

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 17 March 2020 at 7:15pm**

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

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

A WRIGHT  
Chief Executive

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](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 3rd March 2020 (copy to follow).

### **4 Public Question Time**

(See paragraph above)

### **5 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**

- |            |  |                 |
|------------|--|-----------------|
| <b>5.1</b> | <b>Application No. 19 00501 FUL - Lodge Farm, The Ryes, LITTLE HENNY</b>                       | <b>7 - 18</b>   |
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| <b>5.4</b> | <b>Application No. 19 01222 REM - Land North East of Inworth Road, FEERING</b>                 | <b>43 - 76</b>  |
| <b>5.5</b> | <b>Application No. 20 00155 VAR - Land North of Slamseys Farm, Blackley Lane, GREAT NOTLEY</b> | <b>77 - 100</b> |

#### **PART B**

#### **Minor Planning Applications**



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5.2 0	Application No. 19 02181 ADV - Roundabout at London Road, BRAINTREE	208 - 214
5.2 1	Application No. 19 02182 ADV - Roundabout at Gershwin Boulevard, Maltings Lane, WITHAM	215 - 221

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5.2 8	Application No. 19 02276 HH - Ethels Cottage, Gestingthorpe Road, LITTLE MAPLESTEAD	264 - 273

## 6 Urgent Business - Public Session

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

## 7 Exclusion of the Public and Press

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

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

## PRIVATE SESSION

## Page

## 8 Urgent Business - Private Session

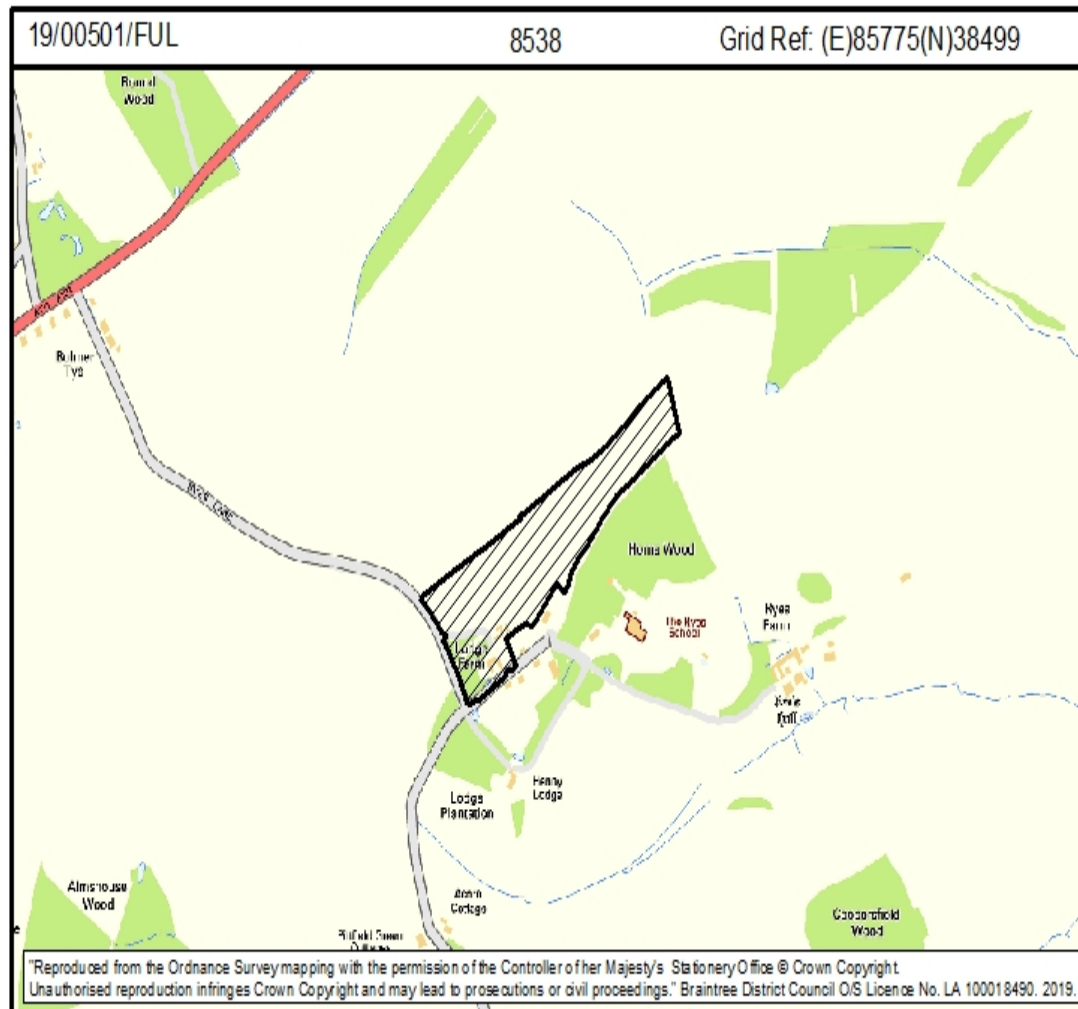
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5.1

APPLICATION NO: 19/00501/FUL  
 DATE VALID: 16.04.19  
 APPLICANT: Mr S Collins  
 Lodge Farm, The Ryes, Little Henny, Essex, CO10 7EA  
 AGENT: G Dolden & Associates Ltd  
 Mr Gerry Dolden, 213 High Street, Kelvedon CO5 9JD,  
 United Kingdom  
 DESCRIPTION: Erection of two storage buildings and extension to existing  
 Manege.  
 LOCATION: Lodge Farm, The Ryes, Little Henny, Essex, CO10 7EA

For more information about this Application please contact:  
 Mr Sam Trafford on:- 01376 551414 Ext. 2520  
 or by e-mail to: [sam.trafford@braintree.gov.uk](mailto:sam.trafford@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POEECJBFFKP00>

## SITE HISTORY

19/00314/HH	Internal alterations of this Grade II listed building, including alterations to the first floor structure, the enlarging of a window unit to the rear elevation and changing of all external windows and doors to a heritage double glazed unit.	Granted	02.05.19
19/00315/LBC	Internal alterations of this Grade II listed building, including alterations to the first floor structure, the enlarging of a window unit to the rear elevation and changing of all external windows and doors to a heritage double glazed unit.	Granted	02.05.19
19/00321/HH	Erection of two storage buildings and extension to existing Manege.	Application Returned	
19/00322/LBC	The proposal is for the development of two agricultural buildings to be formed to the site. The on going growth of this equestrian farm has led to the increase need for secure storage space. The barns are proposed to be used for the housing of supplies and plant to maintain the grounds. The application further proposes to increase the size of the Manege to enable extended space for users.	Application Returned	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP85	Equestrian Facilities
RLP90	Layout and Design of Development

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

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

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP54	Equestrian Facilities
LPP55	Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

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

The application is being reported to the Planning Committee as Hennys, Middleton and Twinstead Parish Council has objected to the application contrary to Officers' recommendation.

### SITE DESCRIPTION

The application site consists the residential property of Lodge Farm and equestrian facilities, comprising an existing manège, a stables building, and a hay store. The site is located outside of any designated development boundary, and is therefore located within the countryside as set out in the Adopted Local Plan.

At present there is an existing manège on the site which measures 20.5m x 60m. To the south of the manège there is a collection of dilapidated outbuildings. To the north, east and west there is a large grassed field. The southern boundary of the site abuts the residential properties of Foxford, Ryes Cottage and Ryes Croft.

### PROPOSAL

The application seeks full planning permission for the enlargement of the existing manège, the provision of fencing around it, the removal of a group of dilapidated and run-down outbuildings and the erection of an outbuilding in its place to be used for the storage of a horse trailer, and the erection of an outbuilding to be used for equestrian related storage.

The proposed manège would measure 25m x 65m, an increase in size to the existing manège by 5m in width and depth, and would be surfaced using a silica sand and synthetic fibre mix. The area would be enclosed by a post and rail fence.

The proposed buildings would be clad in a black feather edged weatherboarding, with a corrugated metal roof.

The application details that the manège and associated buildings would be for the private use of the applicant only, and would not be used for commercial purposes.

## CONSULTATIONS

### BDC Environmental Health

Raises no objections, subject to conditions, relating to the control of construction hours on site.

### PARISH / TOWN COUNCIL

Hennys, Middleton and Twinstead Parish Council raises an objection to the application, on ground that there are no materials indicated in the application for the proposed outbuildings, and based on a lack of information in relation to surface water drainage.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. Representations were received from 6 addresses, raising objection to the application on grounds of the use of the manège (particularly whether this would be private or commercial), relating to the use of any external lighting, noise impacts to neighbours, potential unneighbourly, overlooking and overbearing impacts, drainage issues (particularly relating to surface water run-off toward a ditch which isn't suitable for use). These concerns are discussed below.

## REPORT

### Principle of Development

The application site is situated in an area which is outside of any designated development boundary. Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply.

Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly



controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP85 of the Adopted Local Plan relates to the provision of equestrian facilities. This policy states:

*New riding schools, stable buildings or other equestrian facilities, or extensions to such facilities will be permitted where:*

- (a) There is no significant effect on a Special Landscape Area, other important landscape or nature conservation interests or any adjacent residential area;*
- (b) No alterations to vehicular highways in the area are required;*
- (c) Bridleways and byways in the vicinity are located and designed to accommodate horse riders from the site; and*
- (d) No additional residential accommodation is consequently required to supervise the facilities.*

*Floodlighting will not be allowed in association with such facilities.*

The preamble to Policy LPP54 as set out in the Draft Local Plan states that whilst equestrian related development is a rural use, such development needs to be carefully managed to ensure that there is not a detrimental impact on the countryside character.

Policy LPP54 of the Draft Local Plan also relates to equestrian facilities, and is worded in a very similar way, stating:

*New riding schools, stable buildings or other equestrian facilities, or extensions to such facilities, will be permitted where they meet all the following criteria;*

- a. There is no significant effect on important landscape or nature conservation interests or any adjacent residential area;*
- b. No alterations to vehicular highways in the area are required;*
- c. Bridleways, byways or other usable off-road in the vicinity are designed to accommodate horse riders;*
- d. Sufficient land is available for grazing and exercise where necessary;*
- e. There is no significant effect on the setting of designated or non-designated heritage assets.*

The proposed development would not affect any Special Landscape Area or important landscape or nature conservation interests. The site is set close-by to some residential development, and impacts upon neighbouring residential amenities is discussed in more depth below.

There is an existing equestrian use on the site, which would continue to be used with a larger manège and with two buildings associated with the

equestrian use. Officers are satisfied that in terms of principle, the proposed development is acceptable. Details of design, appearance and layout of the manège and the proposed buildings is discussed below.

### Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Policy CS5 of the Adopted Core Strategy states that outside development boundaries, development will be strictly controlled to uses appropriate in the countryside. Policy CS8 of the Adopted Core Strategy 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.

In terms of design and appearance, the proposed development would see an existing dilapidated agricultural building replaced with a purpose built stable building, and an existing manège increased in terms of its footprint.

### **Proposed Manège**

The proposed enlarged manège would be finished in a silica sand with a synthetic fibre mix. This has the appearance of a regular sand, a finish commonly found on manège in the countryside. The manège would be enclosed by a timber post and rail fencing, another commonplace form of enclosure in the countryside, which wouldn't be intrusive in terms of its design. The proposed manège would be larger than the existing manège, however the increase in size would not be substantial (5m in width and depth). There is no form of external lighting shown on the plans.

Officers are satisfied that the proposed manège would be acceptable in terms of design, appearance and layout, and appropriate within the countryside.

### **Outbuilding No. 1**

The larger of the two proposed outbuildings would measure 9.75m x 19.75m in footprint, with a height of 6.3m. It would be finished in a black timber weatherboarding, with a low eaves on the elevation facing toward the neighbouring to the rear, and a higher eaves on the other elevation facing toward the manège. The elevation containing the lower eaves would consist three openings, to allow vehicles to enter the building. There is no external lighting shown on the plans. The siting of this proposed building would be set

close to existing development on the site, where it would be least intrusive to the countryside. This proposed location follows various revisions to the plans, and Officers are satisfied that this element of the proposal is acceptable.

## **Outbuilding No. 2**

The smaller of the two outbuildings would be set on the opposite side of an informal pathway running parallel to the manège, set up against the post and rail fence. This building would be 5.2m x 20m in footprint, with a height of 3.68m, and would be finished in the same materials as the other outbuilding on the site.

The elevation facing toward the track would consist four openings, which would allow access into the building. This building would be used to store equipment related to the maintenance and use of the site. There is no form of external lighting shown on the plans.

Officers are satisfied that the proposed development would be acceptable in terms of its location on the site, and its design and appearance, and would comply with the policies set out above.

### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The application site borders onto 3no. neighbouring residential properties; Foxford, Ryes Cottage and Ryes Croft.

The proposed development would see the removal of the existing dilapidated outbuildings which currently abuts the boundary. This would not have a detrimental impact upon the residential amenities of the neighbouring properties.

The enlargement of the existing manège to be used solely for the applicants' private use would also not have an unacceptable impact upon neighbours, as it would not result in an intensification of the use of the existing manège.

The proposed smaller outbuilding would be set approximately 26m away from the boundary with the neighbouring properties, and which would be used to store equipment. This would not encourage noisy activities and would not result in unacceptable impacts on neighbouring residential amenities.

The proposed erection of the larger outbuilding would be set closer to the southern boundary than the smaller building, at 9m to the boundary of the nearest neighbouring properties. It would be approximately 43m away from the dwellinghouse itself at Foxford. There is an established hedgerow acting

as a boundary feature in this location which would prevent issues such as overlooking, and given the distance between the proposed building and the dwellinghouse, there would not be any unacceptable overbearing impacts. Although this building would be used to store a horse box, the manoeuvring of this vehicle would likely not take place often, and for short periods of time. This use would not result in unacceptable impacts on neighbours.

Officers are satisfied that the proposed development would not result in unacceptable impacts on neighbouring residential amenities, and would comply with the policies set out above.

### Highway Issues

The proposed development would not result in additional vehicles entering the site, as it would not be used for commercial means. The access would continue to be utilised by the occupants of the site. The site itself is accessed via an existing access off of a quiet public highway. The proposals would not result in a need for additional parking spaces on the site.

The application is considered acceptable in regards to highway considerations.

### Surface Water Flooding Concerns

Policy RLP71 of the Adopted Local Plan states planning permission will not be given where there is inadequate water supply, sewerage or land drainage systems (including water sources, water and sewage treatment works) available to meet the anticipated demands of the development.

Some of the representations received relate to increased potential for surface water flooding on the site. It is understood that flooding issues already exist, and that surface water runs toward a ditch on the site which has not been maintained and overflows.

In order to overcome this, the proposed enlarged manège would be finished in a permeable surface (silica sand with a permeable gravel base), which would allow surface water to soak through it rather than run-off.

The collection of existing buildings on the site equates to a footprint of built development of approximately 585sqm. The proposed outbuildings to be built would consist a footprint of 300.3sqm. The proposed removal of the existing buildings on the site and the erection of the two proposed outbuildings would result in a net reduction of the amount of built development on the site by approximately 283sqm.

Therefore the capacity of the site to accommodate floodwater would be increased. Notwithstanding this, in order to overcome the concerns of the neighbouring properties and to ensure the discharge of surface water is controlled, a condition is recommended relating to the means of surface water drainage on the site.

## CONCLUSION

The proposals include the provision of equestrian related development, which as demonstrated in this report, is policy compliant and would be acceptable in terms of its design, appearance and layout, as well as there being no unacceptable impacts on neighbouring residential amenities. With the imposition of appropriately worded conditions, the proposal is considered to be acceptable, and Officers recommend that the application is approved.

## RECOMMENDATION

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

## APPROVED PLANS

Location / Block Plan	Plan Ref: 5051/1A
Existing Block Plan	Plan Ref: 5051-02
Proposed Site Plan	Plan Ref: 5051-03
Proposed Block Plan	Plan Ref: 5051-01
Elevations	Plan Ref: 5051-03

- 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 ménage hereby permitted shall be used solely in connection with and for the private and personal enjoyment of the occupants of Lodge Farm. No commercial uses, including a riding school, shall take place whatsoever.

### Reason

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

- 4 Prior to the construction of either of the new buildings hereby approved, a surface water drainage scheme showing the means of preventing flooding by ensuring satisfactory storage of/disposal of surface water from the site,

and to provide any details of mitigation of any environmental harm which may be caused to the local water environment, shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details and completed before the first use of either of the new buildings hereby approved, and shall be permanently retained as such.

Reason

To ensure a satisfactory method of surface water drainage.

- 5 The construction of the buildings hereby approved shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure an appropriate choice of materials having regard to the location of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 6 No form of external lighting shall be installed on any part of the application site without first obtaining full planning permission from the Local Planning Authority.

Reason

To ensure that the development does not prejudice the character and appearance of the countryside.

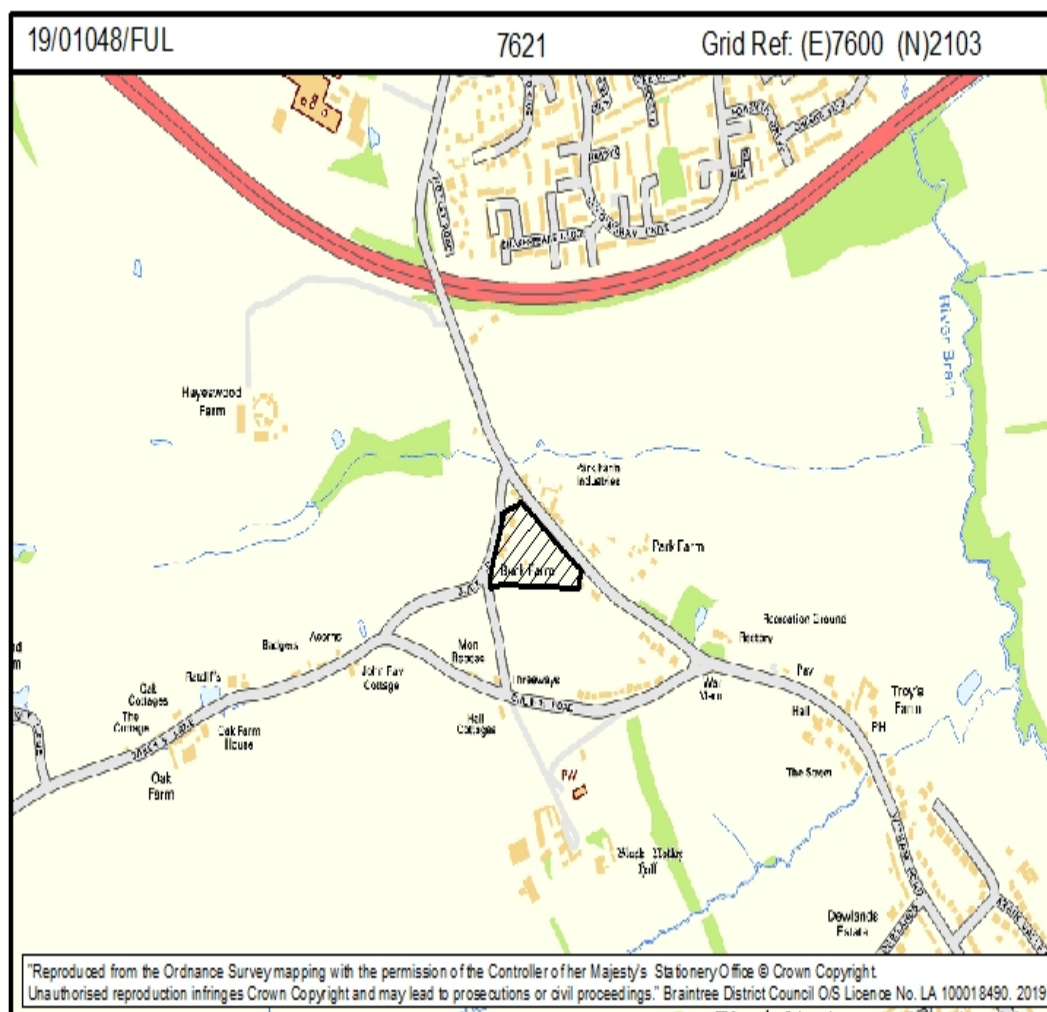
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

# PART A

# AGENDA ITEM NUMBER 5.2

APPLICATION NO: 19/01048/FUL DATE: 19.06.19  
 VALID:  
 APPLICANT: Mr Iain Hutchinson  
 C/O Agent  
 AGENT: Mr Lindsay Trevillian  
 270 Avenue West, Great Notley, CM77 7AA  
 DESCRIPTION: Proposed conversion of existing barn to a single dwelling house and the construction of a detached open bay garage alongside new vehicle access, parking, landscaping and other associated works.  
 LOCATION: Buck Farm, Buck Hill, Black Notley, Essex, CM77 8LA

For more information about this Application please contact:  
 Ellen Cooney on:- 01376 551414 Ext. 2501  
 or by e-mail to: [Ellen.cooney@braintree.gov.uk](mailto:Ellen.cooney@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSXWJRBF GY600>

## SITE HISTORY

92/01205/COU	Change of use of existing farm building into office	Granted	15.12.92
96/00739/COU	Proposed change of use of listed barn to warehouse	Granted	22.08.96
96/00740/LBC	Proposed renovation of listed barn and additional concrete floor	Granted	22.08.96
80/00458/P	Change of use from vacant buildings and storage to photographic studio.	Granted	
07/01063/LBC	Re-paint exterior, re-lay paved area to front of house, remove dog kennel and run and demolish existing shed and replace with new	Granted	12.07.07
07/01304/FUL	Erection of shed/livestock shelter	Granted	07.08.07
14/00370/FUL	Conversion of barn into live/work unit alongside existing commercially active office	Granted with S106 Agreement	15.10.14
14/00371/LBC	Conversion of barn into live/work unit alongside existing commercially active office	Granted	15.10.14
18/01001/FUL	Proposed conversion of existing barn to one residential unit	Refused	05.03.19
18/01999/LBC	Application for Listed Building Consent for proposed conversion of existing barn to one residential unit.	Refused	05.03.19
19/01049/LBC	Proposed conversion of existing barn to a single dwelling house and the construction of a detached open bay garage alongside new vehicle access, parking, landscaping and other associated works.	Pending Decision	



## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

RLP101      Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS5            The Countryside  
CS8            Natural Environment and Biodiversity  
CS9            Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1            Presumption in Favour of Sustainable Development  
SP6            Place Shaping Principles  
LPP1           Development Boundaries  
LPP42          Residential Conversion of Buildings in the Countryside  
LPP45          Parking Provision  
LPP55          Layout and Design of Development  
LPP60          Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is located outside the Black Notley development boundary. The application site comprises a Grade II listed barn which is separate to the associated Grade II listed Buck Farm. The barn is considered to be vernacular in form, and significant in age, the barn is cited by the listing description as 'good of its type'.

PROPOSAL

The proposal is for the residential conversion of the Grade II listed barn into one two-bedroom dwelling as well as a covered parking area which would provide space for two vehicles.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions.

ECC Archaeology

No objection subject to conditions.

### ECC Highways

No objection subject to conditions.

### Historic Buildings Consultant

No objection following the revisions to the glazing and single storey extension.

### PARISH / TOWN COUNCIL

Black Notley Parish Council object on the grounds of the barn being outside the village envelope and the appearance of the listed barn being substantially altered.

### REPRESENTATIONS

No neighbour objections have been received.

### REPORT

#### National Planning Policy Framework (NPPF)

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

Paragraph 9 of the NPPF outlines that planning should be proactive in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to improve applications for sustainable development where possible.

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

The NPPF underlines the Government's objective boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and

that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District Council) our 'local housing need' plus the relevant buffer.

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

### The Development Plan

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

The site is located outside of a development boundary and therefore countryside policies apply as set out in Policy RLP2 of the Adopted Local Plan. Policy CS5 of the Adopted Core Strategy states that development outside development boundaries will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the Countryside.

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

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

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

Policy LPP42 of the Draft Local Plan refers to the conversion of rural buildings that are of permanent and substantial construction and capable of conversion

without complete rebuilding to residential use where: the location of site is accessible and sustainable; there is no unacceptable impact on protected species or heritage assets and their settings; site is served by an existing access; no unacceptable impact on residential amenity; no unacceptable impact on the character of the site or surrounding countryside and its landscape value. Applications for such proposals must be supported by a frame survey, structural survey and where listed a heritage statement setting out the implications of the development. Where considered appropriate surveys will be required for protected species.

A Structural Report was prepared by T.R. Collier & Associates which details that no evidence of instability within the building or excessive deformation that would require any part of the barn to be rebuilt. Therefore it is considered that the barn would be suitable for conversion from a structural perspective.

Marketing information has been submitted including an advert and a letter from estate agent Home Partnership confirming that commercial uses for the barn have been sought but have failed to materialise in any commercial interest. The barn was advertised from January-October 2018 and was circulated by post and e-mail to registered and retained clients of Home Partnership.

The principle for residential use of this barn is therefore considered acceptable in accordance with Policies RLP38 and RLP101 of the Adopted Local Plan and LPP42 of the Draft Local Plan. It would also accord with Paragraph 79 of the NPPF by securing the optimal viable use of the heritage asset and reusing a redundant existing building.

### 5 Year Housing Land Supply

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

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13<sup>th</sup> February 2020, the Braintree District 5 year supply position for 2018-2033 has been recalculated to take into account the application of a 20% buffer to the target.

Taking into account the Council's identified supply, as detailed in the Addendum to the Monitoring Report published on 6<sup>th</sup> August 2019, it is

considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 4.51 years supply. Consequently, the Council acknowledges that it does not currently have a deliverable 5 year supply of land for housing.

The Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position. The Council's supply position has had regard to the decisions received from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect of all other sites.

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

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

The Council is currently gathering evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers. That will be published as soon as possible, to provide a rolled forward position statement.

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

## SITE ASSESSMENT

### Background

In 2014, planning permission and Listed Building Consent was granted for the conversion of the barn into a live/work unit. This planning permission has lapsed and hence the proposal for planning permission and Listed Building Consent currently submitted. As part of this 2014 proposal, the access to the barn would have been shared with Buck Farm. Also proposed was a single storey extension on the east elevation, and the insertion of new fenestration. The proposals at the time of the application were considered acceptable. The previous granting of planning permission and Listed Building Consent is therefore a material planning consideration in the determination of this application.

An application proposing the conversion of the barn to a dwelling was submitted in 2018 (Application References 18/01001/FUL & 18/01999/LBC). This was refused due to the detrimental impact the proposal would have had on the listed building as per Paragraph 196 of the NPPF and the lack of heritage statement supplied with the application. Environmental Health were also concerned regarding the lack of a contamination assessment. Under the current application, this has been submitted alongside a heritage statement and building record.

### Location and Access to Services and Facilities

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

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

In this case, the application site is located outside the Black Notley village envelope. The site is accessed via Buck Hill which is a narrow lane with no pavement. Therefore, the location is not considered to be sustainable as occupiers would be reliant on the private car. The proposal is therefore not considered to be satisfactory in this regard and this weighs against the proposal in the overall planning balance.



## Design and Appearance

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposal is for the conversion of the barn to one residential unit. The barn itself is a traditional weather-boarded 'T' shape. Both side elevations would see floor-to ceiling glazing inserted, however the side elevation which is adjacent to the highway would have the bottom half of the glazed area obscured to protect the privacy of the occupier. This side elevation would have six vertical windows inserted at ground floor level and two at first floor level. The application was revised to remove two windows from the first floor elevation and move them to the ground floor to allow a better level of natural light and outlook from the main habitable rooms on the ground floor. Two roof lights would be inserted into the roof slope of bedroom one to provide natural light whilst trying to minimise the amount of glazing inserted into the barn. The small single storey extension constructed within the 'T' shape of the barn has been revised to be almost totally glazed with an aluminum roof so that it is distinguishable as an obvious addition to the barn to minimise the distortion of the form of the listed barn. The conversion would allow the barn to become a substantial two-bedroom dwelling.

A covered parking area is also proposed to the north of the site. This would measure 6.1 metres in width and 5.7 metres in depth. It would be an open-fronted structure of simple design clad in traditional weatherboarding to remain in keeping with the listed barn and surrounding rural area.

As such, the proposal for the conversion of the barn to a dwelling is considered to be of satisfactory design and appearance and is therefore compliant with the abovementioned policies.

## Impact on Neighbouring Residential Amenities

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policy LPP55 of the Draft Local Plan, emphasise the need to protect the amenity of nearby

properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

A number of new windows are proposed on the barn. Only ground floor windows are proposed on the elevation closest to Buck Hill Cottages. Two small vertical first floor elevation windows are proposed on the elevation facing the Buck Farm, however the configuration of the properties means that they would not be overlooking the dwelling. As previously mentioned, the side elevation which is adjacent to the highway would have part of the floor-to-ceiling obscured to protect occupier amenity but also to prevent any intrusive overlooking towards the outbuildings which are utilised by the occupiers of Buck Farm. Therefore it is not considered that there would be any detrimental loss of privacy to neighbours. The proposal is also not considered to be overbearing or cause any overshadowing or loss of light.

Consideration must also be given to the relevant standards in terms of amenity space. The Council has adopted the Essex Design Guide (EDG) which recommends minimum garden sizes of 50sq.m for a two-bedroom dwelling. The proposed private amenity space would measure 105sq.m and would therefore meet this criteria.

In addition to the above, the nationally described space standards, which are incorporated into Policy LPP37 of the Draft Local Plan, provide a clear direction for the level of internal amenity that should be provided for new dwellings. For a two storey dwelling, with two bedrooms for four people, 79sq.m of gross internal floor space is recommended as a minimum. The gross internal floor space of the barn conversion would measure 185sq.m. Bedroom one measures 26sq.m and bedroom two measures 22sq.m. It is considered that both rooms have a good level of light and outlook.

It is therefore considered that the conversion would benefit from an acceptable provision of internal and external amenity.

### Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more bedrooms the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

In terms of the new access, Highways have raised no objection to the plans subject to a series of conditions relating to visibility splays, minimum size of access and ensuring there is no unbound material within 6 metres of the Highway. The proposal would provide two covered parking spaces to the north of the site. The proposals are therefore acceptable from a Highway perspective.

## Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, Natural England have published revised interim guidance on 16<sup>th</sup> August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

## PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) 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.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of benefits, the proposed development would provide a viable use for an otherwise redundant building which would also preserve the life and condition of the listed building. The conversion is well designed with a good level of internal and external amenity for the occupiers. The creation of the dwelling would have a minor influence on the local community and economy as the occupiers would support the limited services within Black Notley.

With regards to the harm identified, the location is not considered to be sustainable and would encourage the reliance on the private car. However, when considering the environmental impact on balance, the building is existing. The NPPF and the Council's own planning policies supports new residential development in the countryside where development would re-use redundant or disused buildings and enhance its immediate setting. This is relevant and applicable to this planning application. The proposal for conversion of an existing building to residential use would make effective use of the land in this instance ensuring the long term viability of an existing structurally sound building in the countryside. Furthermore, the proposal would ensure the optimum viable use of a heritage asset according with paragraph 79 of the NPPF. The proposal would also accord with the Council's policies in relation to the conversion of rural buildings.

When considering the planning balance and having regard to the benefits and harms identified, and having regard to the requirements of the NPPF as a

whole, Officers have concluded that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

### RECOMMENDATION

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

### APPROVED PLANS

Location / Block Plan	Plan Ref: NB 1083 05	Version: K
Visibility Splays	Plan Ref: NB 1083 06	Version: C
Proposed Elevations and Floor Plans	Plan Ref: NB 1083 05	Version: K
Section	Plan Ref: NB 1083 07	

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

#### Reason

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

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

#### Reason

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

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

#### Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 4 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions as shown on drawing No. NB. 1083.06.C, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction 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.

- 5 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing at the end of the highway verge.

Reason

To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

- 6 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.

