the amenity space to Units 1 and 2, and part of the amenity space to Unit 3 is located to the front of the dwellings. It comprises a gravel area within the courtyard between the new dwellings. This area is used to access the dwellings.

This decision is a material planning consideration relevant to the determination of the current application. Consideration must be given as to whether the current application overcomes the previous reasons for refusal.

#### Principle of Development

The site is located in the countryside where national and local planning policies are generally restrictive of new residential development unless there are exceptional circumstances and where this represents a sustainable form of development.

Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy seek to protect the countryside and direct new development to sites within existing towns and villages. The Council accepts that, at the current time, it does not have a 5 year supply of housing land, as required by the NPPF and therefore these policies are out of date. (The Council's position as at 03.01.2017 is that the current forecast supply for the period 2017-2022 was 3.8 years). The Government's intention is to significantly boost housing supply. However, this objective is to follow a planned approach through the preparation of local plans. The Council is working on the preparation of a new Local Plan which will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF -

including the need to 'boost significantly' the supply of housing in the District. This document has been subject to public consultation and the Council is due to consult on the Pre-Submission Draft Local Plan in the coming months.

Regard is therefore had to Paragraph 14 of the NPPF which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The Council must therefore consider the planning balance, having regard to the requirements of the NPPF as a whole.

Guidance set out in the National Planning Policy Framework (para.55) states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

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

Policy RLP38 of the Local Plan Review makes provision for the conversion of rural buildings and listed barns to residential use where it has been demonstrated that the building has been marketed for alternative uses without successful take-up. Policy RLP 38 also requires that the other criteria concerning the sustainability of the building and its local setting can be met. These are:

- The buildings are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction;
- Their form, bulk and general design are in keeping with their surroundings;
- There would be no unacceptable impact on the landscape or protected species or historic environment;
- Safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking to the Council's standards and lorry manoeuvring without

- detriment to the setting of the building, residential amenity and the landscape within which it is located;
- The scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside;
  - There shall be no open storage of goods, containers, waste materials or finished products.

The applicant did not seek pre-application advice from the LPA prior to submitting this or the previous application, and converted the buildings without planning permission. As this application is retrospective the applicant is unable to demonstrate compliance with the first part of Policy RLP38 as the market for an alternative use for the buildings was not tested prior to conversion. Consideration of the other criteria is covered below.

The NPPF supports sustainable development in rural areas. Foxearth is identified as an 'Other Village' in the settlement hierarchy set out in the adopted Core Strategy and has few facilities and amenities. These are defined as "the smallest villages in the District". Amendments to the settlement hierarchy set out in the draft Local Plan were made at the Local Plan Sub-Committee meeting on 28th November 2016. It was agreed that Foxearth would fall within the 'Tertiary Villages' category. The text to accompany this in the Draft Local Plan states that "These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met for development within a Tertiary Village". This site falls within the category at the bottom of the existing and proposed settlement hierarchy.

A recent appeal decision for a site elsewhere in the District stated that in terms of para.55 of the NPPF, it does not define or limit the meaning of 'isolated' but having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services. Information within the application indicates that the site is located 2 ¼ and 2 ½ miles from a larger village and town respectively and therefore the site is sustainably located. Officers do not agree. The site is located within a farm complex in a rural location where occupants would be reliant on the car to access services and facilities required for everyday living, including education, employment and shopping. The site is not within easy walking distance of nearby villages and such access is largely via unlit country roads with no pavement. Furthermore, there are poor public transport services in this area. It is therefore considered that the site is located in an isolated area and where occupants would be reliant on travel by car to access services and facilities. This is contrary to the guidance set out in the NPPF which aims to locate new development in rural areas close to services and facilities as a means of supporting the vitality of rural communities and enabling residents to live in a sustainable way. Information within the application criticises the Council's "simplistic approach" which "ignores the free will of town dwellers to



cover whatever mileage they wish and wherever the fancy takes them". Residents living within towns will have better access to facilities and services which will either be available within those towns or accessible by other modes of transport, thereby making the towns more sustainable places to live. It is Officer's view that the location of the application site cannot be said to be sustainable under the guidance set out in the NPPF.

Reference is made in the 'Design, Access and Planning Policy Statement' to Policy LPP34 (Residential Conversion of Buildings in the Countryside) of the draft Local Plan. For the reasons set out above, Officers consider this development fails the first criterion which states 'The location of the site is accessible and sustainable in terms of the Framework'.

By virtue of the scale and location of this development, it would not enhance or maintain village communities. Therefore, in accordance with Para.55, regard is also had as to whether there are special circumstances which make this development acceptable. The development is not required for a rural worker. The building is not listed and the development is not a form of enabling development. The conversion is not innovative or exceptional in design. Therefore in terms of the principle of the development, the only criteria relevant from Par.55 of the NPPF is whether the development resulted in the re-use of a redundant or disused building and it has led to an enhancement of the immediate setting.

It is understood from the previous application that the buildings were redundant prior to their conversion. The LPA has no evidence or reason to dispute this. The buildings are located within a cluster of other farm buildings and stables which appear to still be in use for these purposes. The development faces into the stable yard and relates predominately to these non-domestic buildings. The immediate setting is clearly one of a rural and agricultural nature. Although no photos of the buildings prior to conversion have been submitted, it is understood from the Biodiversity Assessment that they were similar in character to the stores and stables adjacent. Therefore they would have been in keeping and compatible with the appearance and use of the buildings to which they predominately related. It is not disputed that the buildings in question have been converted to a good standard, however given their proximity and relationship to the agricultural and equestrian buildings, it is not considered that the conversion necessarily amounts to a development which enhances its setting to the extent that it can be considered as an exceptional or special circumstance. Whilst there are two other dwellings close to the development, one is the large farmhouse associated with the farm and the other is a bungalow presumably an existing or former workers dwelling. It is the rear elevations of the converted buildings which can be partly seen within the context of these buildings. It is not considered that the buildings, prior to conversion, would have been harmful to the setting of the dwellings, nor that the conversion significantly enhances their setting.

Accordingly, it is not considered that there are any special circumstances which justify approval of new residential development in an isolated and

unsustainable location. Furthermore, the approval of this application would set a precedent for the conversion of further outbuildings within this farm complex, in a location which the LPA considers to be unsustainable for new residential development.

It is also recognised that sustainable development has three dimensions, as set out in Para.7 of the NPPF. This being, an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependent.

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Foxearth itself or support the long term future of services/facilities in other villages. As the application proposes 10 or less dwellings it would not deliver any benefits in terms of affordable housing or the improvement of public open spaces (as a result of a Court of Appeal decision in May 2016). In terms of the three dimensions of sustainable development, the provision of a small amount of housing would be relevant to the economic and social roles, although these benefits would be limited due to the scale of the development. The development of new housing will always bring some benefits but those benefits do not always outweigh all other considerations. The scale of the development proposed would not significantly contribute towards the District's 5 year housing supply to the extent that concerns about the sustainability of the location should be set aside. There is little to support the proposed development in respect of the environmental role.

When considering the planning balance, and having regard to the requirements of the NPPF as a whole, it is considered that the development of this site would fail to fulfil the roles of sustainable development as set out in Paragraph 7 of the NPPF and the test set out in Paragraph 14 of the NPPF and that this would significantly and demonstrably outweigh the limited benefits. No additional information has been submitted with this application which justifies the LPA reaching a different decision to that made on the previous application.

Section 5 of the 'Design and Access and Planning Policy Statement' refers to the permitted development rights set out in the Town and Country (General Permitted Development) (England) Order 2015. However, reference to this is not relevant as the buildings were converted without planning permission or the submission of a prior notification application. Therefore this is not a material planning consideration, as stated in the document. It is also not the case that "the desire of both the Council and the applicant to provide larger

areas of amenity space required the submission of a formal planning application". No pre-application advice was sought from the Council. It may be the case that the building could have been converted by virtue of the provisions set out in the GPDO subject to a prior notification application being submitted prior to the development commencing and subject to compliance with the relevant criteria, including the size of the curtilage. However this procedure was not pursued and cannot be considered as a "fall-back" position.

The 'Design, Access and Planning Policy Statement' also refers to a number of matters which it states justifies approval of the application. The following comments are made in respect of these:

Farm diversification – Section 3 of the NPPF supports economic growth in rural areas through the diversification of agricultural businesses. This is a residential development and no information has been submitted to demonstrate how this proposal would contribute to the rural economy.

High standard of development – This does not outweigh concerns regarding the sustainability of the development.

Amenity space and car parking – It is acknowledged that these issues have been overcome (see below).

Car use – This forms part of the sustainable development consideration which has been discussed above.

Planning application granted for a development in Stisted – This site is located in a different part of the District and within the setting of a listed building. In this case it was considered that the development enhanced the setting. Some limited marketing information was submitted. It is not considered that this sets a precedent as each application must be considered on its merits and in accordance with relevant local and national planning policy.

Shortage of small scale housing for rent - This does not outweigh concerns regarding the fundamental principles of achieving sustainable forms of development.

Five Year Housing Supply of Land – Addressed above.

### Design and Appearance

The development comprises three modest sized 2 bedroom units. The buildings were clearly capable of conversion and a number of openings have been re-used. The scale and form of the buildings has been retained. No objection is raised to the design and appearance of the development.

Guidance set out in the Essex Design Guide (an adopted Supplementary Planning Document) states that dwellings with one or two bedrooms should be provided with a garden of 50sqm. This garden space is to be entirely on

the private, non-entrance side of the house and to contain a screened, unoverlooked sitting-out area adjacent to each house.

This application has been amended when compared to the previous one and now includes a private garden of over 50sqm for each unit. This overcomes previous concerns and the second reason for refusal.

#### Impact on Neighbouring Residential Amenities

There are two existing dwellings within close proximity to the development. However given the scale and location, it is not considered that the development would have adverse impacts upon neighbouring amenity.

#### Highway Considerations

The site is served by an existing access. The Council's adopted Parking Standards require two bedroom dwellings to be provided with two off road parking spaces per dwellings. These should measure 2.9 x 5.5 metres. The submitted plans show that this can be achieved. At the time of the site visit the parking spaces within the outbuilding to the north had not been provided. However this is a matter which could be dealt with by condition if the application were acceptable in all other respects.

It is not considered that this scale of development would have an adverse impact upon the road system, residential amenity or character of the countryside.

#### Landscape/Ecology Considerations

In accordance with Policy RLP84 the LPA would have expected an Ecology Survey to be submitted with a planning application prior to the conversion of the buildings. In this case a Biodiversity Assessment dated September 2016 has been submitted with the application. This was undertaken after the conversions had taken place. The report indicates that the roof remained undisturbed and the works took place outside of the bird nesting season. Having regard to this, and the construction techniques used, it concludes that the works were unlikely to have impacted negatively on any protected species.