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

Reason

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

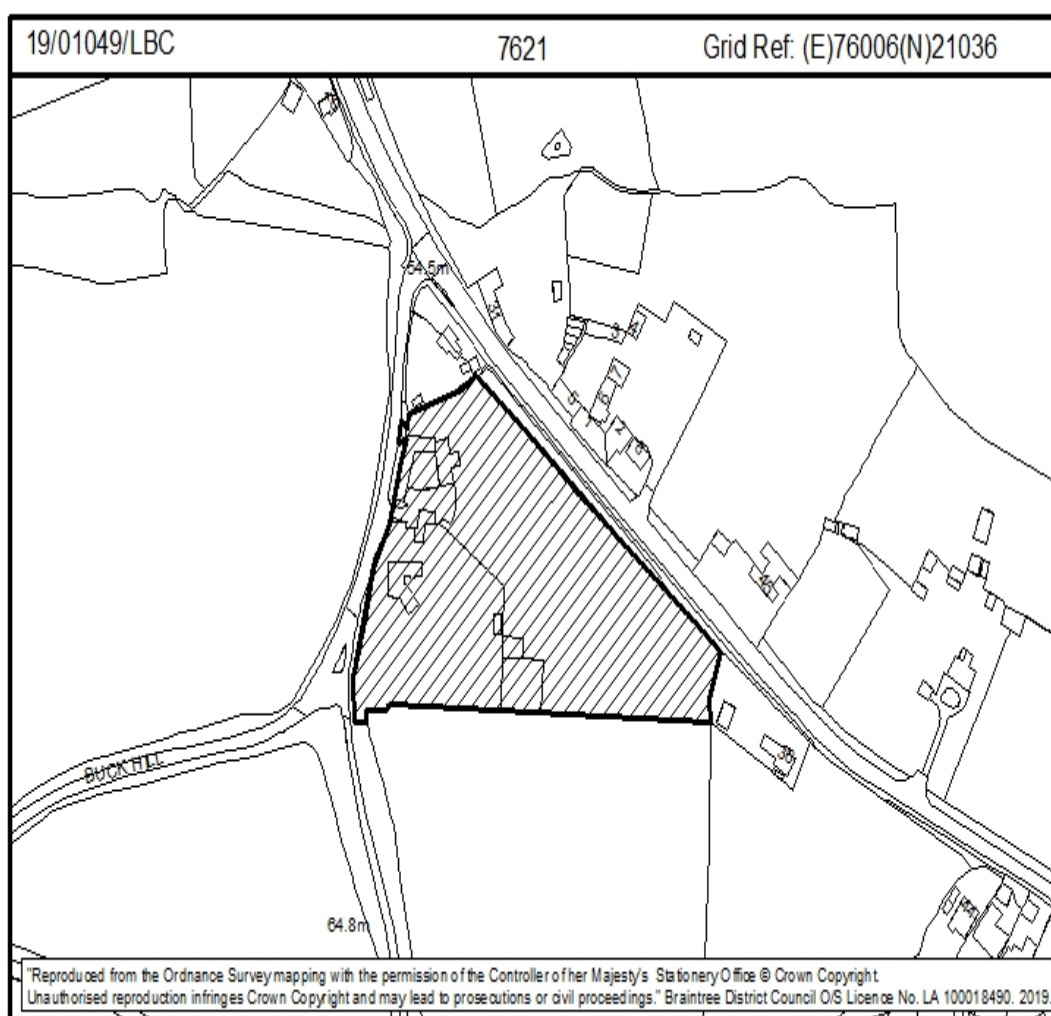
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART A

## AGENDA ITEM NUMBER 5.3

APPLICATION NO: 19/01049/LBC      DATE: 19.06.19  
VALID:  
APPLICANT: Mr Iain Hutchinson  
C/O Agent  
AGENT: Mr Lindsay Trevillian  
270 Avenue West, GREAT NOTLEY, CM77 7AA  
DESCRIPTION: Proposed conversion of existing barn to a single dwelling house and the construction of a detached open bay garage alongside new vehicle access, parking, landscaping and other associated works.  
LOCATION: Buck Farm, Buck Hill, Black Notley, Essex, CM77 8LA

For more information about this Application please contact:  
Ellen Cooney on:- 01376 551414 Ext. 2501  
or by e-mail to: [Ellen.cooney@braintree.gov.uk](mailto:Ellen.cooney@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSXWK9BFGY700>

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07/01063/LBC	Re-paint exterior, re-lay paved area to front of house, remove dog kennel and run and demolish existing shed and replace with new	Granted	12.07.07
07/01304/FUL	Erection of shed/livestock shelter	Granted	07.08.07
14/00370/FUL	Conversion of barn into live/work unit alongside existing commercially active office	Granted with S106 Agreement	15.10.14
14/00371/LBC	Conversion of barn into live/work unit alongside existing commercially active office	Granted	15.10.14
18/01001/FUL	Proposed conversion of existing barn to one residential unit	Refused	05.03.19
18/01999/LBC	Application for Listed Building Consent for proposed conversion of existing barn to one residential unit.	Refused	05.03.19
19/01048/FUL	Proposed conversion of existing barn to a single dwelling house and the construction of a detached open bay garage alongside new vehicle access, parking, landscaping and other associated works.	Pending Decision	



## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

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

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

CS9            Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

LPP60          Heritage Assets and their Settings

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

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

### SITE DESCRIPTION

The application site is located outside the Black Notley development boundary. The application site comprises a Grade II listed barn which is separate to the associated Grade II listed Buck Farm. The barn is considered to be vernacular in form, and significant in age, the barn is cited by the listing description as 'good of its type'.

### PROPOSAL

The proposal is for the residential conversion of the Grade II listed barn into one two-bedroom dwelling as well as a covered parking area which would provide space for two vehicles.

### CONSULTATIONS

#### ECC Archaeology

No objection subject to conditions.

#### ECC Historic Buildings Consultant

No objection following the revisions to the glazing and single storey extension.

### PARISH / TOWN COUNCIL

Black Notley Parish Council object to the application. The plans differ from what was originally approved in 2014 and would see a loss of historic fabric from the listed building. Therefore the proposal is not acceptable.

### REPRESENTATIONS

No representations have been received.

## REPORT

### Impact on Heritage Asset

In terms of impact on the heritage asset, Paragraph 184 of The National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 189 of the NPPF states that where the proposed development includes heritage assets, an appropriate desk-based assessment should be provided with the application. This should include a description of how the assets would be affected or any contribution to their setting.

Further to this, paragraph 196 of the NPPF states that where proposed development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the scheme, including securing the assets' optimal viable use.

Policy RLP100 of the Adopted Local Plan and Policy LLP60 of the Draft Local Plan. These policies state that any works involving internal or external alterations to listed buildings will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building and do not result in the loss of or significant damage to the building or structure's historic and architectural elements of special importance.

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

The proposal is for the conversion of the barn to one residential unit. Given the Grade II Listing, it is important that any changes to the barn do not harm the building or its setting. The proposal would include the insertion of windows and roof lights as well as a first floor. The placement of the glazing has been designed to avoid cutting the historic frame of the barn. The first floor would be self-supporting to also avoid compromising the frame

It is considered that the proposal is acceptable from a heritage perspective. Pre-commencement conditions would be attached to the permission requiring the submission of further drawings of the windows and doors to ensure that they remain in keeping with the historic profile of the barn.

## CONCLUSION

The proposed alterations to the building would not compromise the historic fabric and the design of the conversion is considered to be sympathetic to the listed barn. This change of use would secure the long term protection of a heritage asset. Therefore, the proposal is considered to be compliant with the abovementioned policies.

## RECOMMENDATION

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

## APPROVED PLANS

Visibility Splays	Plan Ref: NB 1083 06	Version: C
Proposed Elevations and Floor Plans	Plan Ref: NB 1083 05	Version: K
Location / Block Plan	Plan Ref: NB 1083 05	Version: K
Section	Plan Ref: NB 1083 07	

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

### Reason

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

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

### Reason

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

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

### Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

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

shall be permanently retained as such.

Reason

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

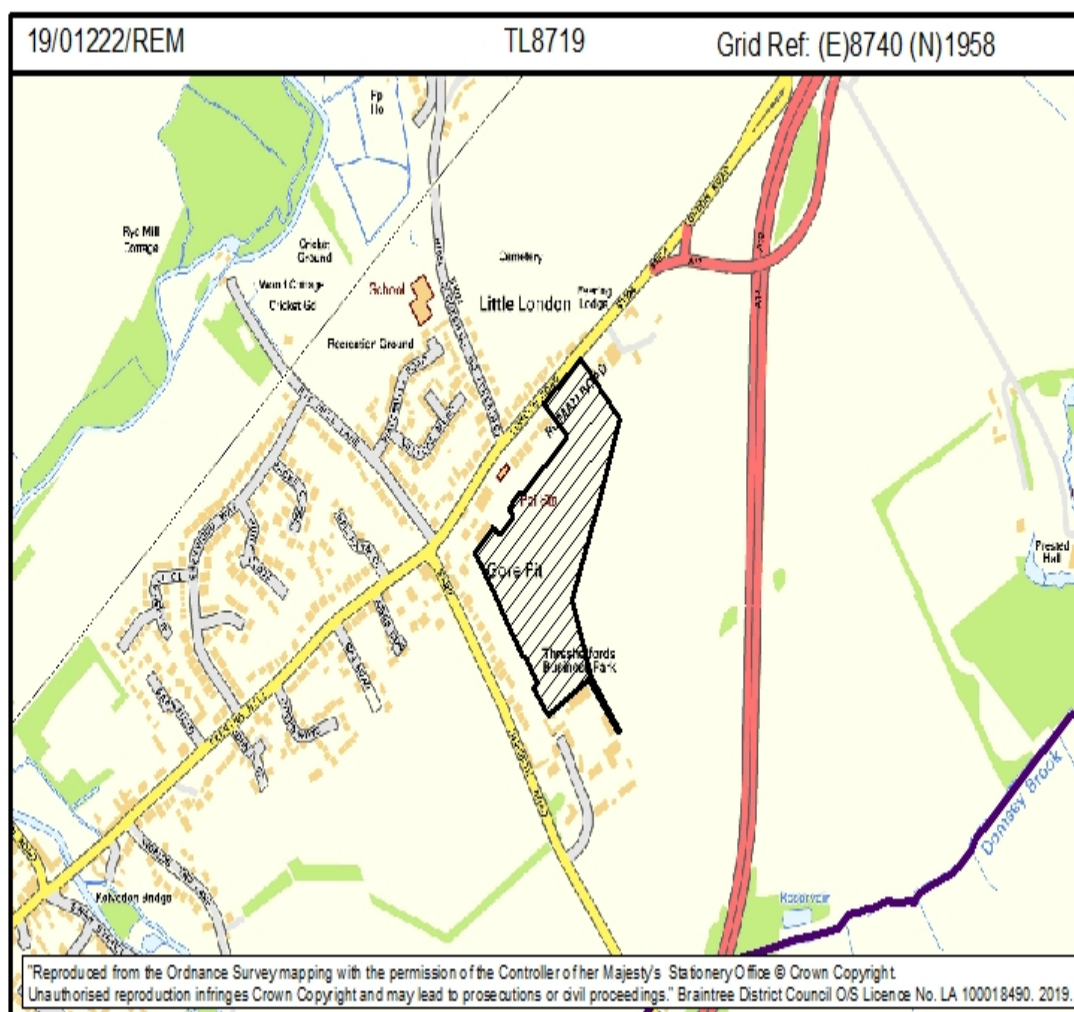
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

# PART A

# AGENDA ITEM NUMBER 5.4

APPLICATION NO: 19/01222/REM  
 DATE VALID: 09.07.19  
 APPLICANT: C/O Agent  
 AGENT: Mr Giuseppe Cifaldi  
 33 Margaret Street , London, W1G 0JD  
 DESCRIPTION: Application for approval of reserved matters following outline approval 16/00569/OUT - Approval of Reserved Matters (layout, scale, appearance, and landscaping) comprising the construction of 162 dwellings, new public open space, car parking and associated infrastructure works  
 LOCATION: Land North East Of, Inworth Road, Feering, Essex

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)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUDRACBFHE200>

## SITE HISTORY

15/00012/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development comprising of 180 dwellings.	Screening/ Scoping Opinion Adopted	02.10.15
16/00569/OUT	Outline planning application to include up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road, with all other matters reserved.	Granted with S106 Agreement	19.12.17
19/00013/DAC	Application for approval of details reserved by condition no 3 of approval 16/00569/OUT - Outline planning application to include up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road, with all other matters reserved.	Granted	29.05.19
19/01437/DAC	Application for approval of details reserved by condition 5 of approved application 16/00569/OUT	Part Grant, Part Refused	06.09.19
19/01438/DAC	Application for approval of	Granted	11.10.19



	details reserved by conditions 6 and 13 of approved application 16/00569/OUT	
19/01439/DAC	Application for approval of details reserved by conditions 9, 12 and 14 of approval 16/00569/OUT	Pending Consideration
19/02234/REM	Application for approval of reserved matters following outline approval 16/00569/OUT - Approval of Reserved Matters (layout, scale, appearance, and landscaping) comprising the construction of 162 dwellings, new public open space, car parking and associated infrastructure works.	Pending Consideration

## POLICY CONSIDERATIONS

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

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A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
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
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside

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

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP22	Strategic Growth Location - Land at Feering
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP60	Heritage Assets and their Settings
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Feering Neighbourhood Plan

The Feering Neighbourhood Plan is at an early stage of preparation (regulation 14). This means that a plan has been published for public consultation, however it's now undergoing the first round of two rounds of consultations. There are more than 10 further 'steps' in the process required before the Feering Neighbourhood Plan can be fully adopted (this is likely to be a minimum of nine months away). In any case, the policies in the plan could change considerably by the time it is adopted. Paragraph 48 of the NPPF allows LPAs to give weight to relevant emerging policies subject to, inter alia, the stage of preparation and extent of unresolved objections. Thus

in decision making, while the existence of the plan is acknowledged, due to its stage of preparation, it can only hold minimal to no weight in the determination of the current Reserved Matters application.

### Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement  
Open Space SPD

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

This application is being reported back to the Planning Committee following deferral at Planning Committee by Members on 17<sup>th</sup> December 2019. The application was deferred in order for Officers to go back to the Developer to address a number of issues & points of clarification with the scheme, which are summarised below:

1. Affordable housing distribution
2. Compliance with the Nationally Described Space Standards
3. Compliance with garden size standards
4. Location of the three storey flatted block
5. Location of the play space
6. SUDS and what is actual useable open space
7. Biodiversity net gain – trees/ landscape
8. Differentiation of character areas

The purpose of this report is therefore to identify the changes made to the application since Planning Committee held on 17<sup>th</sup> December 2019 as well as continuing to provide a thorough assessment of the merits of the application.

The Parish Council also maintain their objection to the application contrary to Officer's recommendation of approval.

### SITE DESCRIPTION

The application site comprises an irregularly-shaped, but broadly triangular, area of arable land of about 5.5ha. The site lies to the east of Gore Pit Corner at the junction between London Road and Inworth Road. Most of the north western boundary of the site follows the rear boundaries of the builder's merchant and houses in London Road but the site has a frontage to London Road of about 86m between Holmfield House and Exchange Court. This is marked by a hedgerow with field access at its north eastern end.

The south west boundary of the site follows the rear garden boundaries of houses in Inworth Road with a short south east boundary with Threshelfords

Business Park. The longest (eastern) side of the site stretches from the corner of the business park to a point to the rear of Exchange Court. This boundary cuts diagonally across fields and does not follow any defined boundaries. The site also includes a narrow strip of land along the north east boundary of the business park that links the site with the public footpath that runs from the rear of the business park to the pedestrian bridge across the A12. The land drops gently from London Road towards the business park with an overall fall of about 4m.

## PROPOSAL

Outline planning permission (Application Reference 16/00569/OUT) was approved at the site for the erection of up to 165 dwellings, which included the access to the site. This application considers the other detailed matters reserved for consideration, namely: Layout, Appearance, Scale, and Landscaping.

As part of the conditions for application reference 16/00569/OUT, a 'Site Wide Strategy' was required to be submitted before a reserved matters application could be submitted (Condition 3). The purpose of the Site Wide Strategy was to establish a set of core principles which this site, and the remaining wider strategic allocation, would need to conform to at the detailed stage of development. The Site Wide Strategy document was approved on 29<sup>th</sup> May 2019.

The reserved matters application is therefore required to accord with the core principles of the Site Wide Strategy and this will be explored throughout the report. It should be noted that the development has gone through a number of iterations since initial submission in order to address concerns raised by Officers and members of the public and now Planning Committee Members as appropriate.

In respect to 'Layout', although the outline application gained approval for up-to 165 dwellings, the development now proposes 162 dwelling units (including 65 Affordable dwelling units) in order to provide a higher quality layout. The roads are divided up into their respective hierarchies as agreed in the Site Wide Strategy; Access is taken as agreed from London Road in the 'Boulevard hierarchy', which will form the main route through to the other parcels of development when they come forward. The boulevard would comprise dwellings accessed via private drives, footways and symmetrical banks of trees. The 'Street' hierarchy would primarily contain footways but on a standard carriageway, and include parking in tandem at the side of houses accessed from the road directly. The 'Lanes' would comprise shared surface roads with parking either at the front or at the side of each dwelling. The 'Green Lanes' would comprise a one sided footpath with a stronger concentration of 2½ storey houses. Finally, the affordable housing would now be concentrated primarily in three areas of the site.

In respect to 'Appearance,' the aforementioned character areas define the style and appearance of each of the dwellings, as well as their respective

boundary treatments. For example, the 'Boulevard' would be characterised by brick dwellings with some examples of mock-Georgian detailing, while the 'Streets' would introduce a mixture of brick and render, and the 'Green Lanes' would introduce some weatherboarding onto the house types.

In respect to 'Scale', the development comprises a mixture of 1, 2, and 2½ storey dwellings, and two 3 storey apartment buildings. The main scale is 2 storey, while the instances of 2½ storey are primarily concentrated in areas overlooking public open space. The 3 storey flat buildings have been moved to be adjacent to the proposed public open space.

In respect to 'Landscaping', the layout also includes two areas of open space and tries to retain existing hedging/trees on the site which are of more significance. The way that the open space has been designed is that it would likely be able to be linked to the wider allocation when that comes forward for development. It is therefore aiming to be holistic in its approach and not prejudice the wider allocation.

## CONSULTATIONS

### Historic England

Maintain the view that they do not wish to offer any comments. Suggest seek views of local Historic Buildings Consultant.

### Historic Buildings Consultant

For the plans considered by Planning Committee held on 17<sup>th</sup> December 2019, the Historic Buildings Consultant identified less than substantial harm on the setting of Cobham Oak Cottages from the proximity of the three storey flatted block.

Following receipt of the latest revised plans which relocate the flatted block, the Historic Buildings Consultant identified a reduction of harm to the setting of Cobham Oak Cottages. However, the Historic Buildings Consultant still identified less than substantial harm (at the lower end) to the general principle of developing the site:

*"As stated in my previous consultation, the north western section of the site is located behind Cobham Oak Cottages, a Grade II\* listed building (list entry number: 1123836), which features a Grade II listed water pump within the site (list entry number: 1169412). The grade II listed public house, The Old Anchor, is opposite, further west of the application site (list entry number: 1169347). The buildings form a collection of buildings indicative of the historic appearance of Gore Pit, a small hamlet now part of the larger village of Kelvedon.*

*The revised plans for the site have relocated the proposed three-storey blocks of flats, which were an initial cause for concern, further away from Cobham Oak Cottages. The south western corner of the site will now be*

*occupied by two storey dwellings and parking. This is an improvement, creating a development which will have a much lower visual impact upon the setting of the listed building, comparative to the originally submitted plans.*

*In terms of its setting, the existing surrounding development has greatly altered the way in which Cobham Oak Cottages are understood and experienced, encroaching upon its once relatively rural location. An additional large-scale development of the land to the rear of the house could thus be considered as causing cumulative harm to the significance of the heritage asset, by detracting from its setting. However, due to existing dwelling north east Cobham Oak Cottages, which severs the relationship between the building and the fields beyond, this harm would be considered at the low end of less than substantial and therefore should be weighed against any public benefit there may be from the rest of the scheme.”*

#### Highways England

Continues to offer no objection – diverts to local historic buildings consultant.

#### Essex Police

Continues to comment that the boundary treatments appear suitable. Raise some issues with the lighting plan from a security perspective (*N.B this plan is indicative only at this time*).

#### ECC Archaeology

Continues to have no comments until discharge of condition application is submitted. No further conditions needed.

#### Essex County Council SUDS

Initially raised an objection to the discharge of conditions 12-14 on the Outline consent. However further information was provided and the SUDS Officer had no objection.

#### Essex Highways

Following receipt of the latest revised plans, the Highways Officer requested some minor amendments to the layout to include traffic calming measures. These were subsequently included and therefore Essex Highways had no objection.

#### ECC Ecology

Continued to have no objection subject to an additional condition in relation to a biodiversity enhancement strategy. A reptile mitigation strategy is required through the discharge of condition process.



### BDC Waste Services

No objection to the latest revised plans. The revised refuse and recycling plan satisfies the requirements needed for Braintree District Council to carry out refuse and recycling collections.

### BDC Strategic Housing Officer

Identified no objection to the latest revised plans, however identifies the following considerations in respect to the distribution of affordable housing:

*"In reference to recent revisions to the above application that include substitution of an affordable 2 bed house for a 3 bed house and modifications to the clustering of the affordable housing element of the proposal. I confirm we are happy with the changes given the constraints in terms of the site's shape coupled with 40% of the housing being affordable. On all large housing schemes our usual recommendation is to cluster the affordable units in reasonable numbers rather than pepper potting them throughout.*

*Historically, pepper potting of affordable homes was initially encouraged by Government. This followed the move towards mixed tenure development in the late 1980's which provided alternatives to uniform estates with mono-tenure which were thought to segregate socio-economic groups. However, because of difficulties in management the pepper potting method has commonly evolved into a preference for grouping affordable housing into clusters. This approach is greatly favoured by registered housing providers because they consider this to be most practical way to provide effective management."*

### BDC Landscape Services

Identified no objection to the latest revised plans. Suggest more information is requirement on the management of the public open space areas, but outlines this could be covered by the Landscape and Ecological Management Plan of Condition 11 from the Outline Consent.

### PARISH / TOWN COUNCIL

#### Feering Parish Council

*[Response leading to Planning Committee held on 17<sup>th</sup> December 2019]*

Feering Parish Council accept the principle of residential development at the site but have the following summarised objections to the initially submitted layout:

- Plans not consistent with character of Feering
- Little variation across the site
- Missed opportunities with the layout – mews development, terraces etc

- No examples of three storey buildings - harm to heritage asset
- Development at the front of the site should overlook near access/or future roundabout
- Edge to Threshelfords Business park poorly articulated
- No right of way behind dwellings on Inworth Road
- Affordable housing too concentrated in one area of the site
- Severe impact on highway network
- Not sufficient services or facilities in village to meet the needs of residents
- Not sufficient amount of unallocated parking
- Domination of private frontage parking in 'Lanes' character
- Open spaces will be attenuation basins for SUDS and therefore not useable
- Green spaces poorly integrated to built form
- Boulevard missed opportunity to provide regular tree planting and wider verges
- Greater opportunity to provide more trees throughout the development
- No clarification on hedge work at the front of the site
- The Parish Council maintain their objection to the revised scheme considering that the plans do not go far enough to address their concerns

*[Summarised comments on revised plans post Planning Committee]:*

- Acknowledge positive changes made since committee
- Continue to accept principle of development but still have concerns relating to detail
- Principle of three storey dwellings unacceptable in Feering
  - Uncharacteristic and not found elsewhere
  - Set precedent
- Site wide design guide in conflict with Feering Design Guide
- Flat blocks uninspired design
- Limited trees in 'street' character area
- Safety and usability of Suds attenuation basins
- Parish Council wish to take ownership of the open space (but acknowledge deed of variation required to Outline consent)
- Limited housing mix not meeting needs of the area
- Lack of sustainable measures proposed
- An Appropriate Assessment is needed for HRA

Kelvedon Parish Council

Kelvedon Parish Council accept Principle has been established however still has the following summarised concerns:

- Significant strain on the highway network
- Many other developers in area also now granted consent which will add additional traffic

- Other undetermined applications which will also add traffic

## REPRESENTATIONS

Prior to the Committee held on 17<sup>th</sup> December 2019, there were 60 objections received setting out the following summarised concerns / objections:

- Infrastructure not sufficient - unacceptable impact on traffic until new A12 slips are built
- Numerous major developments occurring in Feering/Kelvedon & Tiptree which would only increase pressure on the roads
- Access to the station too far from the site for walking
- Services and facilities not sufficient to cope with demand
- Three storey out of character with village and could set precedent
- Overly urban features such as railings
- Monotonous designs & inadequate landscaping – street scenes misleading
- 165 dwellings too many for size of land
- Harm to setting of Grade II\* Listed Building – the heritage statement submitted late in process not comprehensive or accurate
  - To approve would be contrary to law protecting listed buildings
- Different design to outline approval – overdevelopment, too dense and lack of imagination
- Insufficient back-to-back distances
- Overlooking, loss of amenity and light – contrary to policy
- Lack of visitor parking – and poorly distributed
- Road sizes inadequate and not accord with policy – footpaths are also too small
- Development requires sufficient off road parking& cycle parking
- Access to the site insufficient – cars traversing over speed limit already – accident since ground works for archaeology started on site
- Roundabout or T-Junction?
- No supporting employment provision – no capacity in existing villages
- Potential problems with contractors parking on high street during construction
- No safe walking route on Inworth Road from houses to Threshfords Business Park
- Poor pedestrian permeability across the site
- No safe walking route from development to local schools – crossing should be updated and footpaths widened
- Development premature to wider allocation and neighbourhood plan – doesn't confirm to design code being prepared
- Strip of land at rear of houses on Inworth Road is now a wildlife haven
- Moving hedgerows should not be allowed
- Other wildlife will now be harmed – land not been farmed for 16 years
- Developer using out of date ecology report
- Insufficient drainage/sewage capacity at the site
- Sea level rise- need to retain all green land

- Climate emergency – developer should provide full analysis of Co2 emitted from development
- Public Right of Ways incorrectly shown
- Building on part of land they do not own
- Development doesn't confirm to DAS
- Does not deliver sustainable development
- Very little has changed on the revised plans
- Drainage issues from hardstanding
- No lifts in 3 storey flats – not good for people with limited mobility
- No electric charging points
- No equipped play space
- No information on lighting

Since the re-consultation period of the 7<sup>th</sup> of February, a further 36 objections/comments have been received from multiple addresses (some the same address) including two objections from the respective Feering Ward Councillors. Kelvedon & Feering Heritage Society also maintain their objection to the application.

The objections generally reiterated a large number of more general comments raised above (impact on infrastructure etc) and thus these will not be repeated in full; instead comments will be replayed that more focused on the detailed merits of the revised plans:

- Not materially changed from previously deferred application
- Density of development still too high – cramped and overdeveloped
- Not sufficient mix of housing to meet needs of village
- Tenure should be more varied
- Three storey flats still out of character
- Insufficient information on open space & children's play area
- Affordable housing still too concentrated
- Works to access started impacting on protected tree
- Not enough biodiversity enhancement
- No/insufficient footpaths or cycle ways
- Insufficient parking
- Pedestrian safety issues in the lanes character area
- Need to address design issues
- Continued detrimental impact on setting of Grade II\* Listed Building
- Minimal landscaping in back gardens
- Lack of street lighting
- Lack of sustainability credentials

## REPORT

### PRINCIPLE OF DEVELOPMENT

The principle of developing this site for residential has been established through the grant of outline planning permission (Application Reference

18/00121/OUT). Matters of Access have also been previously approved. As such, this proposal considers matters reserved for consideration at the outline planning application stage, namely: Appearance, Scale, Layout and Landscaping.

This report will consider the merits of the application, and refer to those issues 1-8 raised by Members at the deferral of the application at the meeting of the 17<sup>th</sup> December 2019 throughout the report as appropriate.

## SITE ASSESSMENT

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Governments 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Following the grant of outline planning permission, the proposed development has gone through numerous iterations following discussions at pre-application and application stage. These discussions sought to improve the overall quality of the layout and design of the development, while adhering to the agreed Site Wide Strategy. The development has been further revised to take into account of comments made by Members at Planning Committee held on 17<sup>th</sup>

December 2019. The development now proposed is therefore a reflection of further successful negotiations between the Council and the Developer.

### Character Areas

In respect to the character areas, the approved Site Wide Strategy proposed four different character areas on the site; the 'Boulevard,' the 'Streets,' the 'Lanes,' and 'Green Lanes.' The aim of each character area is to provide a street hierarchy which is notably different as one would transverse through each area of the development. It is expected that these character areas would be continued through in the remaining wider allocation when that is to come forward. This site acts as Phase 1 of the wider allocation, and it is therefore extremely important to secure an appropriate and successful street hierarchy through the agreed Site Wide Strategy.

At Planning Committee held on 17<sup>th</sup> December 2019, Members had some general comments on the character areas and sense of place being created, commenting that some areas look similar. Since the Planning Committee, the character areas remain unchanged in terms of their key features. This is because these features were approved as part of the Site Wide Design Guide which was a condition attached to the outline approval. It is important to note however that the Site Wide Design Guide was heavily influenced by the existing characteristics of Feering; from the concentration of different house types (detached/semi etc), key buildings, building positions and frontages, parking, materials, landscaping, architecture/styles and more general detailing such as chimneys and boundary treatments.

The proposed character areas therefore are a result of seeking to retain and enhance key characteristics found in Feering, but also create its own identity and character which would be able to be replicated across the wider development site. Furthermore, while not required by law, the Council consulted the Parish Council on the particulars of the Site Wide Design Guide before it was approved. The Parish Council raised a number of more detailed points, all of which were not being considered at that time (layout etc). The only comment that the Parish Council had in respect to four street types was that it was not typical of the Essex Design Guide. There were no specific comments made about the other detailed particulars of the character areas. Officers responded to the Parish Council at the time setting out:

*"It should be noted that the SWS (site wide strategy) isn't meant to be so detailed that it covers the actual proposed layout, numbers of flats, houses, where affordable housing is etc. These details will be sorted at the Reserved Matters stage. Principally the SWS is concerned with discharging the condition attached to the outline which talks about character and public realm strategy, as well as parking strategy etc. By defining the hierarchy of streets and other particulars the SWS is doing that.*

*In terms of character, it is important to respond to local context while also providing a good sense of place for the development. This SWS will hopefully inform the wider allocation strategy also. As such, following the*

*Essex Design Guide streets isn't necessarily always the correct way for development to proceed."*

In terms of reviewing each of the character areas in more detail, the first and perhaps most important character area is the 'Boulevard.' The strategic allocation is expected to accommodate over 750 new dwelling units when/if it comes forward. It is therefore important to establish a definitive character which will form the spine road throughout the wider site. The 'Boulevard' would therefore comprise wide verges, a wide 6.75m road, a 2m footpath on one side and a 3m foot/cycle path on the other side. Dwellings would be detached and semi-detached and accessed from private shared surface drives from the boulevard. Trees with a 75-100 year life expectancy would be included along the boulevard and planted at regular intervals in order to create an appropriate sense of place and arrival into the development. There is also some visitor parking within the verges but these are generally more limited in number.

The Boulevard character area is probably the most distinct character area, with the road widths and trees not necessarily found elsewhere in Feering as it currently exists. However, in this development, the overall area of 'Boulevard' would be limited as it would go through the top part of the site, but would comply with the principles as set out in the Site Wide Strategy. Concerns have been raised by residents about the urban nature of the layout; however the development due to its size has to create its own character and sense of place for future occupiers. As such, to accommodate the total number of dwellings proposed across the entire allocation, a more urban solution is appropriate to provide the necessary character variations and sense of place. In any case, the Boulevard area does pick up other similar features found in Feering such as mock Tudor architectural detailing and private drives.

Moving into the 'Streets' character area, this is the next tier down in terms of the street hierarchy. It would comprise more traditional 5.5m wide roads with footpaths either side which is more characteristic of most modern cul-de-sac development (and development found in Feering). It would also include a minimum of 2m frontage for each dwelling with low railings to enclose the frontage space, and assist in providing its own character as one traverses through the site. Railings in the front areas are limited to this part of the site only, thus it will be distinctive in terms of character from other areas of the site.

Dwellings would either be detached or semi-detached. In the layout, the 'Street' character area comprises two elements; the main link road which would comprise the above features (railings etc), but also a subsidiary shared surface road which would come off of this. This shared surface road within the 'Street' character area would not wholly conform to the principles agreed in the Site Wide Strategy. Rather, it has been deliberately designed to identify that it is not the main route through to the site, but instead a dead end to signal that that it is not the correct way to proceed further into the

development. It does however propose a pedestrian route through this area to ensure permeability across the site.

In any case, this area has a large number of similarities to the 'Street' character area by virtue of the design of the houses and also the tandem parking. As such, the area will not look out of keeping within the 'Streets' Character area, and would instead be an appropriate design solution. Overall, it is considered that the proposed layout in this area would largely conform to the 'Street' character area in the Site Wide Strategy and provide a suitable variation in character from the main boulevard area.

The site then moves logically into the remaining two character areas; the 'Lanes' and the 'Green Lanes.' Both these character areas are similar in their characteristics, although include key subtle differences. Starting with the 'Lanes,' these comprise a 6m shared surface road with a predominance of frontage parking, some tandem parking and parking courts. A key principle in the Site Wide Strategy is that with frontage parking, there would be a strip of landscaping and tree for every four spaces. This has now been achieved. The frontage parking would also generally incur the requirement of a low brick wall and footpath fronting that. The dwellings would be predominantly terraced or semi-detached, with odd examples of detached dwellings. This character area also includes the two flatted buildings. The 'Green Lanes' by comparison comprise 5.5m roads with a 2m footpath on one side, and open space on the other side. Parking would be in tandem and the dwellings would be a mixture of detached and semi-detached. Visitor parking would be located around some areas of the open space.

Matters of means of enclosure have been conditioned as part of the Outline Consent, however have also been included on a means of enclosure plan. In terms of more general comments; the plan shows a number of different solutions depending on the context of the site. Firstly, a 2m high close boarded fence would form the eastern boundary of the site in the 'Street' character area, and also the boundary from the flats and the Ridgeon's site. Back gardens would comprise 1.8m high timber panel fencing, while tandem parking areas would consist of a standard 1.8m close boarded fence. 1.8m Brick walls would front any prominent boundary with the public realm. 1.2m railings would be located on the frontage of dwellings in the 'Street' character area. There are also examples as previously discussed of low 0.6m brick walls in front of parking areas to protect amenity. While these details will be secured at the discharge of condition stage, it shows that the public realm would comprise high quality features which will only add to the overall character and sense of place created by the development.

Taking into account all of the above, it is considered that the reserved matters application would comply with the Site Wide Strategy in respect to the street hierarchy and character areas. It is considered that these areas take sufficient cues from the existing character of Feering, while being highly transferrable to the remainder of the wider allocation when this comes forward. As such, while the character areas have not changed since Planning Committee held on 17<sup>th</sup> December 2019, Officers remain of the view that they are acceptable and



comply with the approved Site Wide Design Guide. Additional Illustrate plans will be presented at Planning Committee to assist in illustrating the differences between the character areas.

### Appearance and Materials

In terms of appearance, the character areas define the style and appearance of each of the dwellings. The 'Boulevard' would be characterised by brick dwellings with some examples of mock-Georgian detailing. The 'Streets' would introduce a mixture of brick and render. The 'Lanes' would be primarily just brick but comprise smaller house types than those on the boulevard, while the apartment buildings would comprise some weatherboarding for visual interest. The 'Green Lanes' would start to introduce some weatherboarding onto the house types with brick plinths, a mixture of brick and weatherboard, and solely brick. Some house types are specific to certain areas, however generally speaking the main differences are secured through the material choices and boundary treatments as discussed above.

Materials have been suggested, however Officers have not recommended this as an approved plan as the exact choices of materials are not considered to be acceptable as submitted. These would subsequently be approved by way of discharge of the relevant materials condition on the outline consent. The affordable units and market units have been designed to secure a tenure blind design. Chimneys have also been added on key dwellings (market and affordable) in the street scene. Some dwellings have also been provided with feature brick plinths to add visual interest. Porches are consistent across the development, primarily consisting of a flat cap design.

### Quantum, Mix and Scale

In respect to the overall quantum of development, the outline application gained approval for up-to 165 dwellings. However, in order to address initial design and layout concerns, the development now proposes 162 dwelling units which includes 65 affordable dwelling units. Following Planning Committee held on 17<sup>th</sup> December 2019, there has been some further small amendments to the breakdown of the units to reflect changes made to the layout & house types.

In terms of the market units:

Type	No
2 bed 3 person house	14
3 bed 4 person house	35
4 bed 5 person house	28
4 bed 6 person house	20
Total	97

In terms of the affordable units:

Type	No	Affordable Rent	Shared Ownership
1 bed 2 person flat	9	9	0
2 bed 4 person flat	6	6	0
2 bed 4 person house	33	19	14
3 bed 5 person house	11	5	6
3 bed 6 person house	2	2	0
4 bed 6 person house	2	2	0
2 bed 4 person bungalow - Part M(3)	1	1	0
3 bed 5 person bungalow - Part M(3)	1	1	0
Total	65	45	20

In respect of scale, the development comprises a mixture of 1, 2, and 2½ storey dwellings, and two 3 storey apartment buildings (totalling 15 flats). The 2½ storey dwellings are primarily concentrated in areas overlooking public open space, while the development is predominantly 2 stories in height. The one storey bungalows (2 in number) would be on the south western aspect of the site.

A large number of concerns have been raised about the principle of three storey development in Feering, stating that it is out of character with the village.

Firstly, in respect to the principle of three storey buildings, while perhaps not clearly shown in the indicative layout submitted with the Outline application, three storey was not ruled out in its entirety, with the Officer commenting that:

*“The Masterplan indicates a mix of detached, semi-detached and short terraces and the Planning Statement (PS) indicates that most of the houses would be 2 to 2.5 storeys with an opportunity for some three storey buildings as “landmarks”.”*

In addition, while it is acknowledged that three storey buildings are not typical of Feering as it currently exists, Officers must ensure that any development here would not prejudice the wider allocation coming forward. If the principle of three storey development is resisted now, it could have significant implications on the remaining strategic allocation by resisting 3 storey development. That said, Officers would not accept a large number of three storey buildings as that would be wholly uncharacteristic and not appropriate in this edge of settlement context.

Notwithstanding this, the principle of three storey buildings at the site was not discounted by Members at Planning Committee held on 17<sup>th</sup> December 2019. Members did however raise concern about the close proximity and subsequent impact of the larger three storey flatted block on the Grade II\* Listed Building 'Cobham Oak Cottages' (Issue 4). In light of this both three storey flatted blocks have now been moved away from Cobham Oak Cottages and would be located overlooking the areas of open space within the site. The relocated flat blocks would therefore be prominent in views from the central area of open space within the site. As such, it is considered that the three storey flat blocks would now feature as landmark buildings which was something that was envisaged at the outline consent stage.

As such, while residents' concerns are noted, due to the above it is considered that the principle of a small amount of three storey accommodation is acceptable and that it has been effectively demonstrated through the submitted plans that it can be successfully achieved on the site.

### Layout & Open Space

In terms of general layout particulars, the development would aim to positively respond to its existing context by backing onto development on London Road and Inworth Road, while internally creating its own character with blocks of houses backing on to each other, and some dwellings fronting onto open space. The layout also fulfils an objection on the outline permission to provide a potential footpath link from the development through to the Ridgeon's site. The layout also provides a footpath connection to join up to the existing Public Right of Way adjacent to Threshfords Business Park.

The development would comprise two areas of open spaces. Some of the open space would act as attenuation basins as part of the SUD's features. At Planning Committee held on 17<sup>th</sup> December 2019, members raised concerns about the potential usability of the open space areas, and requested further information be provided to illustrate how these areas can be used (Issue 6).

The re-consultation period was supported with a sectional drawing and attenuation tiers showing the level differences, with indications of how full the area would be in certain rainfall scenarios. In summary:

- The attenuation basins (all tiers) would be completely dry for 249 days per year
- For a one in two year rainfall event, the upper tier would flood to a depth of 30mm with the entire pond draining within 21 hours
- For a one in five year rainfall event the upper tier would flood to a depth of 175mm with the entire pond draining within 28 hours
- The average annual rainfall for East Anglia equates to 5.4mm per rainy day – this storm water would be fully contained within the pipe networks and low flow channels.

As such, on a usual rainy day, both the upper and lower tiers of the attenuation basins would remain dry (i.e not underwater). It would only be the low flow channel which may be underwater in more prolonged periods of rainfall. The remaining lower and upper tiers will not be underwater unless there is a significant rainfall event, typically occurring once every two years. However even in these rainfall events, the areas will drain quickly and become usable again. It should also be noted that the S106 agreement for the outline consent does not exclude SUDs within the amount of Open Space that is required to be provided at the site.

Overall, Officers remain of the view that the areas of open space would provide usable amenity space for future occupiers, and be fully useable for most of the year, with only the low flow channel likely to be under water for those prolonged rainfall days.

The open space would also contain the play space area required by the S106, although this would be outside of the attention basin area. For the avoidance of doubt, this has now been indicatively shown on the general site layout plan for Members information. However, the exact particulars of the play space and the location will be secured through the S106. Overall, taking into account all of the above, it is considered the amenity areas would provide acceptable useable areas of amenity for future residents.

The site also retains a strip of land to the rear of the properties on Inworth Road providing an established right of access from their rear gardens. The development as proposed would respect this access.

#### Affordable Housing Distribution

In terms of the location of the affordable dwelling units, this was something which was raised as an issue by the Planning Committee held on 17<sup>th</sup> December 2019 (Issue 1). Members were concerned that the concentration of affordable housing in one area of the site would not be good design and potentially create undesirable and anti-social settings within the site. Members sought instead to secure 'pepper potting' of the affordable housing around the site. Pepper potting however, is not a technique routinely used or supported in either recent or current residential development proposals. The Housing Officer sets out that this is because:

*"Historically, pepper potting of affordable homes was initially encouraged by Government. This followed the move towards mixed tenure development in the late 1980's which provided alternatives to uniform estates with mono-tenure which were thought to segregate socio-economic groups. However, because of difficulties in management the pepper potting method has commonly evolved into a preference for grouping affordable housing into clusters. This approach is greatly favoured by registered housing providers because they consider this to be most practical way to provide effective management."*

While it is accepted Registered Providers might not raise concerns about the potential issues of over clustering of affordable units, it is important to meet their requirements, as otherwise the affordable units may not be able to be taken on or built out. Affordable housing therefore may not be able to be delivered, thus potentially significantly reducing the overall social benefit of the scheme. A fine balance must therefore be found between the need to cluster the affordable units, against the need to avoid an over concentration of units to create a harmonious layout.

Since the 17<sup>th</sup> December 2019 Planning Committee, the developers have revised the tenure mix of the layout to provide three distinct clusters of affordable housing, rather than two clusters on the previous layout considered at Planning Committee. The three clusters would also be separated by a greater number of market dwellings compared to the scheme deferred at Planning Committee. The first cluster would be on the North West aspect of the site, the second cluster in the centre of the site, and the final cluster on the South Western aspect of the site. The affordable housing was previously concentrated within the 'Lanes' area of development, however it has since been extended out to a small extent into the 'Street' hierarchy.

As well as effective management needs, the concentration of affordable housing clusters (albeit now in smaller concentrations) partly comes from the defined character areas which the site is creating as part of the approved Site Wide Design Guide (as discussed above).

The 'Lanes' character area primarily contains the smaller bedroom housing which more heavily features in the Affordable stock, as opposed to the market stock which is primarily larger housing (number of bedrooms). The Boulevard Hierarchy contains the largest 4 bedroom properties which would not be appropriate to meet the needs of affordable housing. The 'Street' hierarchy again would principally contain larger house types of which most would not be suitable to contain the affordable housing in its entirety; although in this case four affordable units have since been located in this area in order to try and assist in the spreading of the clusters.

Furthermore, the developer has provided a letter from Greenfields, a Registered Provider of affordable housing in the District, setting out that they are happy with the affordable housing layout as now proposed, and would take on the units if an agreement could be reached with the Developer. The Housing Officer also has no objection to the location and clustering of the affordable housing now proposed.

Taking into account all of the above, while pepper potting has not been able to be secured, Officers consider that the further breaking up of the affordable housing clusters secured post the 17<sup>th</sup> December 2019 Planning Committee are acceptable and meet the necessary requirements of a Registered Provider and the Housing Officer. It is therefore considered that the affordable housing locations are acceptable.

### Quality of Internal and External Amenity

At Planning Committee held on 17<sup>th</sup> December 2019, members raised concerns in respect to the lack of compliance with the garden sizes set out in the Essex Design Guide, and the quality of internal accommodation as set out in the Nationally Described Space Standards (NDSS) (Issue 2 and 3).

In terms of external amenity (garden areas), previously 152 of 162 dwellings accorded with the standard. With revisions to the layout, the development can now provide 100% compliance with the Essex Design Guide standards for garden areas; 50sq.m for a two bedroom property and 100sq.m for a three plus bedroom property.

In terms of internal amenity, previously 75% of the market dwellings complied with the NDSS, while a 100% of the affordable dwellings complied. Officers have successfully secured that the scheme would now deliver 100% compliance with the NDSS.

The NDSS are not formally adopted by Braintree District Council, however provide a good indication whether the quality of internal accommodation would be good or not for future occupiers. In this case, given that now all market and affordable dwellings comply with the NDSS, it is considered the development is acceptable in this regard.

In terms of defensible space, each dwelling would be provided with a suitable means of protection. Low brick walls have also been included in front of parking spaces where the parking does not correspond directly to the house that it is in front of. This is a principle that was established within the Site Wide Strategy and this development would comply with it accordingly. Back to back distances between residents would meet the Essex Design Guide standards. It is considered that these particulars are acceptable.

### Traffic Management, Parking & Waste Collection

In terms of parking, the development would accord with the Parking Standards, in that a one bedroom dwelling would provide 1 space, and a 2+ bedroom dwelling would provide two parking spaces. In accordance with the character areas the type of parking will vary, but all spaces would comply with the 2.9m by 5.5m size requirement. There would also be an additional 47 garage spaces measuring 7m by 3m (reduced from 50 on the previous scheme). There are also 41 visitor spaces proposed as part of the development (in accordance with standard). The visitor parking would be dispersed across the site, but also concentrated around the open space areas of the site. Formalising the parking in this way around the open space will assist in reducing curb side parking against these areas and provide a better designed solution.

The parking courts for the flats have been re-worked through negotiations with Officers to provide two separate access points, as opposed to a single access

point with landscaping breaking up the two areas. Any frontage parking would not have more than 4 spaces without being broken up by a tree and strip of landscaping in accordance with the Site Wide Strategy. As such, taking into account the above, it is considered that parking at the site would be appropriate, generally accord with standards set out in the Parking Standards and also those agreed in the Site Wide Strategy.

In terms of waste collection, each dwelling will be able to be accessed from the core spine road, with pull distances of 20m or below for the waste team, and no more than 30m the drag distances for residents to put their refuse on the highway. Overall it is considered that these particulars are acceptable.

In terms of traffic management measures, these were something that were added after the most recent round of consultation post Planning Committee held on 17<sup>th</sup> December 2019. These include both hard and soft features to assist in reducing vehicle speeds in the development. As these plans refer to very minor changes to the layout and matters of technical detailing, they were not formally re-consulted on, but uploaded to the website with more than a week remaining on the re-consultation period following Planning Committee held on 17<sup>th</sup> December 2019.

### Heritage

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 sets out 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"*.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The north western side of the application site is behind Cobham Oak Cottages, a Grade II\* listed building (list entry number: 1123836), which features a Grade II listed water pump within the site (list entry number: 1169412). Originally a hall house, Cobham Oak Cottages dates in part from the thirteenth century with many subsequent alterations, including its division into three properties, as it is at present. The Grade II listed public house, The Old Anchor, is opposite, further west of the application site (list entry number: 1169347). The buildings form a collection of buildings indicative of the historic

appearance of Gore Pit, a small hamlet now part of the larger village of Feering.

The impact on the Grade II\* Listed Building was also something that was raised by Members at Planning Committee held on 17<sup>th</sup> December 2019. As a consequence, and as previously discussed in the report, the three storey flatted blocks have now moved to a different part of the site, away from the setting of the Grade II\* Listed Building. The development now proposes two storey dwellings behind the Grade II\* Listed Building. An updated addendum to the heritage statement was also provided to supplement the revised plans.

The Historic Buildings Consultant considers that the relocation of the three storey block is an improvement, *'creating a development which will have a much lower visual impact upon the setting of the listed building'*. Therefore it is considered the revised scheme goes a considerable way to address concerns by Members about the setting of the Grade II\* Listed Building.

The Historic Buildings Consultant still however identifies a less than substantial harm to the setting of the Grade II\* Listed building from the development. This harm arises from the overall principle of the residential development of the site, as opposed to the form of development now proposed. The Historic Buildings Consultant however acknowledges that the existing dwelling behind Cobham Oak Cottages 'severs' the relationship between the building and the field beyond, and thus attributes harm at the 'lower end' of less than substantial. The principle of residential development at the site has already been established through the Outline approval. Moreover, the Historic Buildings Consultant at the time considered that the residential development of the site would not detrimentally harm the setting of Cobham Oak Cottages.

Notwithstanding the above, the most up-to-date heritage comments should be carried forward, and thus the application considered with the harms against the benefits.

In this case, there are considerable public benefits which would arise from the development; these include but are not limited to the sites highly assessable location, contribution to the housing supply, contribution to the vitality of the settlement through increased revenue and S106 contributions for services. It is considered that the weight to be attached to these benefits would outweigh the less than substantial (at the lower end) harm that would arise to the setting of the Grade II\* Listed Building. As such, in the heritage balance, it is considered that the heritage harms would not outweigh the public benefits. The wider planning balance exercise is carried out at the end of the report which considers all harms and benefits of the development.

#### Impact on Neighbour Amenity

A core principle of 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 RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable from neighbouring impact perspective.

The site is bounded to the North East by agricultural buildings/land, to the North West by residential properties fronting London Road and the Ridgeon's industrial site, while to the West and South West are the backs of properties on Inworth Road, and furthest south is Threshelfords Business Park.

Firstly, the properties on London Road which back onto the site all contain long gardens, averaging approximately 30-35m in length from the rear of the properties. Plots 144-154 all back onto these properties, with the average plot depth of 12m. As such, while there would be a short reduction on the 15m depth to rear boundaries, overall the back to back distance would be far in excess of 25m, and actually total in the region of 42m at the very smallest distance. It is therefore considered that the proposal would not have a detrimental impact on those residential properties fronting London Road. Holmfield is one property on London Road which also has Plot 162 to the rear/side of it. However due to orientations, and separation distances, it is considered that Holmfield would still not be detrimentally affected by virtue of overlooking, overshadowing or overbearing.

Secondly, the properties on Inworth Road which back onto the site contain long gardens, averaging approximately 40m in length to the backs of houses. Plots 122-96 all back onto these properties, with an average plot depth of 9m, but a further 3m gap for the strip of land behind, so also around 12m to the common boundary. As such, again while there would be a short reduction on the 15m depth to rear boundaries, overall the back to back distance would be far in excess of 25m, and actually total in the region of 50m at the very smallest distance.

In terms of the other common boundaries, these would be non-residential and thus not needing to be afforded the same level of protection. However in any case, it is considered that the development would not unacceptably prejudice these areas. Taking all of the above into account, it is considered that the development is acceptable from a neighbour impact perspective.

### Landscaping & Ecology

In respect to 'Landscaping,' detailed proposals have been submitted with the application in order to enhance the overall quality and sense of place of the development. The layout also includes two areas of open space and tries to retain existing hedging/trees on the site which are of more significance. The way that the open space has been designed is that it would likely be able to be linked to the wider allocation when that came forward for development. It is therefore aiming to be holistic in its approach, as well as providing a potential

access across into the wider allocation. The development also proposes long life trees to be planted in the 'Boulevard' character area, which will only add to the overall quality and sense of place created by the development.

Concerns have been raised in respect to tree/hedgerow lost in connection with the application, however these particulars have already been agreed in principle with the grant of outline planning permission. Overall the Landscape Officer has no objection to the development subject to securing other details like open space management through conditions attached to the outline approval.

In addition to the above, the Council's Ecology Officer has no objection to the application, requiring an additional condition in respect to a biodiversity enhancement strategy. All other ecological measures would be secured through the discharge of condition process (condition or S106 requirements) attached to the Outline approval. At Planning Committee held on 17<sup>th</sup> December 2019 Members queried what biodiversity net gain would be able to be delivered on the site (Issue 7). These measures are contained within the Landscaping and Ecological management document submitted to discharge obligations in the S106 connected to the outline application. Although not for approval as part of this Reserved Matters Application, these measures would include:

- The installation and suitable location of 43 bat and bird boxes /other features on houses and trees (overseen by the Ecological Clerk of Works (ECoW) where necessary)
- Plants known benefit to birds & bats would be included within the planting scheme
- Lighting mitigation strategies
- Holes for hedgehogs in fencing for 'Hedgehog highway'

Concerns have been raised that the ecology surveys submitted with the Outline approval are now out of date. However, the Ecology Officer is satisfied that the development can proceed on the site without further surveys, as measures to protect and enhance biodiversity and wildlife have been secured as part of the Outline approval. As such, while residents' concerns are noted, it is considered the proposal is acceptable in this regard.

### Highway Issues

The access to the site has been previously accepted at the Outline Approval Stage. Thus the means of access have been agreed. A blue dotted line is indicated on the plans to illustrate land that could be left to provide a roundabout, should the need arise in future. However, for the purposes of this development, Officers can only consider what is now shown and what has previously been approved. If a roundabout was required at a later date, it would need to go through all necessary stages to be considered acceptable. As such, it is considered the access arrangements are acceptable as shown, and integrate with the overall development well.

A large number of concerns from the Parish Council and residents have been raised in respect to the overall traffic impact that the development would have. It is stated that the local area would not be able to accommodate any further traffic until such time that the infrastructure is improved and the A12 widening takes place. While these concerns are noted, the overall traffic impact of the development was previously considered at the outline stage, and found acceptable by Essex Highways. As such, these particulars cannot reasonably be considered again at this stage, as the reserved matters application only focuses on the finer details of the development e.g. layout. Therefore, while residents' concerns are noted, these particulars have previously been considered acceptable.

#### Flooding and Drainage Strategy

The applicant proposes to utilise a sustainable urban drainage system with a piped system which would discharge surface water within two shallow attenuation basins within the open areas of the site. These particulars have been covered in more detail in the 'Layout' section above.

Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal. Any outstanding matters in respect to surface water drainage would be secured through conditions attached to the outline approval.

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

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As the development is over 100 dwellings, it is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£122.30 per dwelling) for delivery prior to occupation. These matters are to be secured via a Unilateral Undertaking. The applicant has agreed to meet with this contribution.

#### PLANNING BALANCE AND CONCLUSION

Paragraph 11 of the NPPF stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; but 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 the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The principle of residential development at the site is established under the existing outline consent 16/00569/OUT. The applicant seeks permission only

for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

In this case, there are considerable public benefits which would arise from the development; the site would be in an accessible location and would significantly contribute to the Districts Housing Land Supply. The development would secure contributions to local infrastructure including schools and doctors surgery, and would provide a high quality design and layout which will set the precedent for the wider allocation. Against these benefits, there would be 'less than substantial' harm at the lower end to the setting of the Listed Building 'Cobham Oak Cottage'. However, in accordance with Paragraph 196 of the NPPF, it is considered that the benefits of the development would outweigh the less than substantial heritage harm.

Officers consider that the submitted revised plans address concerns raised by Planning Committee held on 17<sup>th</sup> December 2019. These were:

1. **Affordable housing distribution** - A better distribution achieved
2. **Compliance with the Nationally Described Space Standards** - Achieved
3. **Compliance with garden size standards** - Achieved
4. **Location of the three storey flatted block** - Relocated away from the Listed Building
5. **Location of the play space** - Identified (indicative only as still subject to S106 submission)
6. **SUDS and what is actual useable open space** - Explained/clarified
7. **Biodiversity net gain – trees/ landscape** - set out
8. **Differentiation of character areas** - Better identified

As such, Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms. Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

### RECOMMENDATION

It is therefore recommended that the application is GRANTED subject to the applicant entering into a suitable Unilateral Undertaking to cover the following RAMS contribution:

- A financial contribution of £19,812.60 towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site.

The Planning Development Manager be authorised to GRANT 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 Planning Development Manager may use his delegated authority to refuse the application.

### APPROVED PLANS

Location Plan	Plan Ref: 18-2758-001	
Specification	Plan Ref: 012	Version: L
Dimension plan	Plan Ref: 013	Version: K
General Plans & Elevations		Plan Ref: 060
Proposed Elevations	Plan Ref: BLO-007	
Proposed Floor Plan	Plan Ref: BLO-008	
Proposed Elevations	Plan Ref: BSP958-1.PL-01	Version: B
Proposed Elevations	Plan Ref: BSP958-1.PL-02	Version: B
Proposed Floor Plan	Plan Ref: BSP958-1.PL-03	Version: A
Proposed Floor Plan	Plan Ref: BSP958-1.PL-04	Version: A
Proposed Floor Plan	Plan Ref: BSP958-1.PL-05	Version: A
Proposed Elevations	Plan Ref: BSP959.PL-01	Version: A
Proposed Elevations	Plan Ref: BSP959.PL-02	Version: A
Proposed Floor Plan	Plan Ref: BSP959.PL-03	Version: A
Proposed Floor Plan	Plan Ref: BSP959.PL-04	Version: A
Proposed Floor Plan	Plan Ref: BSP959.PL-05	Version: A
Proposed Elevations	Plan Ref: NSS.281-1_NSS.372-1	
Landscaping	Plan Ref: EA142-LS-001F	
Landscaping	Plan Ref: EA142-LS-02F	
Landscaping	Plan Ref: EA142-LS-03G	
Landscaping	Plan Ref: EA142-LS-04G	
Landscaping	Plan Ref: EA142-LS-05G	
Site Plan	Plan Ref: 002	Version: AP
Massing Plan	Plan Ref: 003	Version: M
Refuse Information	Plan Ref: 004	Version: L
Parking Strategy	Plan Ref: 005	Version: M
Boundary Treatment	Plan Ref: 006	Version: M
Garden Study	Plan Ref: 008	Version: T
Planning Layout	Plan Ref: 009	Version: L
Tenure Plan	Plan Ref: 010	Version: K
Other	Plan Ref: 011	Version: M

### CONDITIONS

- 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 above ground works shall commence unless and until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

#### Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). This is necessary to ensure that this application provides net gains for biodiversity, as outlined under paragraph 170d of the NPPF.

#### SUBMITTED PLANS

Topographical Survey	Plan Ref: 15155-15-01	
Street elevation	Plan Ref: 014	Version: F
Street elevation	Plan Ref: 015	Version: D
Street elevation	Plan Ref: 016	Version: D
Boundary Treatment	Plan Ref: 020	Version: E
Proposed Floor Plan	Plan Ref: NSS.281-1_NSS.372-1	
Proposed Plans	Plan Ref: NSS.374.PL-01	
Proposed Plans	Plan Ref: NSS.375.PL-01	
Proposed Elevations	Plan Ref: 384_384-1.PL-01	
Proposed Floor Plan	Plan Ref: 384_384-1.PL-05	
Proposed Elevations	Plan Ref: RV401.472-1.PL-01	
Proposed Floor Plan	Plan Ref: RV401.472-1.PL-05	
Proposed Elevations	Plan Ref: RV401.476-1.PL-03	
Proposed Floor Plan	Plan Ref: RV401.476-1.PL-06	
Proposed Elevations	Plan Ref: RV401.489-1.PL-03	
Proposed Floor Plan	Plan Ref: RV501.489-1.PL-06	
Proposed Plans	Plan Ref: NSS.282_NSS.282-1.PL-01	
Proposed Plans	Plan Ref: NSS.372.PL-01	
Proposed Plans	Plan Ref: NSS.372.PL-02	
Proposed Plans	Plan Ref: NSS.375.PL-02	
Proposed Elevations	Plan Ref: 384_384-1/PL-01	
Proposed Floor Plan	Plan Ref: 384_384-1/PL-05	
Proposed Plans	Plan Ref: RV402.470-1.PL-01	
Proposed Plans	Plan Ref: RV402.470-1.PL-02	
Proposed Elevations	Plan Ref: RV401.472-1.PL-01	
Proposed Floor Plan	Plan Ref: RV402.472-1.PL-05	
Proposed Elevations	Plan Ref: RV401.476-1.PL-01	
Proposed Elevations	Plan Ref: RV401.476-1.PL-02	
Proposed Floor Plan	Plan Ref: RV401.476-1.PL-06	
Proposed Plans	Plan Ref: RV401.477-1.PL-01	

Proposed Plans	Plan Ref: RV401.487-1.PL-01	
Proposed Elevations	Plan Ref: RV401.489-1.PL-02	
Proposed Floor Plan	Plan Ref: RV501.489-1.PL-06	
Proposed Floor Plan	Plan Ref: NSS.M2B4P.PL-02	
Proposed Elevations	Plan Ref: NSS.M2B4P.PL-01	
Proposed Plans	Plan Ref: NSS.374.PL-05	
Proposed Plans	Plan Ref: NSS.375.PL-05	
Proposed Plans	Plan Ref: NSS.375-1.PL-05	
Proposed Elevations	Plan Ref: 384_384-1.PL-06	
Proposed Floor Plan	Plan Ref: 384_384-1.PL-05	
Proposed Elevations	Plan Ref: RV401.472-1.PL-01	
Proposed Floor Plan	Plan Ref: RV501.472-1.PL-05	
Proposed Elevations	Plan Ref: RV401.476-1.PL-01	
Proposed Floor Plan	Plan Ref: RV401.476-1.PL-06	
Proposed Plans	Plan Ref: RV402.470.PL-01	
Proposed Plans	Plan Ref: RV401.477.PL-01	
Proposed Plans	Plan Ref: RV401.477-1.PL-02	
Proposed Plans	Plan Ref: RV401.487.PL-01	
Proposed Elevations	Plan Ref: RV401.489.PL-01	
Proposed Elevations	Plan Ref: RV401.489.PL-08	
Proposed Floor Plan	Plan Ref: RV501.489.PL-06	
Proposed Floor Plan	Plan Ref: NSS.282_NSS.282-1.PL-01	Version: A
Proposed Elevations	Plan Ref: NSS.282_NSS.282-1.PL-02	Version: A
Proposed Elevations	Plan Ref: NSS.376.RV701_NSS.281.PL-01	
Proposed Floor Plan	Plan Ref: NSS.376.RV701_NSS.281	
Proposed Plans	Plan Ref: NSS.375.PL-01	
Proposed Elevations	Plan Ref: NSS.807.PL-01	
Proposed Floor Plan	Plan Ref: NSS.807.PL-03	
Proposed Elevations	Plan Ref: NSS.807-1.PL-01	
Proposed Floor Plan	Plan Ref: NSS.807-1.PL-03	
Proposed Elevations	Plan Ref: NSS.372_NSS.281_NSS.376-1	
Proposed Elevations	Plan Ref: NSS.372_NSS.281_NSS.376-1	
Proposed Floor Plan	Plan Ref: NSS.372_NSS.281_NSS.376-1	
Proposed Plans	Plan Ref: NSS.372.PL-01	
Proposed Plans	Plan Ref: BSP960.PL-01	
Proposed Plans	Plan Ref: BSP961.M3BB5P.PL-01	
General	Plan Ref: 18-2758-012	Version: H
Lighting Plan	Plan Ref: 1804-166-016	Version: E
Design and Access Statement		Plan Ref: Part 1
Design and Access Statement		Plan Ref: Part 2
Proposed Floor Plan	Plan Ref: BSP961.M3BB5P.PL-02	
Proposed Elevations	Plan Ref: RV101-NSS.M2B4P.PL-01	
Proposed Floor Plan	Plan Ref: RV101-NSS.M2B4P.PL-02	
Proposed Elevations	Plan Ref: RV1-NSS.M861.PL-01	
Proposed Floor Plan	Plan Ref: RV1-NSS.M861.PL-02	
Proposed Floor Plan	Plan Ref: BLO-008	
Proposed Elevations	Plan Ref: BLO-007	
Proposed Floor Plan	Plan Ref: BSP978-NSS.M3B6P25	
Proposed Elevations	Plan Ref: RV1-NSS.M866-1.PL-01	
Proposed Floor Plan	Plan Ref: NSS.M866-1.PL-02	

Proposed Elevations  
Proposed Floor Plan  
Materials Details

Plan Ref: RV301-NSS.M3B5P.PL-01  
Plan Ref: RV301-NSS.M3B5P.PL-02  
Plan Ref: 007

Version: M

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER



## PART A

## AGENDA ITEM NUMBER 5.5

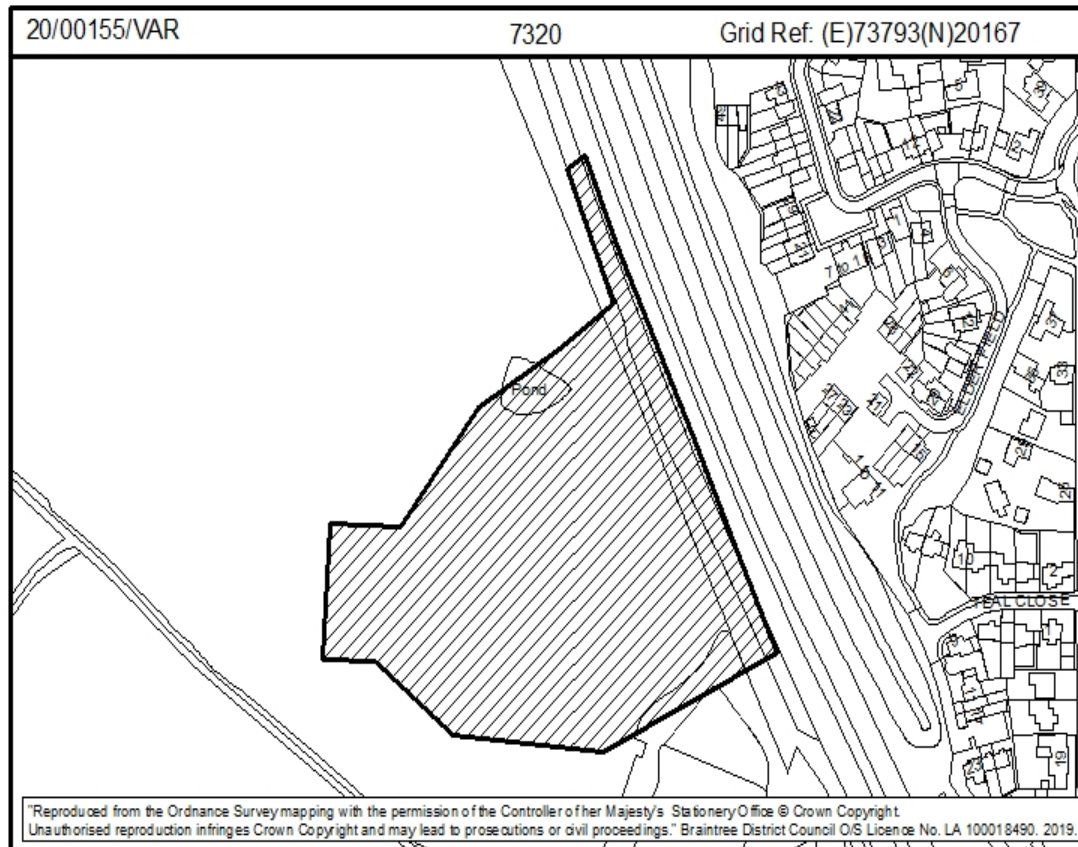
APPLICATION NO: 20/00155/VAR  
DATE VALID: 24.01.20

APPLICANT: Mr Raoul Tufnell  
Thorney Weir House, Thorney Mill Road, Iver, SL0 9AQ

DESCRIPTION: Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved application 19/01092/FUL granted 30/09/2019 for: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. Variation would allow: , - Updated design drawings and materials to main building, - Updated landscaping scheme and lighting, - Updated ecological statement

LOCATION: Land North Of Slamseys Farm, Blackley Lane, Great Notley, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q4LQAPBFK/IT00>

## SITE HISTORY

17/01235/FUL	Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.	Granted	26.10.17
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.		30.09.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Pending Consideration	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
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
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP76	Renewable Energy
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
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas

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

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development

LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Neighbourhood Plan

None.