#### CONCLUSION

This application seeks retrospective planning permission for new residential development in an isolated and unsustainable location in the countryside. It fails to accord with the Council's strategy of providing such development in locations where occupants would have good access to facilities and amenities, as set out in the adopted Core Strategy and Local Plan Review and emerging draft Local Plan. Whilst it is accepted that the Council does not currently have a 5 year supply of housing land, when considering the planning balance and having regard to the requirements of the NPPF as a whole, it is concluded that the development does not represent a sustainable form of

development and it is not considered that there are any exceptional circumstances which justify granting planning permission. Furthermore, this application does not overcome the first reason for refusal on the previous application.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application REFUSED for the following reasons:-

- 1 The site is located in the countryside where national and local planning policies are generally restrictive of new residential development unless there are exceptional circumstances and where this represents a sustainable form of development.

Guidance set out in Para.55 of the National Planning Policy Framework (NPPF) states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to
- an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

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

The site is located in the countryside to the south east of the village of Foxearth and falls outside of the defined village envelope. The village of Foxearth has limited facilities, amenities and employment opportunities. It has a poor range of day to day services and facilities which prevents residents being able to meet their needs within the village. In this case it is not considered that this site is located in a sustainable location. It is located within a farm complex in a rural location where occupants would be reliant on the car to access services and facilities.

Having regard to Para.55 of the NPPF, by virtue of its location and scale, it is not considered that this development would enhance or maintain village communities. In addition, the development is not required for a rural worker. The building is not listed and the development is not a form of enabling development. The conversion is not innovative or exceptional in design. It is not disputed that the buildings were redundant prior to

conversion. In terms of the penultimate criterion and the setting of the buildings, they are located within a cluster of other farm buildings and stables which appear to still be in use for these purposes. The development faces into the stable yard. The immediate setting is one of a rural and agricultural nature. Prior to their conversion, the buildings would have been in keeping and compatible with the appearance and use of the buildings to which they predominately related. Given their proximity and relationship to the remaining agricultural and equestrian buildings, it is not considered that the conversion of the buildings amounts to a development which enhances its setting to the extent that it can be considered as an exceptional or special circumstance.

Furthermore, the approval of this application would set a precedent for the conversion of further outbuildings within this farm complex, in a location which the Local Planning Authority considers to be unsustainable for new residential development.

The introduction of new residential development in this location, beyond the defined settlement limits, is therefore contrary to the objectives of local and national policies to secure sustainable patterns of development and there are no exceptional circumstances which justify approval of this application. When considering the NPPF as a whole, the development would not significantly contribute to the three roles of sustainable development and it is concluded that the poor location of the site in terms of access to services and facilities would result in a proposal which is not sustainable development for which the NPPF carries a presumption in favour. This issue would significantly and demonstrably outweigh any benefits of the development.

#### SUBMITTED PLANS

Site Plan	
Existing Plans	Plan Ref: 3070:001 B
Proposed Plans	Plan Ref: 3070:002 J
Location Plan	Plan Ref: 3070:003 J

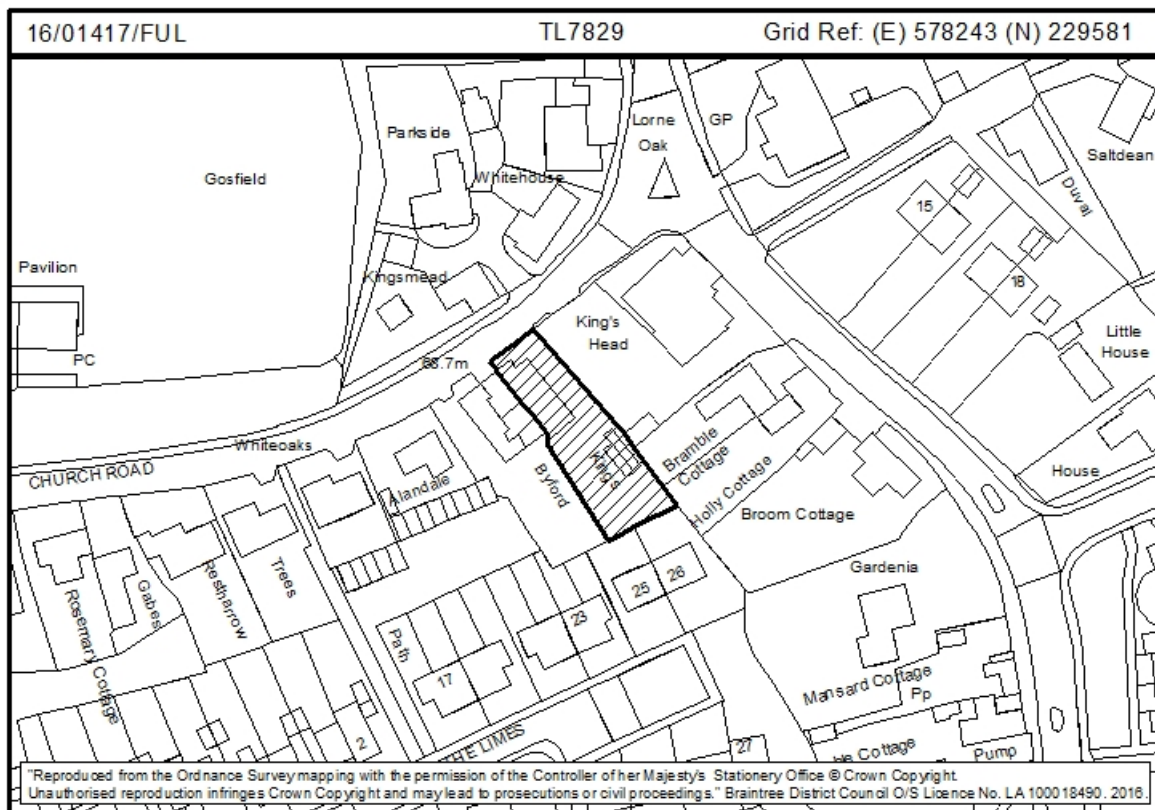
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6d

PART B

APPLICATION NO: 16/01417/FUL DATE: 30.08.16  
VALID:  
APPLICANT: Mr S Pryke  
Kings Cottage, Church Road, Gosfield, Essex, CO9 1TL  
DESCRIPTION: Retention of pagoda, car port and gate  
LOCATION: Kings Cottage, Church Road, Gosfield, Essex, CO9 1TL

For more information about this Application please contact:  
Daniel White on:- 01376 551414 Ext. 2518  
or by e-mail to: [daniel.white@braintree.gov.uk](mailto:daniel.white@braintree.gov.uk)



## SITE HISTORY

96/00315/TPO	Notice of intent to carry out work to trees protected by the Conservation Area - coppice one willow	Granted	07.05.96
14/00024/TPOCON	Notice of intent to carry out works to a tree in a Conservation Area - Remove 1 Conifer tree	Granted	05.03.14
16/00057/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove 6 trees	Granted	06.04.16
16/00854/FUL	Retention of porch/veranda to shed/garage building	Withdrawn	03.08.16
16/01418/LBC	Retention of pagoda, car port and gate	Pending Decision	

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not



however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9                Built and Historic Environment

### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

### INTRODUCTION

This application is brought before the Planning Committee due to the Parish Council Objecting to the proposal, contrary to officer recommendation.

### SITE DESCRIPTION

The application site comprises of a semi-detached property situated in the Gosfield Village Envelope and Conservation Area. Kings Cottage is situated on Church Road adjacent to the Kings Head Public House. Kings Cottage is a Grade II listed dwelling with a drive at the front with a car port in front of some wooden gates, with a large garden to the rear and a shed with a pagoda.

### BACKGROUND

The proposal is for the retention of the garage with attached pagoda, car port and gate. The proposal comes as a result of enforcement action taking place, due to the garage, pagoda, car port and gates all being constructed without Listed Building Consent.

It is noted that a previous application was withdrawn (16/00854/FUL) prior to the submission of this application, as the applicant was working with the Historic Buildings Consultant and Enforcement team to establish exactly what works had taken place without consent and needed to be included in the application, together with establishing materials for the pagoda that would not harm the character or setting of the Listed Building and Conservation Area.

## PROPOSAL

The application proposes to retain the garage with attached pagoda, car port and gate. The garage with attached pagoda replaces an old garage that was demolished and was in need of extensive repair. The car port and gate are new additions to the site.

The pagoda is attached to the replacement garage that has been constructed in the same location as the original garage with a slightly larger footprint. The replacement garage is 4.5m in width by 10m in length with the attached pagoda being 1.5m in width by 10m in length. Both the garage and pagoda are constructed from a softwood frame, with a corrugated pitched tin roof for the garage with a tiled mono-pitched roof for the pagoda

The car port is located at the front of the property and has been constructed over the existing driveway. The car port is 7m in length by 3m in width and constructed from a softwood frame, with a flat plastic roof. The gate is located at the end of the car port and has also been constructed from softwood.

## CONSULTATIONS

Gosfield Parish Council - The Parish Council were somewhat mystified by the use of the word 'Pagoda' in the Planning Application and felt it was misleading. In the absence of any proper definition in the Planning Application, the Parish Council took it to refer to the Veranda, and this is what the Parish Council is objecting to while generally accepting the advice of the Historic Building Consultant. The Parish Council felt that the veranda was unnecessary and added to the bulkiness of the building and the odd roofline. The Parish Council make reference to the comments made by David Andrews, the Conservation Consultant at the time on an application that was withdrawn (16/00854/FUL), in which he stated "this application has been made on the understanding that the shed which has been erected or rather rebuilt, apparently reusing an existing building but to a slightly larger footprint which explains the asymmetric roof pitch, with an added veranda, which would be permitted development were it not for its height and the presence of the veranda. The shed would certainly look better without the veranda" to which the Parish Council agrees David Andrews's comments and on this basis objects to this element of the application.

Historic Buildings Consultant - Following an on-site meeting with the applicant, the current Historic Buildings Consultant and an Enforcement Officer, and having reviewed the application together with the supporting information, the Historic Buildings Consultant is satisfied that the carport and gate can be

considered like-for-like replacement. Similarly the renovation of the garage and the addition of a pagoda would not be considered harmful to the significance of the Listed Building or the character and appearance of the Conservation Area.

## REPRESENTATIONS

One neighbour representation was received in which concerns were raised with the size of the building in relation to the area of the garden and the building it was replacing as it was approximately 50% smaller, together with the use of the building.

## REPORT

### Principle of Development

Policy CS9 of the Braintree District Council Core Strategy states that the Council will promote and secure a good standard of design and layout in all new development.

Policy RLP17 makes reference to new development being both of a good standard of design and in harmony with the character and appearance of the area, and extensions not resulting in the over-development of the plot. Policy RLP90 requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings. It also states there shall be no unacceptable or undue impact on neighbouring residential amenities.