#### Supplementary Planning Guidance

Essex Parking Standards Design and Good Practice 2009  
External Lighting Supplementary Planning Document

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application site is located upon land owned by Braintree District Council.

#### NOTATION

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

The application site also sits partly within an area proposed for allocation for employment use as part of a much larger employment site allocation in the Publication Draft Local Plan which would be located within the revised Village Envelope.

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

## SITE DESCRIPTION

The application site lies in the countryside and measures approximately 2.3ha. It consists of a portion of agricultural land with limited associated trees and boundary hedge and fronts onto the A131 although there is currently no access to this road.

To the north and west the site is bounded by further agricultural land. To the south lies Slamsey's Farm which contains two Grade 2 listed buildings.

In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south. Great Notley Country Park lies to the north and expansive agricultural land to the west.

## PROPOSAL

The applicant seeks to make a Minor Material Amendment to previously approved planning permission 19/01092/FUL. This planning permission was a full planning permission for an electric vehicle charging forecourt comprising 24 charging points, energy storage facilities, ancillary 'dwell' facilities for drivers/passengers, car parking, hard and soft landscaping and access arrangements from the A131 and was granted on 30<sup>th</sup> September 2019.

Development has commenced on site with groundworks underway.

The proposed Minor Material Amendment consists of the following:

- Minor re-alignment of A131 road access to comply with permitted adjacent Horizon 120 scheme as the access is shared between the two sites
- Redistribution of car parking spaces within the Forecourt
- Minor extension to the size of the proposed stairwell on the Gridserve building

The applicant has also submitted additional information to enable some of the previous conditions attached to the original planning permission to either be amended to compliance conditions or not to be re-imposed as they are no longer required and have already been discharged. These are as follows:

- Archaeology Conditions - reduced requirement as Archaeological investigations now completed
- Materials Samples - to be amended to compliance with submitted samples
- Lighting scheme - to be amended to compliance with submitted details
- Detailed Landscaping Scheme - to be amended to compliance with submitted details
- Construction Method Statement - to be amended to compliance with submitted details
- Great Crested Newt License - to be amended to compliance with submitted details and with Method Statement

- SUDs scheme details - to be amended to compliance with submitted details

## CONSULTATIONS

### BDC Environmental Health

Require further details of how the lighting has been designed to prevent undue disturbance to nearby receptors. Details of screening/shielding/design and height of lighting is required and confirmation that the required lighting guidance standards are to be adhered to.

### ECC SUDs

No objection.

### Highways England

No objection.

### ECC Archaeology

No objection. The required programme of archaeological work has been completed and the associated archaeological monitoring is ongoing. A condition requiring the submission of a final archaeology report will be required and also a condition to ensure that the ongoing monitoring is completed.

### BDC Landscape

No objection.

### BDC Ecology

No objection with the exception of lighting. The proposed landscaping scheme is acceptable. Details of bat and bird boxes to be installed are again required by way of condition.

The proposed lighting levels are excessive and consideration needs to be given to lowering lighting levels, using warm white lights and the use of shielding. (It is proposed that the original lighting condition will be re-imposed to allow further work to be undertaken on the lighting scheme with the involvement of the BDC Ecology and BDC Environmental Health).

It is noted that an EPS License (Great Crested Newts) has been granted for this development by Natural England. This does not cover the removal of the dried pond therefore this must be covered under the non-license method statement for the adjacent site with the new pond to be provided by the end of June 2020 at the latest.



## Great Notley Parish Council

No comments received at the time of writing.

## REPRESENTATIONS

No representations received.

## REPORT

The principle of development has been established under the existing full planning permission for the site (Application Reference 19/01092/FUL) which has been implemented. The current application seeks only to make a minor material amendment to vary this existing permission. However, for completeness and because the proposed variation would form a new planning permission, the consideration of the principle of the original development is set out below.

The application site is located within the countryside. It sits partly within a larger area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Publication Draft Local Plan. The larger part of the site lies outside this allocated area and sits within the countryside.

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

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

The proposal is for an electric vehicle charging station which is classed as a 'sui generis' use and is therefore a departure from both the Adopted Local Plan and the Draft Local Plan.

It is also noted that the larger part of the site would sit outside the strategic employment boundary allocation and would be located in unallocated countryside. This would also constitute a departure from the Development Plan and would be contrary to Policy CS5 of the Adopted Core Strategy which states that development outside settlement boundaries will be strictly controlled to uses appropriate to the countryside.

The proposal must therefore be assessed on its merits as the general principle of such development is contrary to adopted local planning policy.

## Sustainability

Whilst the proposed use does not comply with B1, B2 and B8 employment uses, it is a proposal which would generate employment, needs to be located adjacent to a main vehicular route through the District; is well suited to being positioned adjacent to an innovation and enterprise business park has very significant public benefit in terms of sustainability.

The proposal would provide 24 electric vehicle charging points with 12 ultra-rapid (150kW with under 30 minute charge time) and 12 rapid (50kW with over 30 minute charge time) charging speeds available and would be able to cater for all vehicle types including HGV's. Currently there are only limited charging facilities within the entire District and only 8 or so 50Kw rapid charge points and no ultra-rapid charge points.

Clearly, the applicant's proposal would make a very substantial contribution towards electric vehicle charging within the District and the proposed location would ensure it was well positioned to serve a much wider catchment.

In terms of Planning Policy, the NPPF acknowledges the increasing importance of electric vehicles in achieving sustainable development and states at Paragraph 110 that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. At the local level, the Draft Local Plan identifies at Paragraph 6.152 the need to encourage alternative approaches such as electric cars and to facilitate the infrastructure to support them to assist in reducing harmful emissions. Policy LPP44 of the Draft Local Plan builds on this stating that development proposals should provide appropriate facilities for a variety of (sustainable) transport modes including 'facilities for charging points in and other ultra-low emission vehicles'.

There is clearly therefore planning policy support for such proposals and with electric vehicle ownership steadily increasing the provision of a major charging facility within the District is of clear benefit in terms of achieving and stimulating sustainable development.

## Heritage

There are two listed buildings and a dovecote located to the south of the application site at Slamseys Farm. The applicant submitted a Heritage Statement in support of their original application which assessed the potential impact of the proposed development upon these heritage assets. The Statement found no harm to be caused to any of these buildings and the currently proposed minor material amendments to the original scheme will not change this.

The Council's Historic Buildings Consultant was consulted on the original application and advised the following:

*Due to the proximity of the proposed site to the heritage assets, there will be some harm to the setting of these assets. However, although contrary to Paragraph 196 of the NPPF, I would place this harm on the lower end of less than substantial harm to the listed buildings. The proposed use of the site is likely to have benefits which will positively enhance the use of sustainable vehicles within the district and therefore the harm to the setting of the heritage assets needs to be balanced against the benefits to the wider area by the local authority.*

Where it is identified that a proposed development would cause less than significant harm to a designated heritage asset the NPPF requires a 'heritage balance' to be completed stating:

*'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'.*

The proposal is identified as causing less than substantial harm to the identified heritage assets and more specifically to be at the 'lower end' of the less than significant harm scale. In terms of public benefit, the development would make a very significant contribution to electric vehicle charging facilities within the District and, being situated on a major transport route, the wider hinterland.

Officers consider that the public benefit of the proposal in facilitating more sustainable modes of transport outweighs the limited heritage harm identified.

### Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (Paragraph 56) that 'good design is a key aspect of sustainable development' and that (Paragraph 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 proposed layout is largely the same as that which was previously approved. It would consist of the main charging area which would contain 24 vehicle charging points and would be covered by a canopy roof with inverted pitch with solar panels mounted on top of it. The hub building with its associated facilities and services would be located immediately adjacent to this with dedicated parking areas running along the north-eastern and southern boundaries of the site. An internal loop road would provide access around the site and would lead back to a roundabout positioned on the outer side boundary. This in turn would link to a new access road taken from the A131.

The revised scheme widens this loop road slightly to allow for a dedicated queuing lane on the site's southern boundary for motorists waiting to charge their vehicles. To enable this, some subtle changes to the layout have been made, such as re-positioning some of the parking spaces and storage areas.

The main access road and the new roundabout located within the site boundary would serve the proposed development but have also been specifically designed to serve the wider innovation and enterprise business park.

Between the proposed main access and the hub building the applicant proposes to locate the required electrical infrastructure with an associated substation, all of which would be single storey structures.

The proposed layout is functional and is considered to be appropriate for the intended use of the site and the proposed amendments to the original scheme are minor in nature.

In terms of design, there are two key elements to the scheme. The hub building is the focal point and consists of a two storey building measuring approximately 8.5m in height with taller section measuring approximately 10.6m. It is of a contemporary design which uses expansive glazing and a modern architectural form to create a focal point for the development. The applicant proposed to slightly extend the proposed stair core in width although the difference would be negligible with an increase of approximately 1.5m. Some minor changes are also proposed to the buildings elevations including the repositioning of glazing.

The second component of the scheme is the charging area which is similar in appearance to a petrol filling station with a modern canopy roof and multiple rapid charging points for vehicles to park and connect to.

As a whole, the design of the proposal is clean, contemporary and appropriate for a cutting edge facility such as that proposed. The proposed amendments are minor and are considered to be acceptable.

### Landscaping

The amended scheme does not proposed any significant changes to the landscaping for the site.

The strongest landscape planting is proposed to the site's southern boundary with a 2m high deer proof stock fencing (posts with mesh) being located along with native species planting including a hedgerow. The applicant's Landscape Appraisal submitted with the original application indicates that the hedge would reach its full proposed height of 2.5m within 5 years of being planted and would thereafter screen the southern site boundary efficiently.

Tree planting is also proposed and it is anticipated that within 10 years these would reach a mature height of around 9m, adding to the screening of the development from the wider area.

Other boundaries would be maintained at a lower height where the site would front into the wider employment site allocation. This is considered appropriate and would also allow the necessary visibility of the site from the A131 so that passing motorists are aware of the charging station's presence.

In terms of tree removal, the applicant proposes to remove 8 individual trees, 8 groups of trees and parts of 2 further tree groups which together forms a notable stretch of planting, but all of which are either Category C or Category U. The trees would be removed to facilitate the proposed access road and to provide the site with a degree of frontage to/visibility from the A131. Although a degree of harm would be caused by removing these trees, all are of a low category and it is accepted that their removal is necessary, both to facilitate the access to the site but also to ensure that the charging station is actually visible from the road.

The amended scheme also requires the removal of some additional Category C and Category U trees adjacent to the dried pond on the site and a small number of additional Category B trees where the re-aligned access would intercept the A131. All of these tree removals have already been approved under the planning permission for the adjacent site which shares the same access.

The Council's Landscape Team have reviewed the amended scheme and the detailed planting scheme for the site and have no objection to it.

When assessing the original planning application, Officers noted that the strategic allocation for the larger employment site included a landscaped buffer which runs parallel to the A131. This buffer stops adjacent to the north of the application site to acknowledge that a new access will be required here. The applicant's proposal (and the amended proposal) includes a second access point from the A131 and therefore requires the removal of an additional section of the proposed landscape buffer. In planning terms, it is accepted that having two access points to such a large strategic employment site is beneficial and that the charging station has a genuine need to be visible from the A131. The existing shelter belt trees to be removed are primarily identified as Category C and Category U with a small number of Category B trees and their removal is not considered to be objectionable in this context.

The strategic allocation pursuant to Policy CS4 of the Adopted Core Strategy also required a masterplan to be produced and a preferred masterplan for the site was completed. Again, this shows the landscape buffer to the A131 which is discussed above. In addition, it also shows a landscape buffer to the western boundary of the allocation which is located on land immediately to the west of the current application site boundary. Importantly this westerly landscape planting can still be achieved on the wider employment site and the current application does not prejudice the opportunity for significant landscape

screening to be achieved to this part of the future employment site as a whole, nor does it prejudice the delivery of the employment site as a whole.

Overall, it is not considered that there are any grounds to recommend refusal of planning permission for the amended scheme on landscape grounds.

### Ecology

The applicant submitted an Ecology Report in support of their original application. The majority of the application site is agricultural land and is not of notable ecological value. A narrow strip of broad-leaved plantation woodland is located along the edge of the site alongside the A131 and there is an area of unimproved grassland to the north of the site and an area of tall ruderal vegetation to the south.

A (dried) pond is also positioned on the site which in the past was identified as holding a medium population of Great Crested Newts. No bat roosts or badger setts were identified on the site.

Under the original scheme the dried pond was to be retained and the development completed under a Great Crested Newt License with a condition attached to the planning permission requiring a copy of the License to be submitted to the Local Planning Authority. Since the application was granted a copy of this license has been correctly submitted and the development is currently progressing under this License.

The applicant has since advised that the access road on their original application was in fact in the wrong position hence its slight re-alignment under the current application. This re-alignment would mean that it would then match precisely with the position of the access road shown for the approved planning permission for the Horizon 120 (adjacent) site, this being critical as both schemes share the same access road. The re-alignment means that the dried pond would need to be infilled, again as per the approved planning permissions for the adjacent site which already show this.

The applicant therefore intends to adhere to the adjacent site's Non Licensed Method Statement with regard to the removal of the dried pond. This was deemed appropriate on the adjacent site due to the distance from the application site to the nearest off site pond which was found to hold Great Crested Newts, the fact that this pond only holds a small population, and the proposed retention and enhancement of the majority of existing Great Crested Newt habitat on the wider Horizon 120 site.

The key part of the mitigation strategy for the adjacent site's planning permissions, which is required by way of condition, is the provision of a substantial new attenuation pond located at the northern end of the Horizon 120 site by the end of June 2020. This new attenuation pond has been designed with input from the Council's Ecology Officer and would provide a new water body habitat with associated grassland and shrub planting to the benefit of birds, bats and amphibians and particularly Great Crested Newts.

The same condition is therefore required for the current planning application to ensure that the mitigation for both sites, (which share the same access point resulting in the loss of the dried pond) is identical.

Although this condition would therefore relate to land outside the red line for the current application, given that the access is shared and is essential for both schemes, and that the applicants are working together to provide the access, Officers consider that this condition can reasonably be imposed.

The applicant's Ecology Report also identifies mitigation and enhancement measures including native tree and shrub planting, the provision of wildflower rich grassland around the site periphery and the erection of bat and bird boxes. A condition is therefore recommended to secure this as per the original planning permission.

### Highways and Parking

Other than the slight re-alignment of the access road and the re-locating of some of the parking spaces on the application site the amended scheme does not differ from the original proposal in terms of highways and parking. The previous highways and parking assessment is set out below for completeness.

Both ECC Highways and Highways England have been consulted and have raised no objection. The original application was accompanied by a Transport Assessment which concluded that the development would have a negligible impact upon the existing road network. In terms of vehicle movements, the Transport Assessment predicted that the development could generate 85 inbound and 86 outbound vehicle movements in the pm peak hour (1700 – 1800). However, it is then assumed that 80% of these trips would be pass by or linked trips i.e. drivers already on the road network for another reason who would divert to recharge their car, in the same way petrol car drivers would stop to refuel on the way home from work as opposed to specifically undertaking a trip solely to refuel.

Applying this assumption, which Officers consider reasonable, reduces the developments unique trip generation from 173 movements to 34 movements, meaning that only 34 new trips would be generated by drivers undertaking a trip for the sole purpose of refuelling their vehicle.

With regard to parking, the total number of parking spaces has increased slightly with 4 extra spaces from the previously approved scheme. The Essex Parking Standards (2009) do not set out a requirement for an electric vehicle charging station as the concept is a new one. However, standards are set out for petrol filling stations which offer a reasonable comparison. The requirement detailed is for 1 space per 20sqm of retail floorspace only. The applicant's proposal includes a maximum of 190sqm of (A1) retail floorspace and 117sqm of (A3) restaurant/café floorspace at ground floor level. This would generate a maximum requirement of 10 spaces to serve the retail floorspace and 24 spaces for the A3 floorspace (although Officers note that

the parking standards do not specifically require parking spaces for A3 filling station floorspace, only for A1 filling station floorspace).

At first floor level the use is specified as 'D2' (assembly and leisure) which generates a requirement of 1 space per 20sqm with a maximum requirement of 14 spaces. Overall, based on individual calculations of the different floorspace types within the proposal the maximum parking requirement is 48 spaces. However, it is important to note that this calculation is reached by applying different sections of the parking standards and is not considered to be a particularly realistic or appropriate calculation. The A1, A3 and D3 uses within the hub building are all aimed at drivers already using the charging station and are not designed to operate in the manner that a normal A1 retail facility or A3 café would operate. It is reasonable to assume that a large proportion of people using the above facilities will be doing so whilst their vehicle is charging.

Overall, the applicant proposes 32 car parking spaces on the site, in addition to the 24 charging bays and 5 peripheral spaces for staff with 5 staff members anticipated in total. A parking enforcement regime would also be put in place using ANPR cameras and permitting a 3 hour maximum stay in non-charging spaces (i.e. standard parking spaces). The combined total of charging spaces and car parking spaces is 61 spaces. The Essex Parking Standards provide a limited degree of guidance but this is a bespoke development and Officers consider that an individual approach is required when assessing parking provision. The parking standards maximum requirement of 48 parking spaces is comparable to the 61 spaces proposed, considering that 24 of these spaces are charging bays but also that many people visiting the site will be there to charge their cars rather than just to use for example the modest retail facility.

### Amenity

Policy RLP118 of the Adopted Local Plan also requires that the impact of the proposal on the amenity of the area must be acceptable.

The charging station would operate on a 24/7 basis but would be staffed between the hours of 0600 – 2200 only.

In this case the site is located on agricultural land and is not in particularly close proximity to existing dwellings. The nearest dwellings are located on the opposite side of the A131 at a distance of approximately 85m. Whilst the charging station is not identified as being a use which is likely to generate a large amount of noise, the Council's Environmental Health Team have recommended that a safeguarding condition is used to ensure that noise levels will not have a detrimental impact upon existing residents in the area. A second condition relating to details of external lighting is also recommended for the same reason along with a standard set of conditions to safeguard the amenity of the area during the construction process.

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



### Flood Risk and Surface Water Drainage

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

The applicant proposes to utilise a SUDs system consisting of a new pond to be constructed on the site. Outflow from the pond would be controlled into the existing ditch which runs adjacent to the A131.

Essex County Council were consulted as the Lead Local Flood Authority and have no objection to the proposal following the submission of a full, detailed drainage scheme. Conditions are required to ensure that the drainage scheme is constructed in accordance with this approved scheme and appropriately maintained.

In terms of foul drainage, the applicant considers it likely that a septic tank will need to be installed although this would no longer be required if the wider employment site is developed with associated infrastructure. The Environment Agency have been consulted and have no objection to the proposal.

### Archaeology

The site has been identified as having the potential for below ground archaeological remains within the site. Conditions were attached to the original planning permission requiring archaeological works to be carried out. These have now been completed and it is not therefore necessary to re-impose all of these conditions although a condition requiring a final archaeological report to be submitted and a condition requiring ongoing archaeological monitoring to be completed is required.

### PLANNING BALANCE AND CONCLUSION

The proposal is a minor material amendment to a previously approved scheme and the proposed amendments are considered to be acceptable.

As a whole, the proposed development would sit partly within an allocated strategic employment area and partly in the countryside although the larger part of the scheme is located in the latter. Whilst the proposal represents a departure from the adopted and the emerging Development Plans Officers consider that the proposed location is appropriate for an electric vehicle charging station.

Furthermore, the scheme will bring a significant and tangible public benefit to the District and represents a cutting edge proposal with very significant benefits in terms of making a real difference to the viability of owning an electric vehicle in this area.

The identified harm caused by the proposal is limited, with a degree of landscape, ecology and highway impact although none are considered to be

severe and mitigation/enhancement measures have been identified. It is not considered that the development would prejudice the delivery of the much larger strategic employment site allocation, given that the proposed access has specifically been designed to serve this wider area and has been agreed with Essex County Highways.

The heritage balance has been completed and found to fall in favour of the proposal.

Overall, it is considered that the proposal would bring clear environmental; economic and associated social benefits and constitutes sustainable development.

### RECOMMENDATION

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

### APPROVED PLANS

Access Details	Plan Ref: IT2021/SK/02	
Lighting Plan	Plan Ref: Gridserve Braintree REV XXXX Lighting	
Other	Plan Ref: Energy Storage Container	Version:
REV A		
Other	Plan Ref: Substation Details	Version: REV A
Other	Plan Ref: Transformer Details	Version: REV A
Location Plan	Plan Ref: 8266 001	
Section	Plan Ref: 004	Version: P3
Proposed Floor Plan	Plan Ref: 8266-005	Version: P1
Proposed Elevations	Plan Ref: 8266-006	Version: P1
Proposed Site Plan	Plan Ref: 8266-0008	Version: C2
General	Plan Ref: 8266-0010	Version: C2
Fencing Layout/Details	Plan Ref: 8266-0016	Version: C1
Landscape Masterplan	Plan Ref: MR19-083/101	Version: B
Management plan	Plan Ref: MR19-083/102	Version: B
Section	Plan Ref: MR19-083/103	Version: B
Section	Plan Ref: MR19-083/104	Version: B
Roof Plan	Plan Ref: 8266-007	Version: P1

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

Reason

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

- 3 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment completed by Treework Environmental Practice, dated 27th February 2020.

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 4 The approved enclosures/boundary treatments shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such.

Reason

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

- 5 The approved scheme of soft landscaping shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

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

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

Reason

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

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

Reason

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

- 7 The energy storage containers hereby permitted shall have an external colour finish of Moss Green (RAL 6005) or similar.

Reason

To minimise the visual impact of the development on the surrounding area.

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

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

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

To safeguard the amenities of the locality and the appearance of the development.

- 9 There shall be no construction vehicular movements to, from or within the premises outside the following times during the construction phase of the development:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays no vehicular movements

Reason

To safeguard the amenities of the locality and the appearance of the development.

- 10 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

To safeguard the amenities of the locality and the appearance of the development.

- 11 The development shall only be carried out in accordance with the Construction Method Statement approved under Condition Discharge Application 19/01855/DAC which 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.

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

Reason

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

- 13 The sound pressure level from the installed equipment hereby permitted shall not cause any increase in the background noise level (5 minute LA90) when measured at the boundary of the nearest noise sensitive property.

Reason

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

- 14 No occupation of the development shall take place until the access arrangements as shown in principle on the planning application drawings have been provided or completed.

Reason

To protect highway efficiency of movement and safety

- 15 The development shall only be carried out in accordance with the Construction Environmental Management Plan approved under Condition Discharge Application 19/01855/DAC which shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

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

- 16 The provision of the new attenuation pond to be located on the adjacent Horizon 120 site to the north as mitigation for the removal of the existing dried pond located on the application site shall be provided in accordance with the Great Crested Newt Non-Licensed Method Statement details approved under planning applications 19/01616/FUL and 19/01525/FUL.

Reason

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

- 17 Prior to the first occupation of the development a Biodiversity Mitigation and Enhancement Strategy shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Appraisal Report (Arup, 14 June 2019). The Strategy shall include timescales for implementation.

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

Reason

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

- 18 The development shall take place only in accordance with the detailed surface water drainage scheme for the site approved under Condition Discharge Application 19/01855/DAC.

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.

- 19 The scheme approved under Condition Discharge application

19/01855/DAC to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall continue to 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.

- 20 Prior to occupation of the development 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 agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 21 The applicant or any successor in title must maintain yearly logs of maintenance in accordance with Condition 20 which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

- 22 A programme of archaeological monitoring shall be completed in accordance with the detail set out in the document 'Land West of the A131, London Rd, Great Notley, Braintree, Essex: Written Scheme of Investigation for an Archaeological Investigation' (Jan 2020).

Reason

To enable full investigation and recording of this site of archaeological

importance.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

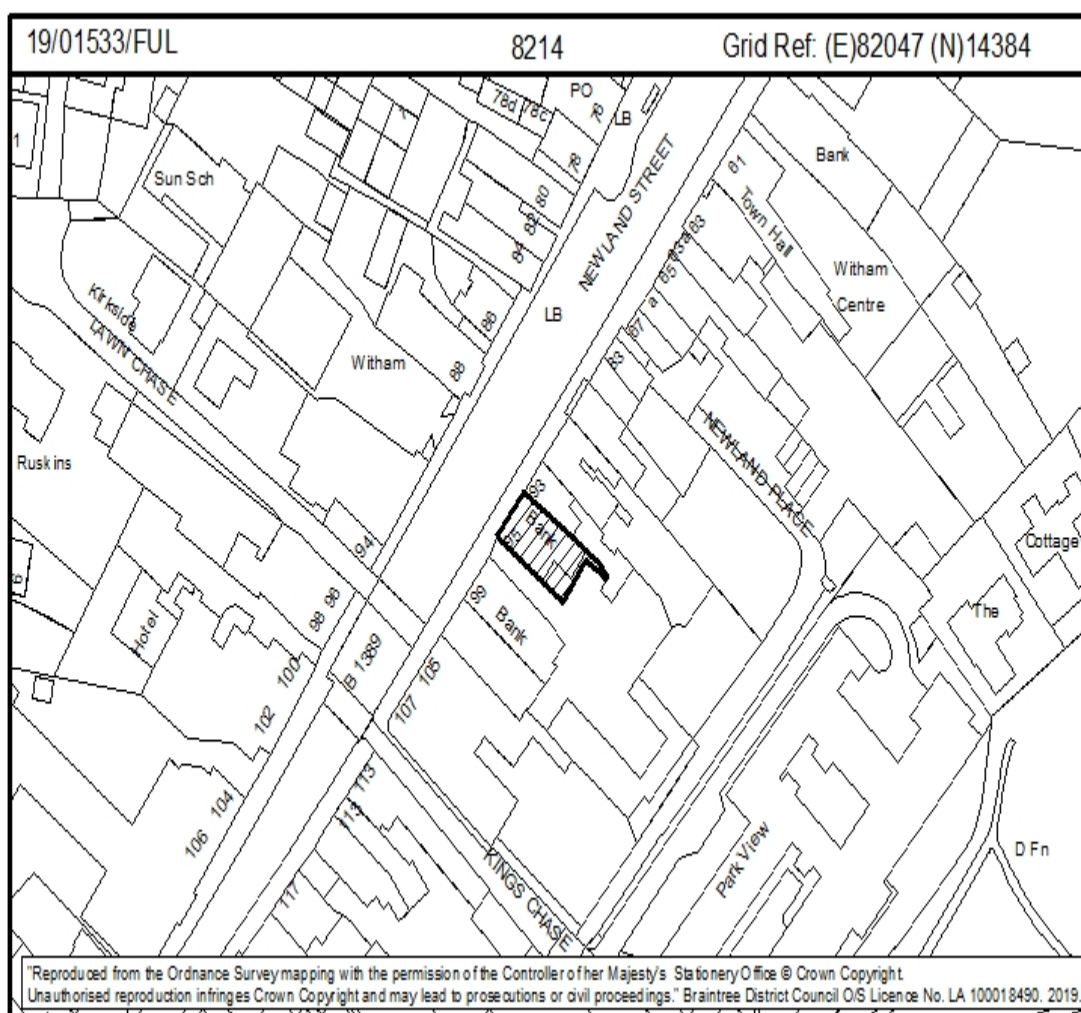


## PART B

## AGENDA ITEM NUMBER 5.6

APPLICATION NO: 19/01533/FUL  
DATE VALID: 11.09.19  
APPLICANT: Mr Brad Sharpheale  
Gate House, Old Coach Road, Colchester, CO1 2TH  
AGENT: Mr Richard Lambert  
10 Domitian Close, Colchester, CO4 5GY  
DESCRIPTION: Ground floor alterations and proposed single storey rear extension  
LOCATION: 95 Newland Street, Witham, Essex, CM8 1YZ

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWHOJZBFI3100>

## SITE HISTORY

02/01626/ADV	Proposed siting of new corporate signage for bank	Granted	10.12.02
04/01200/FUL	Proposed external task lighting above ATM, nightsafe, entrance and letter plate	Granted	23.07.04
73/00013/W1T/A	Illuminated double sided projecting box sign.	Refused	28.03.74
74/00005/A	Double-sided projecting box.	Refused	02.07.74
74/00005/ADV	Double sided projecting box sign	Refused	02.07.74
84/00030/ADV	Illuminated projecting box sign	Refused	04.04.84
84/00048/A	Double sided projecting sign with top illumination.	Granted	29.01.85
84/00048/ADV	Double sided projecting sign with top illumination	Granted	29.01.85
93/00363/ADV	Proposed internally illuminated projecting sign	Refused	14.05.93
93/00842/ADV	Proposed externally illuminated projecting sign	Refused	23.08.93
93/01350/ADV	Display of externally illuminated hanging sign	Granted	15.12.93
74/00005P	A double sided projecting box sign.	Refused	
84/00030P	Illuminated project box sign.	Refused	
84/00048P	Double sided projecting sign with top illumination.	Granted	
15/01017/ADV	Erection of new signage to include 1 no. fascia sign, 1 no. hanging sign, 1 no. ATM surround, 2 no. A1 light pockets, 1 no. new name plate and 1 no. chevron sign	Granted	16.11.15
19/00067/PLD	Proposed change of use of the existing building from Financial and Professional Services (Use Class A2) to a shop (Use Class A1)	Granted	19.02.19

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP117	Shopfronts in Conservation Areas

## Braintree District Local Development Framework Core Strategy 2011

CS9            Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP58	Shop Fronts, Fascias and Signs in Conservation Areas

## Neighbourhood Plan

N/A

## Other Material Considerations

None

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

The application site is located within the Town Development Boundary and Conservation Area of Witham. The site is currently vacant falling under Use Class A1 is located within a prominent location within Witham Town Centre.

## PROPOSAL

The application seeks planning permission to alter the shopfront of the building, internal alterations and erect a single storey rear extension for the use as a funeral directors.

## CONSULTATIONS

### BDC Environmental Health

No objections subject to conditions.

### ECC Highways

No objection.

### Witham and Countryside Society

Object to the proposal as it is considered that the use of powered aluminium on the door fixtures and fenestration are not supported. Timber materials should be used to protect the integrity of the area.

### ECC Historic Buildings Consultant

No objection raised to the proposal. The proposed rendering of the building will not have a negative impact on the Conservation Area as render is a common external surface treatment within the area. The use of powder coated aluminium framed windows will create some form of consistency with the neighbouring 101 and 103-105 Newland Street, creating a consistency between the three properties and will be beneficial to the wider street scene. Although the proposed materials and doors are not traditional they are not incongruous or out of keeping for the wider area. The proposed fenestration for the property removes fanlights and panels of marbelised cladding which will largely be beneficial to the property and street scene, adding ground floor windows which are more in line with the first floor. The proposed alterations to the building will be beneficial to the Conservation Area.

### PARISH / TOWN COUNCIL

Witham Town Council object to the application. Two responses have been received which are summarised below.

#### Response received 02.10.2019

Witham Town Council recommends refusal on the following grounds: that timber framed windows and doors should be used in the Conservation Area; lack of detail regarding the proposed lighting at the front of the building; no information regarding hours of operation; that the roof of the mortuary should be gabled; unclear how access will be achieved into the mortuary; and lack of advice from the Listed Buildings Officer.

#### Response received 04.02.2020 (following revised plans)

Witham Town Council have stated that "our Members had an opportunity to consider the above planning application and wish to object most strongly to the use of powder coated aluminium on a prominent building in the Conservation Area which is against the District Council's own policies ADM 63/RLP95 and RLP96 that a building in the Conservation Area should enhance the character and appearance; and that building materials are authentic and complementary to the building's character. If the application is

considered by the Planning Committee Members would wish to attend to make representations on behalf of the Town Council”.

## REPRESENTATIONS

A site notice was displayed at the front of the property. One letter of representations has been received in relation to this proposal which is summarised below.

## CBRE

General comment made that the neighbouring occupiers have access and escape rights over the alley/roadway between the properties and for safety reasons would not want this to become blocked or completely obstructed.

## REPORT

### Principle of Development

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, where development affects the setting of historic or important buildings, Conservation Area and areas of highest archaeological and landscape sensitivity.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design in all new development. Similarly, Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas.

In this case it is considered that the principle of development is acceptable subject to compliance with the abovementioned policies.

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

In terms of design, Paragraph 124 of the NPPF states inter alia that good design is a key aspect of sustainable development. In addition to this, Policy RLP117 of the Adopted Local Plan and Policy LPP58 of the Draft Local Plan require that proposed display windows should be sub-divided into areas which create proportional harmony and relate to the character and features of the building, wherever possible and traditional materials should be used.

The Witham Conservation Area Appraisal document states that No.95 Newland Street is a purpose-built bank building of the 1960s, of appropriate scale but with poor metal-framed windows. The proposal seeks to improve the appearance of the building by rendering the building, erecting a single storey rear extension, internal alterations and replacement of the existing shopfront with a design which is sympathetic to the street scene but also with the Conservation Area.

The initial design of the shopfront was considered to be inappropriate and not in keeping with the immediate area. The drawings submitted with the application, proposed a single pane of glass, which would have created a flat appearance on the front elevation of the building with little visual interest. Although it was acknowledged that the existing shopfront did not contribute positively to the street scene, it was however considered that an improvement could be made to the design of the proposed shopfront, to alleviate the concerns regarding the proposed design which was raised by Officers. Furthermore, concerns were raised by Officers regarding the proposed replacement door which would only reinforce the incongruous appearance of the proposed shopfront. The existing door positively reflects the surrounding properties and therefore it was considered that the existing door should be retained or re-designed to reduce the amount of glazing proposed.

Subsequently, revised plans were submitted which sought to address Officer concerns. The proposed fenestration for the property removes fanlights and panels of marbleised cladding which would largely be beneficial to the property and street scene. The addition of ground floor windows provides visual interest and is more in keeping with the first floor and other properties within the immediate vicinity and is considered to be an appropriate design for a Conservation Area.

The proposed single storey extension would be erected to the rear of the building. There is an existing canopy to the rear which would be removed to accommodate the proposed extension. The addition would measure 2.15m in depth and 3.3m in length and provide a rear entrance into the mortuary building. The building has previously been extended to the rear, and therefore the use of a flat roof has been agreed as an acceptable roof form in this vicinity. Although flat roof extensions are not usually supported within Conservation Areas, the proposed rear extension would be largely concealed and reflect the existing extensions to the building. The addition of a flat roofed extension would therefore, not be detrimental to the building or the area. It is considered that the rear addition is acceptable and would comply with the abovementioned policies.

Witham Town Council have objected to various elements of the proposal. One of the objections raised relates to the proposed shopfront and the use of non-traditional materials within the Conservation Area. Traditional materials, particularly timber, are highlighted as a key contributor to the significance of the Conservation Area and generally recommended as the appropriate material as stated in Policy RLP117 of the Adopted Local Plan. The existing windows are metal framed. As stated previously, the property dates from the



1960s and the use of metal windows referenced the build date of the property. Furthermore, the use of aluminium framed windows will create some form of consistency with the neighbouring properties at No.101 and No.103-105 Newland Street. The creation of consistency between the three properties would be beneficial to the wider street scene. This sense of consistency can be gained through the use of similar materials, which can be achieved by utilising powder coated metal frames on No.95 Newland Street. Although it is acknowledged that this material is not 'traditional', it is in keeping and would not detract from the Conservation Area or the property. Similarly the proposed door mimics other properties within the Conservation Area, and although it is acknowledged that this is not 'traditional', it is not considered to be incongruous nor out of keeping with the wider area.

Another objection raised by Witham Town Council related to the lack of details regarding lighting. This concern is acknowledged and agree that details would need to be submitted regarding lighting, to ensure that they were in keeping with the Conservation Area. However, it is considered that these details can be secured by way of a suitable planning condition. Witham Town Council also raised concern about the extension. The proposed flat roof of the extension would match the flat roof of the previous extensions to the rear of the property and therefore it is acceptable from a design perspective and furthermore, would not be visible from the Conservation Area. This has been addressed by the Historic Buildings Consultant in the consultation response.

In summary, while the concerns of Witham Town Council are acknowledged, it is considered that the proposal would represent an improvement to the existing shopfront and that the design and materials are appropriate for the Conservation Area and character of the area.

#### Impact on Parking Arrangements

In terms of parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan state that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. An A1 use requires that there should be 1 space per 20sq.m. In all cases adequate provision should be made for the parking and turning of service vehicles, serving the site, off the highway. A lower provision of vehicle parking may be appropriate in urban areas including town centre locations where there is good access to alternative forms of transport and existing car parking facilities.

In this case, it is proposed that two parking spaces will be retained to the rear of the property. The number of parking spaces would facilitate parking for the staff working at the funeral directors with minimal impact on on-street parking. Furthermore, ECC Highways have not raised an objection to the proposal. Therefore it is considered that the parking arrangements would be acceptable in terms of highway safety and would be compliant with the Council's adopted parking standards.

### Impact on Neighbouring Residential Amenity

In terms of impact on neighbouring residential amenity, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The property was previously utilised as a bank. The use of the building would be as a funeral directors with opening hours proposed as 09:00 hours to 17:00 hours Monday to Friday (as set out within the submitted application submission). It is proposed to employ 4 members of staff to run the business, who would be located at the premises. Witham Town Council raised a concern that there was no information regarding hours of operation. As set out above, these details have been provided and are considered acceptable given the location of the site. Furthermore, the opening hours would not be dissimilar to the opening hours of the bank that previously occupied the property and not unusual for a town centre location.

Therefore, it is considered that there would not be any detrimental impacts on neighbouring properties in terms of undue noise and disturbance in accordance with the abovementioned policies.

### CONCLUSION

The proposal seeks permission to extend and improve an existing property within the main shopping area and Conservation Area of Witham. The property once accommodated a bank and has been vacant for some time. The proposed changes to the building would enable an acceptable re-use of the building.

While the concerns of Witham Town Council are acknowledged, Officers consider that the proposal would improve the appearance of the shopfront. The initial concerns of Officers regarding design have been addressed through the submission of revised plans and it is considered that the revisions are acceptable and in keeping with the character and appearance of the building and the Conservation Area. The application is therefore recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Existing Elevations and Floor Plans  
WIT1001/01

Plan Ref:

Proposed Plans

Plan Ref: Wit1001-02

Version: C

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

Reason

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

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

Reason

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

- 3 Prior to commencement of development to the front elevation of the building, details of the proposed lighting shall be submitted and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details and thereafter be retained as approved.

Reason

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

- 4 Prior to the erection of the brick wall to the rear of the property, details of external materials to be used, including brick type and bond, should be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details and thereafter be retained as approved.

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.

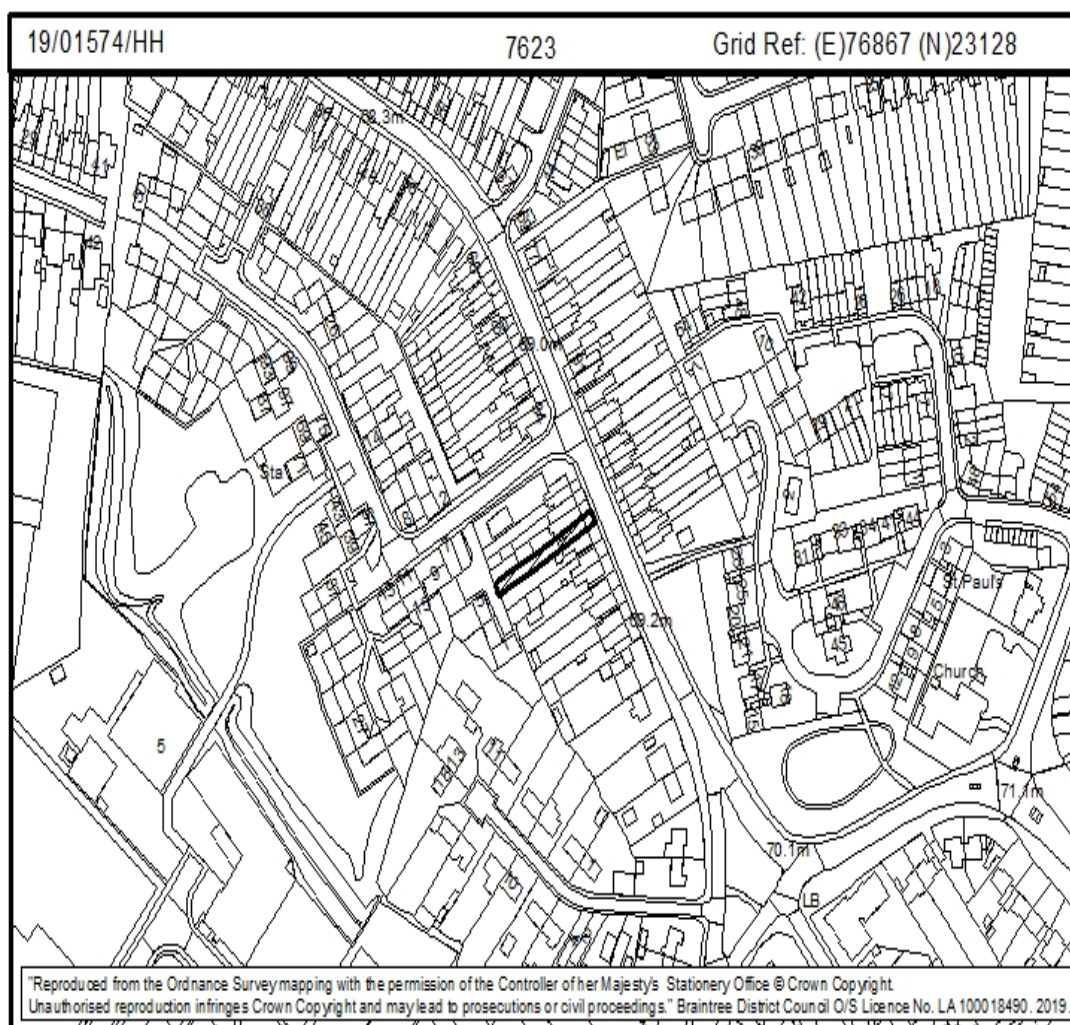
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.7

APPLICATION NO: 19/01574/HH  
DATE VALID: 09.09.19  
APPLICANT: Mr Warden  
116 Crossing Road, Braintree, CM7 3PN,  
AGENT: Mr Simon Wells  
6 Butlers Way, Great Yeldham, Halstead, CO9 4QL  
DESCRIPTION: Proposed replacement front porch, single storey rear extension with internal alterations.  
LOCATION: 116 Crossing Road, Braintree, Essex, CM7 3PN

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWWCT3BFI6S00>

## SITE HISTORY

None

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

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

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

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

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

#### Neighbourhood Plan

N/A

#### Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

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

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

#### SITE DESCRIPTION

The application site comprises a terraced dwelling on Cressing Road, within the Town Development Boundary of Braintree. The property forms a row of terraced properties, with an alleyway to the side serving No.116 Cressing Road and No.114 Cressing Road.

#### PROPOSAL

This application seeks planning permission for a single storey rear extension to the dwelling. The extension would measure 3.9 metres deep and 4.5

metres wide and would be positioned off the rear wall of the existing two storey extension. This would form a courtyard between the existing property, the proposed extension and the neighbouring boundary. The proposal would be finished with painted render, with a flat roof incorporating a roof lantern.

## CONSULTATIONS

None.

## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

No neighbour representations have been received in connection with this application.

## REPORT

### Principle of Development

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

### Design and Appearance

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

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

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

The proposal would be subservient to, and in keeping with, the character of the host dwelling. It would not be seen from the wider public domain and is therefore compliant with the abovementioned policies.



### Impact on Neighbour Amenity

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

The proposed extension would not extend beyond the rear elevation of the neighbouring property at No.118 Cressing Road. The proposal would extend 3.6 metres past the rear elevation of the neighbouring property at No.114 Cressing Road, however it is not considered that the impact on the non-habitable room would be detrimental to the extent that it would warrant the refusal of planning permission.

Due to the siting of the proposed extension, it is not considered that there would be any adverse impact on neighbouring amenity, and therefore the proposals are compliant with the abovementioned policies.

### Highway Considerations

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

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

### CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Proposed Plans  
Proposed Site Plan

Plan Ref: 17-601/02  
Plan Ref: 17-601/04

Version: B  
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 schedule.

Reason

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

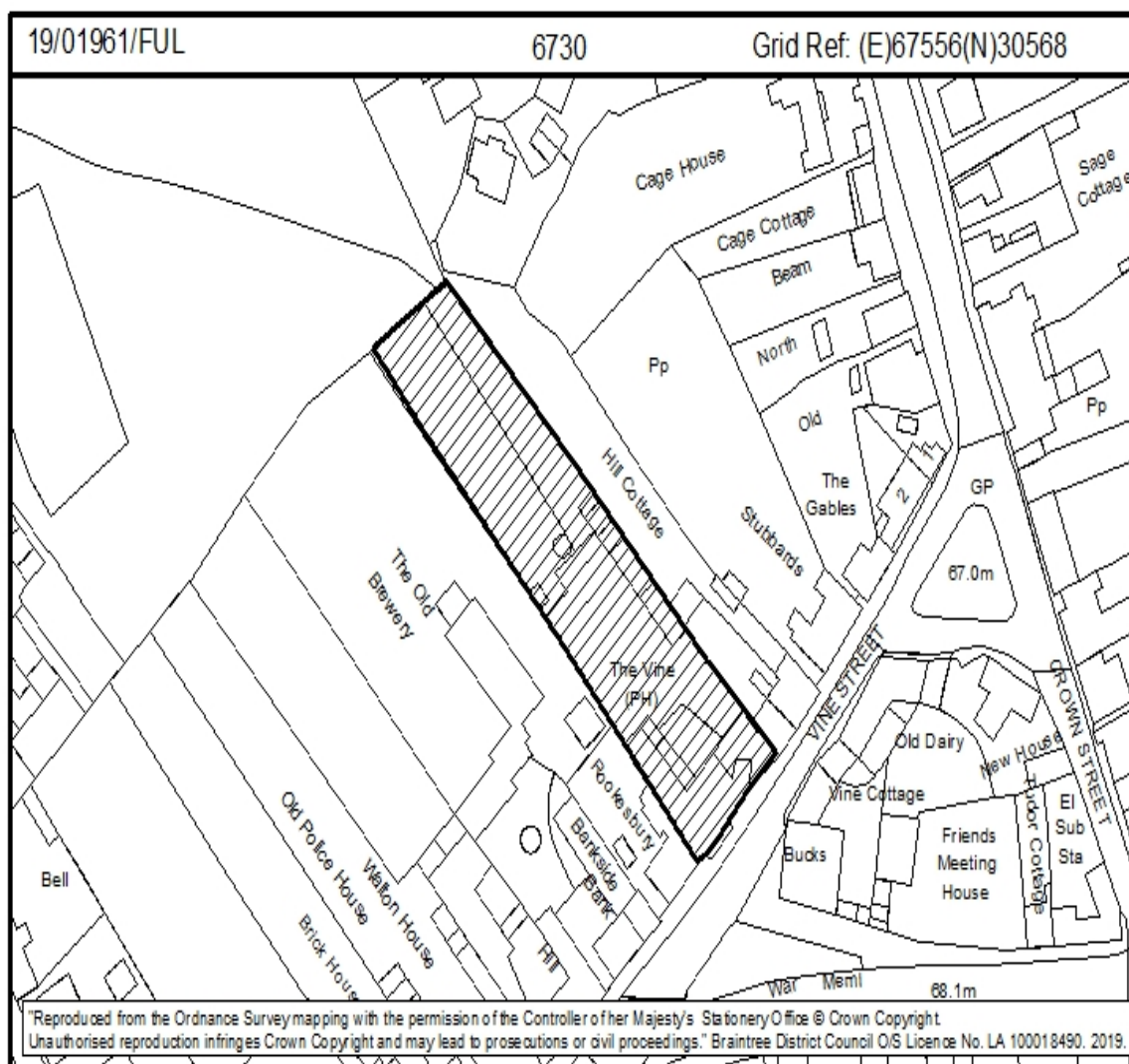
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

## AGENDA ITEM NUMBER 5.8

APPLICATION NO: 19/01961/FUL  
DATE: 25.11.19  
VALID:  
APPLICANT: Mr Gerard Bourke  
The Vine PH, Vine Street, Great Bardfield, Essex, CM7 4SR  
DESCRIPTION: Retention of single-storey outbuilding for continued use as a garden bar.  
LOCATION: The Vine PH, Vine Street, Great Bardfield, Essex, CM7 4SR

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)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q04OJPBF00A00>

### SITE HISTORY

07/01076/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Remove trees	Granted	22.06.07
11/00120/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Lop 1 Willow	Granted	04.07.11
12/00169/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Remove 1 Willow tree	Granted	03.08.12
15/01356/FUL	Erection of steel staircase to allow better access to loft space above commercial kitchen and enlarge current opening to full size external door.	Granted	02.02.16
16/00006/FUL	Proposed conversion of existing barns into holiday lets	Granted	08.06.16
16/00007/LBC	Proposed conversion of existing barns into holiday lets	Granted	08.06.16
19/01581/FUL	Retention of garden bar.	Application Returned	

### POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
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- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
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 Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP44	Sustainable Transport
LPP45	Parking Provision

LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

### Great Bardfield Neighbourhood Plan

The Neighbourhood Plan is at a very early stage and thus carries very little weight in decision making at this time.

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

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

### SITE DESCRIPTION

The site relates to the rear garden area of The Vine Public House in Great Bardfield. The public house is not listed in itself, but does contain a listed outbuilding in its grounds. A large number of properties nearby are also Grade II Listed. The area in question is just north of the car parking area where there are existing benches etc. for customers of the public house to enjoy in the summer months. A public right of way runs through the car park and to the side of the garden area of the public house.

### PROPOSAL

The proposal in this case is to retain an existing structure in the rear garden area which is used as an outside bar in the summer months.

### CONSULTATIONS

#### Environmental Health

No objection and no conditions recommended.

#### Historic Buildings Consultant

No objection - the single storey outbuilding referred to by this application is ancillary in size and appearance and does not have an impact upon the significance of the listed outbuildings, nor the Conservation Area.

### PARISH / TOWN COUNCIL

Great Bardfield Parish Council object to the application for the following summarised reasons:

- 'retention' is misleading as it's a retrospective application
- Structure too close to neighbour garden wall
- Within the curtilage of Listed Barns
- No means of drainage
- No limitations on use in a residential area

## REPRESENTATIONS

One objection comment has been received from the 'The Old Brewery' and one general comment from 'Olive Tree House' setting out the following concerns/comments:

- Location of building undermines integrity of adjacent flint wall
- Maintenance issues
- Management / drainage issues
- Bar should be used in a sensible time frame – restricted past 10pm

## REPORT

### Principle of Development

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. This is echoed by Policy RLP90 of the Adopted Local Plan and CS9 of the Adopted Core Strategy.

The application proposes the retention of an existing outside bar building within the grounds of an existing Public House. Taking into account the above, it is considered that the proposal accords with the above policies and is thus acceptable in principle, subject to satisfying other criteria as explored below.

### Heritage, Design & Appearance

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan state inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure). Policy RLP95 of the Adopted Local Plan and Policy LLP56 of the Draft Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas.

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that



developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Vine Public House is an unlisted property, located within the Great Bardfield Conservation Area. A range of ancillary buildings to the rear of the pub are Grade II listed and date from the sixteenth century, with later eighteenth-century additions (list entry number: 1106348).

The building itself appears like a typical outbuilding with a timber clad exterior and a felt covered roof. It measures 2.4m in width and 3.6m in length, and measures 2.5m high. It contains a bar and store area. The building is therefore small and would appear ancillary in its appearance. As such, the Historic Buildings Consultant had no objection to the retention of the structure with regard to its negligible impact on the surrounding Conservation Area or setting of nearby Listed Buildings. Officers are also satisfied that from a design and appearance perspective, that the outdoor bar is acceptable.

#### Impact on Neighbour Amenity

A core principle of 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 RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Concerns have been raised by the Parish Council in respect to the potential noise impact from the outdoor bar. Other comments from members of the public were received about restricting the hours of use of the outdoor bar. However, the garden bar is already located in an area which contains a number of benches which are used by customers during fine weather. The addition of the bar does not therefore introduce noise into an area which has not previously been utilised. Its purpose on the contrary is to serve customers so that they don't have to walk back to the main public house building for their beverages. The bar is also located far into the site, some considerable distance beyond the rear of those residential properties on the High Street and Vine Street.

In practice it is likely that the outside bar will only be used during periods of good weather when customers are able to sit outside, its use will therefore be limited. Given the existing large garden which is already used for outside seating it is not anticipated that the operation of the bar increases the use of the outside area and the public house would continue to operate within its existing established licensing hours which already extend to the external areas.

A condition to restrict the use of the bar to certain times of the year is considered to fail planning enforcement tests, as it wouldn't be necessary. Similarly, a condition to control the amount it is used, or timings, would be very difficult to enforce and potentially would overlap with its licence. As such, taking into account all of the above, it is considered that the retention of the garden bar would not in itself lead to a detrimental impact on the amenity of neighbouring properties, and no additional layers of control are required.

### Other Issues

Other concerns have been raised by members of the public in respect to the proximity to the adjacent flint wall and management/drainage issues. However, in this case it is considered that these matters are not material to the determination of the application. Any damage caused to boundaries are civil matters, and the building is not of a sufficient size to require any SUDS features to be included. As such, while residents' concerns are noted, it is considered that these issues would not be material to the determination of the planning application in this case.

### PLANNING BALANCE AND CONCLUSION

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In this case, the development would provide a benefit of serving the needs of the public house and their visiting patrons. Against these benefits, minimal harm has been able to be identified. Overall, taking into account the harms against the benefits, it is considered that the proposal would amount to sustainable development and as such it is recommended that the application be approved.

#### RECOMMENDATION

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

#### APPROVED PLANS

Location Plan  
Block Plan  
Proposed Plans

#### INFORMATION TO APPLICANT

- 1 The bar should be kept in a good condition and careful management utilised in order to minimise disturbance to neighbouring properties.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

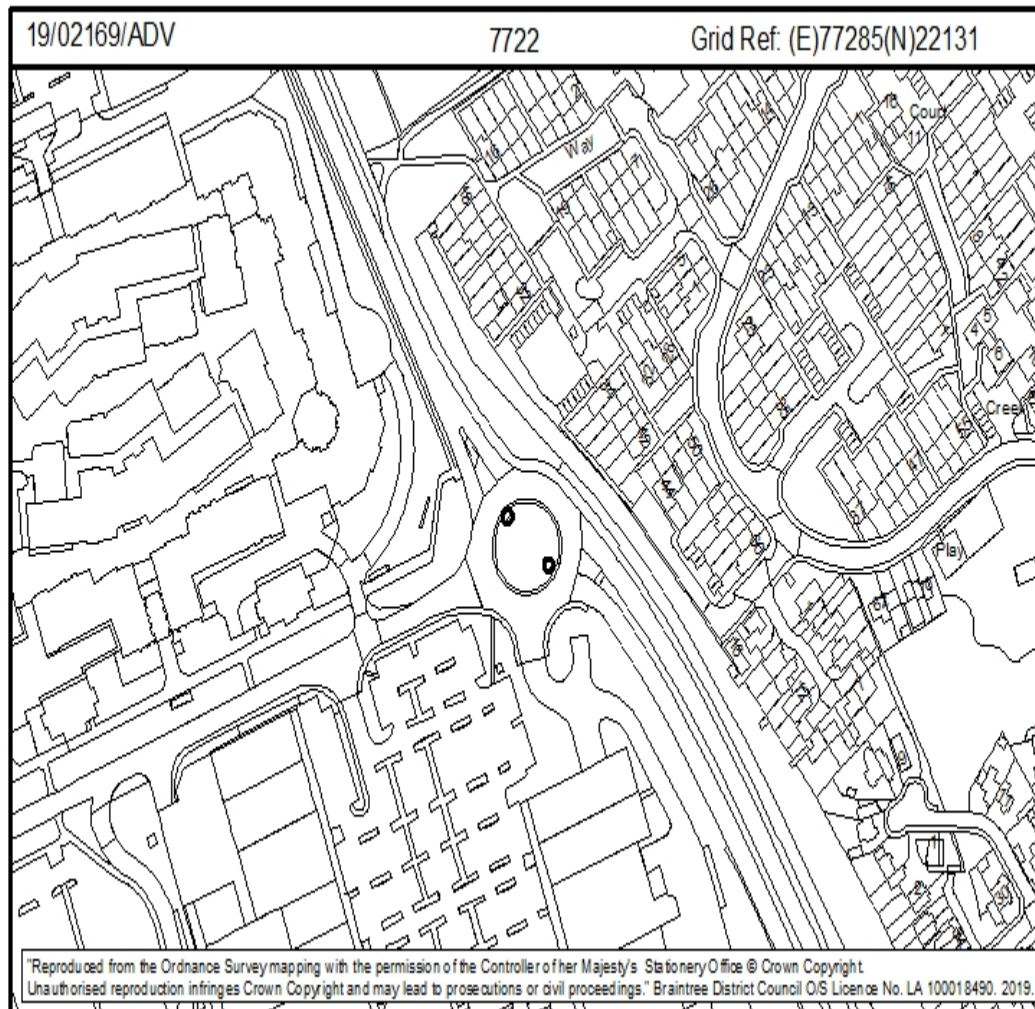
AGENDA ITEM NUMBER 5.9

APPLICATION NO: 19/02169/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Freeport, Millennium Way, Braintree, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XK65BF0H500>

## SITE HISTORY

08/01292/ADV	Display of 3 Non Illuminated sponsorship signs	Withdrawn	30.07.08
08/01861/ADV	Display of 2 no. non-illuminated advertising signs	Granted	11.11.08

## POLICY CONSIDERATIONS

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
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Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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#### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Millennium Way and Charter Way.

### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the north of the roundabout facing the northern Millennium Way arm, with the other facing the southern Millennium Way arm.

### CONSULTATIONS

#### ECC Highways

Raised no comments.

## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.



## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

## INFORMATION TO APPLICANT

- 1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.10

APPLICATION NO: 19/02170/ADV

DATE 10.01.20

NO:

VALID:

APPLICANT:

Mr Jeremy Taylor

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

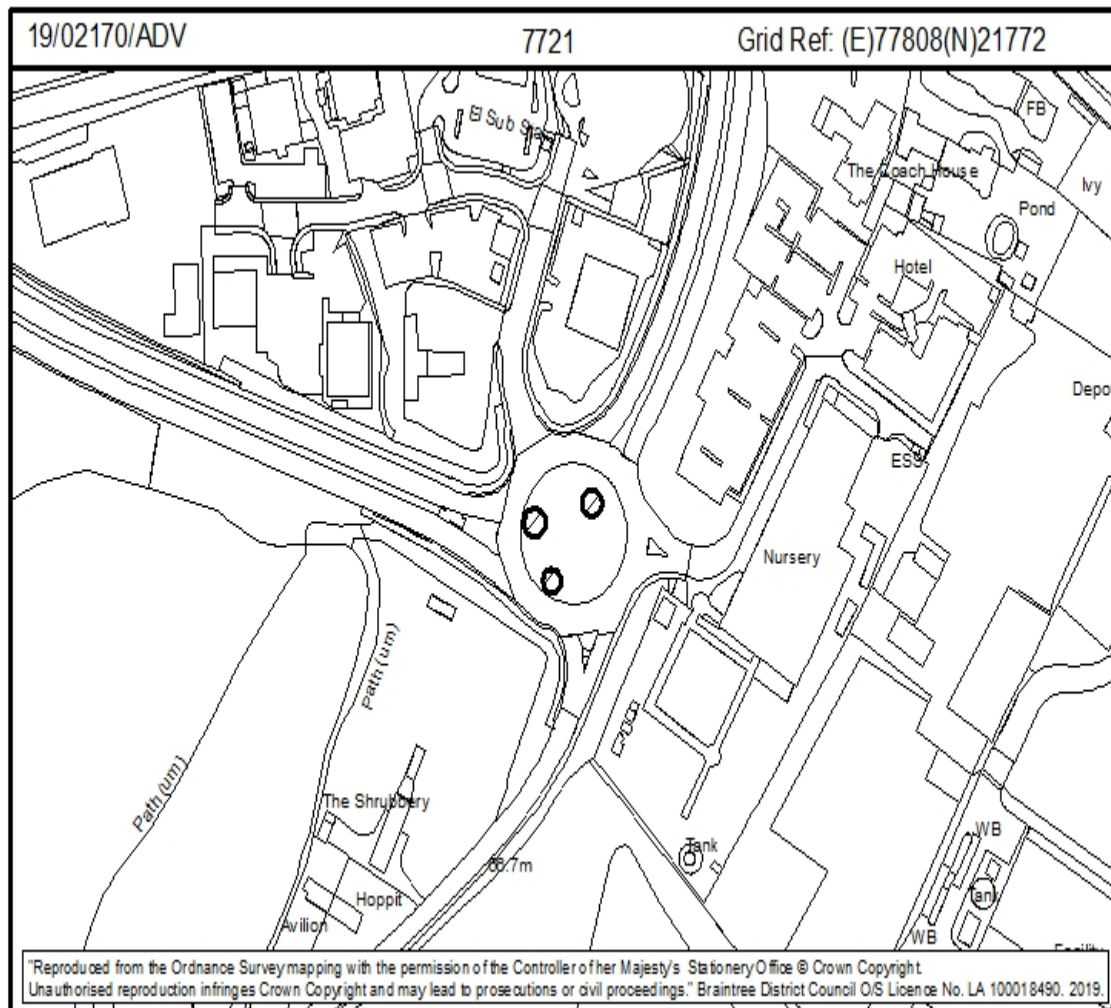
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.