Policy RLP95 of the Braintree District Local Plan Review seeks to preserve and enhance the character and appearance of designated Conservation Area. Built or other development will only be permitted provided that: the proposal does not detract from the character, appearance and essential features of the Conservation Area; any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings; and building materials are authentic and complementary to the building's character

Local Plan Policy RLP100 enables development including internal or external alterations, extensions and partial demolitions to a Listed Building or structure subject to the works not harming the setting, character, structural stability and fabric of the building or result in the loss of or significant damage to the building including the use of appropriate materials and finishes.

Whilst the comments from the Parish Council are noted, it is considered that the car port and gate can be considered like-for like replacement, and the addition of the pagoda to the garage, whilst being larger in size than the original garage, do not cause detrimental harm to the significance of the listed building or the character and appearance of the Conservation Area according to the Historic Buildings Consultant. Therefore it is considered that the application would not have a detrimental impact upon the designated heritage asset or conservation area.

### Design, Appearance and Layout

The pagoda is attached to the replacement garage that has been constructed in the same location as the original garage with a slightly larger footprint. The replacement garage is 4.5m in width by 10m in length with the attached pagoda being 1.5m in width by 10m in length. Both the garage and pagoda are constructed from a softwood frame, with a corrugated pitched tin roof for the garage with a tiled mono-pitched roof for the pagoda. The car port is located at the front of the property and has been constructed over the existing driveway. The car port is 7m in length by 3m in width and constructed from a softwood frame, with a flat plastic roof.

It is considered that the development meets the requirements of Policies RLP17 and RLP90 as the application would not impact the character of the existing dwelling together with having a minimal impact on the harmony of the street scene as the only elements visible from the street scene are the car port, gate and the top half of the garage together with the elements of the application would not result in overdevelopment of the plot.

The proposal would also not harm the setting, character, structural stability, or harm the fabric of the listed building and would use appropriate materials and finishes, meeting the criteria set out in RLP100 and therefore taking everything into consideration the application would be deemed acceptable.

### Impact on Neighbour Amenity

In this case it is considered that the proposal would not have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking due to the siting, size and design of the development.

### Highway Issues

As part of the proposal is for the retention of a garage, Local Plan Policy RLP56 would apply to the application. Policy RLP56 ensures that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. The garage meets the requirement for off street parking and would therefore count as a parking space for the site.

### CONCLUSION

In conclusion, it is considered that the application would not have a detrimental impact on the setting, character and appearance of both the Listed Building and the Conservation Area and is therefore recommended that the planning permission is granted. As the application is retrospective and all works have been undertaken no conditions are recommended.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with approved plans:-

APPROVED PLANS

Location Plan	Plan Ref: 002
Proposed Block Plan	Plan Ref: 003
Existing Block Plan	Plan Ref: 004
Aerial Photo	Plan Ref: 005
Photograph	Plan Ref: 006-008
Existing Floor Plan	Plan Ref: 009
Proposed Floor Plan	Plan Ref: 010
Existing Roof	Plan Ref: 011
Proposed Roof Plan	Plan Ref: 012
Existing Elevations	Plan Ref: 013
Proposed Elevations	Plan Ref: 014
Existing Elevations	Plan Ref: 015
Proposed Elevations	Plan Ref: 016
Existing Elevations	Plan Ref: 017
Proposed Elevations	Plan Ref: 018
Existing Elevations	Plan Ref: 019
Proposed Elevations	Plan Ref: 020
Existing Plans	Plan Ref: 021
Existing Elevations	Plan Ref: 022

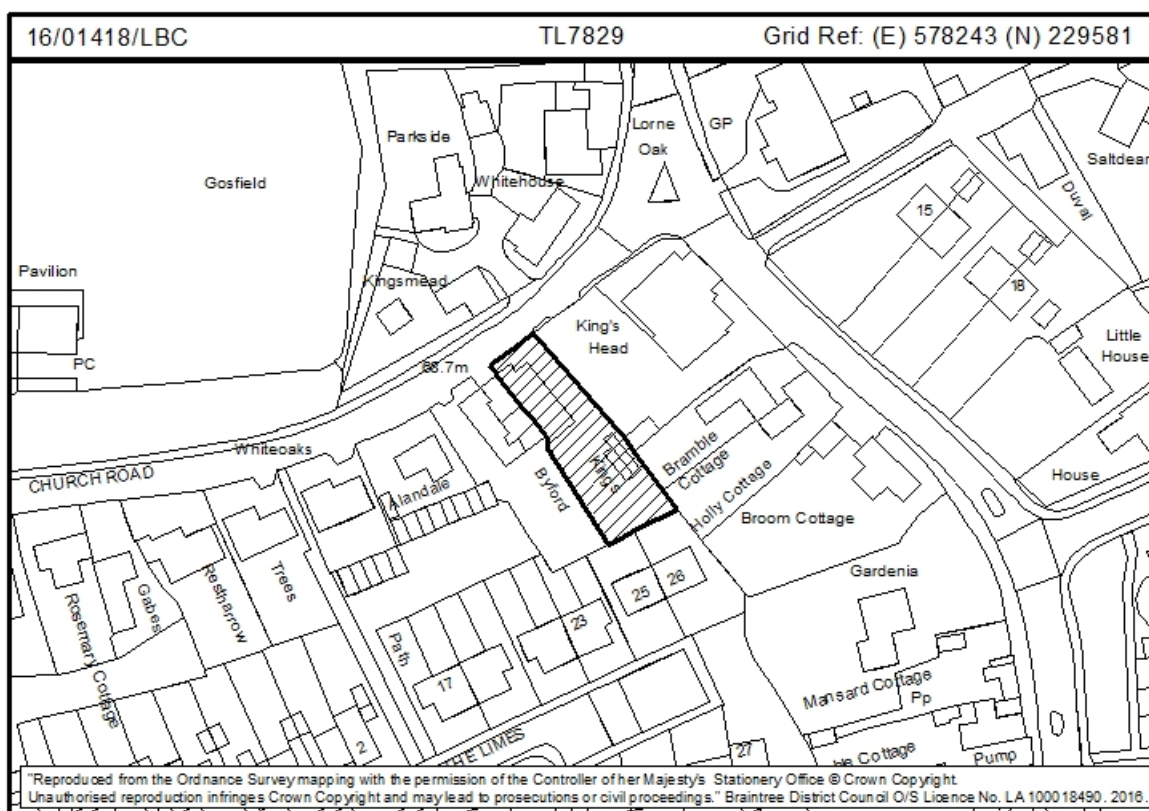
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6e

PART B

APPLICATION NO: 16/01418/LBC DATE: 30.08.16  
VALID:  
APPLICANT: Mr S Pryke  
Kings Cottage, Church Road, Gosfield, Essex, CO9 1TL  
DESCRIPTION: Retention of pagoda, car port and gate  
LOCATION: Kings Cottage, Church Road, Gosfield, Essex, CO9 1TL

For more information about this Application please contact:  
Daniel White on:- 01376 551414 Ext. 2518  
or by e-mail to: [daniel.white@braintree.gov.uk](mailto:daniel.white@braintree.gov.uk)



## SITE HISTORY

96/00315/TPO	Notice of intent to carry out work to trees protected by the Conservation Area - coppice one willow	Granted	07.05.96
14/00024/TPOCON	Notice of intent to carry out works to a tree in a Conservation Area - Remove 1 Conifer tree	Granted	05.03.14
16/00057/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove 6 trees	Granted	06.04.16
16/00854/FUL	Retention of porch/veranda to shed/garage building	Withdrawn	03.08.16
16/01417/FUL	Retention of pagoda, car port and gate	Pending Decision	

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not

however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9                Built and Historic Environment

### Braintree District Local Plan Review

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

### INTRODUCTION

This application is brought before the Planning Committee due to the Parish Council objecting to the proposal, contrary to officer recommendation.

### SITE DESCRIPTION

The application site comprises of a semi-detached property situated in the Gosfield Village Envelope and Conservation Area. Kings Cottage is situated on Church Road adjacent to the Kings Head Public House. Kings Cottage is a Grade II listed dwelling with a drive at the front with a car port in front of some wooden gates, with a large garden to the rear and a shed with a pagoda.

### BACKGROUND

The proposal is for the retention of the garage with attached pagoda, car port and gate. The proposal comes as a result of enforcement action taking place, due to the garage, pagoda, car port and gates all being constructed without Listed Building Consent.

It is noted that there was an application that was withdrawn (16/00854/FUL) prior to the submission of this application, as the applicant was working with the Historic Buildings Consultant and Enforcement team to establish exactly what works had taken place without consent and needed to be included in the application, together with establishing materials for the pagoda that would not harm the character or setting of the Listed Building and Conservation Area.



## PROPOSAL

The application proposes to retain the garage with attached pagoda, car port and gate. The garage with attached pagoda replaces an old garage that was demolished and was in need of extensive repair. The car port and gate are new additions to the site.

The pagoda is attached to the replacement garage that has been constructed in the same location as the original garage with a slightly larger footprint. The replacement garage is 4.5m in width by 10m in length with the attached pagoda being 1.5m in width by 10m in length. Both the garage and pagoda are constructed from a softwood frame, with a corrugated pitched tin roof for the garage with a tiled mono-pitched roof for the pagoda

The car port is located at the front of the property and has been constructed over the existing driveway. The car port is 7m in length by 3m in width and constructed from a softwood frame, with a flat plastic roof. The gate is located at the end of the car port and has also been constructed from softwood.

## CONSULTATIONS

Gosfield Parish Council - The Parish Council were somewhat mystified by the use of the word 'Pagoda' in the Planning Application and felt it was misleading. In the absence of any proper definition in the Planning Application, the Parish Council took it to refer to the Veranda, and this is what the Parish Council is objecting to while generally accepting the advice of the Historic Building Consultant. The Parish Council felt that the veranda was unnecessary and added to the bulkiness of the building and the odd roofline. The Parish Council make reference to the comments made by David Andrews, the Conservation Consultant at the time on an application that was withdrawn (16/00854/FUL), in which he stated "this application has been made on the understanding that the shed which has been erected or rather rebuilt, apparently reusing an existing building but to a slightly larger footprint which explains the asymmetric roof pitch, with an added veranda, which would be permitted development were it not for its height and the presence of the veranda. The shed would certainly look better without the veranda" to which the Parish Council agrees David Andrews's comments and on this basis objects to this element of the application.

Historic Buildings Consultant - Following an on-site meeting with the applicant, the current Historic Buildings Consultant and an Enforcement Officer, and having reviewed the application together with the supporting information, the Historic Buildings Consultant is satisfied that the carport and gate can be considered like-for-like replacement. Similarly the renovation of the garage and the addition of a pagoda would not be considered harmful to the significance of the Listed Building or the character and appearance of the Conservation Area.

## REPRESENTATIONS

One neighbour representation was received in which concerns were raised with the size of the building in relation to the area of the garden and the building it was replacing as it was approximately 50% smaller, together with the use of the building.

## REPORT

### Principle of Development

Policy CS9 of the Braintree District Council Core Strategy states that the Council will promote and secure a good standard of design and layout in all new development.

Local Plan Policy RLP100 enables development including internal or external alterations, extensions and partial demolitions to a Listed Building or structure subject to the works not harming the setting, character, structural stability and fabric of the building or result in the loss of or significant damage to the building including the use of appropriate materials and finishes.

Whilst the comments from the Parish Council are noted, it is considered that the car port and gate can be considered like-for like replacement, and the addition of the pagoda to the garage, whilst being larger in size than the original garage, do not cause detrimental harm to the significance of the listed building or the character and appearance of the Conservation Area according to the Historic Buildings Consultant and therefore consider that the application would not have a detrimental impact upon the designated heritage asset.

### Design, Appearance and Layout

The pagoda is attached to the replacement garage that has been constructed in the same location as the original garage with a slightly larger footprint. The replacement garage is 4.5m in width by 10m in length with the attached pagoda being 1.5m in width by 10m in length. Both the garage and pagoda are constructed from a softwood frame, with a corrugated pitched tin roof for the garage with a tiled mono-pitched roof for the pagoda. The car port is located at the front of the property and has been constructed over the existing driveway. The car port is 7m in length by 3m in width and constructed from a softwood frame, with a flat plastic roof.

The proposal would also not harm the setting, character, structural stability, or harm the fabric of the listed building and would use appropriate materials and finishes, meeting the criteria set out in RLP100 and therefore taking everything into consideration the application would be deemed acceptable.

## CONCLUSION

In conclusion, it is considered that the application would not have a detrimental impact on the setting, character and appearance of both the Listed Building and the Conservation Area and is therefore recommended that the planning permission is granted.

## RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: 002
Proposed Block Plan	Plan Ref: 003
Existing Block Plan	Plan Ref: 004
Aerial Photo	Plan Ref: 005
Photograph	Plan Ref: 006-008
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Proposed Elevations	Plan Ref: 014
Existing Elevations	Plan Ref: 015
Proposed Elevations	Plan Ref: 016
Existing Elevations	Plan Ref: 017
Proposed Elevations	Plan Ref: 018
Existing Elevations	Plan Ref: 019
Proposed Elevations	Plan Ref: 020
Existing Plans	Plan Ref: 021
Existing Elevations	Plan Ref: 022

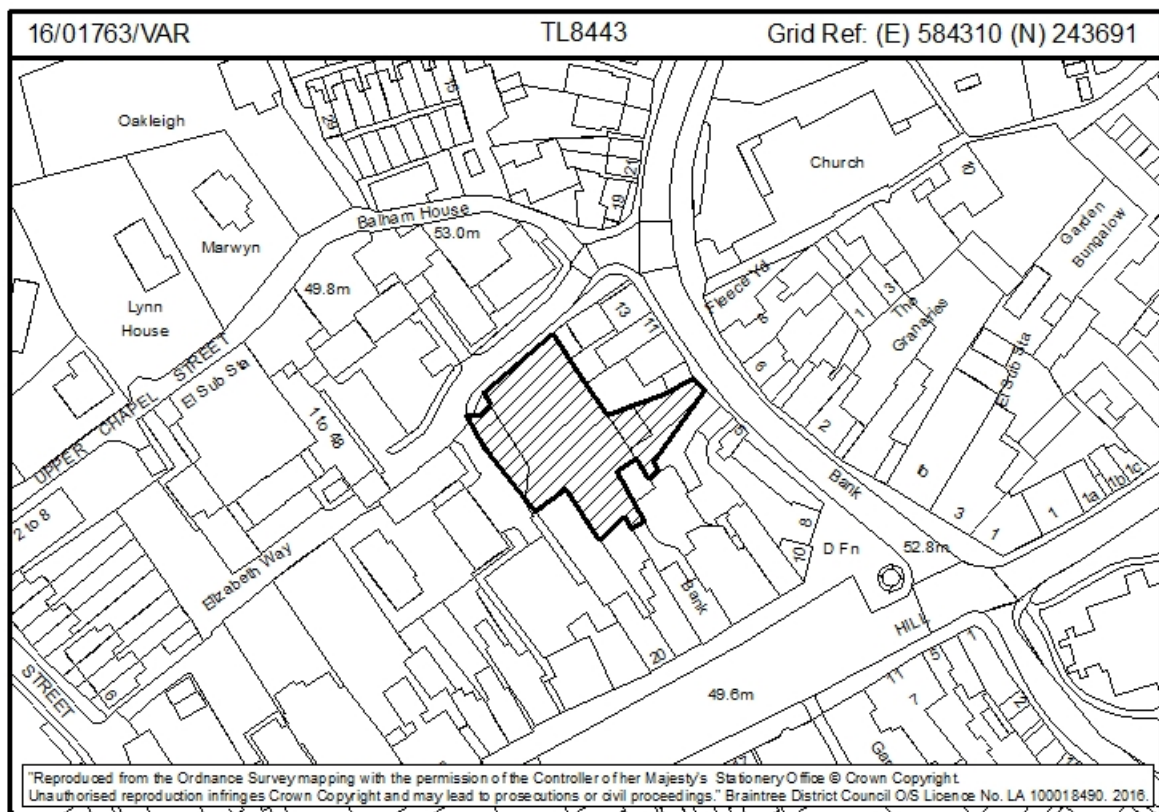
TESSA LAMBERT  
DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 6f

## PART B

APPLICATION NO: 16/01763/VAR DATE: 14.11.16  
 VALID:  
 APPLICANT: Mr James Emmerson  
 100 Acres Limited, C/O Sole Concepts Limited, Unit 3  
 Haslemere Industrial Estate, Charlton Mead Lane,  
 Hoddesdon, EN11 0DJ  
 AGENT: Mr Giuseppe D'Urso  
 Unit 3 Haslemere Estate, Charlton Mead Lane, Hoddesdon,  
 EN11 0DJ  
 DESCRIPTION: Application for variation of Condition 2 of approved  
 application 15/01012/FUL -To remove the passage link in  
 the middle of the terrace which provided access to the rear  
 garden. Garden access to be achieved through new gates  
 within the existing rear wall. Amendment to roof design,  
 front elevation and car parking layout.  
 LOCATION: Land Rear Of 16, High Street, Halstead, Essex

For more information about this Application please contact:  
 Katie Towner on:- 01376 551414 Ext. 2509  
 or by e-mail to: [katie.towner@braintree.gov.uk](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

01/00020/REF	Erection of two dwellings	Appeal Dismissed	23.08.01
00/00671/FUL	Installation of new door with power assist mechanism to aid disabled access	Granted	19.06.00
00/01608/FUL	Proposed conversion of first and second floors to provide two dwellings	Refused	20.11.00
01/00099/FUL	Erection of two dwellings	Refused then dismissed on appeal	18.04.01
01/00290/FUL	Conversion of first and second floors to provide two dwellings	Granted	03.05.01
01/00021/REF	Erection of four dwellings	Appeal Dismissed	23.08.01
00/01609/FUL	Erection of four dwellings	Refused then dismissed on appeal	20.11.00
15/01012/FUL	Erection of terrace comprising 4 no. two bedroom dwellings complete with gardens, parking and related works, including partial demolition of wall.	Granted with S106 Agreement	16.12.15
16/00209/NMA	Application for a non-material amendment following grant of planning permission 15/01012/FUL (Erection of terrace comprising 4 no. two bedroom dwellings complete with gardens, parking and related works, including partial demolition of wall) - minor changes to hard surfacing and soft landscaping arrangements in southern part of site.	Granted	04.04.16
16/01754/DAC	Application for approval of details reserved by condition nos. 3, 5, 10 and 12 of approved application 15/01012/FUL	Part Grant, Part Refused	10.01.17

## POLICY CONSIDERATIONS

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9                      Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

### Braintree District Draft Local Plan

LPP28	Housing Type and Density
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas and Demolition with Conservation Areas

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was

subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as an objection has been raised by the Town Council, contrary to Officer recommendation.

## SITE DESCRIPTION

The site is an historic walled garden behind 16 High Street Halstead. For some decades the site has not been related to a residential curtilage, nor has the site been used by a Bank which has occupied the High Street address for many years. The site is located within the Town Development Boundary and within the Conservation Area.

The site measures approximately 0.15 Hectares and is an irregular shape. Access is within the applicant's ownership and is taken from Hedingham Road. Hedingham Road is predominantly residential with properties backing onto the site from the east. To the North and East is a twentieth century, three storey, flatted development served from Elizabeth Way. The Southern aspect of the site abuts the rear of the High Street and the more historic elements of the Conservation Area.

## PROPOSAL

The application seeks a variation of condition 2 of planning permission 15/01012/FUL to replace the approved plans with revised versions. The revised plans propose the following amendments:

- Alteration of the roof design of the properties and amendment to the ridge height
- The removal of a pedestrian passageway between plots 2 and 3
- The repositioning of the front doors
- A revised car parking layout
- The introduction of pedestrian access in the rear boundary wall, by way of gates, for plots 2 and 3.

A Non-Material Amendment (16/00209/NMA) was approved, which allowed changes to the car parking layout.



## CONSULTATIONS

Halstead Town Council – Objects to the application

Essex County Council Heritage – No objections

Essex County Highways – No comments received

BDC Environmental Health – No objections

BDC Landscaping – No objections

BDC Engineers – No objections

## REPRESENTATIONS

2 letters of objection has been received in response to the public consultation, the contents of which are summarised below:

- The levels have not been fully clarified. A substantial volume of soil needed to be removed from the site to achieve the approved levels
- The whole window in the upper storey of the side wall is visible from my property but it should not be
- The footings have been set too high
- The LPA has continued to rely on the ground level created by the developer as datum from measurements and not that shown on the original approved drawing
- The ridge height as approved cannot be achieved as the footings have been set too high. The proposed plans are not accurate
- Little consideration has been given to the conservation area or surrounding listed buildings. Any new development should take these into account.
- The previous application was approved regardless of acknowledgement that there was an impact on our amenity. This proposal will further compromise our amenity.
- The buildings as they stand are around a metre too high
- The bulk of the building is overbearing and fails to completely adhere to the conditions that were set
- Guidelines and conditions have been ignored and a building has been created which is at complete variance with the approved plans
- The developer is just trying to ignore or amend the conditions he has failed to comply with.

## REPORT

### Principle of Development

The principle of residential development has already been established in granting 15/01012/FUL. The changes proposed in this current application do not alter the acceptability of the principle of development. Development has already commenced on site under 15/01012/FUL, with the building constructed up to eaves level. However, the development has not been undertaken in accordance with the approved plans (as required by condition 2) hence the submission of this application.

The applicant is seeking to vary condition 2 of 15/01012/FUL under Section 73 of the Town and Country Planning Act 1990. In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition/s that is the subject to the application – it is not a complete re-consideration of the application.

Therefore the only issue of relevance to this application is whether it is acceptable to vary condition 2 and substitute the approved plans for the revised versions. This is discussed further below.

### Design, Appearance and Layout

Policy RLP3 of the adopted Local Plan states, inter alia, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not materially detract from the character of the settlement. Furthermore, policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings. These policies are supported by policies RLP10 and RLP90 of the adopted Local Plan and CS9 of the adopted Core Strategy.

As set out above the revised plans propose a number of amendments to the scheme. These are addressed in turn below.

- Alteration of the roof design of the properties and amendment to ridge height

The revised plans propose an amendment to the roof appearance presenting a hipped design with projecting gables to the rear. This is in contrast to the more traditional pitched roof design of the approved scheme.

As set out above, building works have commenced on site under application 15/01012/FUL. In conflict with the approved plans the building has started to be constructed on land 0.35m higher than that on the approved drawings. Measurements have been taken on site to confirm this. As a consequence should the development be completed as approved, the ridge height of the building would be 0.35m higher, at 8.19m. The revised roof design is

proposed as a compromise so as not to increase the overall height of the building. The revised design would result in a ridge height some 0.8m less than that originally approved at 7.04m. This 7.04m is taken from the revised site level and thus consideration has to be given to the 0.35m increase in site level than initially approved. The development as now proposed would be 0.45m lower in height than that originally approved taking account of the higher land level.

Comments made by a neighbouring resident suggest that the plans under consideration are inaccurate. It is Officer opinion, having visited the site and taken measurements, that the plans have been amended to reflect that which has taken place on site and thus are an accurate reflection of the site and the works which have taken place thus far.

In Officer's opinion the original pitched roof design was more appropriate in the context of the site surroundings. Notwithstanding this the proposed roof is not poorly designed and the lesser height is beneficial in terms of the impact on the character and appearance of the Conservation Area and more favourable on residential amenity. On balance therefore the proposed amendments to the roof design and height are considered acceptable. No objections have been raised by the heritage consultant to the proposed amendments; however it is advised that the detailing, finish and materials will need to be carefully managed. This would take place at the discharge of conditions stage.

- The removal of a pedestrian passageway between plots 2 and 3

The removal of the passageway is not considered to compromise the scheme in terms of design or appearance. The overall width of the terrace is not altered as a result, however plots 2 and 3 would benefit from a slightly increased ground floor area.

- The introduction of pedestrian access in the rear boundary, by way of gates, for plots 2 and 3.

The loss of the passageway as discussed above would remove access to the rear garden of plots 2 and 3; such the only access to the garden would be through the property. This is overcome by way of the introduction of pedestrian gates in the rear boundary of these two plots. These gates would lead on to a small verge beyond the existing wall; however this is shown on the drawings to be land within the applicant's control and thus this access is achievable.

- The repositioning of the front doors

The repositioning of the front doors is not considered objectionable nor does it compromise the appearance of the dwellings.

- A revised car parking layout

The revised plans propose an amendment to the layout of the car parking area. Each property would be served by the required 2 off street spaces and visitor car parking is also shown. The Non-Material Amendment application as referred to above allowed a revised car parking arrangement and this included one car parking space abutting the southern boundary of no. 9 Hedingham Road. This parking space has now be omitted and relocated further in to the site and the area now proposed as landscaping. This is considered an improvement in terms of accessibility and upon the amenities of the neighbouring residential property.

The car parking spaces are distanced with the necessary 6m to ensure access and egress. At the time of writing this report no comments had been received from the Highway's Authority, however no objections were raised to the initial scheme. Given that a sufficient number of spaces can be provided and these are accessible, in Officers opinion it is unlikely an objection would be raised by the Highways Authority. Any comments received will be presented to the Committee.

The revised car parking layout proposes car parking spaces in the position shown for the retention of two trees. These two trees have already been removed from the site. Although the loss of the trees is unfortunate they were assessed as being category c and did not provide an amenity value to the Conservation Area. The loss of these trees is not reason to withhold planning permission in this case. The Council's landscapes team raise no objections.

#### Impact on Neighbour Amenity

Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

It is not considered that the removal of the passageway, introduction of the pedestrian access on the rear boundary, repositioning of the front doors or amendments to the car parking layout will give rise to any unreasonable impact on residential amenity.

The construction of the building on land 0.35m higher than shown on the approved plans, results in the side elevation window to plot 1 being visible from the rear ground floor windows of no 9 Hedingham Road. This is a concern raised by the resident at no. 9. The presence of this window will give rise to the perception of being overlooked, however given this window serves a bathroom it would be reasonable, to control by condition, that it be obscure glazed and non-opening below 1.7m from the finished floor level and that no further windows/means of opening be inserted. This would satisfactorily ensure the protection of the amenities of the occupiers of no. 9 Hedingham Road. It is not considered that the perception of being overlooked in this case is to an extent such a refusal of planning permission could be justified, especially given that a condition would ensure an appropriate level of amenity.

The positioning of the building has previously been accepted and thus issue cannot be taken with this. The revised roof design to a hipped form and the lower ridge height will somewhat reduce the scale and mass of the building and its visual presence as viewed from the properties in Hedingham Road, which is considered favourable on the amenities of these neighbouring properties.

It is noted that the neighbour who has made comments of this application makes reference to the previous application being approved regardless of acknowledgement that their amenity would be affected. Residential amenity was fully considered in determining the previous application and this is substantiated within the associated Officer report. It was concluded that whilst the development would inevitably have some impact it would not unreasonably harm residential amenity such to justify refusing of the application.

### CONCLUSION

It is considered that the proposed amendments as discussed above are acceptable and would not give rise to any detrimental impact to the character and appearance of the site, or wider Conservation Area and no unreasonable impact upon residential amenity. It is Officer's recommendation that the application be granted planning permission subject to the same conditions as the original permission (apart from those which have already been discharged) and additional conditions requiring the first floor side window on the north eastern elevation to be obscure glazed and non-opening below a height of 1.7m and that no further means of opening be inserted in the side elevations at or above first floor level. The same limitations would also apply to the first floor window proposed for the other side of the terrace.

### 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 Plans	Plan Ref: 2616-16A1-01 E
Proposed Plans	Plan Ref: 2616-16A1-02 D
Section	Plan Ref: 2616-16A1-03 D
Proposed Plans	Plan Ref: 2616-16A2-04 C
Proposed Plans	Plan Ref: 2616-16A2-05 D
Proposed Elevations	Plan Ref: 2616-16A1-07 B
Site Plan	Plan Ref: 77414.10 B

- 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 further development/construction works shall be undertaken on site until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

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

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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 unless the local planning authority gives written consent to any variation.

Reason

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

- 4 Within two weeks of the date of this permission details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any

further construction works, engineering works, or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

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

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

Reason

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

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

Reason

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

- 7 No 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.

- 8 Samples of bricks to be used in the repair of the wall around the site

together with the methodology of repair and for cleaning paint from the wall shall be submitted to and proved in writing by the local planning authority prior to the commencement of this particular element of the development. Thereafter the wall shall be repaired in accordance with the approved details and maintained as such.

Reason

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

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

Reason

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

- 10 The repairs to the wall shall be undertaken in accordance with the details pursuant to Condition 8 above and shall be completed prior to the first occupation of any of the dwellings hereby approved.

Reason

To ensure that this element of the development is completed given the contribution its makes to the enhancement of the appearance of the Conservation Area.

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

Reason

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

- 12 Prior to the first occupation of the development hereby approved the refuse bins and refuse bin storage area shall be made available for use, in the location shown on drawing no. 2616-16A1-01 Rev E and thereafter retained in the approved form.

Reason

To ensure that the development provides suitable facilities for refuse.

- 13 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting, with or without



modification) the first floor windows located in each side elevation of the building, as shown on drawing no. 2616-16A1-01 Rev E serving the bathrooms, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter the said windows shall be retained and maintained in the approved form.

Reason

In the interests of residential amenity.

- 14 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting, with or without modification) no window, door or other means of opening shall be inserted above first floor level of either side elevation of the building hereby permitted, in addition to those shown on drawing no. 2616-16A1-01 Rev E.

Reason

In the interest of residential amenity.

INFORMATION TO APPLICANT

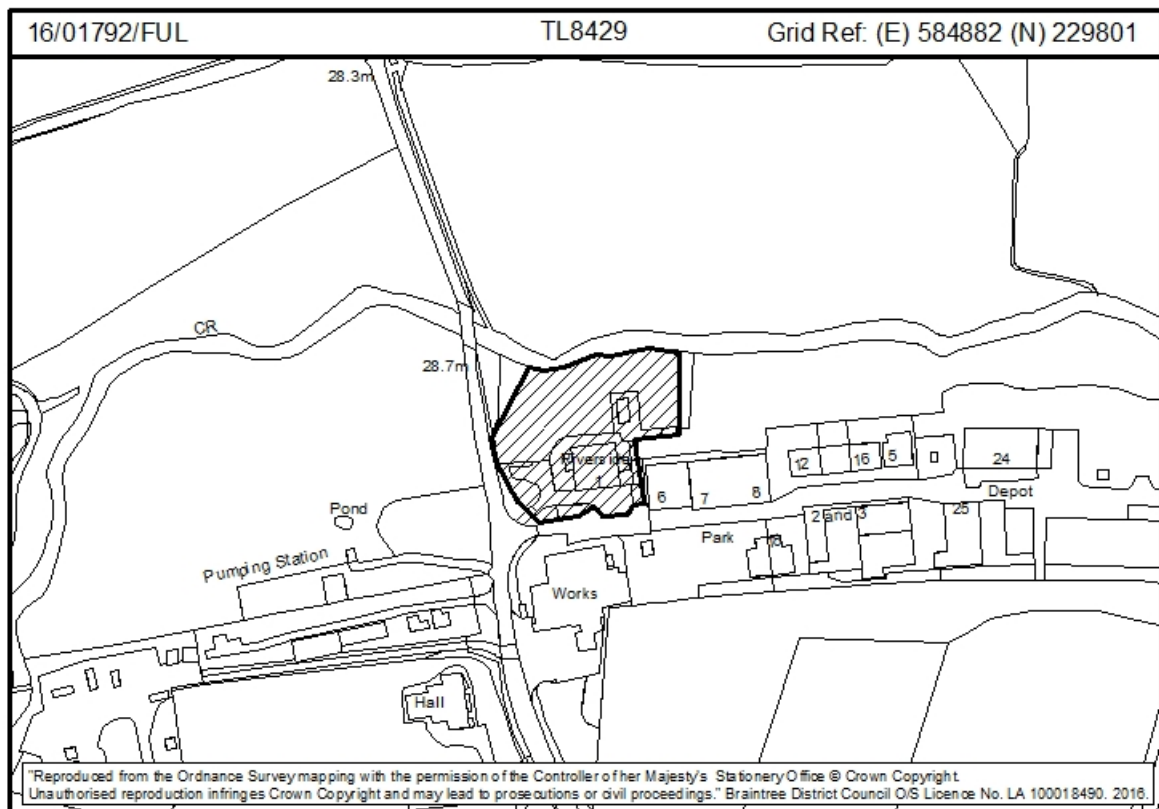
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01792/FUL  
 DATE: 31.10.16  
 VALID:  
 APPLICANT: Mr & Mrs Meecham  
 Riverside House, Station Road, Earls Colne, Essex, CO6 2ER  
 AGENT: Mr Nigel Chapman  
 Nigel Chapman Associates, Kings House, Colchester Road, Halstead, Essex, CO9 2ET  
 DESCRIPTION: Proposed garage, games room and bedroom extension  
 LOCATION: Riverside House, Station Road, Earls Colne, Essex, CO6 2ER

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)



## SITE HISTORY

12/01219/ELD	Application for an Existing Lawful Development Certificate - Private residence and garden and parking	Granted	28.01.13
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## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

## Braintree District Local Plan Review

RLP2           Town Development Boundaries and Village Envelopes  
RLP18          Extensions to Existing Dwellings in the Countryside  
RLP90          Layout and Design of Development

## Braintree District Draft Local Plan

SP1            Presumption in Favour of Sustainable Development  
SP5            Place Shaping Principle  
SP6            Spatial Strategy for North Essex  
LPP30          Residential Alterations, Extensions and Outbuildings in the  
                 Countryside  
LPP42          Built and Historic Environment  
LPP46          Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because the agent is related to a member of staff.

## SITE DESCRIPTION

The site is located within the countryside and was originally one of the units that comprise the Riverside Business Park. The lawful use of Riverside House as a residential unit was established through the grant of an Existing Lawful Development Certificate in January 2013.

The site is reasonably well screened from the road due to the setback of the buildings, boundary treatment, and vegetation at the boundary. The site slopes down to river to the north of the site. The extension would be located in Flood Zone 1. The site is visible in long views when approaching from the north, travelling in a southerly direction along Station Road but reads as part of the business park due to the style of the building, which was not designed as a residence. The residence comprises approximately 500 square metres and is in the main single storey in nature with a study/playroom at the first floor. The house sits in a very generous plot with parking provided to the side and front of the dwelling.

## PROPOSAL

A single-storey extension is proposed that would wrap around the western end of the building and is roughly “Z” shaped in plan. Approximately 204 square metres of additional floor space would be created. The extension would comprise a double-garage, gym/games room, cloakroom, hall, an ensuite-bedroom, and an ensuite for an existing bedroom at the western end of the house. At present there is a small area of covered parking at the south eastern corner of the site which is open fronted and approximately 5 metres in depth. The applicant has advised that theft from the Business Park is an ongoing issue and they wish to provide secure parking area for their vehicles. Well in excess of 100 square metres of private amenity space would remain.

## CONSULTATIONS

Earls Colne Parish Council – No objections

Environment Agency - None

## REPRESENTATIONS

None

## REPORT

### Principle of Development

The site is located in the countryside where development is strictly controlled. The proposal relates to an existing dwelling. There is therefore no objection to the proposal subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

### Design, Appearance and Layout

The dwelling is finished in brick with a slate roof. Materials and finishes are proposed to match existing. Owing to its original function, the style of the property is commercial rather than typically residential. The extension will match the commercial style of the existing building and those on the neighbouring business park. The footprint of the extension is fairly large but is considered to be subordinate to the host.

The proposal as originally submitted included a small clock tower. This was considered to be out of keeping with the host and whereas the extension would be screened to some extent by the boundary treatments and lie of the land, this element would draw the eye and add unnecessary height. This was discussed with the applicant and a revised proposal has been submitted that omits the clock tower.

It is considered that the revised proposal is in keeping with the host and the character of the area.

#### Impact on Neighbour Amenity

There are no dwellings in close proximity to the site. It is considered that the proposal will not impact upon neighbouring residential amenity.

#### Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces. The internal dimensions of the proposed garage do not meet the adopted standard however ample parking space for more than two vehicles will remain within the curtilage. It is considered that there are no highways impacts associated with the proposal.

#### CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

#### RECOMMENDATION

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

#### APPROVED PLANS

Location Plan	Plan Ref: 15/203/LOCATION	
Block Plan	Plan Ref: 15/203/1	
Proposed Floor Plan	Plan Ref: 15/203/9	
Proposed Roof Plan	Plan Ref: 15/203/10	Version: A
Proposed Elevations	Plan Ref: 15/203/11	Version: A
Proposed Elevations	Plan Ref: 15/203/12	Version: A
Proposed Sections	Plan Ref: 15/203/13	Version: A

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

#### Reason

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

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

#### Reason

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

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

Reason

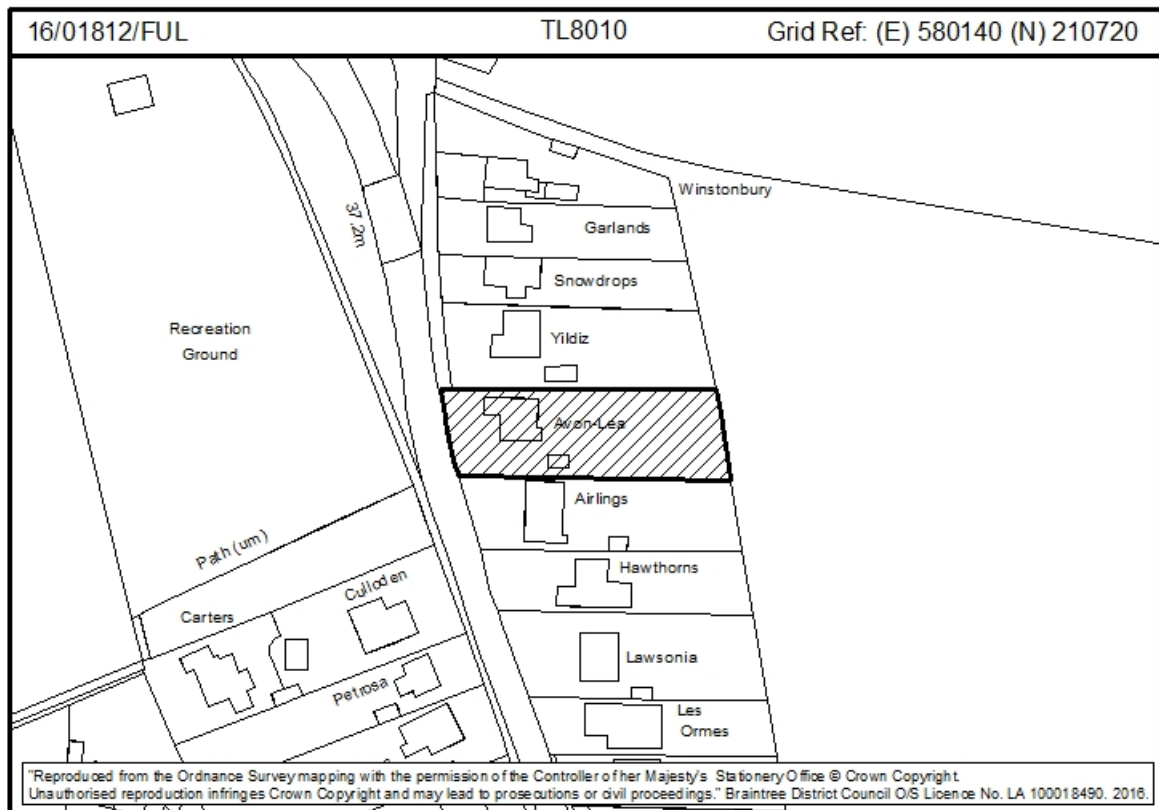
To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01812/FUL DATE: 31.10.16  
 VALID:  
 APPLICANT: Mr Eng  
 Eng Developments, Hawthorns, Ulting Road, Hatfield Peverel, CM3 2LU  
 AGENT: Mr Robert Parish  
 RSP Design, 20 Strangman Avenue, Benfleet, SS7 1RB,  
 DESCRIPTION: Erection of rear/side extensions and construction of new pitched roof  
 LOCATION: Avon Lea, Ulting Road, Hatfield Peverel, Essex, CM3 2LU

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)





## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

## Braintree District Local Plan Review

RLP3            Development within Town Development Boundaries and Village Envelopes  
RLP8            House Types  
RLP17          Extensions and Alterations to Dwellings in Towns and Villages  
RLP90          Layout and Design of Development

## Braintree District Draft Local Plan

SP1            Presumption in Favour of Sustainable Development  
SP5            Space Shaping Principle  
SP6            Spatial Strategy for North Essex  
LPP28          Housing Type and Density  
LPP29          Residential Alterations, Extensions and Outbuildings within Development Boundaries  
LPP42          Built and Historic Environment  
LPP46          Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

## SITE DESCRIPTION

The site is located within the Hatfield Peverel development boundary. It is not within a Conservation Area or subject to any listing. The application site comprises a c.1950s three-bedroom bungalow located towards the western end of a generous plot, with open fields to the rear. There is a public open space opposite the front of the house. The bungalow is set back from the road with a driveway to the southern side of the house which leads to a detached garage. Several of the properties in the road have been extended in a similar way to the proposal, including the immediate neighbour to the south "Airlings". Many of the neighbouring properties in the street are 1½ storey.

## PROPOSAL

It is proposed to demolish the detached garage and extend the footprint of the building by 5 metres at the rear and to the southern side of the property by 4 metres. The rear extension would be single storey with a flat roof and glazed lantern. The side extension would be 1½ storey with a pitched roof; the ridge height would be subordinate to the main roof.

It is also proposed to raise the overall height of the ridge by approximately 1.1 metres, and to change the form of the roof from hipped to gable ends. Two flat roof dormers would be created at the rear, and one small pitched roof dormer at the front. The eaves height of part of the front elevation would be raised to create a new front gable.

The proposed layout would provide 4/5 bedrooms over two floors (one of which would be ensuite), a shower room, an additional sitting room, utility, a larger kitchen/dining/family room, and an integral garage to the side of the property. Well in excess of 100 square metres of private amenity space would be retained.

### CONSULTATIONS

Hatfield Peverel Parish Council – Do not support the application:

- Due to the increase in size of the footprint of the property and the increased height.
- There is a need for more bungalows in the village not large family homes.
- The impact on the next door property from loss of light and privacy.

### REPRESENTATIONS

A site notice was displayed and neighbour notification letters were sent out to adjacent properties. In response, letters of representation have been received from: Mr Pring, Yildiz, Ulting Road; Mrs D Wallace, Woolsmore, Maldon Road; J Strange, Culloden, Ulting Road; Miss K Young, Snowdrops, Ulting Road; Mr & Mrs Ridgwell, Ailrings, Ulting Road; Mr K Earney, 59 Willow Crescent; that have objected to the application on the following grounds:

- Consider Avon Lea to be in the countryside and covered by RLP18.
- Loss of affordable housing/starter/retirement property.
- Need to retain bungalows in the village for downsizing and to allow people to remain in the village.
- Evidence gathered for emerging Neighbourhood development Plan shows there is a need for bungalows in the Parish.
- Small bungalows rarely come on the open market; purchaser has bought three houses in area in two years; conversions are too large and too modern.
- Local people/ordinary viewers not able to buy properties as builders will always outbid them.
- Knocking good housing stock about to save on cost on new build.
- Disposal of demolition materials
- Noise and dust infiltrating homes.
- Little consideration given to traffic during work on Hawthorns.
- Not compatible with scale and character of existing dwelling and impact on neighbour; contrary to RLP18 and RLP90.

- Shadowing to south facing side of house and impact on solar panel; cost of heating implications; loss of radiant heat.
- Loss of view of sky.
- Loss of privacy – there would be five windows overlooking Yildiz.
- Invasive to rear view.
- Parking; more cars in Ulting Road.
- Out of character with area; our property would be between two dwellings with cladding, house needs own individual appearance.
- Large amount of cladding will impose on our property.

## REPORT

### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

The adopted Development Plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in Policy RLP17 of the Braintree District Local Plan Review. This policy requires that extensions should respect the bulk, form and materials to the host property and should not detract from the amenity of neighbouring premises or the character of the area. It also states that there should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling.

The draft Hatfield Peverel Neighbourhood Development Plan makes reference to securing the provision of bungalows in new developments. RLP8 House Types states that the Council will seek the provision of a range of house types and sizes from one development site to another and within individual sites, in order to meet the local needs of the different household types. The mix will however need to meet the necessary amenity space and parking standards. A number of objections have been raised in respect of the loss of the

bungalow and the creation of a large family home. However, the existing bungalow is a three bedroom property and is therefore already considered to be a family home. The proposal will provide a larger family home. It is considered therefore that a starter home would not be lost as a result of this proposal.

There is therefore no objection in principle to an appropriately designed extension in this location.

### Design, Appearance and Layout

The bungalow is a simple, modest design fairly typical of its time. It is finished in brick with a tiled roof. It is proposed to finish the extended dwelling in facing brick, cement fibre board cladding, and tiling to the pitched roofs. Although timber weatherboarding would be preferred to cement fibre board, this site is not located in a Conservation Area and would sit in fairly close proximity to another dwelling with this finish. As such, it is not considered reasonable to require timber in this case. The mix of materials is therefore considered to be in keeping with the palette of materials in use in the area.

It is proposed to change the style and height of the roof. This would increase the visual bulk of the building and would result in a 1½ storey dwelling. However, taking into account the properties in the vicinity, in this case, the proposal is considered to be acceptable.

At 5 metres in depth, the footprint of the rear extension is 1 metre further from the original rear elevation than that which may be built as permitted development (subject to meeting all relevant criteria), but is within the 4-8 metres that can be considered under the Prior Approval system (subject to all relevant criteria). The footprint of the side extension also falls within the size allowed by permitted development, albeit the height of the roof is above-permitted development criteria. The footprint of the building will increase, but the increase is considered to be subordinate to the host and would not constitute overdevelopment when taking the size of the plot into account.

As submitted the proposal features one very large rear dormer. This was considered to be a bulky addition to the roof. Following discussion with the applicant, the design has been revised to two smaller dormers, which are to be tile hung to match the roof further lessening their visual impact. The dormers are still considered to be bulky additions to the roof. However, taking into account the size of certain dormers that have been approved on neighbouring properties, and that the dormers are at the rear and will not be detrimental to the street scene, it is not considered reasonable to refuse the application in this respect.

### Impact on Neighbour Amenities

One new window is proposed in the existing northern flank wall at the ground floor to serve the Study/Bedroom 5. Permitted development rights for the property are intact and this new ground floor window does not require

planning permission. A new obscured glazed window is proposed in the northern flank wall at the first floor to serve a bathroom. In order to protect privacy, a condition is recommended that it be obscure glazed, that vents be top hung, and that the opening be no lower than 1.7 metres above floor level.

The Essex Design Guide requires a private sitting out area immediately at the rear of a dwelling. The new dormers will not create direct overlooking to the private sitting areas immediately to the rear of the adjacent neighbouring properties. Some additional indirect overlooking will occur to the adjacent rear gardens however there is existing communal overlooking in this regard from other neighbouring properties.

It is proposed to raise the height of the roof and change its form. There is a gap of approximately 8 metres between the flank walls of Avon Lea, and the adjacent neighbour to the north "Yilldiz" respectively, which would be retained. Careful consideration has been given to the impact on the neighbouring property and it is accepted that there will be some impact on Yilldiz in respect of loss of sunlight/additional shading. However, given the distance between the two properties and the height of the proposed roof it is considered that change will be limited to certain times of the day and months of the year; the impact will be marginal. It is therefore not considered reasonable to refuse the application on this ground.

An objection has been raised in respect of loss of light to the neighbour's solar panel. It does not appear that a right to light has been established in respect of solar panels, however this, would be a legal issue rather than a material planning consideration: and the solar panels are not the only possible way of providing heat to the property given the availability of mains electricity. Financial matters are not material planning considerations. Right to light to windows is also a legal issue separate from planning considerations.

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

### Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces. It is proposed to demolish one substandard detached garage. The new integral garage would meet the adopted parking standard and therefore count as one parking space, with space for additional vehicles to the front. It is considered that there are no highways impacts associated with the development.

Representation has been made in respect of inconvenience during other construction works in the vicinity. There are no parking restrictions on the road adjacent the property. If any obstruction of the highway were to occur during the finite construction period this would be a matter for the Highways Authority, and is not a material planning consideration.

### Other Issues

Loss of view has been referred to in the representations to the application. This is not a material planning consideration.

It is accepted that building works may cause disruption to neighbouring properties however, this is usually for a limited time only, if at all, and is not a material reason for refusing the application.

### CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations. It is acknowledged that there will be an impact on the neighbour in terms of loss of sunlight/additional shading but this is not considered sufficiently detrimental to warrant refusal. Furthermore, it is considered that there will be no impact on the character of the area.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 16-108-PP-01	
Proposed Plans	Plan Ref: 16-108-PP-02	Version: rev 6
Proposed Block Plan	Plan Ref: 16-108-PP-03	Version: rev 4

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

#### Reason

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

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

#### Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form except as follows: the render finish on the rear flat roof dormers is not approved. The sides of the dormers shall be tile hung to match the roof.

#### Reason

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

locality.

- 4 The new first floor bathroom window in the northern flank wall shall be glazed with obscure glass to a minimum of level 3, vents shall be top hung, and openings shall be no lower than 1.7 metres above floor level.

Reason

In order to secure the satisfactory development of the site and in order to protect the privacy of the occupiers of adjoining dwellings

INFORMATION TO APPLICANT

- 1 Please note that only the Location Plan shown on drawing no. 16-108-PP-01 Rev 02 is approved; the Floor Plans and Elevations shown to be existing are not approved under this application.
- 2 Glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

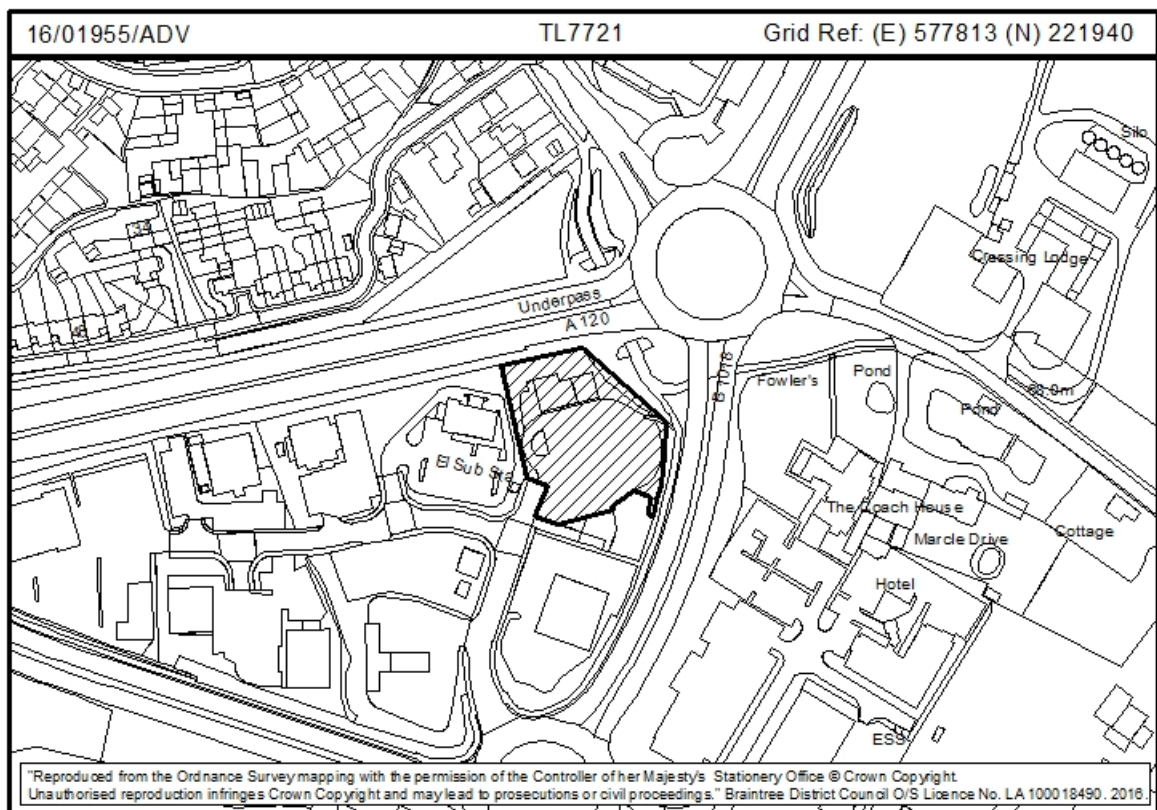
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART B

APPLICATION NO: 16/01955/ADV DATE: 18.11.16  
 VALID:  
 APPLICANT: McDonald's Restaurants Ltd  
 11 - 59 High Road, East Finchley , London, N2 8AW, United Kingdom  
 AGENT: Mr Ben Fox  
 Planware Limited, The Granary, First Floor, 37 Walnut Tree Lane, Sudbury, Suffolk, CO10 1BD, United Kingdom  
 DESCRIPTION: Relocation of existing signs with the installation of new. Suite to comprise; 6 no. Freestanding signs and 1 no. Side-by-side directional.  
 LOCATION: McDonalds, Galleys Corner, Braintree Road, Cressing, Essex, CM77 8GA

For more information about this Application please contact:  
 Mathew Wilde on:- 01376 551414 Ext. 2512  
 or by e-mail to: [mathew.wilde@braintree.gov.uk](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

93/00700/FUL	Proposed McDonald's Restaurant with ancillary staff, storage and office accommodation together with 'Drive-Thru' facility and car parking	Granted	29.07.93
93/00701/FUL	Proposed McDonald's Restaurant with ancillary staff, storage and office accommodation together with 'Drive-Thru' facility and car parking	Granted	29.07.93
93/00714/ADV	Display of internally illuminated 1 No freestanding McDonald's 'Golden Arch' sign including 'Drive-Thru' signs to both sides mounted on 6300mm high poles		31.08.93
93/00715/ADV	Display of internally illuminated 1 No freestanding McDonald's 'Golden Arch' sign including 'Drive-Thru' signs to both sides mounted on 6300mm high pole		03.09.93
93/00716/ADV	Display of 2 No internally illuminated direction signs, 1 No internally illuminated menu board, 1 No internally illuminated speaker post, 1 No height restrictor and non illuminated road signs	Granted	24.08.93
93/00717/ADV	Display of 2 No internally illuminated direction signs, 1 No internally illuminated menu board, 1 No internally illuminated speaker post 1 No height restrictor and non-illuminated road signs	Granted	24.08.93
93/00719/ADV	Display of 2 No freestanding 6m high tubular flagpoles, including 2 No flags - one pole to fly 1800x900 Union Jack, the other to fly 1800x900 McDonald's Corporate Flag	Granted	26.08.93
93/00720/ADV	Display of 4 No internally	Granted	31.08.93

93/00721/ADV	illuminated Roof Mansard signs and 1 No 'Golden Arch' wall mounted logo Display of 4 No internally illuminated Roof Mansard signs and 1 No 'Golden Arch' wall mounted logo	Granted	26.08.93
94/00133/FUL	Proposed draught lobby to existing restaurant	Granted	09.03.94
94/00155/FUL	Erection of new advance order booth	Refused	23.05.94
94/00894/FUL	Erection of single storey extension to existing restaurant	Granted	16.09.94
94/00926/FUL	Proposed new advance order booth	Granted	16.09.94
94/00978/FUL	Proposed extension of access road	Withdrawn	30.12.94
95/01123/FUL	Extension of service road	Granted	02.01.96
98/00639/FUL	Erection of extensions to building	Granted	06.08.98
98/00640/FUL	Proposed extensions to car park and erection of new booths 3 and 5	Granted	18.09.98
98/01361/FUL	Extension of storage corral	Granted	16.11.98
09/00968/FUL	Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage	Granted	17.09.09
09/00969/ADV	Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage	Granted	17.09.09
09/00006/NMA	Application for a non-material amendment following approval of 09/00968/FUL - Refurbishment of restaurant and small extension, removal of dormers and	Granted	03.11.09

16/00301/FUL	light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage Reconfiguration of the drive thru lane to relocate the side-by-side ordering point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site, erection of extension, relocation of 2 no. existing customer order displays and amendments to existing signage with additional signs.	Granted	22.04.16
16/00302/ADV	Reconfiguration of the drive thru lane to relocate the side-by-side ordering point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site, erection of extension, relocation of 2 no. existing customer order displays and amendments to existing signage with additional signs.	Granted	22.04.16
16/01714/FUL	Minor reconfiguration of the site layout to include the relocation of the side by side ordering point, including a new island for signage and amendments to kerb lines with associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, comprising of new aluminium cladding to the roof, new style drive thru booths and the construction of extensions totalling 42.5 sqm. Reconfiguration of the patio area to incorporate a new children's play frame.	Granted	19.12.16

	The relocation of 2 no. Customer Order Displays (COD) and the installation of a Goal Post height restrictor.		
16/01715/ADV	Reconfiguration of existing fascia signage with the installation of new signs; new suite to comprise; 4 no. White "McDonald's" text signs, 3 no. Yellow "golden arch" symbols and 1 no. 'Good times' wall mounted sign.	Granted	12.01.17
16/01716/ADV	Relocation of existing signs with the installation of new. Suite to comprise; 6 no. Freestanding signs and 1 no. Side-by-side directional	Granted	12.01.17
16/01953/FUL	Minor reconfiguration of the site layout to include the relocation of the side by side ordering point, including a new island for signage and amendments to kerb lines with associated works to the site. Alterations to elevations to include new style drive thru booths and the construction of extensions totalling 42.5 sqm. Reconfiguration of the patio area to incorporate a new children's play frame.	Granted	12.01.17
	The relocation of 2 no. Customer Order Displays (COD) and the installation of a Goal Post height restrictor. Retention of existing Fascia signs with new LED illumination		
16/01954/ADV	Existing fascia signage to be relamped with LED illumination. Suite to comprise; 3 no. White "McDonald's" text signs and 2 no. Yellow "golden arch" symbols	Granted	12.01.17

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9              Built and Historic Environment

## Braintree District Local Plan Review

RLP107 Outdoor Advertisements

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

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to officer's recommendation.

### SITE DESCRIPTION

The site comprises McDonalds restaurant on the Galleys Corner roundabout in Braintree. The existing drive through is accessed from the entrance of the site, segregating itself from the main car park by a curb route. It starts at the southern tip of the site and goes around the edge of the site anti-clockwise to the main building. The existing order points are situated closer to the existing building with other signs located closer towards the entrance of the drive through lane.

### PROPOSAL

This application proposes to relocate the existing internally illuminated signs to accommodate the new drive through ordering area, and also includes four new signs; three rotating 3-sided internally illuminated display units and a single non-illuminated 'any lane, any time' sign.

This application is an amended proposal to previously approved application reference 16/01716/ADV which was considered by the Planning Committee on 10/01/2017. The difference between the two applications is the addition of one more rotating 3-sided internally illuminated display unit, and the slight relocation of the adverts around the relocated drive-through ordering island which was separately granted planning permission under application reference 16/01953/FUL.

### CONSULTATIONS

#### Cressing Parish Council

Object to the application:

Additional adverts represent an increase in the overall output of light at the site and consequently additional light pollution.

#### Environmental Health

No objection.

## Highways England

No objections to the proposal subject to conditions and informatives (included with decision).

## REPRESENTATIONS

None Received.

## REPORT

Applications for Advertisement Consent are considered under separate legislation, the Town and Country Planning (Control of Advertisements) Regulations 2007. The Regulations state the Local Planning Authority shall exercise its powers under the regulations “in the interests of amenity and public safety... taking into account the provisions of the development plan, so far as they are material and any other relevant factors.” The Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; factors relevant to public safety include the safety of persons using any highway, railway, waterway etc.; and whether the display is likely to obscure or hinder the ready interpretation of, any traffic sign, railway signal etc. or hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

### Amenity

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 Control of Advertisement Regulations 2007. Policy RLP90 seeks a high standard of layout and design in all developments. Policy RLP107 states that outdoor advertisements should be visually subordinate to the features of the building on which it is located; also that the proliferation of advertisements on the buildings/site will be opposed.

The need for this application has arisen because of the proposed reconfiguration of the drive through (granted planning permission pursuant to application reference 16/01953/FUL), where the drive through ‘ordering island’ (where orders are taken) would be sited further back in the site closer to the vehicular entrance. The change in layout consequently requires the repositioning of the existing adverts adjacent to the ‘ordering island’ and as such this advertisement application was necessary.

The principle of relocating these signs around the repositioned drive through ordering island has already been established through the previously approved application which was considered by the Planning Committee on 10/01/2017. It is considered that the revised location of the adverts is acceptable. Furthermore, the principle of erecting three additional signs including two rotating 3-sided internally illuminated display units and a single non-illuminated ‘any lane, any time’ sign has already been established through



application 16/01716/ADV. The main consideration therefore in this case is as to whether the insertion of one additional rotating 3-sided internally illuminated display unit located just before the ordering island in the drive through configuration would be acceptable.

The proposed additional sign would be clustered around the island in close proximity to existing & previously approved additional signs where customer orders are taken in one corner of the site. Furthermore, due to the height and location of the proposed additional sign, in conjunction with the other previously approved additional signs, would not be visible from land outside of the site.

As such, it is considered the relocation of existing signage and the addition of new signage would not materially affect the character of the drive through and would not appear out of keeping taking into account the site and its surroundings. As such, it is considered that the proposal would not have a detrimental impact upon visual amenity.

### Highways Safety

The Control of Advertisement Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by policy RLP107 which outlines that public safety, including traffic safety, will be accorded a high priority in decision making.

Highways England requested that a condition be attached restricting the potential luminance levels in the interests of highway safety and pollution. Subject to this condition it is considered that the proposed advertisements would not obstruct visibility splays or vehicle movement and therefore it is considered that the proposal would not have a detrimental impact upon highway safety.

### CONCLUSION

The relocation of existing signs and insertion of new proposed order/directional sign(s) by virtue of their size, number and location would not have a detrimental impact upon the amenities of the area, and would not cause detriment to highway safety. It is therefore considered the proposal is acceptable.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan

Plan Ref: 01

Version: B

Block Plan	Plan Ref: 02	Version: C
Existing Site Plan	Plan Ref: 03	Version: B
Planning Layout	Plan Ref: 301	Version: G
Signage Details	Plan Ref: SIGN 7	
Signage Details	Plan Ref: SIGN 9	
Signage Details	Plan Ref: SIGN 10	
Signage Details	Plan Ref: LOMBARDY RETAIL PARK	

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

#### Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

#### Reason

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

- 3 The illuminated advertisement sign shall comply with the guidance and recommendations of the Institution of Lighting Engineers 'Brightness of Illuminated Advertisements' Technical Report no.5.

#### Reason

In order to avoid disability, or discomfort glare for either pedestrians, or motorists.

- 4 The slide change over shall be at minimum intervals of 30 seconds meaning there is no more than two separate advertisements in any 60 seconds.

#### Reason

In order to avoid disability, or discomfort glare for either pedestrians, or motorists.

### INFORMATION TO APPLICANT

- 1 The advertisements should not contain any animated pictures.
- 2 The adverts must not carry telephone numbers, websites or postal addresses.
- 3 Except when it is otherwise directed by the local planning authority when granting consent, or where renewal of consent is applied for and refused, advertisements displayed with express consent granted under the Town and Country Planning (Control of Advertisements) Regulations 2007 may,

on the expiry of the term thereof, continue to be displayed, subject to the power of the local planning authority to require the discontinuance of the display under Regulation 8.

- 4 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:
- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (ii) No advertisement shall be sited or displayed so as to:
    - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
    - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

TESSA LAMBERT  
DEVELOPMENT MANAGER