LOCATION: Galleys Corner Roundabout, Braintree Road, Cressing,  
Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XKMFBF0H500>

## SITE HISTORY

08/01299/ADV	Display of 4 no. non-illuminated sponsorship signage	Withdrawn	30.07.08
08/01851/ADV	Display of 3 no. non-illuminated advertising signs	Granted	14.11.08

## POLICY CONSIDERATIONS

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carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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### National Planning Guidance

National Planning Policy Framework (NPPF)  
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### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Millennium Way and the B1018.

### PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the north of the roundabout facing the northern arm of the B1018, with one facing the western arm of Millennium Way, and the other at the south of the roundabout facing the southern arm of B1018.

## CONSULTATIONS

### ECC Highways

Raised no comments.

### PARISH / TOWN COUNCIL

No comments received.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

- 1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

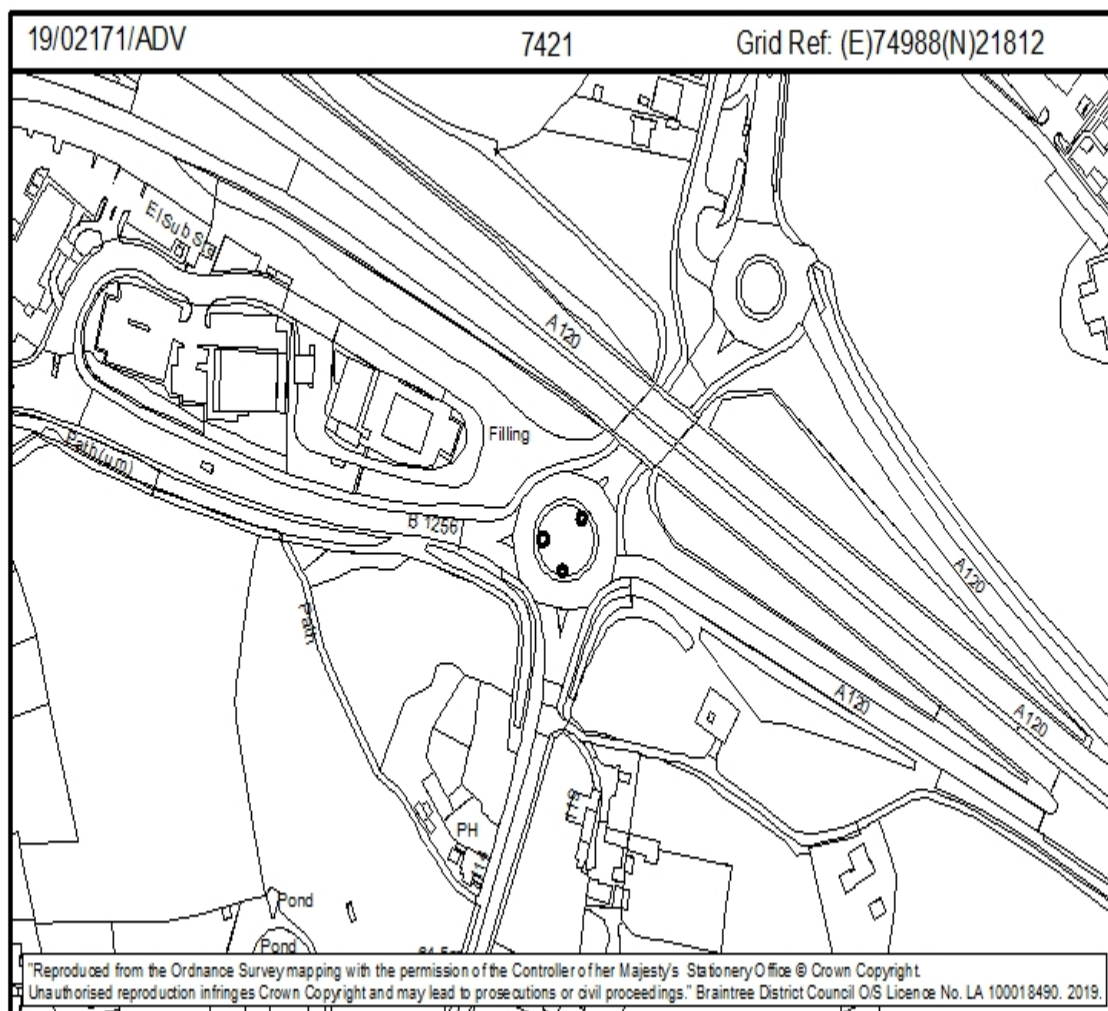
AGENDA ITEM NUMBER 5.11

APPLICATION NO: 19/02171/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout, London Road South/A120, Braintree, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XKQRBFO0A00>

## SITE HISTORY

00/01763/ADV	Display of company sign	Granted	23.01.01
80/00669/P	Proposed erection of indoor riding school building	Appeal Allowed	
82/00075/P	Proposed staff dwelling	Refused	14.04.82
90/01852/P	Display of non-illuminated standard panel advertisements for screening site of former by-pass construction depot	Appeal Dismissed	
08/01278/ADV	Display of 4 non illuminated sponsorship signs	Withdrawn	30.07.08
08/01853/ADV	Display of 3 no. non-illuminated advertising signs	Granted	14.11.08
19/02215/ADV	3 No. non-illuminated roundabout sponsorship signs.	Pending Decision	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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

work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90          Layout and Design of Development  
RLP107        Outdoor Advertisements

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

CS9            Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

#### Neighbourhood Plan

None

#### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of London Road, the B1256 and the A120 slip road.

## PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the north of the roundabout facing the northern arm of London Road, one facing the southern arm of London Road and the other facing the B1256 to the east.

## CONSULTATIONS

### Highways England

No objection.

### ECC Highways

Raised no comments.

## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Highways England and Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

INFORMATION TO APPLICANT

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  - (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
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CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

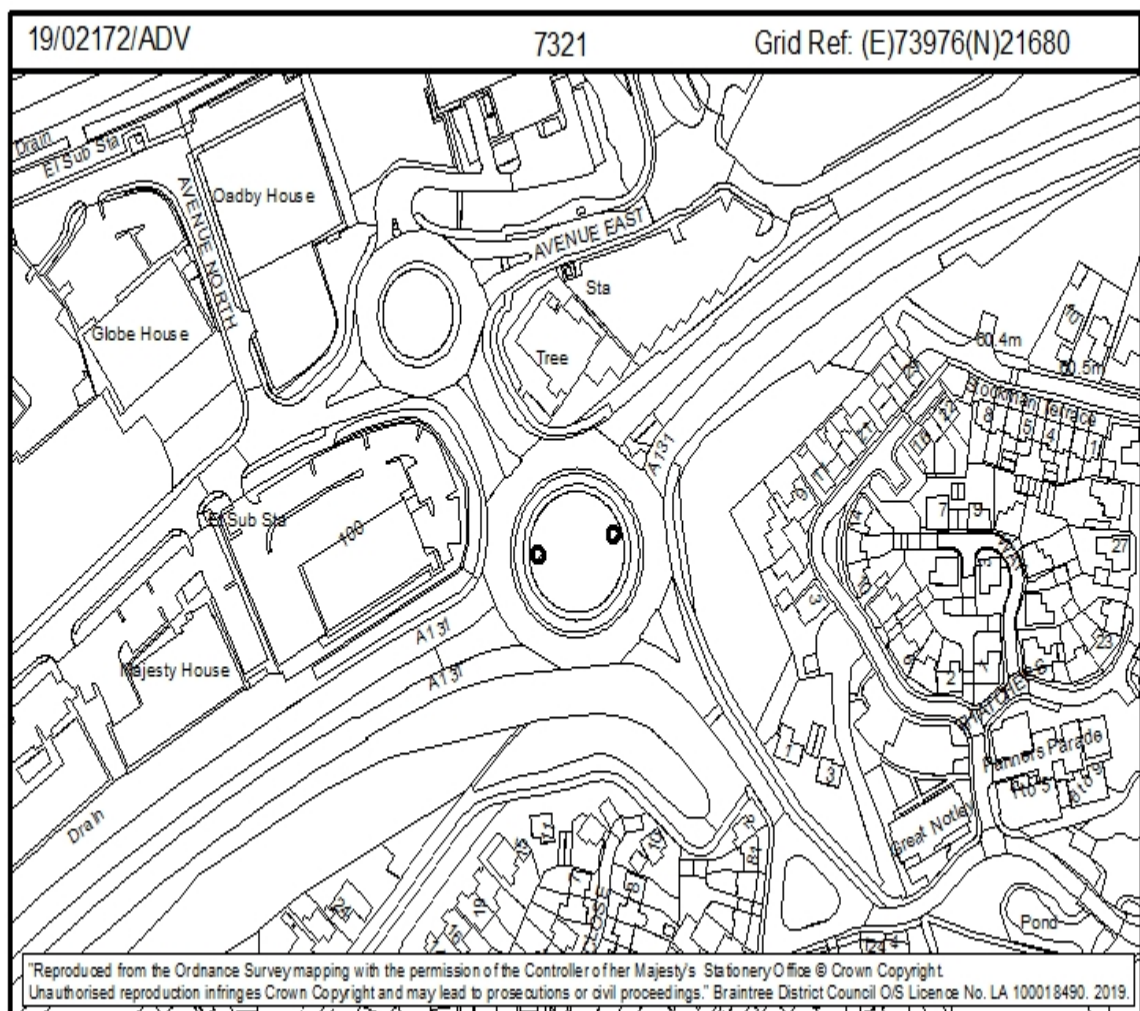


PART B

AGENDA ITEM NUMBER 5.12

APPLICATION NO: 19/02172/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Panners Roundabout, Bridge End Lane, Great Notley,  
Essex

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



The application can be viewed on the link below.

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## SITE HISTORY

00/01269/ECC	Variation of Condition 1 and 3 of Planning Approval 95/391/ECC (CC/BTE/7/95) to allow extension of date of commencement until 02/10/05 and for submission of reserved matters relating to landscaping scheme within 18 months of development	Deemed Permitted	31.10.00
00/01270/ECC	Variation of Condition 1,3,4,5,6 and 8 of planning approval 90/1512/ECC (CC/BTE/2/96) to allow extension of date of commencement until 2/10/05, submission of reserved matters prior to commencement, landscaping with 18 months of commencement	No Objections Raised	27.09.00
00/01783/ECC	Provision of new bridge at crossing of Fentons Road, Rayne to be known as Fentons Road Footbridge	Deemed Permitted	30.01.01
00/01784/ECC	Provision of new bridge at crossing of existing link road northwards from Great Notley Village to the existing A120 to be known as Panners Under Bridge	No Objections Raised	07.12.00
00/01785/ECC	Provision of new bridge at crossing of existing link road northwards from Great Notley Village to the existing A120 to be known as Panners Under Bridge	Withdrawn	29.08.01
00/01786/ECC	Provision of new bridge at crossing of existing link road northwards from Great Notley Village to the existing A120 to be known as Panners Under Bridge	Deemed Permitted	31.01.01
00/01787/ECC	Provision of new bridge at	Deemed	24.11.00

	crossing of Flitchway Linear Park at Rayne to be known as Hazlemere Bridle Over Bridge	Permitted	
00/01788/ECC	Provision of new bridge at crossing of Flitchway Linear Park at Rayne to be known as Hazlemere Bridle Over Bridge	Withdrawn	29.08.01
00/01789/ECC	Provision of new bridge at crossing of Flitchway Linear Park at Rayne to be known as Hazlemere Bridle Over Bridge	Withdrawn	29.08.01
00/01790/ECC	Provision of new bridge at crossing of Flitchway Linear Park at Rayne to be known as Hazlemere Bridle Over Bridge	Withdrawn	29.08.01
01/00985/T42	Installation of one 9.99m mono pole with tri-sector, cross-polar antennae, one 300mm transmission link dish and an equipment cabin	Granted	03.08.01
01/01966/ECC	Provision of new bridleway structure to be built along the line of The Flitch Way across A120 Stansted to Braintree scheme	Deemed Permitted	27.02.02
01/02120/FUL	Variation of condition no. 1 attached to Planning Permission 97/00058/FUL to extend time period for submission of reserved matters by a further three years		23.08.02
90/01512/PFBN	Construction Of A New Dual Two Lane Carriageway	Deemed Permitted	08.05.91
05/00969/ADV	Proposed erection of advertisement board	Refused	06.07.05
05/01239/ADV	Proposed erection of sign board alongside A131	Granted	02.09.05
06/01708/ADV	Display of internally illuminated signage for hotel	Refused	19.10.06
07/00730/FUL	Alterations to roof height and position of 3 windows on hotel building being constructed under planning permission reference	Granted	19.06.07

	06/00960/REM		
07/01555/ADV	Display of five no. internally illuminated signage for hotel	Granted	17.09.07
08/01297/ADV	Display of 4 no. non-illuminated sponsorship signage	Withdrawn	30.07.08
08/01865/ADV	Display of 2 no. non-illuminated advertising signs	Granted	13.11.08
10/00057/DAC	Application for approval of details reserved by condition no. 4 of approval 09/001061/FUL	Granted	21.04.10
10/00096/DAC	Application for approval of details reserved by condition no. 2 of approval 09/001061/FUL	Granted	23.09.10
12/01026/PLD	Application for an Proposed Lawful Development Certificate - To seek formal confirmation that the development approved under planning application no. 09/01061/FUL has commenced and the permission would remain extant beyond the time limit set out on the decision notice	Granted	11.10.12

## POLICY CONSIDERATIONS

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

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

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Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
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A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

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RLP90          Layout and Design of Development  
RLP107        Outdoor Advertisements

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

CS9            Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

#### Neighbourhood Plan

None

#### Other Material Considerations

None

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of the A131, Avenue West and Bridge End Lane.

## PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the east of the roundabout facing the eastern arm of the A131, with the other at the west of the roundabout facing the western arm of A131.

## CONSULTATIONS

### ECC Highways

Raised no comments.

### PARISH / TOWN COUNCIL

Great Notley Parish Council – No comments.

## REPRESENTATIONS

None

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

INFORMATION TO APPLICANT

1 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.
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- (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.
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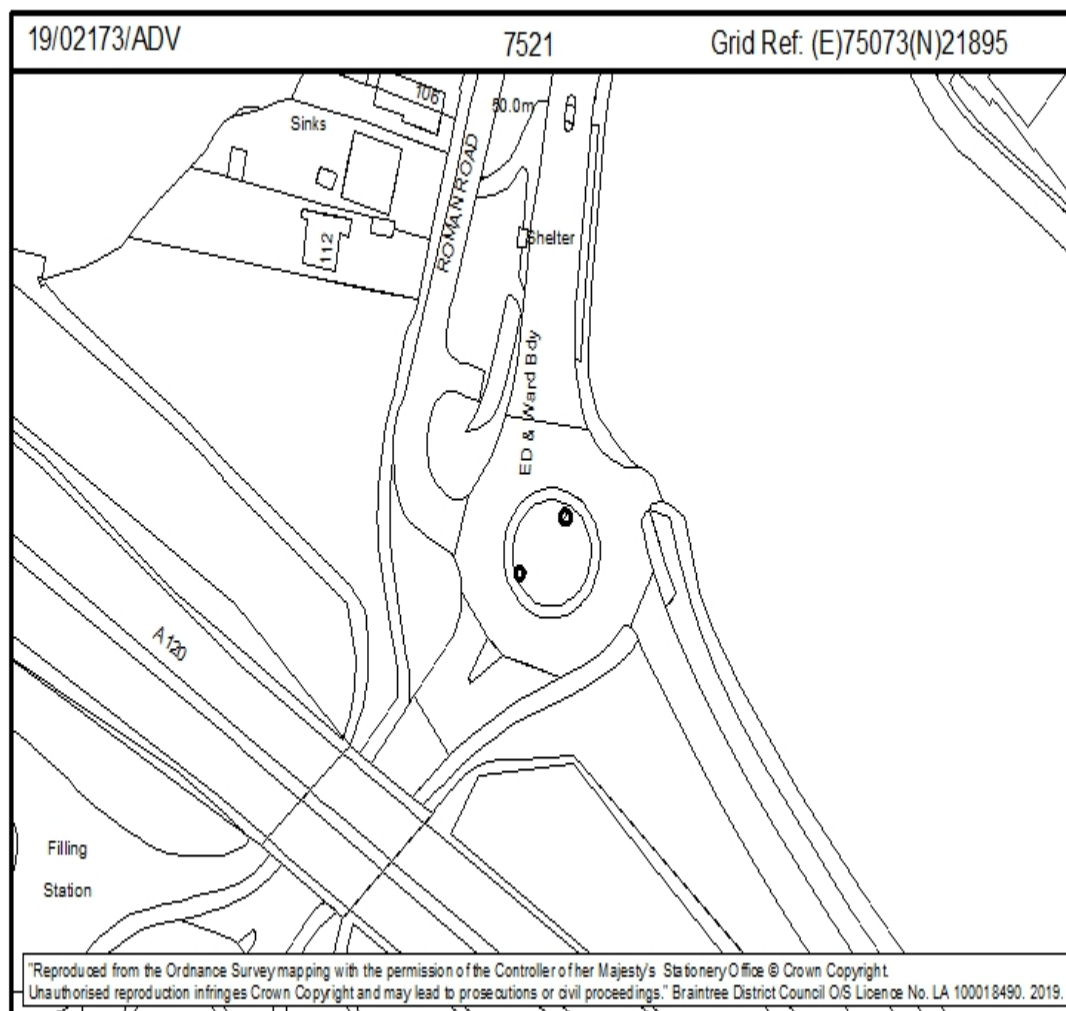
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.13

APPLICATION NO: 19/02173/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At A120 Slip Road, London Road, Braintree,  
Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XKS4BF00A00>

## SITE HISTORY

08/01291/ADV	Display of 2 Non Illuminated sponsorship signs	Withdrawn	30.07.08
08/01852/ADV	Display of 2 no. non-illuminated advertising signs	Granted	13.11.08

## POLICY CONSIDERATIONS

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

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

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- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

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

CS9           Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

#### Neighbourhood Plan

None

#### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of London Road and the A120 slip road.

#### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the south west of the roundabout, with the other at the north east of the roundabout.

#### CONSULTATIONS

##### Highways England

No objection.

##### ECC Highways

No comments.

#### PARISH / TOWN COUNCIL

N/A

#### REPRESENTATIONS

None.

#### REPORT

##### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

##### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Highways England and Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

##### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

## INFORMATION TO APPLICANT

- 1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

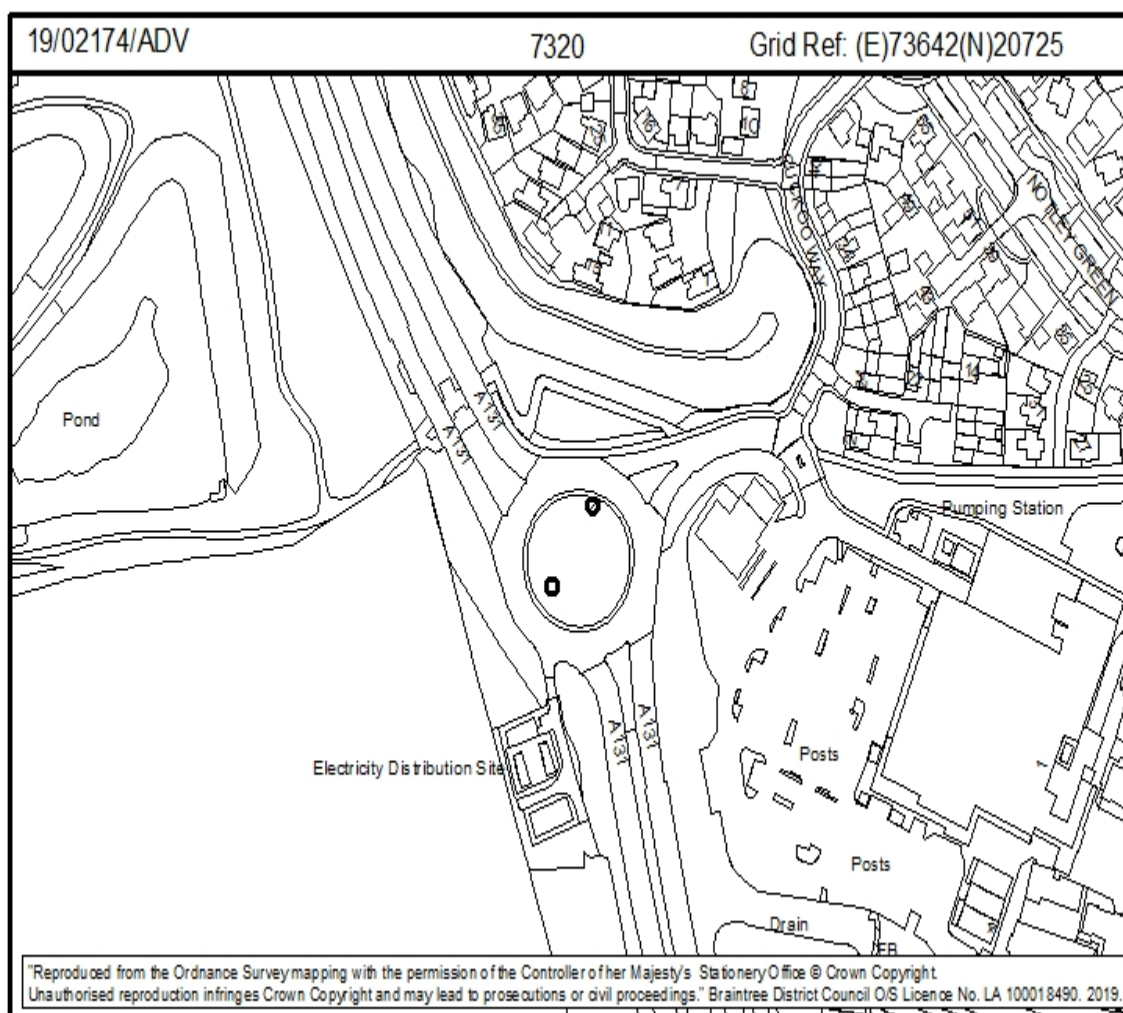


PARTB

AGENDA ITEM NUMBER 5.14

APPLICATION NO: 19/02174/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Bocking End, Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Tesco Roundabout And A131 Notley By Pass, London Road, Great Notley, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XKXVBF00A00>

### SITE HISTORY

08/01294/ADV	Display of 3 Non Illuminated signs	Withdrawn	30.07.08
08/01864/ADV	Display of 2 no. non-illuminated advertising signs	Granted	13.11.08
19/02178/ADV	3 No. non-illuminated roundabout sponsorship signs.	Pending Decision	

### POLICY CONSIDERATIONS

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

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

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

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

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

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

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of the A131 and Cuckoo Way.

### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the north east of the roundabout facing Cuckoo Way and the other facing the A131 to the south.

## CONSULTATIONS

### ECC Highways

Raised no comments.

### PARISH / TOWN COUNCIL

Great Notley Parish Council – No objections.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

- 1 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.

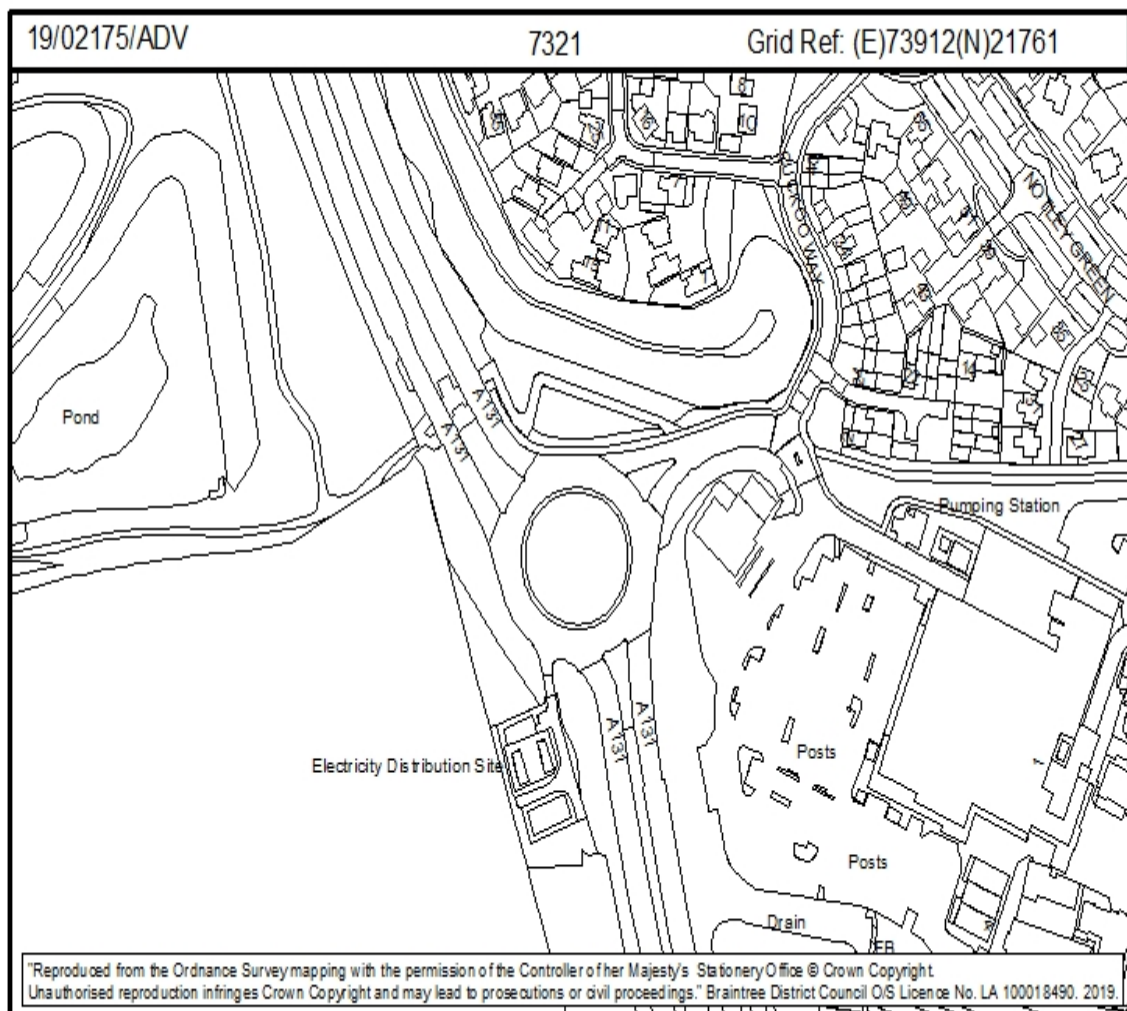
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.15

APPLICATION NO: 19/02175/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Bocking End, Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout Between Avenue West And, Queenborough Lane, Great Notley, Essex

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





The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XKYGBF0H500>

## SITE HISTORY

04/00075/REF	Installation of radio base station comprising of a 15m timber monopole incorporating 3 no. 1.7m antennas, 1 no. 200mm transmission dish and equipment cabin and ancillary development		25.11.04
05/00065/REF	Installation of 15m slim line monopole incorporating 3 no. 1.7m antennas, 1 no. 200mm transmission dish with NEC Node B equipment and ancillary development	Appeal Allowed	27.10.06
04/01204/T56	Installation of radio base station comprising of a 15m timber monopole incorporating 3 no. 1.7m antennas, 1 no. 200mm transmission dish and equipment cabin and ancillary development	Permission Required	05.08.04
94/00980/REM	Proposed Village Spine Road	Granted	14.10.94
05/00818/T56	Installation of 15m slim line monopole incorporating 3 no. 1.7m antennas, 1 no. 200mm transmission dish with NEC Node B equipment and ancillary development	Refused then allowed on appeal	14.06.05
08/01295/ADV	Display of 3 no. non-illuminated sponsorship signage	Withdrawn	30.07.08
08/01866/ADV	Display of 2 no. non-illuminated advertising signs	Granted	14.11.08

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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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 Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90      Layout and Design of Development  
RLP107     Outdoor Advertisements

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

CS9          Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55      Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Avenue West and Avenue East.

### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the south of the roundabout facing the roundabout to the south and the other to the north of the roundabout.

### CONSULTATIONS

#### ECC Highways

Raised no comments.

### PARISH / TOWN COUNCIL

Great Notley Parish Council – No objections.

### REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

## INFORMATION TO APPLICANT

1 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.
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  - (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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

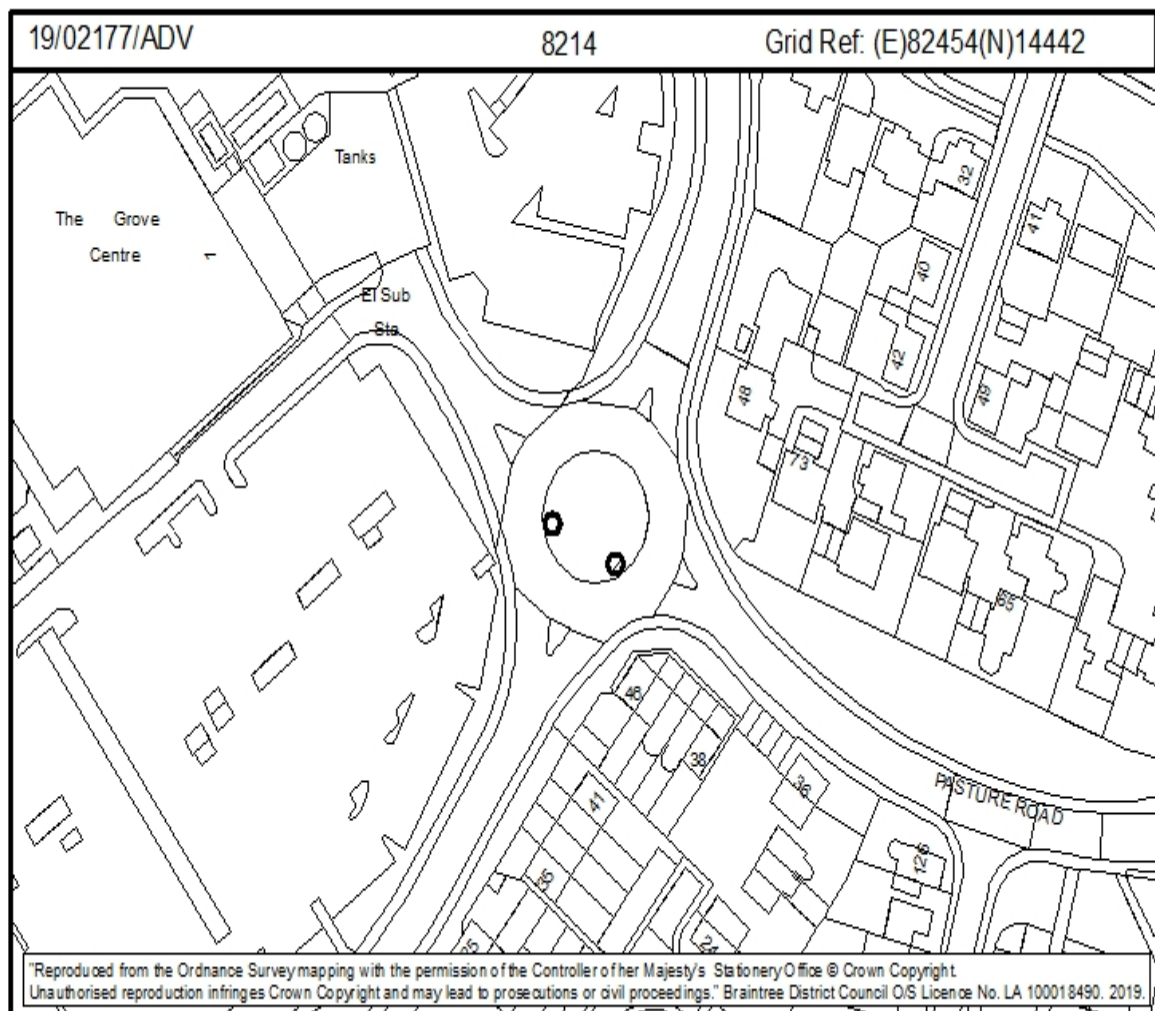
AGENDA ITEM NUMBER 5.16

APPLICATION NO: 19/02177/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Tesco, The Grove, Witham, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)





The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XL3XBF00A00>

### SITE HISTORY

08/01305/ADV	Display of 4 no. non-illuminated sponsorship signage	Withdrawn	31.07.08
08/01871/ADV	Display of 2 no. non-illuminated advertising signs	Granted	05.11.08

### POLICY CONSIDERATIONS

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

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

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

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

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

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of The Grove and Pasture Road.

### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

The two adverts would be located at the south of the roundabout facing towards Pasture Road and The Grove Centre.

## CONSULTATIONS

### ECC Highways

No comments.

### PARISH / TOWN COUNCIL

Witham Town Council raised no objections.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raises no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as the countryside.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

1 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.

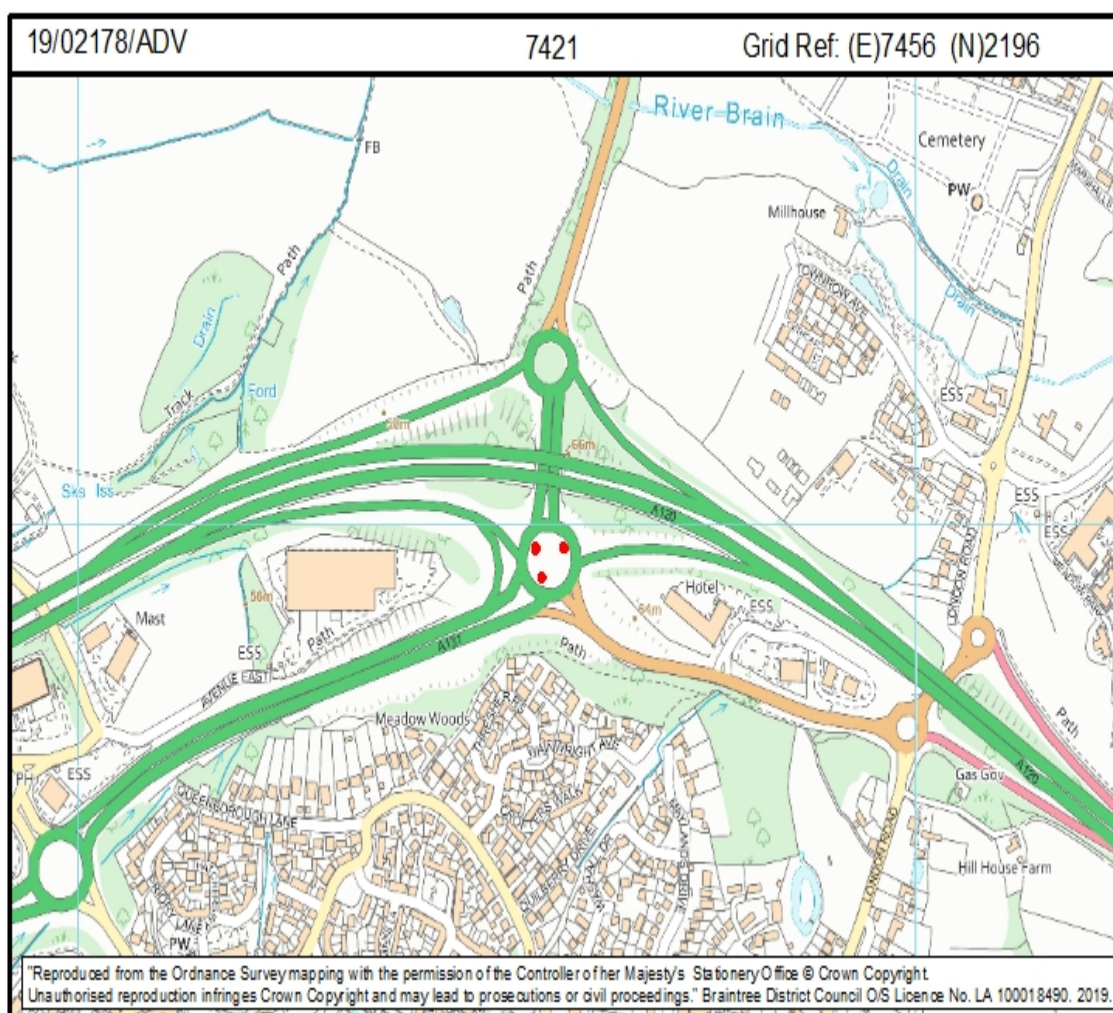
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

## AGENDA ITEM NUMBER 5.17

APPLICATION NO:	19/02178/ADV	DATE VALID:	10.01.20
APPLICANT:	Mr Jeremy Taylor Braintree District Council, Causeway House, Bocking End , Braintree, CM7 9HB		
DESCRIPTION:	3 No. non-illuminated roundabout sponsorship signs.		
LOCATION:	Great Notley Bypass A120/A131, Garden Village Way, Great Notley, Essex		

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XL6XBF0H500>

### SITE HISTORY

08/01294/ADV	Display of 3 Non Illuminated signs	Withdrawn	30.07.08
08/01864/ADV	Display of 2 no. non-illuminated advertising signs	Granted	13.11.08
19/02174/ADV	2 No. non-illuminated roundabout sponsorship signs.	Pending Decision	
08/01287/ADV	Display of 4 Non Illuminated sponsorship signs	Withdrawn	30.07.08
08/01867/ADV	Display of 3 no. non-illuminated advertising signs	Granted	12.11.08

### POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.



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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

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

CS9           Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

#### Neighbourhood Plan

None

#### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of the A131, the B1256 and the A120 slip road.

#### PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the north of the roundabout facing the northern arm, with one facing the A120 exit slip road, and facing the A131.

## CONSULTATIONS

### ECC Highways

No comments.

### PARISH / TOWN COUNCIL

Great Notley Parish Council raised no comments.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

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  - (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.
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CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

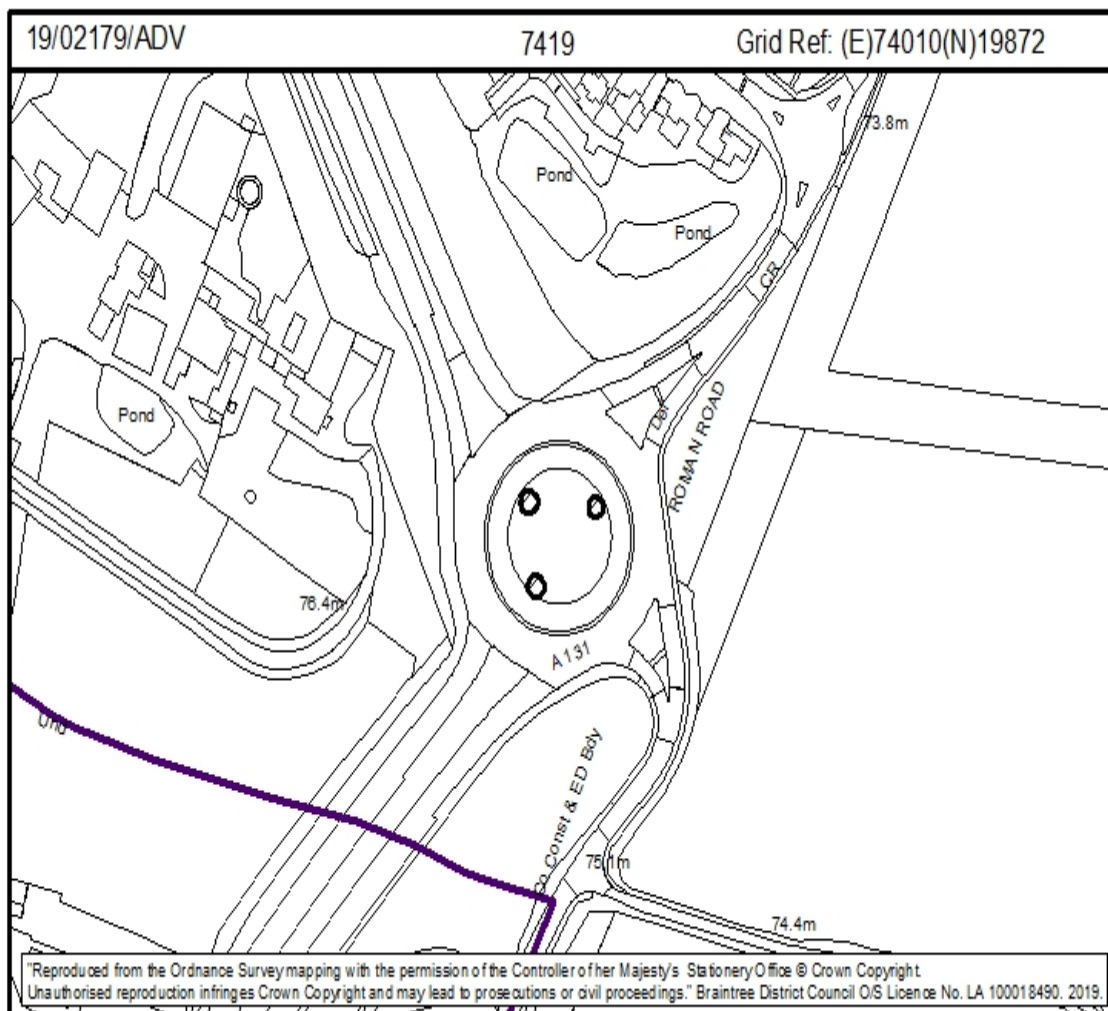
AGENDA ITEM NUMBER 5.18

APPLICATION NO: 19/02179/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Causeway House, Bocking End, Braintree, CM7 9HB  
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At London Road Great Leighs, Garden Village Way, Great Notley, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XMBHBF0IG00>

### SITE HISTORY

04/01355/ADV	Display of sponsorship signage	Granted	12.08.04
08/01296/ADV	Display of 4 no. non-illuminated sponsorship signage	Withdrawn	28.07.08
08/01863/ADV	Display of 4 no. non-illuminated advertising signs	Granted	06.11.08

### POLICY CONSIDERATIONS

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
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- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance



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

Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

Neighbourhood Plan

None

Other Material Considerations

None.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site consists of a roundabout at the junction of the A131 and London Road.

PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the north east of the roundabout facing the northern arm of London Road, one facing the southern arm of the A131 and the other facing the A131 to the north-west.

## CONSULTATIONS

### ECC Highways

Raised no comments.

### PARISH / TOWN COUNCIL

Great Notley Parish Council raised no comments on this application.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

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  - (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.
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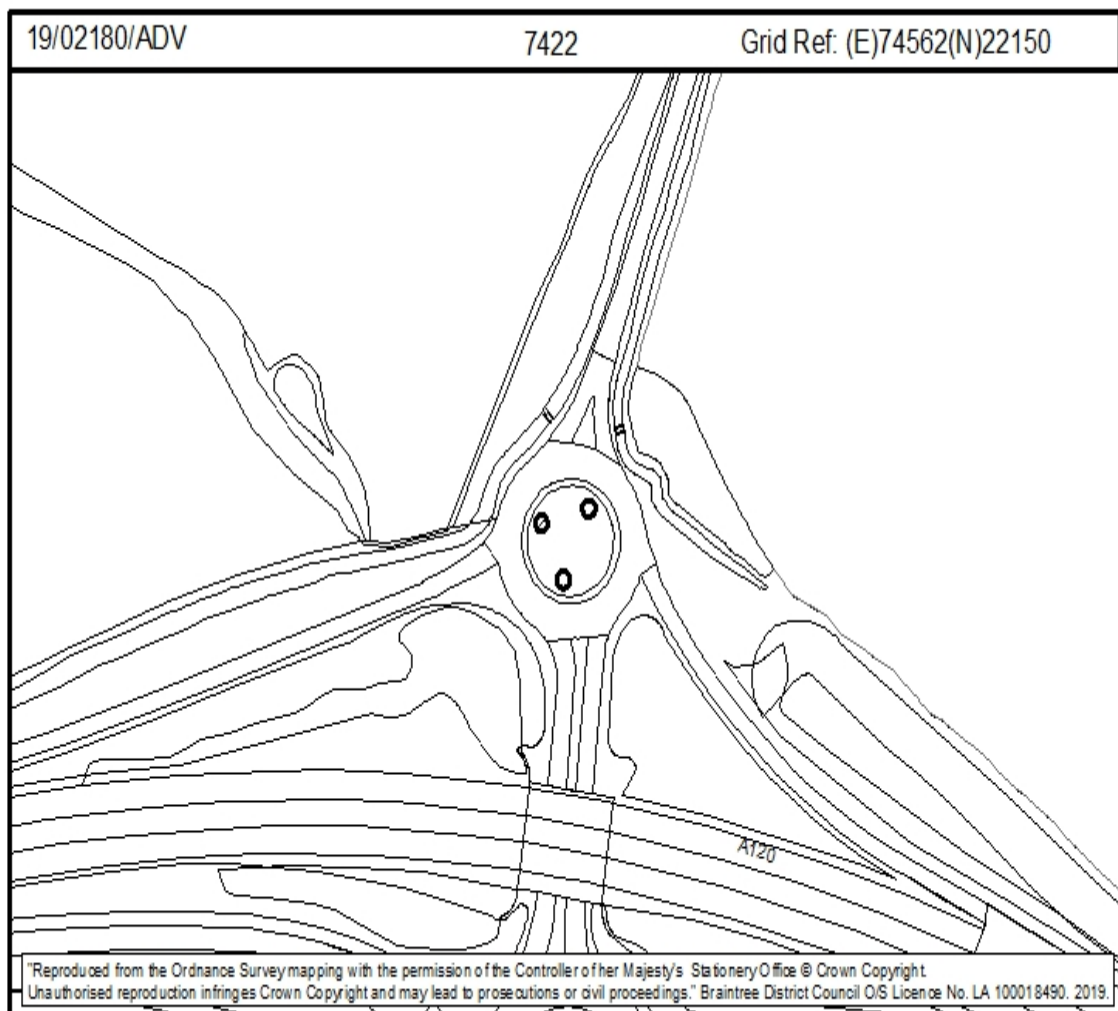
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.19

APPLICATION NO: 19/02180/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End,  
Braintree, CM7 9HB  
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Pods Brook Road, Braintree Bypass,  
Braintree, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XMVUBF0EC00>

## SITE HISTORY

08/01290/ADV	Display of 3 Non Illuminated sponsorship signs	Withdrawn	30.07.08
08/01854/ADV	Display of 3 no. non-illuminated advertising signs	Granted	13.11.08

## POLICY CONSIDERATIONS

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Pod's Brook Road and A120 slips roads.

### PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the south of the roundabout facing the roundabout to the south, one would face the A120 exit slip road and the other to the north of the roundabout facing Pod's Brook Road.

### CONSULTATIONS

#### ECC Highways

Raised no comments.



## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

## INFORMATION TO APPLICANT

- 1 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.

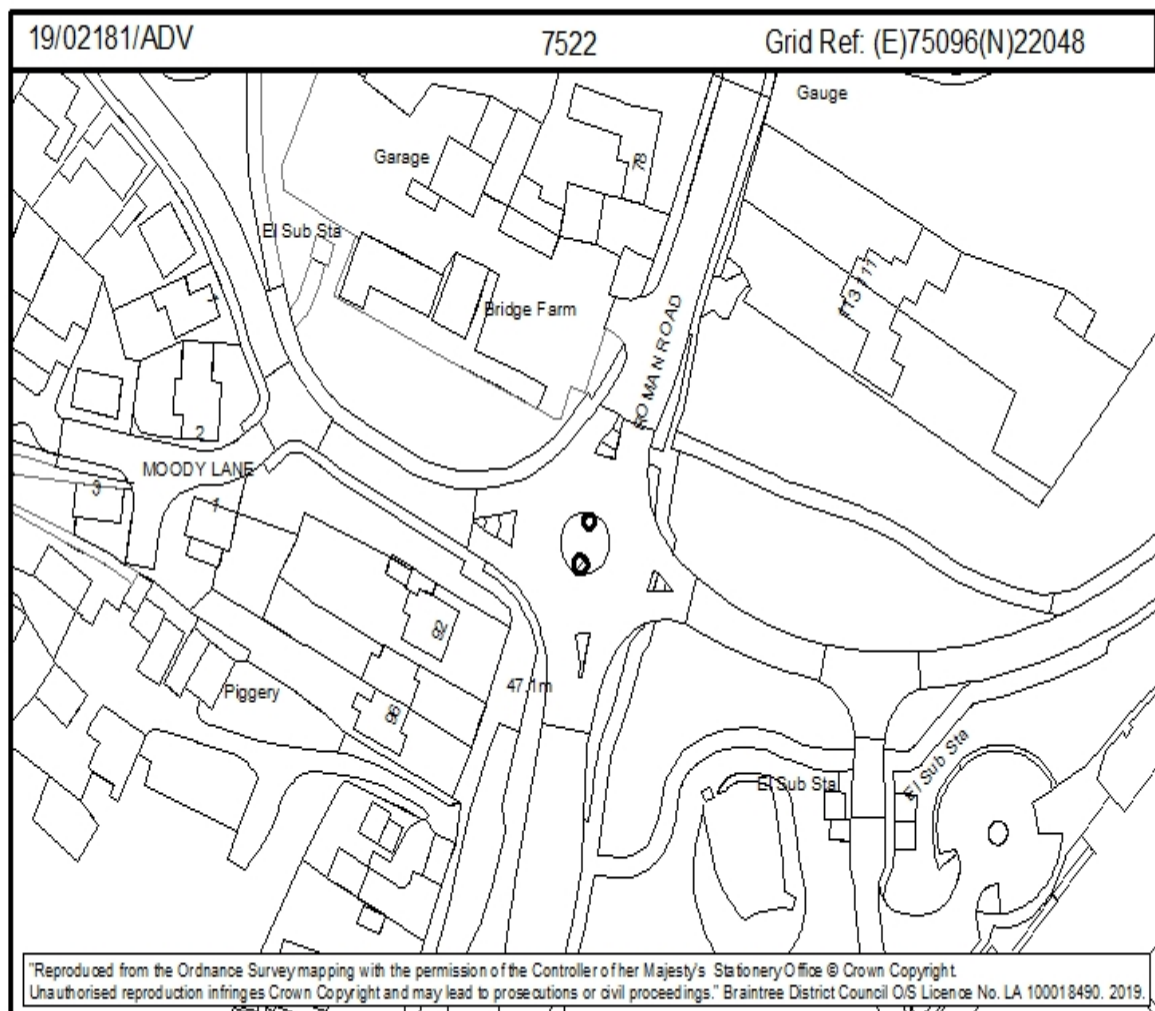
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.20

APPLICATION NO: 19/02181/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At London Road, London Road, Braintree,  
Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XMZ1BF0EC00>

## SITE HISTORY

N/A

## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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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 Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

Neighbourhood Plan

None

Other Material Considerations

None.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site consists a roundabout at the junction of London Road and Tortoiseshell Way.

PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

The two adverts would be located at the south of the roundabout facing towards Pasture Road and The Grove Centre.

CONSULTATIONS

ECC Highways – Raises no comments.

## REPRESENTATIONS

Witham Town Council – No objections.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raises no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as the countryside.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.



## RECOMMENDATION

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

## APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

## INFORMATION TO APPLICANT

1 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.

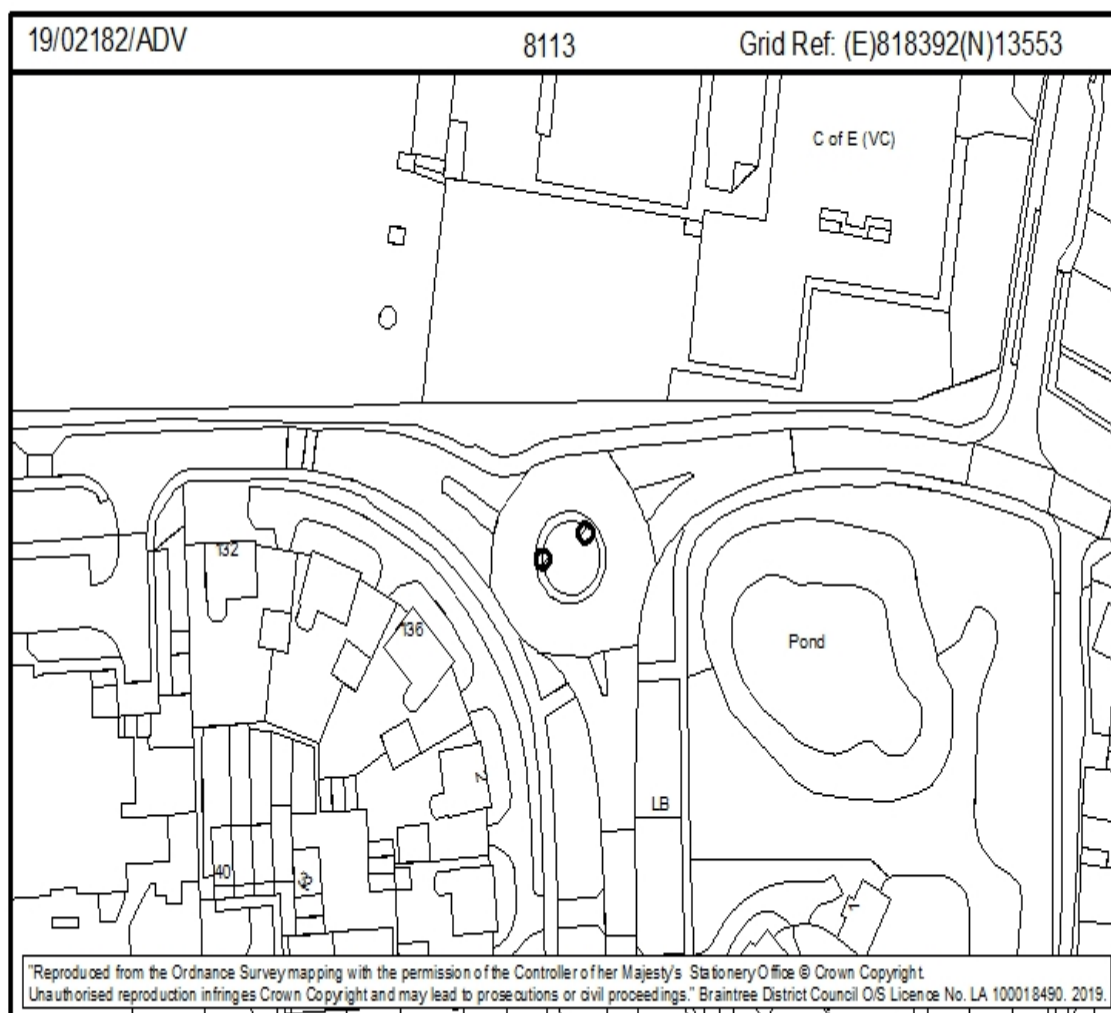
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.21

APPLICATION NO: 19/02182/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Bocking End, Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Gershwin Boulevard, Maltings Lane, Witham, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XN1WBF0EC00>

## SITE HISTORY

08/01303/ADV	Display of 3 no. non-illuminated sponsorship signage	Withdrawn	31.07.08
08/01868/ADV	Display of 2 no. non-illuminated advertising signs	Granted	05.11.08

## POLICY CONSIDERATIONS

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

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

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

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

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

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

carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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#### National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

Neighbourhood Plan

None

Other Material Considerations

None.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site consists of a roundabout at the junction of Maltings Lane to the north of Gershwin Boulevard.

PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located facing the eastern arm of Maltings Lane, and the other facing the western arm of Maltings Lane.

CONSULTATIONS

ECC Highways

Raised no comments.

## PARISH / TOWN COUNCIL

Witham Town Council – No objection.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

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The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The

proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

### APPROVED PLANS

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

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  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or



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CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

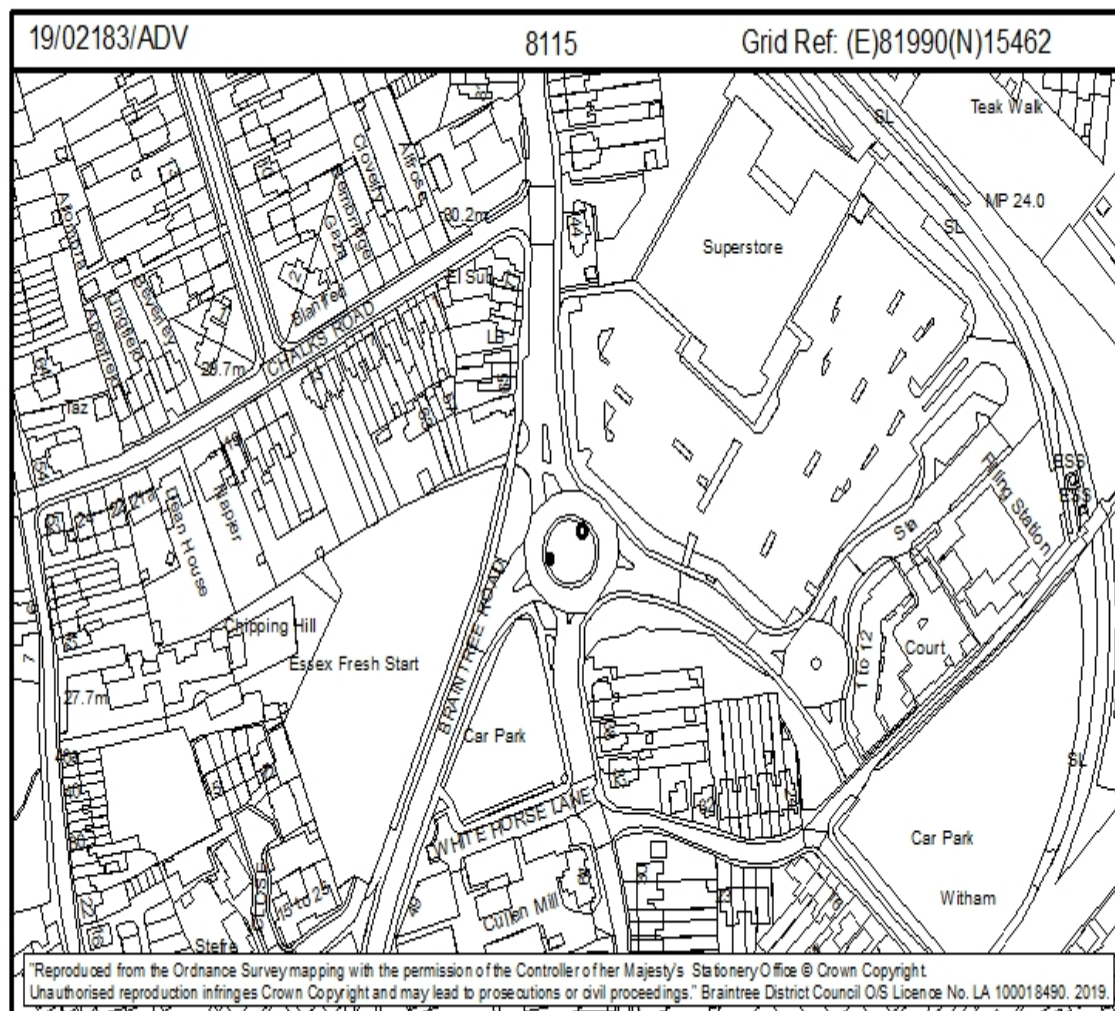
AGENDA ITEM NUMBER 5.22

APPLICATION NO: 19/02183/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Morrisons Roundabout, Braintree Road, Witham, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

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### SITE HISTORY

08/01307/ADV	Display of 3 no. non-illuminated sponsorship signage	Withdrawn	31.07.08
08/01859/ADV	Display of 2 no. non-illuminated advertising signs	Granted	06.11.08
19/02213/ADV	1 No. non-illuminated sponsorship sign.	Pending Consideration	

### 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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examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Braintree Road and the B1018.

### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the south of the roundabout facing the southern arm of the B1018, and the other facing the superstore to the north east.

## CONSULTATIONS

### ECC Highways

Raised no comments.

### PARISH / TOWN COUNCIL

Witham Town Council – No objections.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

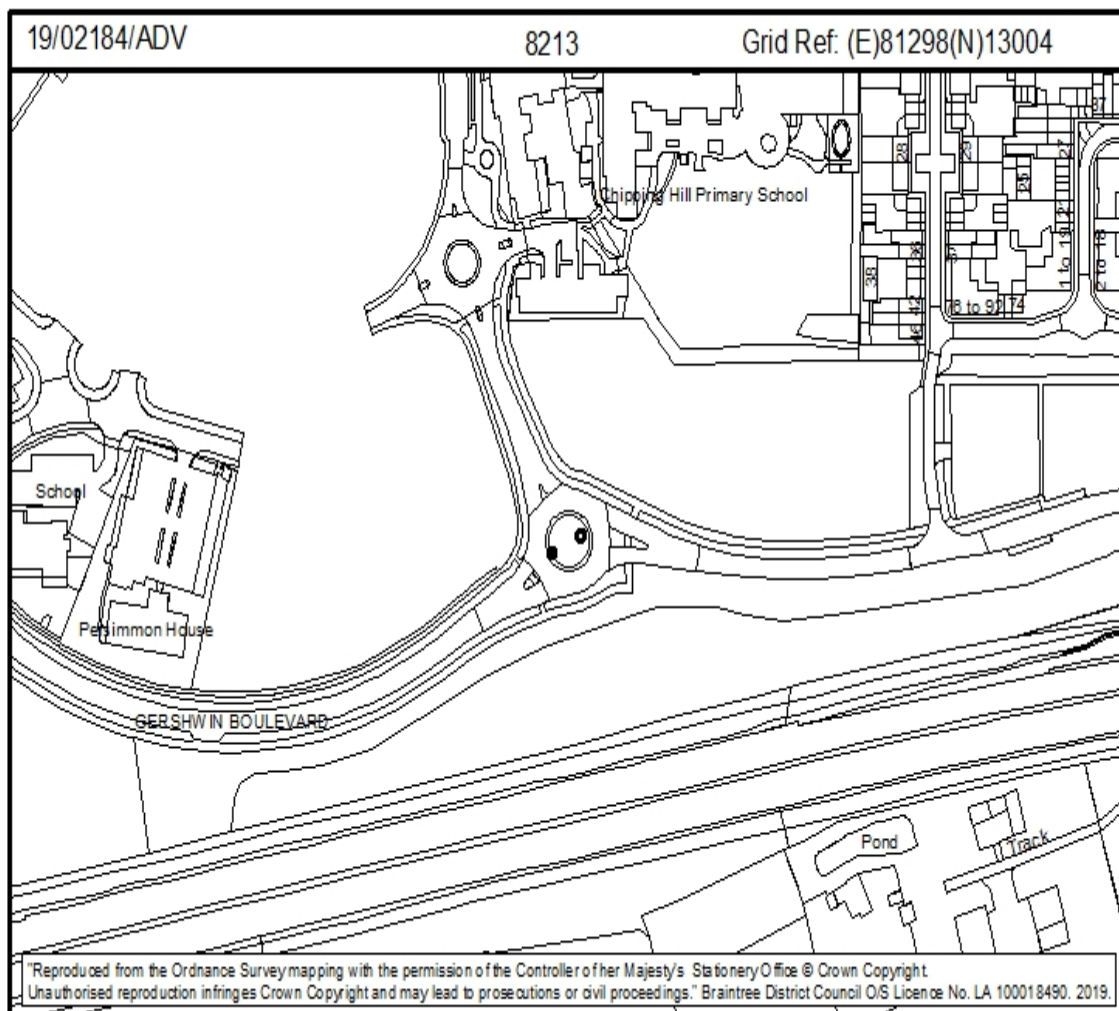


PART B

AGENDA ITEM NUMBER 5.23

APPLICATION NO: 19/02184/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Bocking End, Braintree, CM7 9HB  
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Hawkes Road, Hatfield Road, Witham, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XN7DBF0EC00>

## SITE HISTORY

08/01302/ADV	Display of 3 no. non-illuminated sponsorship signage	Withdrawn	31.07.08
08/01869/ADV	Display of 2 no. non-illuminated advertising signs	Granted	06.11.08

## POLICY CONSIDERATIONS

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

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

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

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

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

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

carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

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

CS9           Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

#### Neighbourhood Plan

None

#### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Gershwin Boulevard and Owers Road.

#### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the east of the roundabout facing Gershwin Boulevard to the east and the other facing Gershwin Boulevard to the west.

#### CONSULTATIONS

##### ECC Highways

Raised no comments.

## PARISH / TOWN COUNCIL

Witham Town Council raised no objections.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The

proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

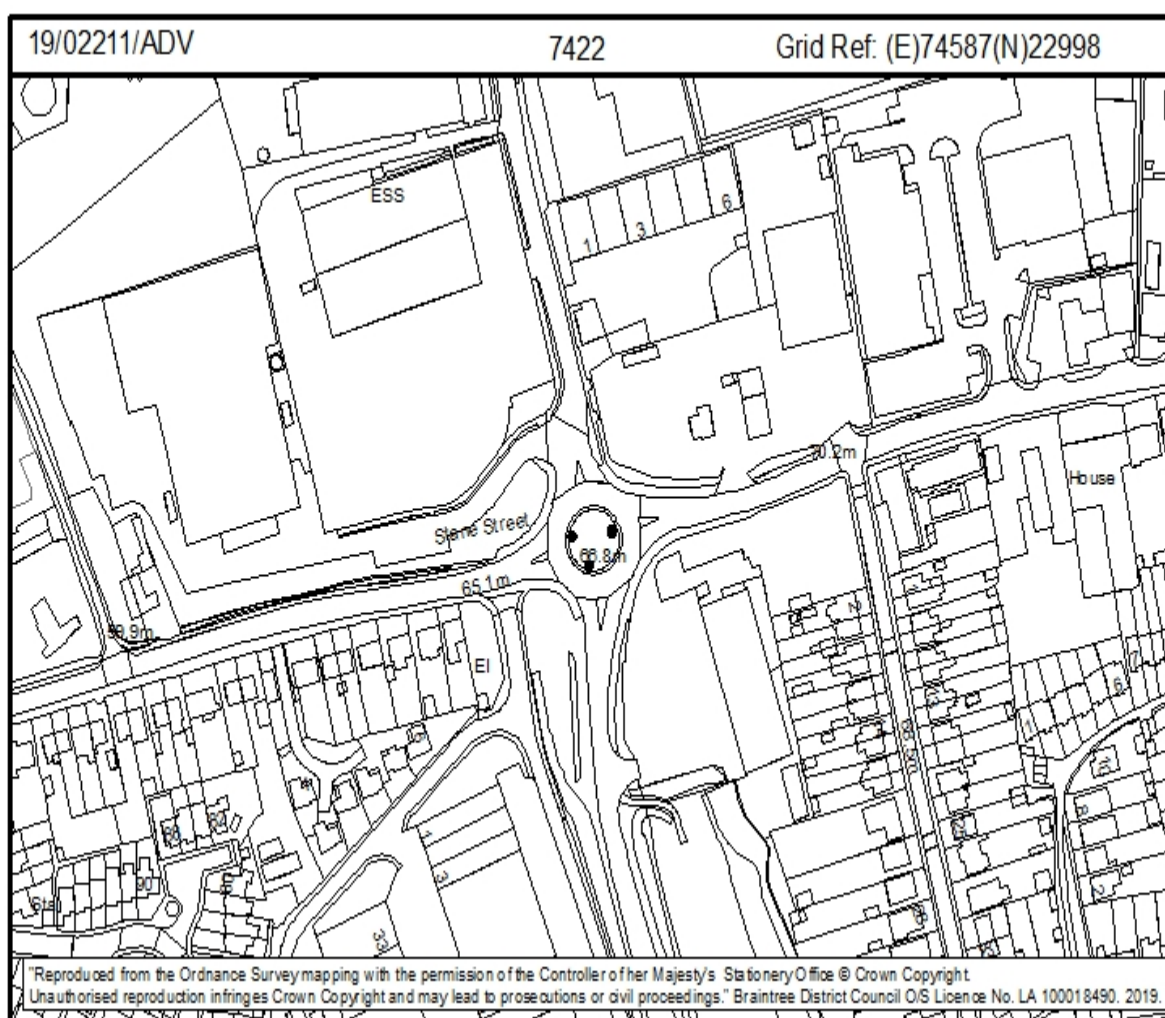
AGENDA ITEM NUMBER 5.24

APPLICATION NO: 19/02211/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Rayne Road, Rayne Road, Braintree, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)





The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q231X8BF0J900>

## SITE HISTORY

N/A

## POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
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A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90          Layout and Design of Development

RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP55 Layout and Design of Development

Neighbourhood Plan

None

Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Pod's Brook Road, Rayne Road and Springwood Drive.

#### PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the south of the roundabout facing Pod's Brook Road, with one facing the eastern arm of Rayne Road, and the other facing the western arm of Rayne Road.

#### CONSULTATIONS

##### ECC Highways

Raised no comments.

#### PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.25

APPLICATION NO: 19/02212/ADV

DATE 10.01.20

VALID:

APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB

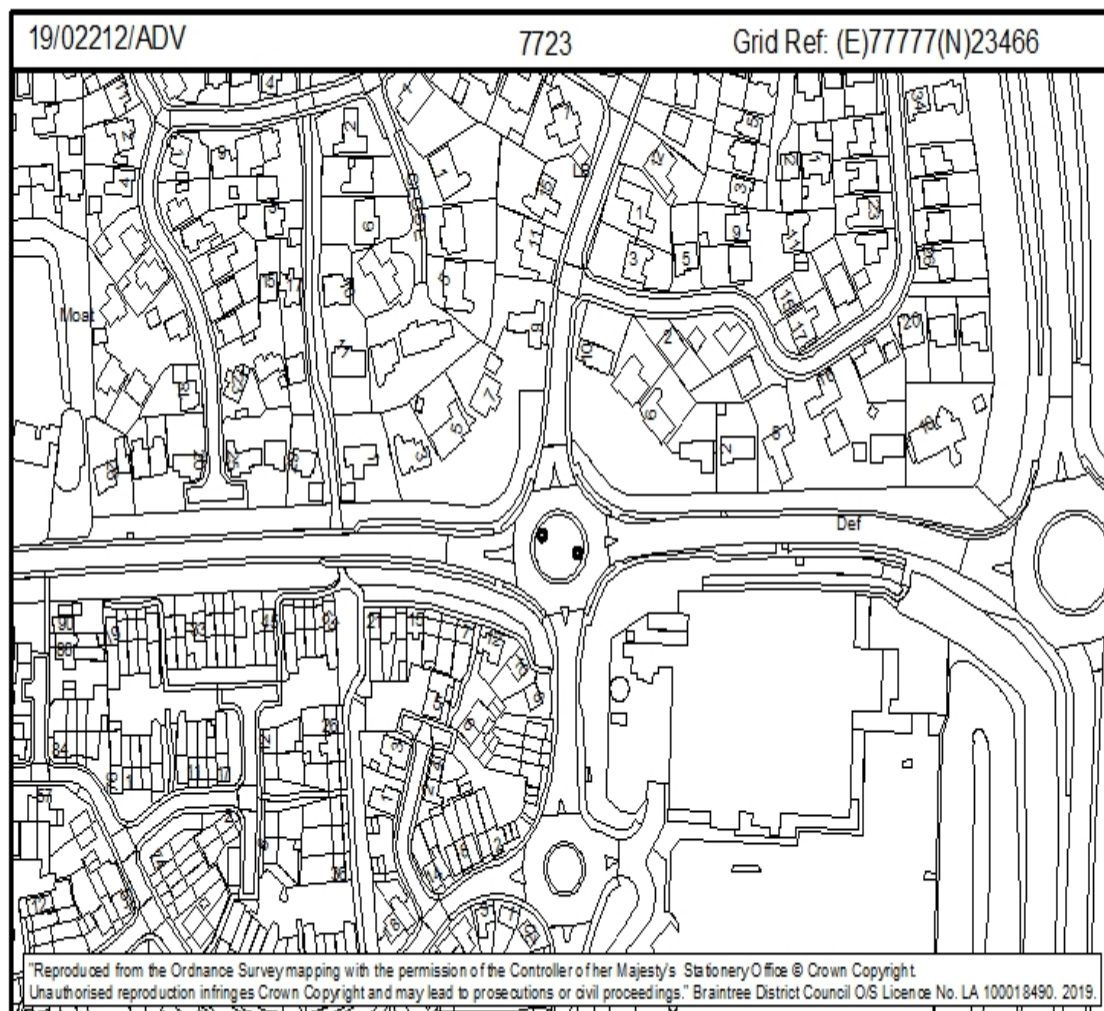
DESCRIPTION: 2 No. non-illuminated roundabout sponsorship signs.

LOCATION: Roundabout At Bridport Way, Coggeshall Road, Braintree,  
Essex, ,

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2329YBF0J900>

## SITE HISTORY

08/01280/ADV	Display of 4 Non illuminated sponsorship signs	Withdrawn	28.07.08
08/01850/ADV	Display of 2 no. non-illuminated advertising signs	Granted	14.11.08

## POLICY CONSIDERATIONS

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

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

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

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

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

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



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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Coggeshall Road, Clay Pits Way and Bridport Way.

### PROPOSAL

The application seeks advertisement consent for the installation of two non-illuminated advertisements. The adverts would measure 1.5m in width, 0.65m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.05m in height.

One advert would be located at the east of the roundabout facing towards Coggeshall Road, with the other at the west of the roundabout facing towards Coggeshall Road.

### CONSULTATIONS

#### ECC Highways

No comments.

## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

## CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The

proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

### INFORMATION TO APPLICANT

- 1 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.

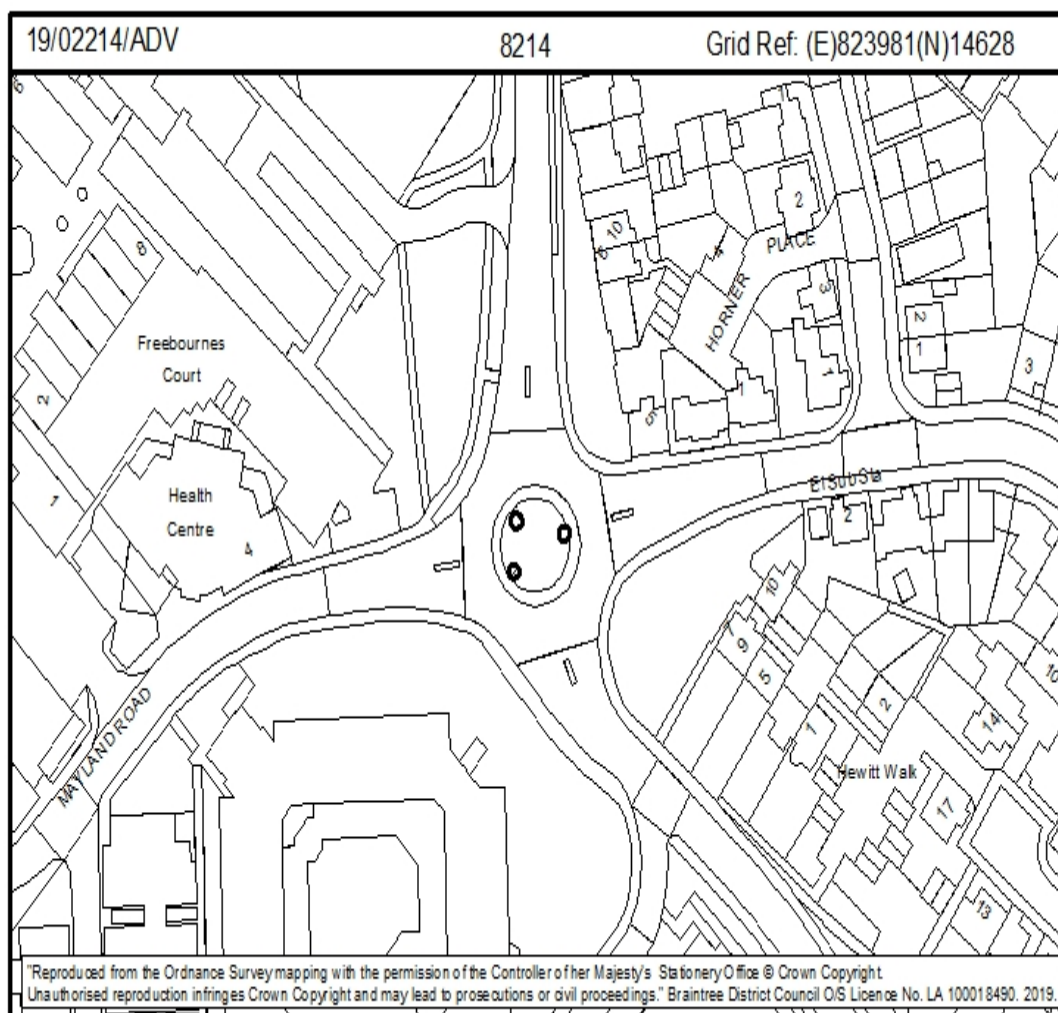
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.26

APPLICATION NO: 19/02214/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End ,  
Braintree, CM7 9HB  
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout North Of Mayland House, The Grove, Witham,  
Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q232GEBF0J900>

## SITE HISTORY

08/01304/ADV	Display of 4 no. non-illuminated sponsorship signage	Withdrawn	31.07.08
08/01860/ADV	Display of 2 no. non-illuminated advertising signs	Granted	05.11.08

## POLICY CONSIDERATIONS

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

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

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

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

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

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

carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.



### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements

### Braintree District Local Development Framework Core Strategy 2011

CS9           Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

### Neighbourhood Plan

None

### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

### SITE DESCRIPTION

The application site consists of a roundabout at the junction of The Grove, Mayland Road and Barwell Way.

### PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the east of the roundabout facing towards Barwell Way, with the other two at the west of the roundabout.

## CONSULTATIONS

### Highways England

No objection.

### ECC Highways

No comments.

## PARISH / TOWN COUNCIL

Witham Town Council raised no objections.

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Highways England and Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Signage Details

- 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 consent 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 There shall be no illumination of the signs whatsoever.

#### Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

## INFORMATION TO APPLICANT

1 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.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

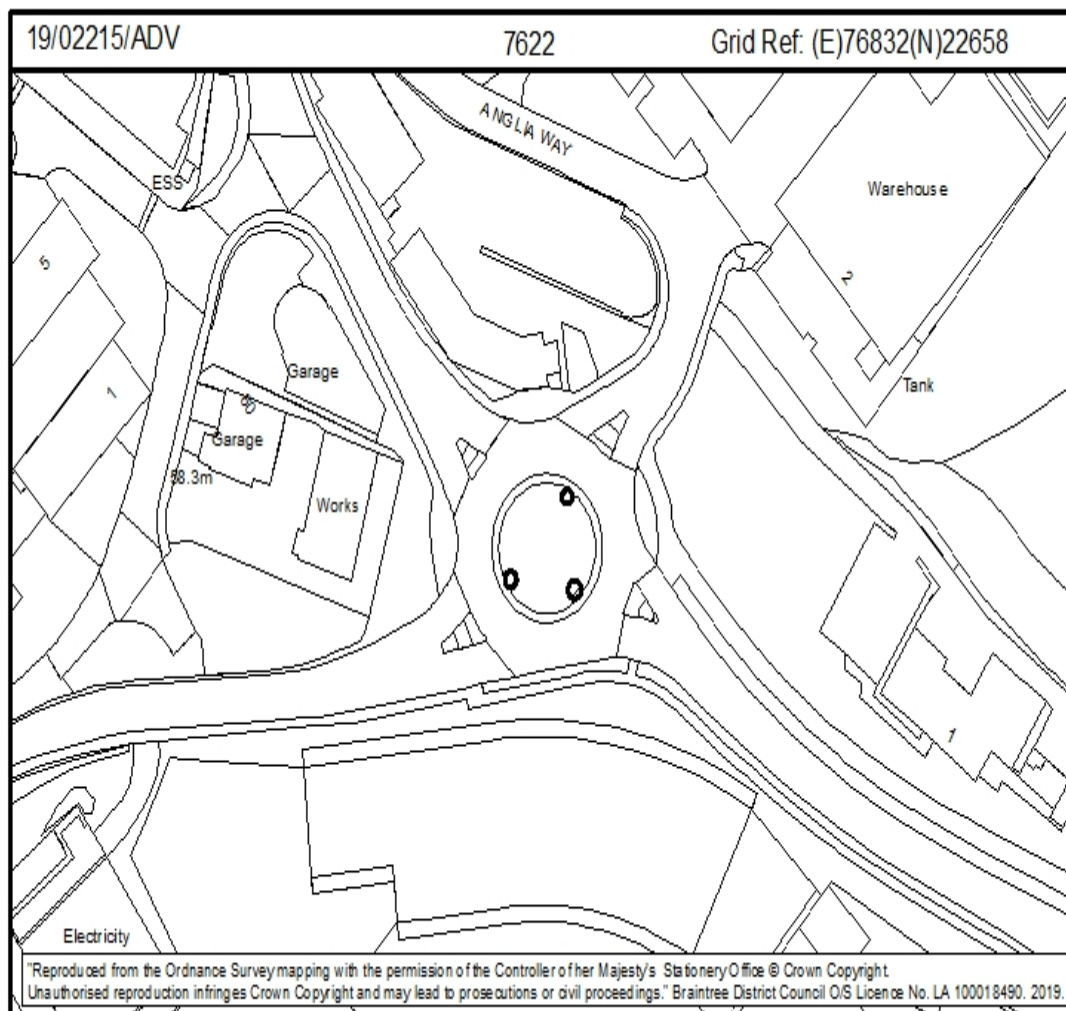
AGENDA ITEM NUMBER 5.27

APPLICATION NO: 19/02215/ADV  
DATE VALID: 10.01.20  
APPLICANT: Mr Jeremy Taylor  
Braintree District Council, Causeway House, Bocking End,  
Braintree, CM7 9HB  
DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.  
LOCATION: Roundabout At Mill Hill, Chapel Hill, Braintree, Essex

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2320TBF0J900>

## SITE HISTORY

08/01285/ADV	Display of 4 Non Illuminated sponsorship signs	Withdrawn	30.07.08
08/01862/ADV	Display of 3 no. non-illuminated advertising signs	Granted	14.11.08
00/01763/ADV	Display of company sign	Granted	23.01.01
80/00669/P	Proposed erection of indoor riding school building	Appeal Allowed	
82/00075/P	Proposed staff dwelling	Refused	14.04.82
90/01852/P	Display of non-illuminated standard panel advertisements for screening site of former by-pass construction depot	Appeal Dismissed	
08/01278/ADV	Display of 4 non illuminated sponsorship signs	Withdrawn	30.07.08
08/01853/ADV	Display of 3 no. non-illuminated advertising signs	Granted	14.11.08
19/02171/ADV	3 No. non-illuminated roundabout sponsorship signs.	Pending Decision	

## POLICY CONSIDERATIONS

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

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

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The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the

Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90          Layout and Design of Development  
RLP107        Outdoor Advertisements

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

CS9            Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP55        Layout and Design of Development

#### Neighbourhood Plan

None

#### Other Material Considerations

None.

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

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

#### SITE DESCRIPTION

The application site consists of a roundabout at the junction of Millennium Way, Anglia Way and Mill Hill.



## PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.0m in width, 0.5m in height, and the base of the sign would be 0.5m above the ground. Overall, the adverts would be 1.0m in height.

One advert would be located at the south east of the roundabout facing Millennium Way to the east, one facing Anglia Way and the other facing Mill Hill to the south west.

## CONSULTATIONS

### Highways England

No objection.

### ECC Highways

Raised no comments.

## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Highways England and Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

### CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Signage Details  
Location Plan

- 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 consent 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 There shall be no illumination of the signs whatsoever.

Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the locality.

INFORMATION TO APPLICANT

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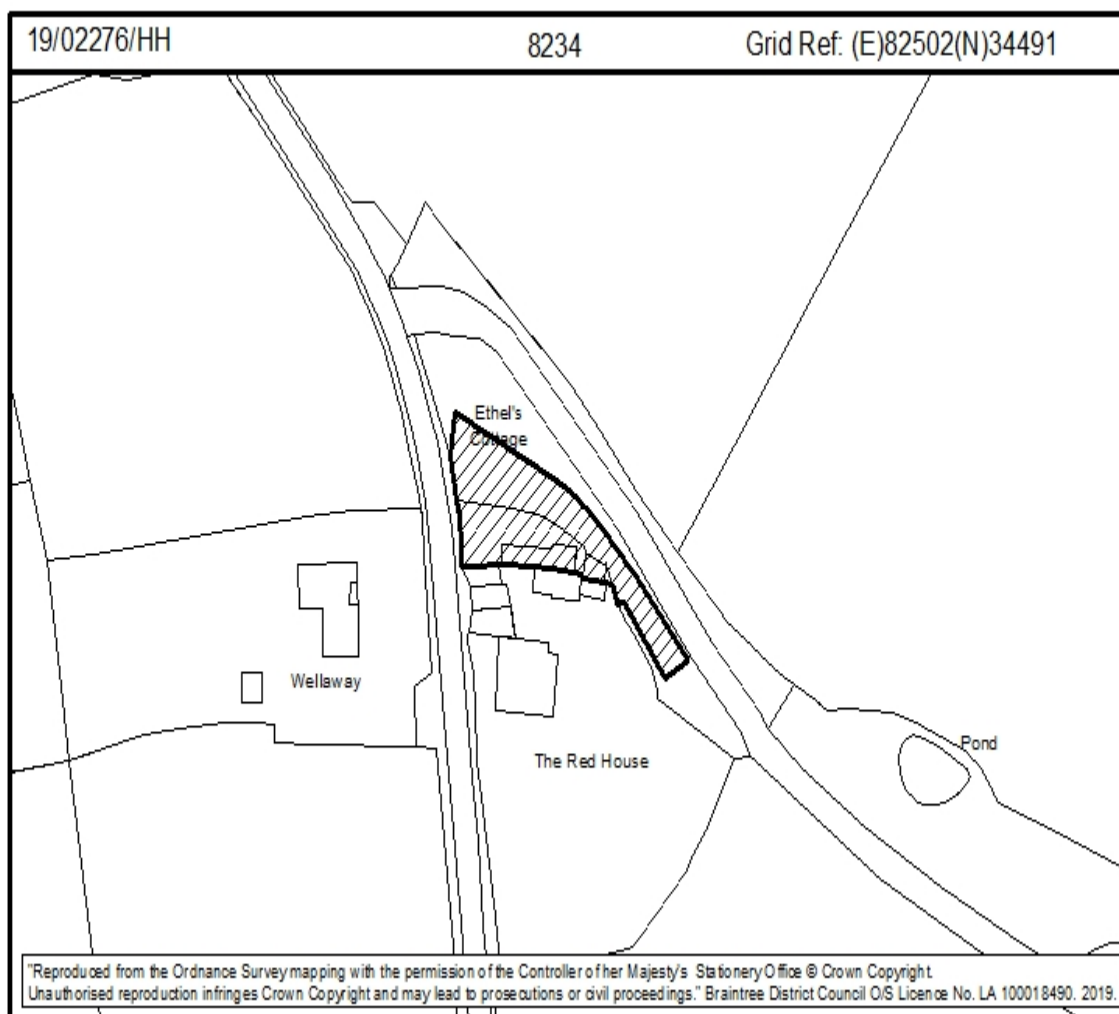
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5.28

APPLICATION NO: 19/02276/HH  
DATE VALID: 18.12.19  
APPLICANT: Mr & Mrs D Morris  
Ethels Cottage, Gestingthorpe Road, Little Maplestead,  
CO9 2SN  
AGENT: Mr Nigel Chapman  
Kings House, Colchester Road, Halstead, CO9 2ET  
DESCRIPTION: Erection of two storey extension and porch  
LOCATION: Ethels Cottage, Gestingthorpe Road, Little Maplestead,  
Essex, CO9 2SN

For more information about this Application please contact:  
Jack Street on:- 01376 551414 Ext.  
or by e-mail to: [jack.street@braintree.gov.uk](mailto:jack.street@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2P7NTBFJXN00>

### SITE HISTORY

88/00862/P	Erection Of Conservatory	Granted	20.05.88
06/02371/FUL	Erection of two storey extension consisting of family room, utility room, two bedrooms, bathroom and en-suite	Granted	22.01.07
17/00007/FUL	Erection of two storey extension and porch	Granted	07.02.17

### 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. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

## Neighbourhood Plan

N/A

## Other Material Considerations

Essex Design Guide

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

The application site is located within Little Maplestead though is sited beyond any development boundaries that serve the area whereby the land is considered as countryside. The host dwelling is Ethel's Cottage, a semi-detached residence situated across the east side of Gestingthorpe Road.

The host dwelling is sufficiently screened from the highway by foliage across the eastern boundary of the grounds enjoyed by the property, which measure an approximate total area of 0.21 hectares (0.52 acres). The host dwelling enjoys a significant degree of amenity space at its frontage.

The site borders the residential setting of The Red House, a Grade-II listed heritage asset located immediately southwards (List Entry Number: 1337980). Given the close proximity of the application site to the heritage asset, the effects of any works to Ethel's Cottage on the established appearance and setting of The Red House must be considered.

## PROPOSAL

The proposal seeks planning permission for a two storey side extension and front porch. The exact same development has already been approved under application reference 17/00007/FUL, though this original permission is no longer extant having expired on 12/02/2020.

The first element of the proposal, the two storey side extension to the property, will generally envelop an existing structure in this position and attain additional height. The extension will thereafter measure a length of 5.22 metres and 6.72 metres across the eastern flank of the property. The width across the rear of the extension will measure 6.82 metres, given that the extension will be set at an angle from the host dwelling, whilst a depth of 1.4 metres will be established between the north-eastern corner of the extension and the front wall of the host dwelling. The height to be attained by the extension will total approximately 6.4 metres from ground level to apex with a dormer window inserted in the centre. Materials proposed are to match the existing property.

The second element of the proposal regards to erection of a porch at the entrance to the host dwelling. The porch is to measure a length of approximately 1 metres and a width of 2.35 metres, with a proposed height of 3.39 metres. The porch would feature a new oak framed canopy.

## CONSULTATIONS

### Historic Buildings Consultant

No objection to the proposal.



### ECC Highway Authority

No comment on the proposal.

### PARISH / TOWN COUNCIL

No comment was received from Little Maplestead Parish Council during the statutory consultation period.

### REPRESENTATIONS

A site notice was displayed outside the entrance to the host dwelling for a 21 day period and immediate neighbours were notified in writing. No representations have been received.

### REPORT

#### Principle of Development

The application site lies beyond the parameters of any development boundaries or village envelopes, wherein countryside policies apply in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan. Policy CS5 of the Adopted Core Strategy 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.

Policy RLP100 of the Adopted Local Plan, supported by Policy CS9 of the Adopted Core Strategy, and Policy LPP60 of the Draft Local Plan states *inter alia* that works to, or in close proximity of, a listed heritage asset will be permitted where they do not harm the setting, character, structural stability and fabric of the listed building (or structure); will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance; and include the use of appropriate materials and finishes.

As mentioned above, planning permission has previously been approved for the exact same development under application reference 17/00007/FUL. This forms a material consideration in the determination of this application, particularly as the policy basis for determining the application remains the same. The proposed development is acceptable in principle, subject to satisfying applicable policy criteria and all other material considerations.

#### Design, Appearance and Layout

Paragraph 124 of the NPPF states *inter alia* that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement

for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Permission for the two storey extension to the property was originally granted under application reference 17/00007/FUL on the following grounds:

*The two storey side extension would replace the existing single storey side extension but would have a slightly larger bulk, height, width and footprint. The siting and design of the extension would be considered to be in harmony with the countryside setting and compatible with the scale and character of the existing dwelling.*

The original assessment is considered to remain applicable. The proposed extension continues to be considered by Officers as a compatible addition to the host dwelling by merits of its scale and harmonious with the established countryside setting.

The original assessment also noted that proposed materials would be controlled by condition to ensure appropriate external finishes in the countryside setting. This was also considered appropriate given that views of the site are visible from the adjacent heritage asset. This assessment is considered to remain applicable.

With regards to the proposed porch, the relatively minor nature of the addition to the host dwelling constitutes an addition that would remain subordinate to the host dwelling and would not disrupt the established countryside setting. The porch would not appear as an incongruous addition, but rather a clear subsidiary element of the host dwelling that is incidental to a property within the countryside. The porch is therefore, by merits of its size, siting and bulk, considered acceptable and accords with abovementioned policies.

#### Impact on the Significance of the Heritage Asset

This host dwellinghouse for this application abuts the residential setting of The Red House, a property statutorily listed as being of Grade II value in the list of Buildings of Special Architectural or Historic Interest. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the

weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan state that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building; will not result in the loss of, or significant damage to, the building or structure's historic and architectural elements of special importance; and include the use of appropriate materials and finishes.

The Historic Buildings Consultant has been consulted on the application and raises no objection to the proposed scheme. Furthermore, it is noted that the original application was subjected to consultation from a Heritage Officer, who concluded that the proposal is unlikely to have a detrimental impact upon the setting of the adjacent heritage asset. However, it was considered necessary to impose a condition to control the materials proposed across the extension and to ensure construction of the proposal would not commence until said materials had been submitted to and approved in writing by the local planning authority.

Given that the proposals are exactly the same as that previously granted permission under application reference 17/00007/FUL, and given there have been no material changes in circumstances, the impact of the proposed scheme upon the designated heritage asset is considered acceptable. However, it is considered appropriate to apply conditions imposed on the approval of application reference 17/00007/FUL, whereby the development shall be implemented in accordance with the approved details and maintained as such thereafter.

#### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or detrimental impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties, such as any issues of overlooking, overshadowing, loss of light or loss of privacy. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

Each element of the application, by merits of their siting, size, bulk and design, are not anticipated to have any detrimental impact on neighbouring residential amenities in terms of overlooking or overshadowing, nor is it thought that the extension would cause any issues such as loss of light or privacy. As such, the proposal is considered compliant with regards to the abovementioned policy considerations.

It is noted that the two storey side extension would be visible from the Grade II listed neighbouring property (The Red House) though, as reference in the body of the report above, the materials for the external finishes would be

controlled by condition to ensure that they do not affect the setting of the listed building.

### Highway Issues

It is not considered that the works proposed in this application would affect existing parking provisions. The proposal is therefore considered acceptable with regards to highway considerations.

### CONCLUSION

The two elements to the application are considered acceptable. Neither the two storey side extension nor the porch would have a detrimental impact on the appearance of the host dwelling and the wider countryside setting. The proposal is considered to comply with policy requirements outlined throughout the body of the report by merits of the dimensions and material considerations proposed. Furthermore, the application would not have a detrimental impact upon neighbouring residential amenity nor upon the adjacent heritage asset. The application is therefore recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Block Plan	Plan Ref: 15/1201/11
Existing Elevations	Plan Ref: 15/1201/5
Existing Floor Plan	Plan Ref: 15/1201/4
Location Plan	Plan Ref: 15/1201/10
Proposed Elevations	Plan Ref: 15/1201/9
Proposed 1st Floor Plan	Plan Ref: 15/1201/7
Proposed Ground Floor Plan	Plan Ref: 15/1201/6
Proposed Sections	Plan Ref: 15/1201/8

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

#### Reason

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

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

#### Reason

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

- 3 No above ground development shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such.

Reason

In the interests of visual amenity and the adjacent listed building.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER