

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 12 April 2016

Time: 19:15

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

Membership:

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor Mrs G Spray

Members are requested to attend this meeting, to transact the following business:-

Page

PUBLIC SESSION

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 15th March 2016 (copy to follow).

4 Public Question Time

(See paragraph below)

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.

PART A

Planning Applications:-

- | | | |
|-----------|---|-----------------|
| 5a | Application No. 15 00186 FUL - Saling Hall, The Street, GREAT SALING | 5 - 27 |
| 5b | Application No. 15 00187 LBC - Saling Hall, The Street, GREAT SALING | 28 - 32 |
| 5c | Application No. 15 00280 OUT - Land off Western Road, SILVER END | 33 - 89 |
| 5d | Application No. 15 01273 OUT - Land North of Conrad Road, WITHAM | 90 - 119 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|---|------------------|
| 5e | Application No. 16 00180 ADV - Crabbs Barn, Cranes Lane, KELVEDON | 120 - 124 |
| 5f | Application No. 16 00097 ADV - The Red Lion Public House, Newland Street, WITHAM | 125 - 132 |
| 5g | Application No. 16 00098 LBC - The Red Lion Public House, Newland Street, WITHAM | 133 - 139 |
| 5h | Application No. 16 00237 FUL - 36 Cromwell Way, WITHAM | 140 - 143 |

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

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.

Cont'd

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail demse@braintree.gov.uk

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Governance and Members team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment

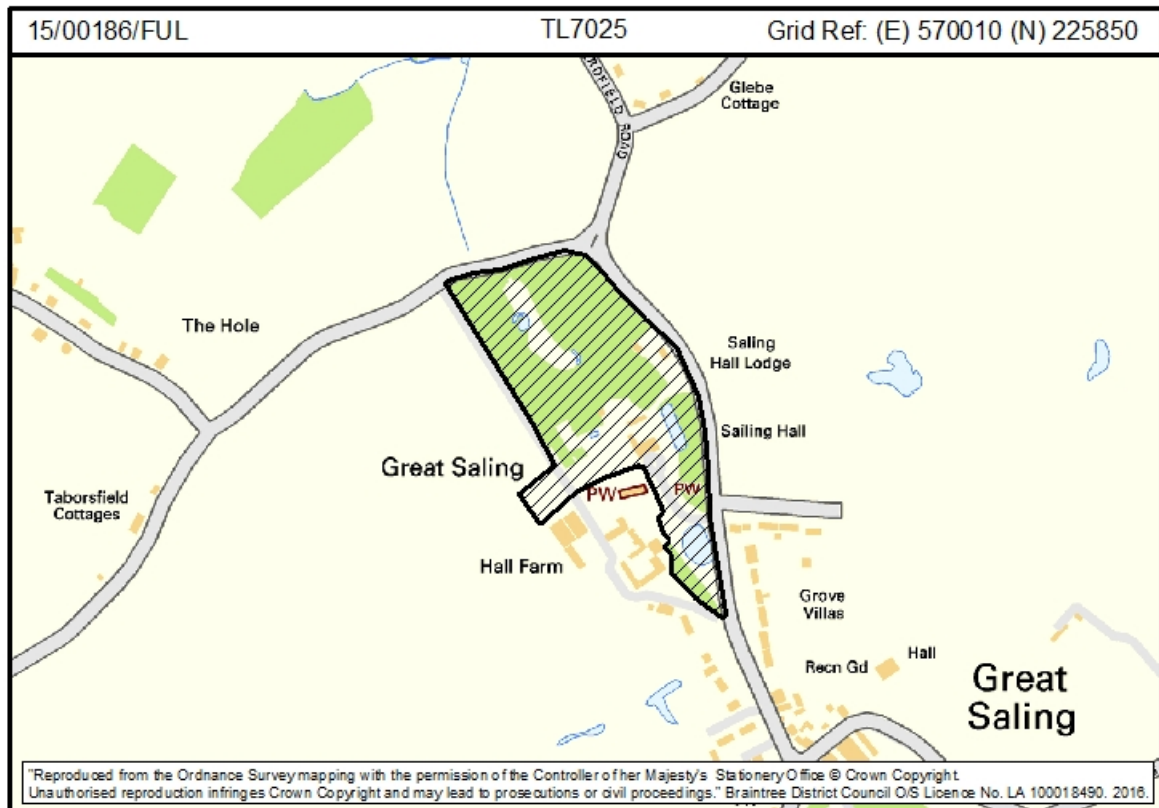
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Contact Details:

PART A

APPLICATION NO: 15/00186/FUL DATE: 13.02.15
 VALID:
 APPLICANT: Saling Hall Limited
 C/o Agent
 AGENT: Andrew Martin-Planning
 Mr Andrew Martin, Town Mill, Mill Lane, Stebbing, Dunmow,
 Essex, CM6 3SN
 DESCRIPTION: Change of use from residential to a country house
 restaurant with rooms for overnight accommodation;
 removal of piecemeal additions to the rear; re-creation of
 the east-west cross-wing to northern elevation; internal and
 external alterations to the main hall; internal and external
 alterations to northern annexe; alterations to access and
 associated car parking provision; associated landscaping
 and ancillary development.
 LOCATION: Saling Hall, The Street, Great Saling, Essex, CM7 5DT

For more information about this Application please contact:
 Mrs N Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

13/00424/FUL	Erection of cart lodge, 2no. greenhouses, reconstruction of brick wall and associated works	Granted	04.06.13
13/00425/LBC	Erection of cart lodge, 2no. greenhouses, reconstruction of brick wall and associated works	Granted	04.06.13
13/00810/LBC	Lowering and repair of brickwork boundary wall	Granted	27.08.13
14/00050/FUL	Alterations to the main access, reinstatement of dormer windows to the southern facade, remodelling of landscape to the south of the main facade and associated works	Granted	12.03.14
14/00051/LBC	Alterations to the main access, reinstatement of dormer windows to the southern facade, remodelling of landscape to the south of the main facade and associated works	Granted	12.03.14
15/00187/LBC	Change of use from residential to a country house restaurant with rooms; removal of piecemeal additions to the rear; re-creation of the east-west cross-wing to northern elevation; internal and external alterations to the main hall; internal and external alterations to northern annexe; alterations to access and associated car parking provision; associated landscaping and ancillary development.	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS4	Provision of Employment
CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP103	Parks and Gardens of Special Historic Interest
RLP145	Additional Tourist Attractions
RLP146	Tourist Accommodation

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought to Committee as a result of a number of objections received from Members of the Public.

Other Material Considerations

Essex County Council Vehicle Parking Standards

SITE DESCRIPTION

Saling Hall is a timber framed country manor house, faced with red and blue brick under a red plain tiled roof. It dates from around 1600 and is thought to have originally been built on a 'U' or 'E' plan. It has been remodelled over time, including the loss of the east wing to a fire and the reversal of its original north orientation. It exhibits a number of interesting architectural features including gables with moulded coping, moulded eaves and symmetrical openings. The front facade is unusual in that there are two front doors. The Hall is Grade II* listed and part of the grounds are designated as a Registered

Park and Garden. There are a number of distinctive features within the grounds including an arboretum, walled garden, kitchen garden and moat.

It is located to the north of Great Saling outside of, but abutting the designated Village Envelope and is within the Conservation Area. The site is generally level, sloping slightly to the north towards the course of Pods Brook and is currently unoccupied. It is bound to the north by Stebbing Road, to the east by The Street and to the south-west by St James' Church. The Hall sits within the centre of the site and views of it are restricted by mature boundary planting. It shares an access with St James' Church by a driveway that adjoins the south-east of the site to the main road running through Great Saling (Access A on the submitted Transport Plan). There is a secondary access to the north-east of the Hall (Access B). To the south-west of the Church is Saling Hall Farm House and two converted barns which are all Grade II Listed, together with a small development of new houses, collectively known as Hall Farm Green. The vehicular access to these properties is further south of the access to the Church and the Hall. A pedestrian access to the church also runs off this access point (Access C). A designated Public Right of Way No. 4 Great Saling travels along the west of the site. There are also two access points to the north of the Hall gardens (Access D and E). The overall site area is approximately 5ha.

PROPOSAL

This proposal seeks planning permission and listed building consent for the change of use of Saling Hall to a country house restaurant with rooms for overnight accommodation. This will involve the removal of piecemeal additions to the rear of The Hall; the re-creation of the east-west cross-wing to the northern elevation, re-creation of the east wing, internal and external alterations to the main Hall, internal and external alterations to the northern annexe, alterations to the access, associated car parking provision together with landscaping and ancillary development.

The application is accompanied by the following supporting information:

Planning Statement, which includes the Business Case for the Proposal
Statement of Community Involvement
Transport Assessment
Lighting Strategy
Landscape Master Plan
Heritage Reports
Ecology Report
Sustainable Construction Checklist

Whilst the primary purpose of this proposal is to provide a 'high-end' dining experience, a total of 9 rooms for overnight accommodation are included to support the restaurant. One of these rooms will be provided in the annexe building, together with a small spa facility. Under the terms of the Town and Country Planning (Use Classes) Order 1987 (as amended) the main use of

the site therefore falls within Class A3 Restaurants and cafés, with the hotel use falling within Class C1.

The Planning Statement refers to pre-application discussions and meetings held with various parties including Braintree District Council, English Heritage, ECC Historic Buildings Consultant, the local community, the Parish Church and Parish Council.

The Business Case

The Business Case sets out the reasoning behind the proposal, the scope for creating employment, operational details, marketing, timescales and risks and benefits. It is accompanied by a number of letters of support, including from the Strategic Tourism Manager at 'Visit Essex' based at County Hall, and several local businesses. The Hall was originally purchased as a family home, however, circumstances changed resulting in the applicant purchasing another property. The Hall has therefore been empty in excess of 2 years. Various options for the Hall's future were considered, however, having identified a number of similar establishments across the country, the applicants considered that Saling Hall would make an excellent 'Country House Restaurant with Rooms', as there are no similar establishments in Essex.

In preparation for the establishment of the business, the property is now owned by an investment company and leased under contract to Saling Hall Limited, the Directors of which are the applicants.

The restaurant would provide seating for up to 118 diners spread throughout the main dining and private dining areas. The applicants have pointed out however, that it is unlikely that the facility will be operated to capacity all the time. Peak hours of operation are expected to be during the summer season May to September and school holidays. Opening hours are proposed to be 12.00pm – 3.00pm and 7.30pm – 10.30pm. The restaurant will be open from 7.00am to 11.00pm. The bar would be open to the village and local residents and will close at 11.00pm. Room service to overnight guests would be available 11.00pm to 1.00am when the restaurant is closed. It is proposed that the spa will open between 10.00am to 8.00pm and will be by reservation only. The total gross internal floor space dedicated to the restaurant use is approximately 525sqm with 458.4sqm for the overnight accommodation. It is not intended that the site will become a wedding venue, however, it is likely that some weddings held at the church could be catered for at the site.

The application form and Business Plan indicate that it is anticipated approximately 28-42 jobs (full and part-time equivalent) are likely to be created largely of an unskilled or semi-skilled nature. It is intended to source local produce and services within a 30 mile radius of the site. Marketing of the facility will be aimed at a UK and Ireland audience who enjoy staying at the 'boutique' types of hotels. The opportunity will also be taken to maximise events happening in the area, such as at the Chelmsford City Racecourse. The report sets out marketing and advertising methods which include various

publications, websites and social media. In summary, the project has been well researched in association with a Team of experienced experts.

Alterations to the Hall

The proposal represents an example of one possible approach to the enlargement of historic buildings in which there is a deliberate contrast between the new development and the old. This is demonstrated in the design of the north elevation in which a clear distinction can be seen between the historic house and the proposed extension. On the other hand, the proposed east elevation is intended to reinstate the half of the east wing lost in the 19th Century, following the precedent of the surviving part of the wing and its western counterpart. It will be built to the same length as the west wing and will be constructed using traditional materials. A new basement will be constructed below. Two hipped-roof dormers will be reinstated on the south elevation, together with 2 rear ground floor windows and a first floor window on the north elevation. Planning permission and listed building consent was granted for the dormers and reconfiguration of the frontage area in 2014, under applications reference 14/00050/FUL and 14/00051/LBC.

The new extension will sit between the two rear wings, replacing all the existing 19th and 20th Century extensions to the rear. The new addition is modern in form with a square parapet constructed in steel with 'corten' steel cladding. Behind the parapet will sit a retractable glazed roof. The rear elevation features two pairs of windows at first storey height, full height glazing adjoining the extension to the east and west wings and with three full height sliding glazed doors at ground floor. The accommodation is laid out as follows:

Ground Floor:

Entrance Hall;
Reception;
4 dining rooms (3 of which are private);
Kitchen;
Bar room
Courtyard bar/dining area
Male and Female WCs
Residents' Lounge.

To the rear of the extension is an outdoor seating area.

First Floor accommodation comprises: 8 x bedrooms with en-suite and Storage.

Second Floor: Attic space (above the west and south wings);
Staff accommodation and offices (above the east wing) and storage.

No details have been submitted with regard to extraction and ventilation methods. A new Package treatment plant is proposed for the disposal of foul sewage.

Annexe

The annexe to the north of The Hall will be extended to provide the following:

1 x bedroom with en-suite and wheelchair access; Spa Treatment area; Massage Room; Gardener's WC and bin store.

Parking and Access

Following consultation with ECC Highways, the following provision has been agreed:

Although 4 points of access were originally indicated, vehicular access to the site will be from Access A at the front of the Hall and Access D off Glebe Road to the north of the site. Alterations to Access A have already been agreed under the terms of applications reference 14/00050/FUL and 14/00051/LBC). Further drawings have been submitted to establish that there are adequate visibility splays to the satisfaction of ECC Highways.

A car parking area will be provided for 40 spaces to the west of The Hall which will be reached via Access D. This land is included within the red line plan but is outside of the applicant's ownership. A formal agreement has been made with the land owner. Twelve spaces, 9 of which are for people with disabilities are shown at the front of The Hall, with 23 spaces along the track from Access D.

The other accesses indicated on the plans are not proposed to be used in association with this application. To summarise, Access A will be the main entrance; Access B will be closed except for emergency use; Access C will remain as a pedestrian only access; Access D will be used for the Hall Farm Car Park and Access E will remain as a farm track. Eighteen vehicle parking spaces are proposed north of Access C for the users of the Church. These will be accessed via Access A. Whilst the church parking spaces are shown on the plans, they do not form part of the consideration of the application as the land has been used for parking at the church for a number of years and is an informal arrangement.

The application form indicates that surface water will be dealt with using a sustainable drainage system, together with an existing watercourse and pond.

Lighting

The Lighting Strategy suggests that 3.5m column lights will be used for the Hall Farm car parking area, 1.2m galvanized bollards with LED down lights along the track from Access D, 850mm powder coated or timber bollards along walk ways and copper wall mounted lights framing entrances on the

building. New signage is proposed at the main entrance (Access A) however, no details have been submitted. A separate application for Advertisement Consent would be required to be submitted.

Ecology/Landscaping

The Ecology Survey concludes that the mature trees on site are of high ecological value and should be retained where possible. However, generally, the cultivation of the grass lawns and carp ponds yield few habitats for protected species. There is evidence of bat roost potential in three mature trees, which are scheduled to be retained, and in the roof of The Hall. If any works are proposed to The Hall, further surveys are recommended and the applicant advised of their duty under the relevant legislation regarding protected species.

The Landscape Strategy indicates that enhancements are proposed throughout the site, particularly at the Hall Farm Car Park.

CONSULTATIONS

Historic England (formerly English Heritage) - comment that the works to accomplish this development can be divided into three elements:

Relatively limited alterations to the greater part of the building;
The removal of a series of minor alterations to the rear;
The recreation of the missing part of the east cross-wing and the construction of new ranges within the courtyard formed by the historic house and extended wing.

They consider that whilst the alterations to the existing fabric of the Hall are uncontentious, it is considered that the proposal overall is very bold and could compromise the significance of Saling Hall. The change from a dwelling to the proposed use will transform the character of the house resulting in the loss of some of the meaning from which its historic significance derives. The quality of the proposal which represents a lucid and coherent modernist approach to the enlargement of the house, is acknowledged. The substantial additions which are proposed will over-write the house's historic character both in plan and elevation, whilst the change of use will further erode its character.

Historic England acknowledges that the proposals form a lucid and coherent expression of a modernist approach to the enlargement of the house, and they appreciate the amendments which have been made to the scheme in consequence of their discussions. However, they consider that the scheme would harm the significance of the house. The substantial additions which are proposed would over-write the house's historic character in both plan and elevation; while the change of the building's use would further erode its character. They do not believe that there is a clear and convincing justification for what is proposed.

In view of this conclusion, Historic England recommend that the Council weighs the harm to which the proposals would give rise against such public benefits that would also arise, in accordance with the relevant policy in the NPPF (Paragraph 134); and in accordance with that policy the Council should approve the proposals only if they conclude that such public benefits as would arise from the scheme would outweigh the harm they would cause.

ECC Archaeology – comments that the Heritage Report submitted with the application provides a good record of the history and evolution of Saling Hall, which should be submitted for inclusion in the Essex Historic Environment Record. No objection is raised subject to conditions relating to archaeological monitoring and submission of the Historic Building Record.

ECC Historic Buildings Consultant – echoes the concerns expressed above by Historic England, however, the fact that the building will remain as a single planning unit with few internal alterations, is a substantially more suitable and sympathetic solution than sub-division. Therefore, no objection is raised to the change of use. Similarly, no objection is raised to the removal of some of the later additions, which are detrimental to the building's historic character. The design of the reinstated east wing which takes its cue from the existing section of the west wing represents a well-researched supposition and as such is acceptable. The modern section whilst not in keeping with the historic character of the building will be obvious and as such is authentic. Whilst the proposed car-parking area is detrimental to the Hall and St James Church, this is clearly necessary. No objections are therefore raised, subject to conditions relating to materials and details of windows and doors.

ECC Highways – objected to the initial proposal. However, revised plans have been submitted which address their concerns. Any further comments will be reported to Members at Committee.

BDC Landscapes – No objection, subject to conditions.

BDC Environmental Health – no objection, subject to conditions.

Bardfield Saling Parish Council has indicated its support for the proposal, subject to conditions relating to outdoor lighting, finishing times, limitation on the number of weddings and noise attenuation measures. They also request that a Section 106 Agreement is put in place to pay for 40mph signs and speed limits at the entrance to the Village.

REPRESENTATIONS

In addition to the pre-application engagement with local residents, the Applicant's representative has endeavoured to liaise directly with the objectors to address their concerns. Certainty has also been provided regarding which access points will be used and revised plans submitted and this has been welcomed in some instances.

In response to the public consultation, the following comments have been received:

The Society for the Protection of Ancient Buildings objects to the proposal on the grounds that insufficient justification has been provided in relation to the change of use. Whilst normally supportive of a modern approach, it is considered that the design and materials are over-dominant.

Letters of representation have been received from the occupiers of 11 neighbouring premises, 9 from the residents of Hall Farm Green objecting to the proposal, including a joint statement. Two letters have been received in support. These are summarised as follows:

Objections:

- Potential noise pollution and late night disturbance from the likely activities resulting from the change of use;
- Potential light pollution from the glass roof, open terrace, car parking area lighting;
- The car park to the north is too close to residential premises and will result in noise, air pollution and anti-social nuisance;
- Disruption to the farm track and safety issues to users of the public footpath (The Chase) from vehicles visiting the site and using the new car park;
- The scale of the proposal in relation to a small village is too intense, particularly if the restaurant is at full capacity or weddings are held;
- The church car park will be used as over-spill parking for restaurant customers;
- Impact on local traffic and associated pedestrian safety;
- Proposed access points are unsafe;
- Users of the restaurant and staff are unlikely to use the limited public transport available in the area;
- Potential surface water flooding from the proposed car park;
- Even though a waste management system is proposed at the Hall, it is considered that this would be unlikely to cope with additional waste water, etc, thus leading to flooding of the ditch alongside The Chase;
- Impact on trees and ecology;
- The bar designated for the local community is likely to be at a price out of reach for most local residents;
- The change of use will negatively alter the character of Saling Hall and grounds, which are also a site of archaeological interest – if the venture fails, the history of the building will be lost.
- There is a risk that the proposal will also lead to the Hall becoming a wedding venue.

In the joint statement from the residents of Hall Farm Green, some measures to overcome objections are suggested as follows:

- Car parking should be located on Saling Hall land, near access D or E;

- Limit lighting in height, brightness and hours;
- Limited opening hours;
- Limit the use of the western terrace.

The occupier of Onchors Farm supports the proposal in principle as it will provide a useful facility and local employment. The Priest-in-charge of St James Church also supports the application, however, concern is expressed at the loss of the gravel drive turning area in front of the Hall, and to the proposed Access Point C referred to in the Transport Statement. The Parochial Church Council do not see the need for this.

REPORT

Principle of Development

The site is located outside, but adjacent to the Great Saling village envelope. Policy RLP2 of the Braintree District Local Plan Review states that new development should be confined to areas within defined settlement boundaries and that countryside policies will apply outside of such areas. Policy CS5 of the Braintree District Local Development Framework seeks to control development to uses which are appropriate to the countryside. Policy CS8 states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change.

At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. This doctrine underpins both plan making and decision taking in order to not only ensure that decisions are made without delay but that they minimise impact on important areas of concern. Whilst a restaurant use should normally be directed to a town centre, Paragraph 25 of the NPPF indicates that small scale proposals in rural areas or other small scale rural development should not be subjected to a sequential test. Paragraph 28 of the NPPF indicates that support should be given to economic growth in rural areas both through the conversion of existing buildings and well-designed new buildings. It also indicates that support should be given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Policy CS9 of the Core Strategy acknowledges the contribution that historical assets can make towards driving regeneration, economic development, tourism and leisure provision in the District. It promotes the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment, and can contribute to the delivery of sustainable development and regeneration.

Policy RLP145 encourages the provision of additional tourist attractions providing they do not give rise to adverse impacts upon the character of the area or local amenities, safe vehicular access can be achieved and the site is accessible by a choice of means of transport.

Policy RLP146 indicates that within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Large scale development proposals which are out of character with the rural areas will be resisted.

Whilst the proposal is quite bold in its approach, the number of rooms and the amount of restaurant seating is relatively small in scale compared to other businesses in the District such as the White Hart in Braintree, which has 31 rooms and The Bull in Halstead, which has 16 rooms. It is also well contained within the constraints of the site and the surrounding tree cover.

It is accepted that there is limited public transport in the area, however the site abuts the Village Envelope and is within walking distance of the village and its amenities. As such, it is not considered to be in a remote or unsustainable location. Having regard to the above national and local policies it is clear that support can be drawn for this development as it involves the change of use and conversion of an existing building where there is likely to be some economic and tourism benefits. As detailed in Policy RLP146, this is certainly preferable to the erection of new buildings, which would not be supported.

However, whilst the proposal would bring about identified economic, social and environmental benefits, this must be balanced against the impact of the proposal upon the character of the area, including residential amenity and the impact on the historic building and gardens. In this regard, the following policies are relevant:

Policy RLP36 of the Local Plan Review states that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of, inter alia, noise, smells, visual impact, traffic generation and unacceptable light pollution.

Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity. Policy RLP90 of the Review Plan also seeks a high standard of layout and design in all developments. Designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within conservation areas and in proximity to parks and gardens of historic interest, ancient monuments and sites of archaeological importance.

Policies RLP95 and RLP97 seek to preserve and enhance 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.

Policy RLP100 states that development involving internal or external alterations, extensions and partial demolitions to a listed building or structure (including any structures defined as having equivalent status due to being situated within its curtilage), and changes of use will only be permitted if the proposed works or uses;

- (i) do not harm the setting, character, structural stability and fabric of the building (or structure); and
- (ii) do 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.

Policy RLP103 states that development will not be permitted, which would materially detract from the historic character, or setting, of sites included in the English Heritage Register of Parks and Gardens of Special Historic Interest.

In assessing the likely impact of development on a heritage asset regard must first be had to Section 66(1) of The Planning (Listed Buildings and Conservation Areas Act) 1990. This imposes on the local planning authority a duty to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". In respect of conservation areas, Section 72 (1) of the aforementioned Act requires that the local planning authority pays special attention to "the desirability of preserving or enhancing the character or the appearance of that area".

The Guidance set out in Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local planning authorities should take into account:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- The desirability of new development making a positive contribution to local character and distinctiveness; and
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

It is clear from the advice received from Historic England and ECC Historic Buildings Adviser that the most appropriate use of The Hall is as a dwelling. The cessation of the historic use of the house would deprive the building of the meaning from which its historic character derives and the proposed extension would transform the house and over-write its historic character. It is however acknowledged that the NPPF advises that any harm should be weighed against the public benefits which would be brought about and that

this is a matter for the Local Planning Authority to assess. The building is privately owned and the owners wish to operate a business. If the business is a success, it follows that a successful business will have benefits for the local and wider community in providing an attractive facility and employment for people in the area. It is also worth noting that the change of use has the potential of revealing the historic significance of this site to a wider audience, which may not happen if the house remained as a private residence.

It is also relevant to note that the Historic Buildings Adviser, whilst acknowledging the views of Historic England, points out that the proposal would retain the building in a single planning unit which is considered to be preferable to subdividing the site into smaller planning units. On this basis, he is prepared to support the proposal, subject to relevant conditions.

Both Historic England and the Historic Buildings Consultant raise no objections to the physical alterations to The Hall. The Historic Buildings Consultant also raises no objection to the change of use. The design takes its cue from the existing section of the east wing and represents a well-researched supposition. The approach to the erection of the two-storey north wing clad in 'corten' steel is based on less-certain conjecture and whilst it is not totally in keeping with the building's historic character it is an obviously readable modern addition into an historic building and as such has authenticity.

The NPPF is clear, that if development is likely to result in substantial harm to or total loss of the significance of an historic asset, consent should be refused in line with the requirements set out in the above act. In this case, whilst the proposal will clearly have an impact on the character of the building and its setting, in view of the advice of Historic England and the Historic Buildings Consultant, it is concluded that the impact of the proposal will result in less than substantial harm to the significance of the designated heritage asset as referred to in Paragraph 134.

As referred to above the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The recent history of the site is that its continued use as a single dwelling is problematic as it has been empty for some time. In these circumstances, given the potential harm likely to result from its sub-division, the proposed comprehensive new enterprise for the building and its grounds is considered to represent a suitable alternative use, bringing with it wider public benefits such as a new amenity to serve the village and District, the associated economic development and employment and wider access to the public to experience the heritage asset. Saling Hall makes a significant contribution to the character of the Conservation Area and the proposals are considered to preserve that character, in accordance with adopted policy, national guidance and the legal requirement referred to above.

Highways Considerations

ECC Highways does not object to the proposal in terms of Highway safety as adequate visibility splays can be provided.

Policy RLP56 states that off-road parking should be provided in accordance with the Council's adopted Parking Standards. The number of spaces required for this mix of uses is summarised as follows:

A3 (Restaurant) requires 1 space per 5sqm as a maximum. Based on a floor area of 525sqm 105 spaces plus 3 spaces for people with disabilities would be required (108 spaces) in accordance with the Standards.

C1 Use (Hotel) requires 1 space per bedroom as a maximum, which is based on the number of rooms proposed would equate to 9 car parking spaces.

As such a total of 117 spaces would be required in accordance with the above Standards. It is important to recognise that these are maximum standards (not minimum).

The Access and Parking Plans addendum submitted in support of the Transport Statement indicates 66 spaces, together with 9 accessible spaces for people with disabilities will be provided. Whilst this is less than the maximum indicated for this mix of uses in the Parking Standards, it should be noted that these are required as a maximum and are based on floor space. It is also relevant to note that ECC Highways have made no objection to this aspect of the proposal.

The location of the proposed parking area beyond the gardens is considered acceptable as it will help to protect the setting of the listed building and grounds. The area is to the north of an existing agricultural building which is relatively well enclosed by existing vegetation. Planning permission has already been granted for the replacement of the existing closed boarded fence to the eastern boundary with estate railings and the enhancement of the access by virtue of planning permission 14/00050/FUL, together with the alterations to the front of the Hall. Accordingly no objection is raised to this aspect of the proposal.

The suggestion made by the residents that the parking is re-sited is noted, however, it is considered that the parking is proposed in the locations least likely to have an impact on the Listed Building and the Registered Park. The parking spaces provided for the Church will only be used every fortnight in line with the pattern of worship. The distance between the parking areas and the objectors' properties is not unreasonable and will be ameliorated by appropriate landscaping.

Impact Upon Neighbouring Amenity

There are existing residential dwellings within close proximity to the southern

boundaries of the site, the nearest being within 100m. The concerns of the residents are understandable as this proposal will have an impact on their amenity. However, the proposal has been well-designed in terms of the layout of the parking area, which is self-contained and well screened. The siting of the spa and open seating area are to the rear of the building, the latter of which is only likely to be used during the summer months. The hours of opening proposed in the application are considered reasonable and it should be noted that a Premises License will be required under the terms of the Licensing Act 2003. Such a License can be withdrawn in the event that the activities at the premises give rise to nuisance or anti-social behaviour. Conditions can be imposed in respect of external lighting and other likely environmental impacts. BDC Environmental Health has raised no objection, subject to conditions. With regard to potential light pollution, the glazed roof is set at a lower height than the Hall, and is set behind a parapet. It is also at the rear of the building, away from the nearby dwellings, therefore, it is considered that light spillage from the roof will be largely contained. Whilst some details on lighting the car park and access routes have been supplied, it is suggested that further details are agreed by condition.

Landscape and Ecology

Policy CS8 seeks to protect and enhance the natural environment of the District. Development must have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Local Plan Review states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features. The application is accompanied by a Landscape Master Plan and Ecological Appraisal. BDC Tree and Landscape Officer has raised no objection to the proposal, subject to conditions.

Other Issues

Paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.” These are referred to as the six tests. All conditions should comply with these tests. Conditions that seek to regularise activities through the planning regime that are controlled via other legislation should not be imposed.

The issue raised regarding surface water management from the new car park and sewage treatment are a legitimate concern particularly given that the proposal is within the close environs of a Grade II* listed building, therefore conditions are suggested requiring the submission of further details.

Conditions are also recommended to control the hours of operation, and to require further details in respect of external lighting and extraction/ventilation. An 'informative' is suggested regarding signage, to advise that an application for Advertisement Consent will be required.

In terms of sound attenuation measures, the nature of the business is such that the need for this is unlikely and has not been requested by Environmental Health, therefore, a condition to this effect is unreasonable, particularly as noise disturbance can be effectively controlled via other legislation. It would also be unreasonable to seek to limit the number of people that could visit the site, use of the outdoor seating area, or to control pick-up and drop-off points. Such conditions would also be difficult to enforce.

With regard to the holding of weddings, it would not be reasonable to restrict the venue from catering for weddings, however, the holding of a wedding ceremony would require a separate license under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (as amended) from HM Passport Office.

The Parish Council's request for a contribution to signs at the entrance of the Village would not meet the tests set out in Paragraph 206 of the NPPF as this would not be relevant to the proposal, given that ECC Highways has not objected to the proposal on highway safety grounds.

CONCLUSION

Whilst no business venture can ever be given a cast-iron guarantee, the applicant has provided a well-researched Business Plan and letters of support from local businesses and 'Visit Essex', as requested at the 'pre-application' stage. The physical development required to effect the change of use has been well designed and is sensitive to the history of the building. Issues of impact on neighbouring residential amenity can be addressed by appropriate conditions or dealt with more appropriately under the terms of the Licensing Act. On balance therefore this proposal is considered to be acceptable as it represents a reasonable compromise between the likely impact of the proposal on the listed building, conservation area and amenity weighed against and the economic benefits for the wider community. The proposal will secure the future viability of the Hall and Gardens by ensuring the site is not fragmented and sub-divided and will enable them to be viewed and enjoyed by a wider audience. Approval is therefore recommended subject to appropriate Conditions to safeguard the Hall, Gardens and neighbouring amenity.

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

Basement Floor Plan	Plan Ref: SK-01	Version: P4
Floor Plan	Plan Ref: SK-02	Version: P4
Floor Plan	Plan Ref: SK-03	Version: P4
Floor Plan	Plan Ref: SK-04	Version: P4
Roof Plan	Plan Ref: SK-05	Version: P4
Location Plan	Plan Ref: EX-00	Version: P4
Existing Site Plan	Plan Ref: EX-01	
Existing Roof	Plan Ref: EX-02	
Existing Floor Plan	Plan Ref: EX-03	
Existing Floor Plan	Plan Ref: EX-04	
Existing Floor Plan	Plan Ref: EX-05	
Existing Floor Plan	Plan Ref: EX-06	
Existing Floor Plan	Plan Ref: EX-07	
Existing Roof	Plan Ref: EX-08	
Existing Elevations	Plan Ref: EX-09	
Existing Elevations	Plan Ref: EX-10	
Existing Elevations	Plan Ref: EX-11	
Existing Elevations	Plan Ref: EX-12	
Existing Sections	Plan Ref: EX-13	
Existing Sections	Plan Ref: EX-14	
Existing Sections	Plan Ref: EX-15	
Existing Sections	Plan Ref: EX-16	
Existing Plans	Plan Ref: EX-17	
Proposed Site Plan	Plan Ref: PL-01	Version: P4
Proposed Floor Plan	Plan Ref: PL-02	Version: P4
Proposed Floor Plan	Plan Ref: PL-04	Version: P4
Proposed Floor Plan	Plan Ref: PL-05	Version: P4
Proposed Floor Plan	Plan Ref: PL-06	Version: P4
Proposed Floor Plan	Plan Ref: PL-07	Version: P4
Proposed Roof Plan	Plan Ref: PL-08	Version: P4
Proposed Elevations	Plan Ref: PL-09	Version: P4
Proposed Elevations	Plan Ref: PL-10	Version: P4
Proposed Elevations	Plan Ref: PL-11	Version: P4
Proposed Elevations	Plan Ref: PL-12	Version: P4
Section	Plan Ref: PL-13	Version: P4
Section	Plan Ref: PL-14	Version: P4
Section	Plan Ref: PL-15	Version: P4
Section	Plan Ref: PL-16	Version: P4
Proposed Elevations	Plan Ref: PL-17	Version: P5
Proposed Floor Plan	Plan Ref: PL-03	Version: P5
Access Details		

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order amending, revoking and re-enacting that Order) the premises shall be used as a restaurant with rooms for overnight accommodation in the form shown in the submitted plans and as described in the application and for no other purpose permitted within Classes A3 or C1 of the aforementioned Order.

Reason

In order to determine the scope of this permission and ensure the safeguarding of the character of the local area and the amenity of neighbouring premises.

- 4 No demolition or conversion to any kind shall commence until the applicant has secured the implementation of a programme of historic building recording in accordance with a scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason

To enable full investigation and recording of this site of archaeological importance. This information is required prior to the commencement of any works or development to ensure that a Historic Building Record can be accurately prepared.

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

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 6 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any 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.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development. These details are required pre-commencement in view of the protected trees and the Registered Park and Garden.

- 7 No above-ground works shall commence until details of a scheme for the provision of nest/roost sites for bats and birds has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first use of the development and thereafter so retained.

Reason

In order to ensure that appropriate provision is made for bats and birds on

the site.

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

Reason

To ensure adequate parking space is provided.

- 9 Development shall not be commenced until details of the Package Treatment Plant have been submitted to and approved, in writing, with the Local Planning Authority. The works/scheme shall be carried out in their entirety before the development is first occupied. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In order to ensure a satisfactory method of foul drainage. These details are required pre-commencement to ensure that the method of foul drainage proposed does not prejudice the interests or integrity of the Listed Building and Registered Park.

- 10 Prior to the first use of the development, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the Hall Farm Car Park. The development shall only be carried out in accordance with the approved scheme and shall be completed before the car park is first used and shall be retained at all times.

Reason

In the interests of sustainable development.

- 11 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.

- 12 Prior to installation the details of any proposed scheme of ductwork or other ventilation of the kitchen areas shall be submitted to and approved in writing by the local planning authority. Details shall specify that all

extract ductworks shall be fitted with a suitable odour control system commensurate with the use of the premises, terminating at least 1 metre above ridge level and shall be maintained thereafter. The approved ductwork shall be carried out in accordance with the approved details prior to first use and permanently retained as such.

Reason

In the interests of the Listed Building and to protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 13 The Restaurant as identified on Drawing No. PL-03 rev P5 and PL05 rev P4 shall not be open for business outside the following hours:-

Monday to Friday 07.00 hours - 23.00 hours
Saturdays 07.00 hours - 23.00 hours
Sundays 07.00 hours - 23.00 hours
Public and Bank Holidays 07.00 hours - 23.00 hours

The Spa as identified on Drawing Nos. PL03 rev P5 and PL17 rev P5 shall not be open for business outside the following hours

Monday to Friday 10.00 hours - 20.00 hours
Saturday 10.00 hours - 20.00 hours
Sundays 10.00 hours - 20.00 hours
Public and Bank Holidays 10.00 hours - 23.00 hours

Reason

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

- 14 The use hereby permitted shall not be commenced until a Staff Travel Plan is submitted to and approved in writing by the local planning authority. The Travel Plan shall aim to maximise the use of available public transport, cycling and car sharing.

Reason

In the interests of reducing reliance on car usage.

INFORMATION TO APPLICANT

- 1 With regard to those matters for which the submission of further details/particulars are required, you are invited to consult with the local planning authority, prior to formal submission.
- 2 The permission hereby granted should not be construed as authorising the erection of any signage for which the separate grant of advertisement consent is required. Listed Building Consent will also be required for any signage attached to the listed building.
- 3 Your attention is drawn to the need to discharge conditions before

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

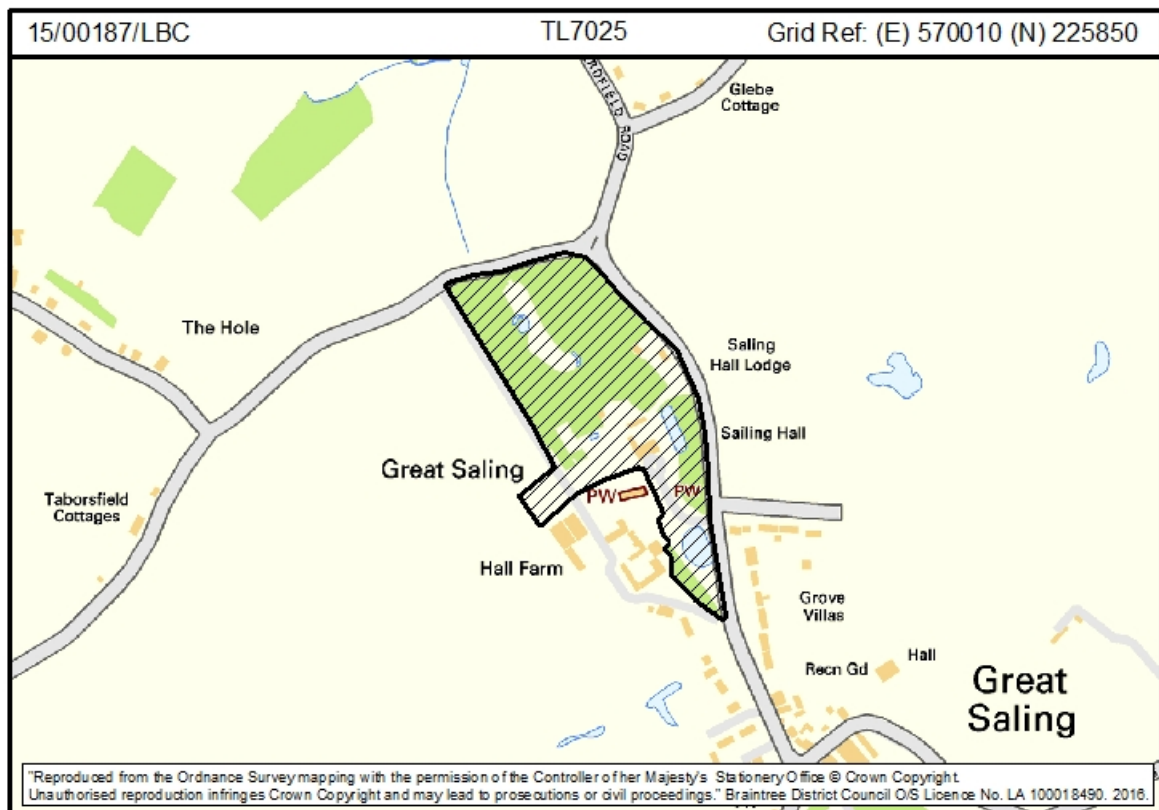
- 4 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 5 You are advised to contact the Council's Environmental Services before carrying out any relevant works to ensure that your proposals comply with (food hygiene requirements) (health and safety at work requirements) (licensing requirements) (the Council's adopted standards for this type of house in multiple occupation).
- 6 You are advised that a licence may be required to operate this type of premises.
- 7 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 8 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00187/LBC DATE: 13.02.15
 VALID:
 APPLICANT: Saling Hall Limited
 C/o Agent
 AGENT: Andrew Martin-Planning
 Mr Andrew Martin, Town Mill, Mill Lane, Stebbing, Dunmow,
 Essex, CM6 3SN
 DESCRIPTION: Change of use from residential to a country house
 restaurant with rooms; removal of piecemeal additions to
 the rear; re-creation of the east-west cross-wing to northern
 elevation; internal and external alterations to the main hall;
 internal and external alterations to northern annexe;
 alterations to access and associated car parking provision;
 associated landscaping and ancillary development.
 LOCATION: Saling Hall, The Street, Great Saling, Essex, CM7 5DT

For more information about this Application please contact:
 Mrs N Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

13/00424/FUL	Erection of cart lodge, 2no. greenhouses, reconstruction of brick wall and associated works	Granted	04.06.13
13/00425/LBC	Erection of cart lodge, 2no. greenhouses, reconstruction of brick wall and associated works	Granted	04.06.13
13/00810/LBC	Lowering and repair of brickwork boundary wall	Granted	27.08.13
14/00050/FUL	Alterations to the main access, reinstatement of dormer windows to the southern facade, remodelling of landscape to the south of the main facade and associated works	Granted	12.03.14
14/00051/LBC	Alterations to the main access, reinstatement of dormer windows to the southern facade, remodelling of landscape to the south of the main facade and associated works	Granted	12.03.14
15/00186/FUL	Change of use from residential to a country house restaurant with rooms for overnight accommodation; removal of piecemeal additions to the rear; re-creation of the east-west cross-wing to northern elevation; internal and external alterations to the main hall; internal and external alterations to northern annexe; alterations to access and associated car parking provision; associated landscaping and ancillary development.	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought to Committee as a result of a number of objections received from Members of the Public.

SITE DESCRIPTION

Saling Hall is a timber framed country manor house, faced with red and blue brick under a red plain tiled roof. It dates from around 1600 and is thought to have originally been built on a 'U' or 'E' plan. It has been remodelled over time, including the loss of the east wing to a fire and the reversal of its original north orientation. It exhibits a number of interesting architectural features including gables with moulded coping, moulded eaves and symmetrical openings. The front façade is unusual in that there are two front doors. The Hall is Grade II* listed and part of the grounds are designated as a Registered Park and Garden. There are a number of distinctive features within the grounds including an arboretum, walled garden, kitchen garden and moat.

It is located to the north of Great Saling outside of, but abutting the designated Village Envelope and is within the Conservation Area. The overall site area is approximately 5ha.

PROPOSAL

This proposal is the application for listed building consent that accompanies the planning application for the change of use of Saling Hall to a country house restaurant with rooms for overnight accommodation. Please see the previous report for all details and the assessment of the proposals in the context of relevant law, national and local planning policy and other material considerations.

CONSULTATIONS

Please see previous report.

REPRESENTATIONS

Please see previous report.

REPORT

Please see previous report.

CONCLUSION

The physical development required to effect the change of use has been well designed and is sensitive to the history of the building. On balance, it is concluded that the proposal will ensure the future viability of the Hall and Gardens by ensuring the site is not fragmented and will enable them to be viewed and enjoyed by a wider audience.

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 Roof	Plan Ref: EX-02	
Existing Floor Plan	Plan Ref: EX-03	
Existing Floor Plan	Plan Ref: EX-04	
Existing Floor Plan	Plan Ref: EX-05	
Existing Floor Plan	Plan Ref: EX-06	
Existing Floor Plan	Plan Ref: EX-07	
Existing Roof	Plan Ref: EX-08	
Existing Elevations	Plan Ref: EX-09	
Existing Elevations	Plan Ref: EX-10	
Existing Elevations	Plan Ref: EX-11	
Existing Elevations	Plan Ref: EX-12	
Existing Sections	Plan Ref: EX-13	
Existing Sections	Plan Ref: EX-14	
Existing Sections	Plan Ref: EX-15	
Existing Sections	Plan Ref: EX-16	
Existing Plans	Plan Ref: EX-17	
Proposed Site Plan	Plan Ref: PL-01	Version: P4
Proposed Floor Plan	Plan Ref: PL-02	Version: P4
Basement Floor Plan	Plan Ref: PL-04	Version: P4
Proposed Floor Plan	Plan Ref: PL-05	Version: P4
Proposed Floor Plan	Plan Ref: PL-06	Version: P4

Proposed Floor Plan	Plan Ref: PL-07	Version: P4
Proposed Roof Plan	Plan Ref: PL-08	Version: P4
Proposed Elevations	Plan Ref: PL-09	Version: P4
Proposed Elevations	Plan Ref: PL-10	Version: P4
Proposed Elevations	Plan Ref: PL-11	Version: P4
Proposed Elevations	Plan Ref: PL-12	Version: P4
Section	Plan Ref: PL-13	Version: P4
Section	Plan Ref: PL-14	Version: P4
Location Plan	Plan Ref: EX-00	Version: P4
Existing Site Plan	Plan Ref: EX-01	
Section	Plan Ref: PL-15	Version: P4
Section	Plan Ref: PL-16	Version: P4
Basement Floor Plan	Plan Ref: SK-01	Version: P4
Floor Plan	Plan Ref: SK-02	Version: P4
Floor Plan	Plan Ref: SK-03	Version: P4
Floor Plan	Plan Ref: SK-04	Version: P4
Roof Plan	Plan Ref: SK-05	Version: P4
Proposed Plans	Plan Ref: PL-17	Version: rev P5
Floor Plan	Plan Ref: PL-03	Version: rev P4

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

Reason

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

- 3 No above-ground works shall commence 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

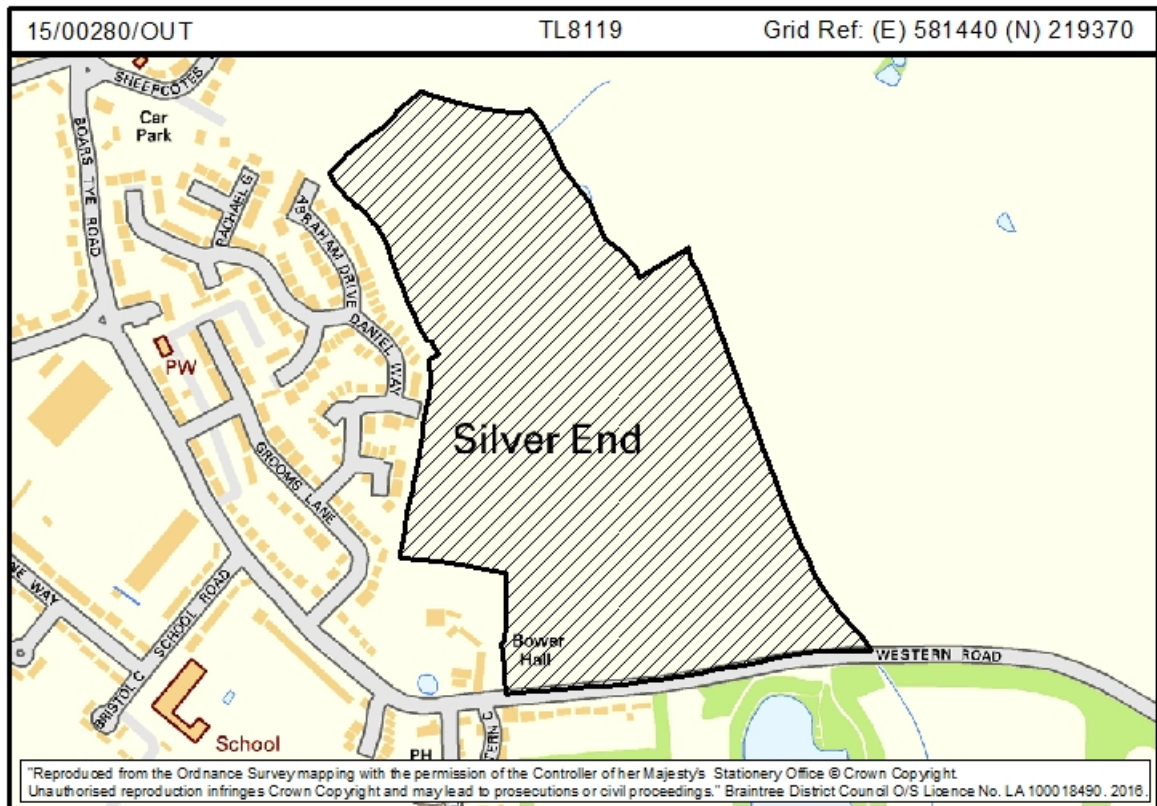
To ensure the use of appropriate detailing on this listed building.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00280/OUT
 DATE: 06.03.15
 VALID:
 APPLICANT: Gladman Developments Ltd
 Gladman House, Alexandria Way, Congleton, Cheshire, CW12 1LB
 DESCRIPTION: Outline application for residential development of approximately 350 dwellings (including up to 40% affordable housing), highways, drainage works, landscaping, public open space, children's play area, surface water attenuation, 2 vehicular access junctions off Western Road and associated ancillary works including provision of land safeguarded for community/education use on Land North of Western Road. All matters reserved with the exception of site access.
 LOCATION: Land Off Western Road, Silver End, Essex

For more information about this Application please contact:
 Terry Hardwick on:- 01376 551414 Ext.
 or by e-mail to: terry.hardwick@braintree.gov.uk



SITE HISTORY

07/01602/AGR	Erection of hay barn	Permission Required	01.10.07
08/00034/FUL	Erection of stables, barn and manege	Refused	28.02.08
08/01239/FUL	Erection of stables, barn and manege	Withdrawn	04.08.08
11/00644/FUL	Erection of stable barn and manege and change of use from agricultural land to land for keeping of horses	Granted	19.07.11
14/00930/FUL	Erection of a stable block with associated hard standing, fencing, new vehicular access off Western Road and access track	Refused	11.05.15
14/00015/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Residential development of up to 250 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	25.09.14
15/00001/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	19.02.15
15/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	04.02.15

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries & Village Envelopes
RLP3	Development within Town Development Boundaries & Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing & Mixed Use Sites
RLP8	House Types
RLP9	Design & Layout of Housing & Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing & Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
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 & Habitats
RLP81	Trees, Woodland, Grasslands & Hedgerows
RLP90	Layout & Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation & Enhancement of Conservation Areas

RLP100	Alterations, Extensions & Changes of Use to Listed Buildings & their Settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Investigation & Monitoring
RLP138	Provision of Open Space in New Housing Developments

Site Allocations & Development Management Policies (SADMP)

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Development Boundaries
ADM3	Housing Allocations
ADM5	Specialist Housing
ADM8	Housing and Density
ADM19	Design and Layout of Employment Policy Areas and Business and Industrial Uses
ADM27	Town, District and Local Centre Improvements
ADM38	Education Provision
ADM41	Community Uses
ADM43a	Health and Wellbeing Impact Assessment
ADM45	Sustainable Access for All
ADM47	Parking Provision
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM55	Energy Efficiency
ADM57	Contaminated Land
ADM58	Development Likely to Give Rise to Pollution or the Risk of Pollution
ADM59	External Lighting
ADM60	Layout and Design of Development
ADM69	Archaeological Evaluation, Excavation and Recording

Supplementary Planning Guidance

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

Other Guidance

Landscape Character Assessment 2006
 Braintree District Settlement Fringes - Evaluation of Landscape Analysis Study

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as it is considered to be significant in terms of its impacts and in terms of the level of public interest expressed.

NOTATION

The site is outside but adjoins the settlement boundary for the village of Silver End. It has no specific allocation on the Proposals Map within the Braintree District Review Local Plan (2005) or in the Core Strategy (2011).

The application amounts to a departure from the Council's adopted Development Plan and has been advertised accordingly. It has also been advertised as (A) a Major Development, (B) development affecting the setting of a Listed Building (Bowers Hall), (C) development affecting a Public Right of Way and (D) development that is required to be subject to an Environmental Assessment under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, as subsequently amended.

The application was also preceded by an application for a Screening Opinion under the Environmental Impact Regulations, in response to which the Council determined that Environmental Assessment was required. This was then followed by applications for a Scoping Opinion - to identify the scope of the Environmental Assessment - which has been adopted by the Council for the purposes of considering the application.

SITE DESCRIPTION

The site lies outside the settlement boundary for Silver End on the northern side of Western Road and backs onto existing residential development on the eastern side of the village (within the settlement boundary). Opposite the site on the southern side of Western Road is further residential development, including Bowers Close and Western Close, and a former gravel-working. To the north of the site is agricultural land containing a scattering of residential properties fronting Sheepcote Lane, whilst to the east lies open agricultural land. The land to the north and east of the site also lies outside the settlement boundary for the village, as does the land to the south of the site beyond the eastern end of the line of houses fronting Western Road.

The site has a total area of 16.7 hectares. It comprises two parcels of "green-field" land, the southern parcel of which is in arable cultivation, whilst the northern parcel is used as paddocks. Most of the boundaries are marked by established hedgerows, including some mature trees, whilst there are a few individual trees scattered across the site. Overall, apart from the hedgerows and trees, the land is open, relatively flat - though slopes gently downwards to the east.

Vehicular access into the site is currently from Western Road, to the southern parcel of land (in agricultural use) and from Sheepcotes Lane to the northern-parcel (horse paddocks)

The site of Bowers Hall - a Grade II listed building and a site of archaeological interest - adjoins the south-western corner of the application site, which forms two of its boundaries (its north and eastern boundaries).

Bradwell Quarry lies approximately 1 km north-east of the site.

PROPOSAL

The application seeks outline planning permission (all matters reserved) for development of the site for up to 350 dwellings. All matters of detail, including access, are to be dealt with at reserved matters stage.

The application nonetheless includes a range of supporting topic-based material covering specific matters to show that, in the opinion of the applicant, a satisfactory development is achievable, having regard to those specific matters.

The application is supported by illustrative plans that show the likely broad approach to the site's development, including the areas of land for housing (11.07 ha) and open-space (3.71 ha), the likely run of the main thoroughfare through the development, the likely location of items of infrastructure, the primary location of any SuDS features, the location of critical landscaping works and, as originally submitted, the indicative access arrangements.

Development on the larger southern part of the site would be contained within a landscaped setting by the provision of a landscaped buffer of between about 12 and 20 metres wide that would enclose the housing area. Development on the northern part of the site would, however, be largely reliant on the carrying-out of planting on the rear garden boundaries of houses in the new development where they adjoin the existing built-up area to the west and the fields to the north/north-east of the site.

The application is supported by the following documents:

- Design & Access Statement;
- Planning Statement (including Sustainability Check List);
- Environmental Statement;
- Vision Document;
- Socio-Economic Statement;
- Settlement Audit;
- Landscape & Visual Impact Assessment;
- Transport Assessment (TA);
- Travel Plan;
- Flood Risk Assessment;
- Heritage Report;

- Archaeological Report;
- Ecological Report;
- Arboricultural Report;
- Ground Conditions Desk Study;
- Air-Quality Assessment;
- Noise Assessment;
- Foul Drainage Analysis;
- Current & Future Sustainability;
- Statement of Community Involvement;

CONSULTATIONS

Silver End Parish Council: Objects to the application on the following grounds:

- the development is outside the village envelope and is, therefore, contrary to Braintree District Council policy;
- concern over access to the site to/from Western Road and its proximity to a bend in the road;
- footpaths across the site are not shown and the applicant does not appear to be making allowance for these;
- areas of flooding opposite the site are not mentioned;
- there is major concern over the capacity of existing already overloaded infrastructure to cope with additional demand - water pressure is already low, existing doctor's surgery at capacity, with insufficient staff to open all day, the existing school is already being expanded to allow for the current intake and will have insufficient capacity to accommodate a further increase, insufficient secondary school places;
- inability of local roads to cope with more traffic;
- Silver End is an internationally known Garden Village and an increase in 350 dwellings will totally alter the village;
- the close-proximity of the site to a proposed waste-disposal site suggests the new houses will not be attractive to buyers;
- the village already has provision for more housing by the allocation of a former factory site and car-park for housing and the Parish Council supports the redevelopment of brownfield sites such as these, depending on the nature of the proposal;
- impact on wildlife;
- loss of Grade 2 farming land;
- the bus-stop on Western Road will need to be moved and there is nowhere for it to go;
- the hedgerow to Western Road should be regarded as locally important and will need to be partially removed to provide entrance and exit to the site;

ECC Highway Authority (HA)(Strategic Development): Objects to the application. Whilst accepting that the application has now been amended so that access no longer falls to be considered at this stage - the HA takes the view that the application should be refused because it has not been shown

that “safe and suitable access” is achievable and this is critical to the issue of whether the development is acceptable. It also raises a number of detailed points (regarding the Transport Assessment submitted and related matters and also in regard to the provision for bus-services and related infrastructure).

More specifically it recommends that planning permission be refused on the following grounds:

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development.

The proposal is therefore contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and the relevant policies of the Braintree District Local Plan Review (2005) and the Braintree District Local Development Plan Framework Core Strategy (2011). It is also contrary to NPPF paragraph 32.

Note -

The applicant has not demonstrated that safe and suitable access can be achieved in this location. The highway authority is unable to take a view on the principle of access onto Western Road without additional information in the form of an access design that conforms to standards for the speed of the road and the volume of traffic. The design should include the appropriate visibility splays, radii, road width and footways and be accompanied by an independent Stage 1 Road Safety Audit. This information should be provided for all vehicular accesses to the site.

Further detail is also required on the specific mitigation measures for the development, including sustainable transport measures, highways safety measures and the treatment of Public Rights of Way.

Highways England: No objections in principle. However, they mention that, because the development is likely to have an impact at both the Galleys Corner junction with the A120 and the Rivenhall End junction with the A12 they would be requiring the developer to:

- examine the potential to extend the hours of operation of the bus-service serving Silver End so that commuters using the two junctions have the option of using the bus, rather than the car, to complete their journey home after arriving by train at one of the local stations;
- to part fund an improvement to the Rivenhall End junction with the A12 on the basis that the proposed development is one of a number of developments in the area, which independently would have a small impact on the junction but which cumulatively could have a severe impact. A study is underway to examine options to improve this section of the A12 which, once it has reported, may lead to the identification of

a “modest improvement” at the Rivenhall End junction for which Highways England would be seeking developer part-funding.

ECC Highway Authority (HA)(Public Rights of Way): No objections in principle - but comments that:

- Footpath 53 is affected by the proposal as the two proposed site access points from Western Road will sever the route of this public footpath. Since it is likely that a bell-mouth will need to be constructed at each of the two points where the proposed site access roads will connect to Western Road, it may prove necessary for the safe passage of users for the route of Footpath 53 to be diverted to run alongside the road edge of each of the access roads around the bell-mouth, then across the carriageway at each location in order to minimise the route distance across the carriageway;
- If this option is adopted, the developer will need to make an application for a diversion of those lengths affected under Section 257 of the Town & Country Planning Act 1990; this will take some months to process due to the extensive periods of public consultation required to be undertaken. Such an Order cannot be made retrospectively and would need to be in place before development works begin. During the processing period of such an application, the Definitive path must not be permanently obstructed, otherwise this precludes the use of Planning Act powers, potentially making the diversion significantly more difficult to achieve;
- If any construction works or the carrying-out of any construction procedures are likely to encroach on the existing route of the footpath, a temporary Diversion Order will need to have been granted by way of an application submitted to the Highway Authority;
- The creation of new public rights of way within the site would be welcomed in principle.

ECC Flood & Water Management: No objections, subject to any planning permission being granted with conditions as follows:

- Before the commencement of each phase of the development approved, a detailed surface water-drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-ecological context of the development, shall have been submitted to and approved in writing by the LPA. The approved scheme to be implemented in accordance with the timing/phasing arrangements embodied in the scheme, or within any other period agreed in writing by the LPA;
- The development permitted shall not be commenced until such time as a scheme to minimise the risk of off-site flooding caused by surface-water run-off and groundwater during construction works has been

submitted to and agreed in writing by the Local Planning Authority. The approved scheme to be implemented as approved.

ECC Economic Growth & Development (Education): Objects.

- *Early Years & Childcare* - Existing facilities in Silver End are operating at full capacity. The development would generate a requirement for an additional 31.5 places. Additional provision in a new location would be required, possibly in Chipping Hill ward, and developer funding could be used to secure this;
- *Primary Education* - The existing primary school - the Silver End Primary School - is currently being expanded from 315 places to 420 places to accommodate the current growth in pupil numbers at the school. This expansion will fully utilise the site area available at the School and there is no room for further expansion to meet demand from the development sought, without additional land.

The proposal would produce around 105 primary aged children, representing half a form of entry, and creating a need for 31.5 new school places. These children could not be accommodated at Silver End Primary School. There are 3 other primary schools within a 2 mile radius of the application site; Rivenhall Primary, Cressing Primary and White Notley Church of England Voluntary Controlled Primary. However, these are small village schools operating at or close to their capacities on restricted sites, they have no surplus capacity to accommodate pupils generated by a development of the scale sought and there is no safe walking route between the site and these schools.

Additional land is alluded to by the developer (1.56 ha) as being potentially available for a new primary school and school pitches. However, this is not part of the current application, which means that it is not possible to judge whether or not the land would be suitable for a primary school. The planning application does not, therefore, secure a solution to the lack of primary school capacity in the area.

- *Secondary Education* - The nearest secondary school to the site is the New Rickstones Academy in Witham. Currently this Academy has a significant surplus of places and should be in a position to accommodate secondary age children from the proposed development. However, there is a significant amount of new housing planned for Witham, which is likely to use this spare capacity in the future.

As there is no safe walking route between the application site and the Academy, home-school transport would be required for all the secondary school pupils produced by this development. A development of the scale sought would generate a need for 70 places. The yearly cost to the County Council is estimated to be £3.90 per pupil per day for 195 days per year (the standard academic year) at current prices. This generates a developer contribution required of £53,235

(indexed) based on a 350 unit development. It is the practice of the County Council to seek costs for a 5 year period.

If planning permission is refused, the County Council would wish to see (A) a lack of capacity to provide for the likely demand for primary age education resulting from the development, together with (B) the need to provide for additional Early Years Education and Childcare (which is not provided for as part of the proposal) and (C) the need for a developer contribution to cover the costs of home to school transport for pupils generated by the development (which is not offered) as additional reasons for refusal.

ECC Place Services (Urban Design):

ECC Archaeology: No objections, subject to any planning permission being subject to a safeguarding condition that requires the implementation of a scheme of archaeological investigation that has previously been submitted to and agreed in writing by the Local Planning Authority.

ECC Historic Buildings & Conservation: Objects on the following grounds:

- harm to the setting of the adjacent Grade II Listed Building known as Bowers Hall, including the several listed curtilage buildings within its site;
- harm to the character, appearance and setting of the Silver End Conservation Area.

Full details are set out below under “Heritage Impact”.

Historic England: No comments. Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

ECC Minerals & Waste Planning:

Essex County Council is the Mineral & Waste Planning Authority (MWPA).

Initial Response (to the Application as Submitted) :

The site is located within a Minerals Safeguarding Area (MSA) and a Minerals Consultation Area (MCA).

The MWPA objects to the development on the basis that the application:

- does not provide any Mineral Resource Assessment and in turn does not demonstrate that the proposal is in accordance with policy S8 of the adopted Essex Minerals Local Plan (MLP) 2014;
- the site is within approximately 250m of a MLP Preferred Site Allocation for mineral extraction abutting the Mineral Consultation Area

Revised response dated 25 01 2016:

- Following receipt of the applicant's Mineral Resource Assessment he MWPA wishes to maintain its **holding objection** until a more thorough mineral resource assessment is submitted in accordance with policy S8 of the Minerals Local Plan. The detail of the MWPA objection is discussed further below under "Minerals".

The MWPA also offers additional comment as follows:

- It is acknowledged that the site is not within 250m of MLP Preferred Site A5 and as such not is within the Mineral Consultation Area (MCA). Notwithstanding that - whilst not within 250m - should the proposals be taken forward, it will be necessary for the housing developer to ensure there would be no impact upon the effective working of site A5. The housing developer would be expected to carry out the necessary assessment of environmental impacts (eg visual, noise, dust, light and vibration). Where this assessment showed that the mitigation that would be required of the minerals developer with respect to existing properties would not provide adequate protection for the new housing, the housing developer would be expected to provide any additional mitigation as part of the housing proposals.

For information, the MWPA also points out that the northern boundary for site A5 as shown on the applicant's drawing no. LE12462-008 is incorrect.

It also advises that there is planning permission for an Integrated Waste Management Facility at Rivenhall Airfield, located to the north east of the application site. The site is also likely to be a preferred site for waste management in the Replacement Waste Local Plan, the pre-submission draft is scheduled to be published in March 2016.

Further detailed comment is provided below under "Minerals".

Historic England: Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

Anglian Water: No objections, subject to any planning permission being granted with conditions requiring: (A) submission to the LPA of a foul water strategy and the implementation of development in accordance with the approved strategy; and (B) submission to the LPA of a surface-water drainage strategy that provides mitigation against unacceptable risk of flooding downstream from the site and the implementation of the development in strict accordance with the approved scheme of surface-water drainage mitigation.

Essex & Suffolk Water: No objections - subject to the new water-mains being laid in the highway across the site and each new dwelling having a metered water connection to the Essex & Suffolk Water.

Environment Agency: No response.

Essex Wildlife Trust: No response.

Natural England: No objections.

National Grid: No response.

NHS England: No objections - subject to a developer contribution of £115,200 being secured to increase the capacity of the Silver End Surgery, which is unable to accommodate the additional demand likely to arise from this development. An additional sum may be required to cover the cost of additional car-parking provision.

BDC Planning Policy:

The proposal “...represents an unsustainable form of development out-of-scale with the size of the village and its available facilities/services and contrary to the policies of the Local Plan Review, Core Strategy and the Site Allocations & Development Management Plan.”

More specifically - the site lies outside the development boundary of Silver End - albeit abutting it - and lies in the countryside, where policies of restraint designed to concentrate new development in existing settlements apply (Core Strategy policy CS5 and Review Local Plan policies RLP2, RLP3) - to protect the countryside and in the interests of sustainability.

Silver End is one of the 6 Key Service Villages in the District, identified as such because it has a (relatively) good level of services. Nonetheless, it is the smallest of the Key Service Villages, has few services compared with the other service villages and the main towns and is unlikely to be able to comfortably absorb this scale of development. This is particularly the case with its primary school and, to a lesser extent, its doctor's surgery. The village has no access to the railway either and only a limited bus-service. It is highly likely that the proposal would generate considerable levels of out-commuting by car, contrary to the planned aims of improving sustainability. As such, it represents an undesirable, unbalanced and unsustainable form of growth.

Paragraph 111 of the NPPF states that policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The Core Strategy also seeks at paragraph 4.7 to promote the development of previously developed land and urban regeneration, to limit the development of greenfield land. Silver End has one such site - the former Crittall Works in the centre of the village. The proposal under consideration here is for a large scale development on a green-field site in the countryside.

The development would also be located in an area where, under the updated Landscape Capacity Analysis, the land is identified as being of “medium to high” landscape value with only “low to medium capacity” to accommodate

new development. It would also be highly prominent from both Western Road and Sheepcotes Lane, would represent an urban extension into the countryside and would seriously damage the quiet rural and tranquil character of this area.

BDC Landscaping: No objections. The site is of little landscape/ecology interest because, save for the hedgerows around the site, it is either grazed or in agricultural use. The main landscape/ecology interest arises from the hedgerows around the site perimeter, which are for the most part to be retained. The main area of concern relates to the impact on the Western Road frontage of the site, where the impact is unclear because the access is not part of the application and there can be no certainty regarding the impact here. What is clear, however, is that a significant part of the hedgerow here would be lost or reduced. If planning permission was to be granted, this impact would require suitable mitigation by way of a suitable landscape buffer.

BDC Housing Strategy: No objections, subject to 40% affordable housing (140 units) being provided in the following mix:

- approximately 20% one bed 2 person flats (28 units based on 350 units in total);
- approximately 50% two bed 4 person units, at least half of which should be as houses/bungalows (70 units in total comprising 35 houses/bungalows and 35 flats);
- approximately 20% three bed 5/6 person houses (28 units);
- approximately 10% four bed 2 person houses (14 units).

Two of the affordable units should be 2 bed 4 person units to full wheelchair standard (preferably bungalows) and another two should 3 bed 5 person full wheelchair bungalows units.

In addition:

- there should be proportionate delivery of affordable units throughout the delivery of the development;
- the affordable units should not be provided in one area of the site;
- all affordable units must be compliant with the Homes & Communities Agency “Design & Quality Standards”, applicable at the time of construction;
- the “Lifetime Homes Standard” should be should be complied with for the ground floor flats and all house-types;
- “Secured by Design” certification should be sought; all affordable units should be deliverable without public subsidy;
- if two and a half storey to three storey houses are proposed, the 4 bedroom affordable houses must be designed to provide sufficient living-space for the number of bedrooms. Affordable homes are usually filled to capacity so it is essential that adequate living-space be provided and are fully compliant with HQI space-standards.

BDC Environmental Services:

In regard to the application as originally submitted:

- *no adverse comments* subject to safeguarding conditions being applied relating to: the control of dust and mud; hours of construction and site clearance; the implementation of measures to provide mitigation against noise nuisance; prior agreement to all external lighting before it is installed; survey of the site for contamination and the carrying-out of any remediation required.

In regard to the updated air-quality and noise assessment reports subsequently submitted:

- the air-quality report, whilst recognising that dust soiling during site clearance and construction may arise, does not propose all reasonable mitigation, such as screening at the boundary, the installation of a water-supply that is capable of use across all areas of the site being worked and the installation of wheel-washing facilities;
- the noise assessment report concludes that it should be possible to attenuate noise to the levels required internally and externally under BS8233. However, there can be no certainty over this as the application is outline only and details cannot be provided until the design and layout of the development are finalised. This issue, therefore, needs to be dealt with at reserved matters stage pursuant to a planning condition that requires the necessary information to be submitted and agreed as an addendum to the noise assessment report. In addition, clarification of certain technical matters in the report is required. If piling is to be undertaken this will also need to be assessed as part of a revised noise assessment report that is required to be submitted at reserved matters stage. Any planning permission should be subject to a condition limiting hours of working to 08.00 to 18.00 hrs Monday to Friday, 08:00 to 13.00 hrs on Saturdays and not at all on Sundays or on Bank and Public holidays. In addition, regard should be had to the potential noise nuisance (to occupiers of the development) from activities at the quarry to the rear of the site. Although the report mentions the potential for nuisance during construction it does not mention all possible means of providing mitigation. This will also need to be addressed pursuant to a planning condition that requires submission of the requisite detail at reserved matters stage;
- neither report considers the community and education uses that might be proposed. Nor do they consider site specific mitigatory measures. The noise and air-quality impacts resulting from additional traffic at major junctions as a result of the development also need to be considered. Any planning permission should, therefore, require the submission of further reports addressing these shortcomings too;

- details of the external lighting for the development will also need to be the subject of a planning condition that requires details to be agreed prior to any development being carried out

BDC Waste Services: No response.

BDC Engineers: Any planning permission granted should be subject to a full SuDS scheme, including maintenance details, and should be approved by Essex County Council.

BDC Community Safety: No response.

Essex Police: No response.

Public Consultation

130 letters of objection, including a petition with 485 signatures, have been received.

Grounds of objection include:

- development of the site would be in conflict with the provisions of the Local Plan, which accepts that new housing development must be supported by the necessary infrastructure, jobs and community facilities;
- harm to the special character of Silver End, which is recognised as an historic example of the “garden village” movement;
- harm to the historic significance of Bower Hall, which is a listed building;
- the proposal would be an unacceptable development of a “greenfield” site at a time when there are existing brownfield sites available in the village that should be developed first - for example, the former Crittall Windows site;
- the development would be out-of-scale with the village, whose character would be harmed and would become more like a town;
- existing local facilities are over-stretched to serve the village at its current size and could not cope with the addition of a development of the scale sought - for example, the existing GP surgery is closed to new patients, whilst the school is currently being extended because it is over-subscribed;
- existing bus-facilities are poor - there is no service after 7.30 PM and none at all on Sundays or Bank/Public Holidays;
- creation of a potentially hazardous new road junction;

- not enough local employment to serve an influx of new residents at this scale, with the result this will add to the amount of commuting that takes place into and out of the village, adding to existing heavy congestion on local roads;
- loss of farmland;
- loss of open green-space, including opportunities for walking;
- loss of wildlife habitat and harm to wildlife - 7 species of bat have been observed;
- too close to the quarry and the site of a proposed waste incinerator, so not possible to provide a satisfactory environment for potential occupiers of the development;
- additional traffic causing additional pollution;
- much of the information cited by the applicants in support of their application is inaccurate - for instance, it is suggested that the GP practice in Silver End has 12 doctors and has ample capacity to accommodate new patients from the development, whereas it has 4 doctors and the patient list is currently closed to new patients;
- in summary, the development would bring nothing positive to the village and would overwhelm local services.

REPORT

The following key issues arise:

- the principle of residential development of the site in terms of planning policy;
- whether the development sought would be sustainable having regard to (A) the availability, capacity and accessibility of services to serve it;
- whether the development would be sustainable having regards to its direct impacts - most notably its heritage impact - but also its landscape, ecological and residential amenity impacts, highway-related issues and mineral resource impacts.

Principle

The Planning and Compensation Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations suggest otherwise.

The application site lies outside the village development boundary, as defined on the proposals map of the Braintree District Local Plan Review 2005 and the Pre Submission Site Allocations and Development Management Plan 2014 (which forms part of the Interim Planning Policy Statement) and has no specific allocation.

This in turns means that, on a strict application of Development Plan policy, any proposal for development on this site falls to be considered against the policies of restraint that apply to the rural areas generally - which presume against new development in the countryside that is not related to rural uses. More specifically - Core Strategy Policy CS5 "The Countryside" applies. This states that

"Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside".

The main aim of Policy CS5 is to define clear areas where countryside policies of restraint apply and where development is to be restricted to protect the open undeveloped rural landscape.

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

Nonetheless, it does have to be accepted that the Council's Development Plan is now somewhat out-of-date relative to current national policy. However, it is still relevant where it is consistent with and compliant with the NPPF.

By 2014 the national planning policy context, as set-out in the NPPF, had changed so significantly since work on the Site Allocations & Development Management Plan (SADMP) had started - which was to have provided detailed policy guidance by which proposals would be appraised and would have completed the suite of Local Development Framework documents - that it was clear that the basic assumptions and housing targets on which the Framework were based would need to be revisited. This was particularly the case because the NPPF (A) requires Local Authorities to **"boost significantly"** their supply of land for housing, (B) applies a duty on them to identify the **objectively assessed need for housing** in their areas and (C) requires them to translate those needs into land provision targets. It was, therefore, decided in June 2014 to cease work on this. A key concern was that it simply carried forward the same (now out-of-date) minimum housing targets adopted under the Core Strategy. It was, therefore, decided to produce a completely new Local Plan that could take account of the latest government planning policy and could be informed by the most up-to-date research, particularly in regard to the delivery of land for housing. It was also

the case that the Regional Spatial Strategy on which the Council's Core Strategy housing targets were based had been abolished.

The Council, therefore, began to gather evidence to inform the decision on what new housing target would be appropriate and it soon became evident that this would have to be significantly higher than the Core Strategy targets.

As part of the work necessary to inform the new Local Plan, research was, therefore, commissioned - in combination with other neighbouring authorities - to establish a new figure for housing supply based on an Objectively Assessed Housing Need Study. This reported in June 2015 and suggested a range of 793 to 845 new homes per year in the District. This compares with the Core Strategy targets of delivering 4,637 new dwellings between the entire period 2009 and 2026, equating to a minimum of 272 dwellings per annum. There is clearly a significant difference between the two figures. Nonetheless the Council's Local Plan Sub-Committee has recently accepted at its meeting on 14th March 2016 the case to adopt a target of 845 new homes per year for use in the Draft Local Plan.

It is, however, important to stress that this new Objectively Assessed Need figure for housing delivery is not a new adopted target in itself, neither is it Council policy and, whatever new target is eventually adopted, that will only result from the new Local Plan, which has yet to be subject to public consultation or consideration at Public Inquiry. It is also clear from the Ministerial letter to the Planning Inspectorate dated 19th December 2014 that the work to determine a Local Authority's Objectively Assessed Need is not to be treated as an adopted housing target.

As to the current housing supply position - the Core Strategy targets still apply and the latest position is as set-out in the Annual Monitoring Report (May 2014), which indicates that the District does have a 5 year deliverable supply of land for housing.

The Council is committed to the urgent production of the new Local Plan. Public consultation on the draft plan is scheduled for early 2016, with a view to its adoption in 2017. The site has been submitted in the recent call for sites (March 2015) and will be considered in due course through the Local Plan process.

In the meantime, the Council is obliged to consider applications for development on their merits as and when they are submitted. Ideally - proposals would be considered against the backdrop of an up-to-date Local Plan. However, that is clearly not possible in Braintree at the current time. On the other hand, officers consider it would be inadvisable for planning permission to be refused on the grounds that the proposal is premature in advance of the new Local Plan or to simply not determine it. The applicant would then have a right of appeal to the Secretary of State and there is a significant risk that an appeal might be upheld if it can be shown by the appellant that there is a need for housing development and the proposal would be sustainable development within the meaning of the NPPF.

Paragraph 14 of the NPPF is relevant in this respect when it states that

*“At the heart of the National Planning Policy Framework is a **presumption in favour of development, which should be seen as the 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; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this framework indicate development should be restricted.”*

From this it is clear that government policy is that planning permission should be granted for sustainable development, unless there would be unacceptable impacts or there would be conflict with the policies of the Framework. Accordingly, officers are of the view that the Council should determine the application on its merits.

As the need for housing in terms of the overall position is clearly not in doubt, the acceptability of the development in principle largely turns on whether it would be sustainable development within the meaning of the NPPF. This is discussed below.

Sustainability

There are a number of issues that arise in this regard.

Suitability of Silver End for Expansion

Firstly - it needs to be acknowledged that Silver End is a Key Service Village where the Core Strategy at paragraph 4.12 suggests that “... *more limited development to serve the local area, or deal with specific local issues such as the regeneration of important sites, can be located in the Key Service Villages.*”

In addition, at paragraph 4.20 it is stated that collectively:

“The Key Service Villages will be allowed to develop with growth already identified within the existing development boundaries of around 600 dwellings including over 300 on regeneration sites in Sible Hedingham and Silver End and will continue to perform a useful role as local service centres for the surrounding rural areas and small villages, especially in the remoter parts of the District. In particular:

- *appropriate development in these villages will be supported and promoted, including the regeneration of specific and other partnership initiatives, to help secure their continued sustainability, make sure that*

jobs and services are kept and if possible improved and their historic character enhanced;

- *appropriate market housing to help support these services will be developed on suitable sites in the villages;*
- *affordable housing to serve local needs will be supported.”*

The key point is that, compared with other smaller villages, Silver End is relatively easily accessible by road and public transport - albeit the bus-service finishes before 7.30 PM and there is none on Sundays and Bank/Public Holidays - and is also relatively well-provided for in terms of the range of services it enjoys - including a primary school, a village hall, a doctor's surgery, a pharmacy, a pub, 3 shops (including a food-store, a post-office and a charity shop), 2 take-aways, a primary school and 2 churches. There is, however, no dentist, no bank, no police station and no fire station. The range and availability of services is a key test to be satisfied under the NPPF if a new residential development is to be judged to be acceptable in principle.

However, although the Core Strategy talks in terms of the village being able to accommodate some “...*limited development to serve the local area, or deal with specific local issues such as the regeneration of important sites*”, that does not mean it has capacity to accommodate the scale of development sought and a judgement needs to be made, having regard to the extent to which the development would be sustainable, bearing in mind the availability, capacity and accessibility of local services to support the amount of development sought, and its other impacts.

Capacity of Local Services

The fact that Silver End enjoys a range of services that surrounding villages do not have is not the same as saying the village is well provided for. This is because it is clear that certain of the existing services are at or beyond capacity.

For example, the **primary school** is currently being extended but, even as extended, this will only meet current and limited additional demand from within the village, such as that likely to be generated by the housing development of up to 60 units recently permitted at Boars Tye Road (15/01004/OUT), and physically there is no space for further expansion over and above the extension works that are currently being undertaken. Neither is there any available capacity at the primary schools in the neighbouring villages of Rivenhall, Cressing and White Notley, which are all small village schools operating at or close to their capacities and are not accessible by a safe walking route from the application site. They are also distant from the site. The Local Education Authority (LEA) has accordingly raised objection to the proposal on the basis that it will not be possible to provide local primary school places for the additional 105 primary-age children likely to be generated by a development of this large scale.

In addition, providers of Early Years and Childcare services in Silver End are understood to presently be operating at 100% capacity and an additional 31.5 places would be required to meet demand from the proposed development. This could only be done from new premises. As it happens, there are tentative proposals for additional provision to be made in the Chipping Hill ward, which developer funding here could be used to secure. Delivery of this would need to be secured by Section 106 agreement - though no specific sum has been indicated by the County Council.

The developer has alluded to the possibility of land (1.56 ha) being offered to provide a new primary school and sports pitches but there are no specific proposals, notwithstanding the fact the Master Plan supporting the application does show a roughly rectangular shaped parcel of land, backing onto existing housing development and Bower Hall (a Grade II listed), that might be available for community/educational uses. It cannot even be assumed that this is a suitable location for a new school - even if this is accepted in principle - given the close proximity of any development here to the listed building and the significant impact it would undoubtedly have on its setting. Neither is it possible at this stage for the LEA to take a considered view on a proposal for a new school. Firstly, the case in principle for a new school needs to be made and it has not been. The development would be likely to generate a need for 105 primary school places but that would be insufficient to justify the provision of a new school. In any event, the application only offers the possibility of the land being offered and it would still be for the LEA to provide the actual building, other physical infrastructure and the funding for its on-going staffing and maintenance. The LEA also has strict criteria that need to be satisfied - such as threshold pupil numbers and the need for a new school in terms of likely demand into the future - before a new school could be supported.

Regarding the village **doctor's surgery** - the patient list is currently closed to new patients because of staff recruitment and retention issues, with the result that new patients are currently required to travel elsewhere - mostly to Braintree or Witham - to consult a doctor, which is neither convenient nor does it conform with the principles of sustainability as this increases the need to travel, including by car. It is understood that the staffing issue that has caused this situation is currently being addressed and the closure of the patient list to new patients is likely to be only a temporary situation.

Separately from that issue, NHS England has indicated in its consultation response that it would require a developer contribution of £115,200 to physically increase the capacity of the Silver End Surgery to accommodate the additional number of patients likely to be generated by the development, with, possibly, an additional sum to cover the cost of further car-parking provision. If planning permission was to be granted this would need to be secured through Section 106 agreement

The £115,200 sought is believed to be the capital sum required to physically expand the practice to accommodate the demand likely to result from the development; it does not cover the additional running costs and staffing of the

practice as a result of the development, which it would be for NHS England to fund. The possible requirement for additional parking provision is not-costed either and it is unclear what exactly would be required in this regard.

However, whatever the final cost of expanding primary health care provision - it does seem that this can and will be accommodated at the present site, subject to the requisite funding being secured by way of a developer contribution. Delivery of this would need to be secured by Section 106 agreement.

As to the availability of **other services** - including shops - provision is not adequate, with just three A1 shops for the whole village (consisting of a food-store, a post-office and a charity shop) and two A5 take-away food shops. These limited facilities are heavily used. An expansion of the village as sought may increase demand at these facilities and, arguably, make them more secure, indeed, may even lead to additional businesses opening. However, there can be no certainty of that and it may equally be that the development proposed will simply add to the pressure on what exists. Either way, the number and choice of shops to serve the village as expanded would be poor and may remain so. Existing residents already have to travel to the neighbouring towns of Braintree and Witham for higher order services (such as banking) and a wider choice of shopping and the likelihood is that, if the development was to be permitted, this would simply add to the numbers doing so, which would be contrary to the principles of sustainability.

The overall view reached, therefore, is that an expansion of the village on the large scale sought would be beyond the capacity of what few local services there are to accommodate - especially so the local primary school.

Access to Local Services

In addition to capacity - access to local services in terms of distance and the ease with which this is possible - is also critical.

This is a large site that would be located on the far eastern side of the village, relatively remote and distant from the village centre and the main concentration of services that it offers. The walking distance from the site to this main concentration of shops and services off Broadway will be between about a half mile and about 1.2 miles, depending on where on the development a resident lived. Walking distance between the two locations would, therefore, vary considerably, typically between about 10 minutes and nearly half an hour from the site to the services in the village centre.

Permeability and linkages between the development and the surroundings are likely not to be good either because, although the application is outline only, there are few opportunities to create linkages into the existing development that adjoins.

Most of the local services that would be required by residents at the site would, therefore, be relatively distant and remote from where they lived and

the majority would be likely to access them by car in preference to walking. This would add to existing parking pressures in the street and congestion in the village centre and at the doctor's surgery, to the detriment of amenity, and would be contrary to the principles of sustainability.

Access to local services in the village would not, therefore, be easy and constitutes further grounds to reject the proposal.

In addition, ease of access to services in places outside the village and the quality of the linkages into the public transport network generally are important. Critical in this regard are the quality and frequency of the bus services to the neighbouring towns of Braintree, Witham and Halstead and, thence, to places beyond, both by bus and by rail.

The village enjoys just one bus-service - the 38/38A service that runs between Halstead, Braintree and Witham. Services run twice an hour Monday to Friday, the first service departing at 07.05 hrs, the last at 19.00 hrs, whilst on Saturdays there are still two services an hour, but the first is at 07.42 hrs and the last at 18.12 hrs. There is no service on Sundays. The travel-time to Witham is 26 minutes and to Braintree 29 minutes. Opportunities to use the bus to feed commuters into the rail services into and out of Braintree and Witham are, therefore, relatively poor as they do not operate sufficiently early in the morning or late in the evening to be of use for many commuters. Inevitably, this will result in many of those living at the development using their cars to reach or return home from the rail services at Braintree and Witham, adding to the existing movement of cars at the start and end of the day.

Neither are there any dedicated cycle routes to and from the development site to and from Braintree or Witham. Moreover, the road between the two towns via Silver End is heavily trafficked throughout the day, especially so in the morning and evening peak periods, and is not a particularly safe route for cyclists to use. This will further encourage those living at the development to use their cars to travel to Braintree and Witham to feed into the national rail-network and other public transport options, including bus-services, to places beyond.

Nor are Braintree and Witham easily accessible by foot, as both lie at a distance of 4 and 5 miles from the site - which is too far to be a realistic walking proposition for most. In addition, dedicated footpaths do not run alongside the carriageway for most of that distance, so this would not be a safe option either.

In summary, therefore, the bus-services serving the village are not good - notwithstanding its key-service village status under the Core Strategy - and are in need of significant improvement if they are to better serve the needs of commuters living at the development. This is one of the issues raised by the Highway Authority in commenting on the sustainability of the proposal; in particular, they urge the developer to consider providing a subsidy to allow the bus-service to be extended, especially so into the evening, to allow those returning home via the rail network connections at Witham and Braintree to

complete their journey by public transport. That would easily not be possible for many commuters based on the current level of bus-service available, which does not start early enough or continue late enough into the evening to allow them to do so. Neither are walking or cycling viable alternatives to the use of a car to reach the public transport interchanges at Braintree and Witham.

Development of the site would not, therefore, be sustainable in terms of the public transport options available to access key services. Neither is the applicant proposing any improvements. This is considered to be a significant shortcoming of the proposal.

Scale of Development Proposed

The Core Strategy acknowledges some “...*limited development to serve the local area, or deal with specific local issues such as the regeneration of important sites*” may be justifiable in Silver End.

Up to 350 dwellings is far beyond what can reasonably be regarded as serving local needs. Indeed, it is development on so large a scale that it has to be regarded as being of strategic significance and should ideally be considered in the context of the preparation of the Local Plan, which will determine the spatial strategy to be adopted for growth across the District as a whole. The site has been put forward in the “call for sites” exercise and will be considered properly in that context in due course.

In the meantime, the Council is obliged to determine the application but, as it happens, the level of local services available relative to the requirements of a development of this large scale, the remoteness and distance of the site from the main concentration of services in the village and the ease of access to them are all considered to be poor. It is, therefore, considered that on these basic tests of sustainability the proposal is unacceptable.

It should also be noted that a significant amount of new development is, in any event, already allocated or permitted for Silver End. Firstly, there is the former Crittall Windows site in the centre of the village - this is brownfield land that is allocated for housing and is likely to provide between 80 and 100 dwellings. In addition, a development of 24 units has been permitted on Sheepcotes Lane and another development of up to 60 units has recently been permitted in outline on land at the northern end of the village on the west side of Boars Tye Road. This amounts to a total of about 184 new dwellings already proposed for a village that currently consists of 1520 dwellings, which would be an increase of about 12%. If the proposal for 350 dwellings at Western Road was to be permitted, the number of new dwellings allocated or permitted for the village would be 534, which would result in an increase of about 35% on existing, which is considerable.

The Core Strategy talks in terms of around 600 dwellings being provided in total in the 6 Key Service Villages over the entire plan period up to 2026. Even the 184 dwellings allocated or permitted to date would be a significant

increase. To permit another 350 dwellings would mean that, in effect, Silver End would be expected to accommodate 89% of the entire Core Strategy allocation of 600 dwellings for the 6 Key Service Villages. Even allowing for the fact that more recent government policy requires local authorities to boost significantly their supply of land for housing, an increase of this order is difficult to justify. It should also be said that, whilst the Core Strategy seeks to concentrate new development in the most accessible locations - that is, in the main towns and the key service villages - this strategy was drawn up at a time when the target figure for new housing across the District over the entire plan period was only 4,637 dwellings, equating to about 272 dwelling per annum. Whilst it has to be acknowledged that additional development over and above what was originally envisaged will have to be accepted, it is still necessary to take a considered view regarding the capacity of an individual settlement to accommodate the amount of development sought. In this case the village is already destined to receive a significant amount of new development, compared with what might be expected under the Core Strategy targets, and the proposal for another 350 dwellings would be disproportionate and beyond the capacity of local services to accommodate.

Moreover - the proposal would also result in a significant urbanisation of the village, particularly so on the key approach into the village from the east (Rivenhall and Witham). A very much more built-up appearance would result - notwithstanding the fact that the proposal would incorporate a landscaped buffer on the Western Road frontage - and the overall impression would be of arrival in a town of some size, rather than a village set in the surrounding countryside. The proposal would, therefore, be harmful to the character and appearance of this side of the village too.

The creation of a large estate in this position also has implications for the setting of the listed building - Bower Hall - and of the Silver End Conservation Area. This is discussed in detail under *Heritage Impact*. Suffice to say here that a development of this large scale would be seriously harmful in this regard.

In summary, therefore, the principle and the amount of development sought are considered to be excessive, in terms of the basic tests of sustainability as they apply to Silver End (location, range of services available, including public transport, their capacity and ease of access to them).

It is incumbent upon an applicant to show that a development is, indeed, sustainable. To this end, the application is supported by a Planning Statement that incorporates a "Sustainability Matrix" and concludes, in the applicants' view, that:

"...there are no material considerations or adverse impacts which significantly and demonstrably outweigh the benefits which flow from the development. This development, as proposed, clearly constitutes 'sustainable development', is viable and deliverable. There are significant material considerations that weigh heavily in its favour. In

accordance with planning law and policy guidance the application should be approved with delay.”

More specifically they state:

“Silver End is a successful rural settlement that is socially and economically sustainable....Furthermore, the application is situated with a demonstrably suitable and appropriate location to host new housing development.

The proposals will make a significant contribution towards meeting the social elements of sustainability through: providing homes to meet the objectively obsessed housing needs of Braintree and making a valuable contribution towards five year housing land supply. Further the application proposals will provide 40% affordable housing (approximately 140 dwellings) in circumstances where there is a chronic shortage in the District, this should be regarded as a significant material benefit. The development proposals will assist in helping to maintain and enhance the vitality of Silver End

In addition to the delivery of housing the proposals will also deliver a number of economic benefits which include the New Homes Bonus totalling £3.3m, 343 FTE jobs in construction, a further 374 indirect jobs in associated industries and total gross expenditure of £5.6 million annually.

There are also a number of environmental benefits associated with the development proposals which include the provision of green infrastructure, the protection and enhancement of existing wildlife corridors.

The supporting material, assessments and reports demonstrate that there are no unacceptable adverse impacts associated with the scheme. As with any greenfield site, the development will introduce changes to the area and some urbanising effects. Care has been taken to ensure that the impact and perceived impact on Silver End are minimal and acceptable. This will be achieved through careful design and siting and the holistic approach to landscape provision at the site.”

Specific Impacts

Beyond this it is also necessary to consider the specific impacts. The key issues for consideration are:

- the landscape impact of the site’s development;
- whether the amount of development sought (up to 350 units) is likely to be achievable in an acceptable manner, having regard to the standards and guidance that apply in assessing proposals of this kind, and the impact on residential amenity;

- the landscape impact;
- the ecology impact;
- the impact on heritage assets and the conservation area;
- the impact on residential amenity;
- the highway impact;
- the impact on minerals resources;
- the extent to which the proposal would provide for the protection and enhancement of local ecology;
- matters to be secured through Section 106 agreement, including:
 - (A) the provision for affordable housing;
 - (B) the provision for educational expansion;
 - (C) the provision of any off-site highway works and implementation of the agreed Travel Plan;
 - (D) provision for open-space on and off-site.

Landscape Impact

Core Strategy Policy CS8 (Natural Environment & Biodiversity) states

“Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.”

The 2007 Landscape Capacity Analysis commissioned by the Council identifies the site as being within an area that is designated as the Silver End Farmland Plateau, specifically area S2, which is described as being of “medium to high” landscape value and “medium to high” landscape character and sensitivity to change due to (A) the “sense of time depth” provided by the historic buildings at Bower Hall and in that part of the Silver End conservation area that fronts the farmland to the west of Sheepcotes Lane, (B) the strength of its rural character and (C) its contribution to the setting of the Silver End village Conservation Area, its strength of rural character; in turn it has only “low to medium” landscape capacity to accommodate new development, without causing unacceptable adverse effects on the character of the landscape, or the way it is perceived, and without compromising the values attached to it.

More specifically, the reason the site is regarded as being of “medium to high” landscape value and landscape character and having only “low to medium” landscape capacity to accommodate new development is the contribution it makes to the open undeveloped rural and historic setting of Bower Hall, the Silver End Conservation Area and the village as a whole on its eastern and north-eastern flanks.

This Analysis was updated in 2015. The key difference between the two documents is that the recent update is a more fine-grained analysis. The application site is referred to as Plot 2c in this Analysis and is again regarded as having only “medium to low” capacity to accommodate change and new development. The land is noted as making a contribution to the rural setting of Silver End, consisting of agricultural land that frames the village, with a good structure of hedgerows, trees and landform that help to visually enclose the settlement in view from the surrounding landscape.

Nothing in the more up-to-date landscape capacity analysis changes the longstanding assessment that the site has only limited capacity to accommodate new development without causing harm.

It is, therefore, difficult to see how a development of the large scale sought can be satisfactorily accommodated.

The applicant has submitted a Landscape and Visual Impact Assessment in support of their proposal. This concludes:

- *the introduction of a permanent development and associated access routes on the site would be adverse in impact, but the retention and enhancement of existing features will help to integrate the proposed development into the landscape and will afford mitigation - for example, by means of the retention of blocks of woodland, mature trees and robust field boundaries - the landscape impact in the wider setting is likely to be quite minimal;*
- *the proposed development would not result in unacceptably adverse landscape effects or represent an unacceptable alteration to the over-riding landscape character of the area.*

These conclusions are not accepted. The Landscape Character Analyses commissioned by the Council in 2007 and 2015 both conclude that this is a sensitive site that has at best “medium to low capacity” to accommodate new development because of the potential adverse effects on the setting of the listed building (Bower Hall), on the Conservation Area and the rural setting of the village.

The Landscape and Visual Impact Assessment submitted by the applicant does not consider these impacts and dismisses the effects on the landscape generally as being something that can be satisfactorily mitigated against simply by retaining and strengthening existing landscape features - principally hedgerows and trees - and providing a planted buffer around the edge of the

site. It is the view of officers that the applicant's Assessment gives insufficient weight to the fact that any development at this scale will inevitably have significant impact simply because it will substantially fill the site with built development where there is none at present and no amount of mitigation will compensate for this.

It also ignores the fact that another key reason that both Analyses consider the site to have only "medium to low" capacity to accommodate development is that it serves the important function of providing an undeveloped rural setting for the village as a whole (and also for the listed buildings at Bower Hall). Development at this scale will inevitably mean that the eastern approach into the village will assume a very much more built-up and urban character. Whilst it is the case that the application site has no special landscape designation, it is nonetheless pleasant undulating well-tended farmland and horse paddocks, enclosed by established hedgerows on the field boundaries. This provides the attractive rural setting for this side of the village and this will be lost. It will also mean that the listed building and its site would be enclosed on all sides by built development to the detriment of its setting. Additionally, it would adversely impact the Conservation Area by introducing a very much more urban appearance on one of the key approaches into it. Indeed, the site that has been offered for the possible development of a new school - if the County Council was to judge this to be an acceptable proposal in principle to deal with the lack of primary school capacity - would further harm the setting of the listed building (Bowers Hall) and the Conservation Area. This is discussed below in more detail under *Heritage Impact*.

In short, the site contributes significantly to the open undeveloped rural and historic setting of Bower Hall, the Silver End Conservation Area and the rural setting of the village as a whole on its eastern and north-eastern flanks. Any development of the site would be seriously harmful, with or without the landscape buffers that are proposed around parts of the development site.

Amount of Development

This has already been discussed in terms of what this means in regard to whether this amount of development can be sustainably accommodated at Silver End.

However, it is also necessary to consider whether 350 dwellings can be physically accommodated on the land satisfactorily - having regard to the standards and guidance applied by the Council to appraise developments of this sort, including the requirements of the "Essex Design Guide" and the ECC "Parking Standards - Design & Good Practice" in relation to such matters as garden size, relationship with neighbouring properties, the level of parking provision, etc.

It is not possible to reach a view on this, given that all matters of detail are reserved for subsequent approval and there is no layout available for consideration.

Nonetheless, if planning permission was to be granted, it probably is the case that up to 350 dwellings could be accommodated satisfactorily. In any event, the description of the proposal refers to “approximately 350 dwellings” - which allows a degree of latitude in terms of the number of dwellings, if outline planning permission was to be granted. Based on a development of 350 dwellings, density would amount to about 20 dwellings per hectare overall.

Objections on these grounds would not, therefore, be justified.

Ecology Impact

The application is supported by an Ecological Assessment - which identifies the range of species and habitats present at the site and nearby.

In summary, the Assessment indicates the following:

- The site is not protected by any statutory designation, neither is there any within 10 km of the site. The only notable site is Storey's Wood (Local Wildlife Site), which lies about 790 east of the site, which enjoys only non-statutory designation;
- Any additional pressure on Storey's Wood would be unlikely to impact upon the woodland's diversity;
- The majority of habitat features will be retained and enhanced to ensure retention of connectivity across the site and ensure continued foraging and nesting opportunities. In particular - most of the hedgerows and mature trees (mostly on the boundaries and part of the hedgerows) would be retained and will be enhanced through additional planting. The creation of an access into the site is the main area where there will be hedgerow loss but there will be compensatory additional planting. The introduction of an attenuation feature has the potential to attract further species not currently recorded on site, which may result in some diversification of species and habitats, thereby contributing to the NPPF requirement for biodiversity enhancement;
- “Balancing facilities” - as part of the creation of a sustainable drainage system for the site - will be designed, planted and managed to maximise biodiversity;
- There are three trees on the site with low potential to provide roosting for bats but these will be retained and will be unaffected by the development;
- During the bat surveys the majority of activity recorded has consisted of soprano and common pipistrelle, with the most regular bat contacts made along the eastern boundary of the site. Bat activity around other parts of the site has been sporadic, with no constant patterns to indicate that certain areas are of more value to the local bat population;

- During the autumn survey some contacts were made with barbastrelle bats. All of these contacts were along a hedgerow in the north-east of the site, which probably constitutes a minor commuting route for barbastelle but the site is not considered to be a consistent commuting or foraging resources for the species. In any event, the retention of all hedgerows on the site, other than the removal of part of the hedgerow on the Western Road frontage to create an access, will ensure that the barbastelle will be unaffected. In particular retention of hedgerows on the eastern boundary will ensure the continued provision of a dark corridor for these bats;
- The site supports eight notable bird species which appear on the BoCC Red list and/or on the Amber List and are listed as a NERC species of principal importance. All species are typical of the habitats present at the site. Any vegetation to be removed from the site should be done outside the bird breeding season (March to August/September) and, if this is not possible, the vegetation (including any areas which may provide habitat for ground nesting birds) should be checked by an experienced ecologist prior to removal. Specific mitigation for turtle doves would be appropriate by the planting of scrub and tree habitats within the open-space to be created on the eastern boundary around the balancing facility, following which the impact on turtle doves would be negligible. In addition, nesting boxes should be affixed to suitable trees, which would contribute to biodiversity enhancement as required under the NPPF;
- There are no water bodies within the site capable of supporting great crested newts. There are 13 ponds within 500m of the site, one of which lies at a distance of about 300m and supports a low population of the newts. The likelihood is they are using the habitat immediately adjacent to this pond, rather than any part of the application site, because this of higher quality than the application site. There is no evidence of great crested newts at the application site;
- Much of the site is unsuitable for reptiles. Care, however, needs to be taken when vegetation is removed to minimise the risk to reptiles, in case any are present.

The view of officers is that the Assessment is a comprehensive and credible survey of the habitats and species present at the site. There is no reason to doubt its findings. For the most part, existing habitats and, in turn, their ecological interest, would be protected. In the event that planning permission was to be granted, the ecological interest of the site would nonetheless need to be secured through a planning condition that requires the submission of and the agreement to, by the Local Planning Authority, of an Ecological Management Strategy and adherence to this throughout the period of the site's preparation for development and its construction and into the future as appropriate.

Heritage Impact

Discussion of the heritage impact of the development needs to be framed in terms of planning law and government policy as set-out in the NPPF.

Section 66(1) of the Town & Country Planning Listed Buildings & Conservation Areas Act 1990 imposes on the local authority a duty to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72(1) of the same Act applies a general duty on the local authority, in the exercise of its planning function in respect of any buildings or other land in a conservation area, to pay "special attention" to the "desirability of preserving or enhancing the character or appearance of that area."

Government policy for the preservation and conservation of heritage assets is set-out in paragraphs 126 to 141 of the NPPF. The two key paragraphs of relevance in this case are paragraphs 133 and 134, which are discussed below in terms of the tests that apply in assessing the weight to be given to the impacts on heritage assets that arise here.

In this case, the proposal will result in significant heritage impact. Essex County Council Heritage and Conservation has been consulted and objects to the development on the grounds that the development would cause harm to the setting of two heritage assets - that is:

- Bowers Hall - a Grade II Listed Building; and
- Silver End Conservation Area.

Bowers Hall - This is a timber-framed and plastered farm-house, with later additions and alterations, contained in a site at the south-western corner of the application site which also includes a number of timber-framed and weather-boarded outbuildings and barns erected around the farm-house. All the buildings comprising the historic farmstead have been closely associated with the farming of the surrounding land.

It is the view of the County Historic Buildings & Conservation Officer that the development will detrimentally encroach into the setting of the farmstead on the two remaining sides that are free of development and, in doing so, will diminish its significance as a Grade II Listed farmstead in a rural location. It is the loss of its undeveloped rural setting that is critical. These are rural buildings that belong in a rural setting, reflecting their function as buildings that are ancillary to the farming of the land around. Historically Bower Hall would have enjoyed a relatively remote rural location, with views out over all the land under its control. The 20th century developments at Silver End have already impacted on this by introducing development on its southern and western sides, but the Hall still retains an open aspect to both the north and east, which is precisely where the proposed development is sought. It is the contribution that the open aspect on these two sides makes to the significance

of the Hall as an heritage asset and its setting that is important and it is, therefore, all the more important that this be protected due to the erosion of its setting that has already taken place on its southern and western sides. It should also be noted that the scale of development now proposed would be far greater than even the later developments that have already been added to Silver End. The fact that the setting of the listed building has already been impacted by the 20th century development that has taken place on two sides cannot be justification for allowing a development of even greater impact, enclosing the other two presently undeveloped sides. Moreover, the introduction of built development on these two open sides would noticeably harm the way in which the listed building is experienced on the approach to it from the east. It still has a rural aspect at present; this would change to urban as a result of the development and the buildings would appear as somewhat incongruous features in their new setting - rural buildings in a wholly urban setting.

It is, therefore, the view of the County Historic Buildings & Conservation Officer that the suburbanisation of views out to the north and east of the Hall on the two remaining sides that are not enclosed by development would be harmful to the setting of the listed building, whatever mitigating factors may be cited - principally the existence of the hedgerows that surround the site - and that is also the view of BDC officers. The proposal would result in the Hall and its curtilage buildings being subsumed and totally surrounded by built-development, albeit separated from it by landscaped buffers - although not if a new school or educational facilities were to be provided immediately to the north of the whole, as indicated as a possibility on the Master Plan . The fact that the building still enjoys an open aspect on two sides means that it is still possible to understand the building's historic place in the landscape and its relationship with the farmed countryside around, which substantially predates the development of Silver End, in part by the Crittall family. This would be totally lost and, in turn, much of the understanding of the Hall's place in the landscape, and the appreciation of its setting, would be lost too. This is significant, not only in terms of maintaining the historic setting and significance of the Listed Building, but also because the presence of clearly defined older farm complexes forms part of the character and appearance of Silver End. The development would also be visible in relation to important views of the heritage asset, including key views of the Listed Building when seen from the corner of Western Road, in which the proposed development would form a backdrop. The proposed development would, therefore, be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 - which, as stated above, applies a duty of the Local Planning Authority to have regard to the desirability of preserving listed buildings and their settings when considering development proposals.

The site of the listed building is at present largely enclosed by hedgerows that have developed over time and are now significant features in their own right; these do affect its setting. However, hedgerows are ephemeral features and their existence cannot be used as justification for allowing permanent built development to take place on the two remaining sides of the site that are not enclosed by buildings.

A further point is that access has been reserved for subsequent approval and the detail of this is not available at this outline stage. Nonetheless, if planning permission was to be granted, an access into the site would inevitably need to be formed from the site's Western Road frontage. The existence of what will inevitably be a significant interruption of an urban character in this frontage - which is presently totally enclosed by an established hedgerow and has a rural appearance - can only further erode the undeveloped rural character of the listed building's setting on its eastern side.

Silver End Conservation Area

The development would also have a negative impact on the character and setting of Silver End Conservation Area. It is important to understand why this village was built here in the first place, the scale and size of the model village and the extent to which it developed during the life of the Crittall factory. The majority of the Conservation Area is formed by the development laid out by the Crittall Family in the late 1920s and early 1930s. It was designed based on ideas garnered from the 'Garden City' movement, and several prominent 'Modern Movement' architects were commissioned to design sections of the village. The core of the village was developed in one continuous phase of planned building, which started in 1926, continued through to the early 1930s, and incorporated some earlier buildings into the village envelope. The village is considered to be inherently unsuitable for piecemeal addition and the addition of a development of this large scale would dilute its historic character and appearance and the understanding and reasoning behind the planned settlement. Part of this character has already been eroded by some of the more recent piecemeal developments on the periphery of the village, but the sheer scale of what is now proposed would add to this, to the detriment of the character of the Conservation Area. To put this into context, an additional 350 houses as sought would amount to an increase of more than 20% in the size of the settlement.

The development would also be located on the main approach into the Conservation Area from an easterly direction - which would take on a significantly more urban appearance, notwithstanding the landscaped buffer proposed on the Western Road frontage. The setting of the conservation area would be significantly harmed as a result. Much of the existing hedgerow would be lost and, whatever form of access was to be agreed, this would be still be a significant breach of the landscaped frontage and would add to the urban appearance that would result, to the detriment of the character and setting of the Conservation Area. Whilst this entrance into the Conservation Area has already been harmed by development that has already been carried-out on the southern side of Western Road, the scale and extent of the proposal would exacerbate this. It would fundamentally change for the worse not only the setting of the Conservation Area but the village as a whole - which is discussed above as a specific issue. The application is therefore considered to be contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recent case law (1) relating to the interpretation of Section 66(1) has concluded two main points:

- That “preservation” within this context means “doing no harm”, so if a development does harm to a listed building or its setting then there is a strong presumption against granting planning permission for it;
- That the requirement to have “special regard” is not a material consideration against which a Local Planning Authority can attach such weight as it sees fit. It must give “considerable importance and weight” to the desirability of preserving the setting of a listing building when carrying-out this balancing exercise.

(1) Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire District Council, (2) English Heritage, (3) National trust and (4) Secretary of State for Communities & Local Government (2014) EWHC Civ 137; and R (on the application of (1) Forge Field Society, (2) Martin Barraud, and (3) Rebert Rees v Sevenoaks District Council (Defendant) and (1) West Kent Housing Association and (2) Philip John Algeron Viscount De L'Isle (Interested Parties)(2014) EWHC 1895 (Admin).

The NPPF states at paragraph 132 that “great weight” should be given to the objective of conserving designated heritage assets and, given this objective, all harm, including harm as a result of development within the setting of a heritage asset, requires “clear and convincing justification”. Significance derives not only from the physical presence of a heritage asset but also from its setting.

In this case, the impact is on the setting of Bower Hall and the buildings in its curtilage.

The government's planning policies for *Conserving and Enhancing the Historic Environment* are set-out in paragraphs 126 to 141 of the NPPF. In addition to the requirement for “great weight” to be given to an asset's conservation, its policy is also that “*the more important the asset, the greater the weight should be*” and “*as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*”

It then goes on to refer in paragraphs 132 to 134 to degrees of harm to heritage assets to which regard needs to be had in considering the impact of development.

More specifically, it makes the point at para 132 that

“Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade 1 or grade II listed buildings, grade I and II* registered parks and gardens and World Heritage Sites, should be wholly exceptional”*

and continues at para 133 that

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

Finally, at para 134 it talks about cases

“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 NPPF defines the setting of a heritage asset as:

“The surroundings in which the heritage asset is experienced - its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral”.

Clearly, the concept of setting defies a precise definition. It, therefore, becomes a matter of judgement whether a development proposal is likely to have an impact or not. Accordingly, in considering the significance of a building and its setting, it is important to have regard to the particular characteristics that contribute to how it is understood and experienced.

In this case, the impact is on the setting of the listed building rather than its fabric. It is the view of the ECC Conservation Officer that, although there would be harm, this would - to use the terminology applied in the NPPF - be “*less than substantial*”, which can include a wide range of harm, from slight to serious.

Nonetheless - even “less than substantial” harm - is still harm and paragraph 134 of the NPPF still requires, in such instances, that a balanced judgement is made in regard to where the balance of advantage lies.

In effect, this means the Council is obliged to undertake a “cost-benefit analysis” - in which the public benefits that may accrue from a site’s development are weighed against the harm that would be caused to the significance of the heritage asset.

Much the same judgement needs to be made in respect of the requirement of the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

In this case, the key public benefit that arises is the achievement of a significant contribution towards the provision of additional housing in the District, including a 40% contribution towards affording housing, which in this case would amount to about 140 units.

On the other hand, this would only be achieved by causing harm to the setting of the listed building and its historic place in the landscape - to which the Local Planning Authority is required to attach considerable weight; moreover, the development would be harmful to both the open, undeveloped rural setting of the village as a whole (particularly so on this eastern side) and to the character and appearance of the Silver End Conservation Area on the key eastern approach into it, which would assume a significantly more built-up and inappropriately urban appearance.

Neither do officers accept that the benefits of the scheme as seen by the applicants - which have already been set-out above under "*Sustainability - Scale of Development*" - are sufficient to offset the very real harm that would result.

As it happens - it is the judgement of officers the development would not be a sustainable development either, insofar as it would place additional demand on certain local services that cannot be met or cannot be easily accessed without the use of a private car, and would be served by only poor public transport, such that residents would again be likely to be dependent on their use of the private motor car for commuting journeys or to access rail services at Witham and Braintree. Officers are, therefore, of the view that the harm to the setting of the listed building and the character, appearance and setting of the Silver End Conservation Area - significantly outweighs the benefits that would arise from allowing the development.

The development could probably be carried-out in numerous other places where the availability of services and access to them is better and easier and where there is no harm to any heritage assets. Although Silver End is designated as a Key Service Village, it is not, in fact, generously provided for in terms of the services that are available - it simply has more services than the smaller villages nearby - and a judgement still needs to be made as to impact and capacity. It should also be noted in this respect that significant new development - representing an increase of about 12% - is already earmarked for Silver End. A further new development adding another 20% increase would not only be unsustainable but would be harmful for the reasons stated.

Refusal of planning permission on grounds of harm to the setting of the listed building and the conservation area that is not outweighed by the public benefits arising from allowing development is, therefore, recommended.

Residential Amenity

The site is enclosed on two sides by existing residential development.

Although the detailed layout and design is not tabled for consideration - the basic approach indicated on the illustrative plans shows the new housing as being contained within an encircling landscaped buffer of varying width - but up to 20m wide - which, in combination with the retention of the existing established hedgerows, would provide effective screening of the development, such that there could be no unacceptable direct effects on residential amenity.

Based on the same plan - back-to-back distances (new development to existing) would also likely be fairly generous, certainly equivalent to or more than the minimum 25m back-to-back distance advocated by the Essex Design Guide, such that impact on privacy levels would fall within acceptable tolerances.

Clearly development of the site per se would be a big change on the current situation, in which existing houses enjoy a view out over undeveloped farmland. That view would change significantly but not unacceptably so; besides, there is no right to a view as such.

Highway Impact

The application is supported by a Transport Assessment (TA) and Travel Plan (TP). Revised versions of both documents have been submitted, partly to respond to concerns raised by the Highway Authority and Highways England.

It should be noted that the application as originally submitted incorporated access as a matter to be determined and, to that end, the Master Plan showed in general terms how an access into the site from Western Road might be achieved.

In response - the Highway Authority has raised a number of detailed points - relating to the detail and scope of the TA and noting that there are in any event no technical drawings showing the detailed design of the access. It also expressed concern about the access arrangements originally proposed.

In turn, the applicant has responded by removing "access" from the range of matters to be dealt with at this outline stage - thereby leaving its detailed design to be determined at reserved matters stage.

Notwithstanding that - the Highway Authority has recommended refusal of planning permission on the grounds that...

"...as the developer has not demonstrated that a safe and suitable access can be achieved our position would be to recommend refusal. This is our usual practice when an application comes-in in which access is reserved and there is no information to demonstrate that safe access can be provided. Our position is backed by paragraph 32 of the NPPF which identifies "safe and suitable access" as one of the 3 criteria for making decisions on highway matters."

In consideration of this point, Officers have taken legal advice. The advice received is that - notwithstanding the fact the law and Regulations allow an applicant to change the basis on which their application is considered after it has been registered and for, in this case, access to be removed from the application - it is equally the case reasonable for the Local Planning Authority to take a view on what essential information is required to enable a properly considered view to be taken on whether a site is even capable of becoming a development site. A site cannot even be regarded as an eligible development site unless "safe and suitable access" to a highway is shown to be possible. The applicant has not demonstrated that. Until the applicant has shown that a safe and suitable site is possible - the HA position is considered to be reasonable. It is, therefore, considered reasonable to refuse planning permission on the grounds that it has not been shown that "...safe and suitable access to the site can be achieved for all people...", as suggested in paragraph 32 of the NPPF. The Highway Authority for its part needs to reserve its position until all the necessary information has been provided and an acceptable design has been submitted. Until then, it is matter of conjecture as to whether a satisfactory access is achievable.

More generally - it should also be said that - much as legally it is open to an applicant to have access dealt with as a reserved matter - this is clearly at variance with the advice contained in paragraph 32 of the NPPF, which makes it plain, as alluded to above, that decision-makers do need to have regard to whether safe and suitable access can be achieved. If access is reserved for subsequent consideration, it is difficult to take a view on this important matter of principle at outline stage and, without a satisfactory access to a highway, there has to be doubt whether a site is a potential development site at all. Indeed, the achievement of a safe and suitable access to a site from a highway is so crucial to whether a site is developable at all that, in practice, it needs to, in most cases, be considered at outline stage, especially so in the case of a major development of this large scale.

The Highway Authority also comments on the sustainability issues arising. It states that the accessibility of the site in terms of transport sustainability needs to be considered further - to include consideration of the bus services, the bus infrastructure and opportunities for walking and cycling, as alternatives to car-use. In particular, it is mentioned that there have been changes to the bus-services potentially serving the site and the applicant needs to engage with operators to ascertain the scope of the services to be offered and to propose enhancements as necessary, particularly to the services available in the evenings. There also needs to be detailed consideration of the walking and cycling routes available to/from the site to access local amenities and services; they also consider that the walking distances referred to in the application are an under-estimate.

The application is supported by a Travel Plan. The purpose of any Travel Plan is to present a long-term package of measures to reduce the reliance of residents and visitors on the use of the car by promoting, providing and supporting alternative modes of transport to the car, promoting healthier

modes of travel, reducing the need to travel and limiting the demand for parking. The Plan submitted here sets out a range of proposals in this regard:

- *Marketing and Promotion* - including provision of travel information and leaflets (through travel packs issued to residents), communications sessions, travel information boards in public places and use of a Travel Co-ordinator to promote and communicate the sustainable travel options to residents;
- *Personal Travel Planning* - a service to be provided by the Travel Plan Co-ordinator in response to individual requests for help with journey planning;
- *Initiatives to promote Car-Sharing, Electric Vehicles and Car-Clubs;*
- *Initiatives to promote Walking* - including the provision to adoptable standards of footways within the development that will link to existing pedestrian network in the surrounding area, appropriate information within the Travel Pack, including a map that identifies all the pedestrian-friendly routes in the local area;
- *Reducing the Need to Travel* - including the provision of a secure internet connection to all dwellings and promotion by the Travel Plan Co-ordinator of on-line services in preference to travelling to access services, including through the use of notice-boards to encourage residents to use of on-line services.

These are all considered to be reasonable and typical of what most Travel Plans can be expected to embrace.

There are, however, areas where the Travel Plan is deficient. It does not deal with public bus services sufficiently comprehensively nor examine the public infrastructure required to support services. Nor does it include any offer of travel vouchers or tickets for residents to use on local public transport services - such as buses and trains. Neither does the Plan offer to support local bus services through the provision of additional services in the evenings or on Sundays or on Public Holidays, when the existing regular services do not operate.

It is also the case that Highways England has raised two issues:

- a need for the developer to fund an extension of the hours of operation of the bus-service serving Silver End, so that commuters who might otherwise use their cars to reach and return from the bus/rail interchanges at Braintree and Witham, thereby adding to the amounts of traffic using the Galleys Corner junction on the A120 and the Rivenhall junction on the A12 have the option of using the bus instead and, thereby, complete their entire journey by public transport and enhance the sustainability of the development;

- a need for the developer to be willing to contribute towards the cost of improvements to the Rivenhall End junction on the A12. There are several new developments in the area - of which this is one - which cumulatively are expected to have a significant impact on this junction and which Highways England is looking to developers in the area to part-fund.

The extension of bus-services at the developer's cost suggested by Highways England echoes the suggestion that has been made by the Highway Authority.

Officers, therefore, share the view of the Highway Authority that planning permission needs to be refused on the basis that the applicant (A) has not shown that safe and suitable access to the site is possible, (B) does not offer improvements to the local bus-service to ensure that the development would be sustainable and (C) does not demonstrate that either the impact on the operation of other junctions in the area would be satisfactory or, alternatively, if necessary, offer mitigation to ensure that they would do so.

Minerals

The site adjoins the Bradwell Quarry to the north and east of the site. Accordingly the implications of the site's development for the operation of the Quarry and the possibility that it may contain valuable resources that would be sterilised by its development are important considerations.

Against this background Essex County Council - the Mineral & Waste Planning Authority (MWPA) - raises concerns about the development. It comments as follows:

- The submitted Mineral Resource Assessment (MRA) concludes that the mineral deposit is not significant and is not economically viable to be worked. However, this is not based on borehole information within the application site and the MWPA considers the interpretation of the existing borehole information is not adequate to justify these conclusions. It is, therefore, considered that the submitted Mineral Resource Assessment is deficient and does not adequately demonstrate that there is not a workable deposit within the application site and, therefore, is not considered to be in conformity with the Development Plan taken as a whole (the adopted Essex Minerals Local Plan 2014, Policy S8).

More specifically, it wishes to cite objections on the following grounds:

- Non-Compliance with Minerals Local Plan (MLP) Policy S8 - Minerals Safeguarding Areas

The submitted MRA relies upon borehole logs undertaken by the British Geological Society (BGS). None of these boreholes are located within the application site itself, so do not provide a basis for a reliable mineral

resource assessment. Borehole information needs to have been obtained for locations within the application site, in this case necessitating new boreholes to be undertaken. Without such information, the MRA is seriously deficient.

They also mention that, in considering mineral safeguarding areas as part of the preparation of the MLP, the MWPA identified the following criteria to be relevant to determining whether a mineral resource is likely to be worth working:

- the site area to be worked should have a minimum area of 3 ha;
- the deposit should have an average thickness of 1m or more;
- the ratio of overburden to sand and gravel should be less than 3:1
- the proportion of fines should be less than 40%
- the deposit should lie within 25m of the surface.

Reviewing the submitted information against these criteria, the MWPA comments:

- The site is approximately 16 Ha. It is acknowledged that approximately a third of the site would be within the 100m buffer from existing residential properties. However, that would still leave a site of approximately 10ha which is not considered too small to be a viable size. There are Preferred Sites within the MLP that are less than 10ha;
- The average thickness based on the borehole information available would indicate there is in excess of 1m rising to as much as 7.6m;
- Based on the information available, the ratio of mineral to overburden would be less than 3 to 1. It is stated at para 2.4 of the submitted MRA report that the economic ratio for mineral to be workable is 1:1, no supporting justification is provided for this assumption. This ratio is not accepted as an acceptable indicator. The borehole log to the north of the site (T 81 NW 33) indicates a good ratio of 0.9 to 1 and even better ratio 0.4 to 1 is indicated by the borehole to the south of the site (TL81NW-30). In addition site A5 was put forward and the evidence accepted supporting it that there was a significant and workable deposit which is only 265m from the application site;
- No analysis is provided of the likely fines content;
- The deposit is within 25 m of the surface;
- The quantity of mineral is estimated to be within the range 100,000 and 1 million tonnes, this takes account of the need for a standoff to existing residential properties. The MRA report states this is not considered to be significant in the context of the 10-year average sales. Without borehole information from within the site the likely quantities

cannot be confirmed. However the upper estimated quantity of 1 million tonnes would provide a significant deposit and this is supported by the fact that there are Preferred Sites within the adopted MLP with similar and smaller estimated yields.

Based on the above the MWPA does not, therefore, consider the available data justifies the conclusion that there is not a significant and/or workable mineral resource within the site.

In accordance with Policy S8 of the MLP, the MWPA, therefore, requires that a more thorough MRA is undertaken, which includes borehole information from within the site. The assessment should be in accordance with guidance set out within the [Pan-European Standard for Reporting of Exploration Results, Mineral Resources and Reserves \(PERC\) Standard](#) and should refer to the evidence base for the MLP, in particular the assessment should be in accordance with the principles set out in “Minerals Safeguarding Areas for Essex - Mineral Safeguarding Areas Rationale Report - October 2012”. This document was subject of consultation with the Minerals Industry as part of the MLP.

Following the preparation of a more detailed MRA, they say that, if it is shown that the mineral resource is of economic significance, consideration will need to be given to the prior extraction of minerals before the non-mineral development takes place.

In the absence of a more detailed MRA there are, therefore, clear grounds for refusal of planning permission on the following basis:

- The site is likely to contain mineral resources which under Policy S8 of the Minerals Local Plan need to be safeguarded and protected from sterilisation by surface development until it has been shown satisfactorily that extraction of the resource would be unworkable and/or uneconomic, which the submitted Minerals Resource Assessment does not show satisfactorily, in part because it is not based on analysis of borehole samples taken from the site and, in part, because no evidence has been submitted to demonstrate that the residual part of the site remaining for potential mineral extraction, after a buffer from existing residential properties has been allowed for, is not capable being worked economically. The proposal is, therefore, contrary to Policy S8 of the Essex Minerals Local Plan (2014), which is intended to safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource. The proposal is, therefore, contrary to Policy S8 of the Minerals Local Plan.

Additional information was submitted by the applicant in response to the MWPA consultation response as summarised above. However, this still does not provide borehole information from the site itself and the MWPA response is, therefore, unchanged.

Section 106 Agreement

In accordance with adopted policy, the following matters would need to be secured through Section 106 agreement, if an application were to be supported. These matters include:

- (A) affordable housing;
- (B) expansion of Early Years & Childcare provision and Primary Age education;
- (C) health-care contribution;
- (D) off-site highway works, including the securing of improvements to the Rivenhall End junction with the A12 and to Galleys Corner (A120) - subject to the conclusions of Traffic Capacity Assessments to be undertaken - the measures contained in the Travel Plan and the expansion of the local bus-service to make the development more sustainable;
- (E) provision, maintenance and management of areas of open-space/landscaping to be created within the development - including the provision of equipped areas of children's play - in accordance with an agreed scheme of landscaping and an agreed maintenance/management schedule;

It is a requirement of Core Strategy policy CS11 that appropriate infrastructure and other matters will be provided by and/or funded by a developer through legal agreements, to secure its delivery.

In recognition of this - the applicant has submitted with the application a very general draft Heads of Terms. This is clear acknowledgement on their part that certain matters may be required to be secured by Section 106 Agreement; namely, in their view, open-space, education and transport. It also acknowledges that other matters may need to be similarly secured, subject to these meeting the tests of necessity and reasonableness. However, the draft Heads of Terms as it stands falls significantly short of what would be required to deal with certain matters, neither does it cover the full range of matters that would need to be secured if planning permission was to be required.

Each area that would be expected to be secured by legal agreement is addressed in turn.

Affordable Housing

The key policy here is Core Strategy Policy CS2 which applies a target of 40% affordable housing in the rural areas.

The Council's Strategic Housing Team indicated its requirements based on a development of 350 units. A Section 106 Agreement at this stage would, simply require 40% of the units to be affordable units in accordance with a schedule to be submitted to and agreed in writing by the Council - which shall include trigger points for delivery of specified affordable units to the Registered Social Landlord (RSL), related to the sale of particular units of market housing on the site.

The application is submitted on the basis that it will deliver 40% affordable housing, which for a scheme of 350 dwellings would amount to 140 units. The Council's Strategic Housing Team has indicated - as set out above under "*Consultations*" - what its current requirements are in terms of mix and the terms on which they should be provided.

The draft Heads of Terms does not mention this important matter at all - notwithstanding the fact that the provision of affordable housing is a standard requirement of both government and local policy, delivery of which in the required mix and at the appropriate time relative to occupation of particular units within the development is something that typically needs to be secured by Section 106 agreement all over. The draft Heads of Terms as it stands does not, therefore, provide any basis on which to deal with this issue.

Education

As referred to above under "*Consultations*" and also under "*Sustainability*" - Essex County Council - the Local Education Authority (LEA) in this case - has objected to the development on the basis that neither the existing Early Years and Childcare facilities, nor the local primary school, have capacity to accommodate the additional demand created by this development and the application has no specific proposals for additional provision, beyond the somewhat vague reference to the possibility that the developer could provide the land (1.56 ha) for an additional primary school, if required.

However, as the LEA points out - there is no specific proposal within the application for a new school. It is not even possible to reach a judgement on whether the land would be suitable, having regard to the County Council's check-list of requirements for new primary schools. There are also other issues, including the threshold number of pupils required to justify the provision of a new school. The fact that the developer may be able to provide a site for a new school is not the determining factor; the case in favour of a new school is quite simply not made, neither is there is any offer from the developer to meet the costs of providing the school. Any new school also has to be carefully justified in terms of the normal tests that are applied by the LEA in assessing the need for new school provision. As the number of children to be generated by this development alone would be insufficient to justify the provision of a new school, the case in support of new provision would in part depend on whether any other new developments in the village could be expected to generate additional demand to justify this. However, that is not considered to be the case. The most recent new development permitted for the village is the scheme of residential development (up to 60 new dwellings)

on land to the west of Boars Tye Road (15/01004/OUT), whose demand for additional primary places is within the capacity of the existing school as extended, which will also accommodate additional demand from around the village more generally, including from new developments that are already known about, including the Crittall site, which is allocated for housing and can accommodate between 80 and 100 units. Only very much larger expansion of Silver End than the 350 units proposed would justify an additional primary school and that is, in any event, highly unlikely to be acceptable on grounds of sustainability and the landscape and heritage impacts. In the meantime - it is necessary for the demands arising from new developments to be accommodated at the existing primary school as extended and that arising from a development of this large scale cannot be.

As to provision for Early Years and Childcare - existing facilities are operating at 100% capacity. The only way existing services can be expanded is through the provision of new premises. This is already being looked at by the LEA, which points out that an obligation for a developer contribution might secure the achievement of this. However - the applicant makes no offer in this regard.

Regarding secondary school age education - the LEA requires a developer contribution of £53,235 (indexed) to cover the costs of providing transport over a 5 year period to and from the nearest secondary school available, the New Rickstones Academy in Witham, where there is capacity to provide for the 70 additional children likely to be generated by the development. This is a simple matter to secure by legal agreement and, if this was the only issue arising, the draft Heads of Terms submitted would suffice in this regard; however, it is not.

In summary, therefore, the application does not provide a solution to the lack of capacity for either primary-school education or early-years education/childcare in the village to accommodate the additional demand to be expected from a development of this scale. Neither is there any physical capacity to further extend existing facilities, nor is the case made to justify the provision of a new primary school. Even if the application did make such a case - and the case for a new school was to be accepted - and specific proposals were being put forward as part of the application, which they have not, the draft Heads of Terms put forward do not address the complexity of these issues and do not provide a mechanism by which this can be taken forward and secured.

There are, therefore, significant shortcomings in the offer that is being made to address education and childcare issues and the draft Heads of Terms are not fit for purpose in this regard.

Health Care

NHS England requires a contribution of £115,200 towards the cost of expanding the existing GP surgery to accommodate the additional demand arising from the proposed development.

This is a reasonable requirement that accords with normal practice and the requirements of Core Strategy policy CS11 (Infrastructure Services & Facilities).

This needs to be secured through a Section 106 agreement. However, the draft Heads of Terms as it stands makes no reference at all to healthcare. It would be a simple matter for this to be included but it is not at the present time.

Off-Site Highway Works, Travel Plan & Expansion of Bus Service

Highways England has expressed concern about the likely adverse impact of a development of this scale on the functioning of key junctions in the wider area - in particular, the Galleys Corner junction between the A120, Cressing Road and Braintree Road (B1018) and the Rivenhall End junction between the Oak Road and the A12.

A development of this large scale will inevitably have widespread highway impacts, not only locally, but at critical junctions that give access to the wider area and the strategic highway network because of the additional traffic that will be generated.

Highways England points out that the anticipated increase in traffic flows predicted at both Galleys Corner and Rivenhall End are such that a developer would normally be expected to provide Traffic Capacity Assessments that show the need or otherwise for mitigation at the relevant junctions. No such Assessments have been provided. In particular, no mitigatory measures at either junction are proposed and, even without the Traffic Capacity Assessments required, which would be expected to detail the impacts and the improvements required, Highways England takes the view that some form of mitigation is required at the Rivenhall End Junction.

It is for a developer to show that the impact of a proposal on the highway and critical junctions nearby would be acceptable. The application does not do so, neither in the Traffic Assessment originally submitted, nor in the revised Assessment submitted subsequently.

In the circumstances, Highways England takes the view that it needs to adopt a cautious approach to the proposal and to regard the application as potentially likely to compromise the operation of the two junctions identified. Refusal on these grounds is considered to be justified.

In addition - and as already referred to above - both the County (the Highway Authority) and Highways England (the Strategic Highway Authority) take the view that the development has not been shown to be sustainable because it does not propose measures to improve the bus-services at the start and end of the day, so that longer distance commuters can complete their journeys to and from Braintree and Witham railway station - which provides access to London and the national rail network - entirely by public transport .

The current bus-service (the 38/38A provided by Stephenson's of Essex, previously the 131/132 provided by First Group) does not provide a sufficiently early or late enough service to be of use to the earliest or latest commuters. The early buses from Silver End into Witham are 07.05 and 07.47, then the service is half-hourly, with the last buses back from Witham to Silver End being 18.43 and 19.20; whilst the early buses from Silver End into Braintree are 06.44 and 07.34, then the service is half-hourly until 17.20, with the last buses back from Braintree being 17.45 and 18.38.

These timings clearly demonstrate that early or late commuters through either station are not well-served and have little option but to travel by car to and from the station at the start and end of their journeys.

Clearly, the bus-service needs to be expanded if the development is to be judged to be sustainable in this regard. This is something that would normally be addressed through the Travel Plan. The Plan does include a section that discusses promoting the use of public transport - including proposals to upgrade the bus-stops in Western Road, the provision of details of the bus-services to new residents in a Welcome Pack and the negotiation of discounted season tickets or taster tickets with local bus-operators. However, whilst these proposals are all to be welcomed, they do not overcome the lack of bus-services available at times of the day when longer distance commuters need them, if they are to avoid the need to travel to and from the stations by car.

This is a key component of the sustainability argument against the proposal in addition to the issues identified above.

The securing of monies towards the achievement of the off-site highway improvements identified and the implementation of a satisfactory Travel Plan are matters that would normally be secured through Section 106 agreement. The draft Heads of Terms does acknowledge that financial contributions towards off-site and transportation improvements may be required; in addition, it accepts that a Travel Plan will be required (to be secured through a planning condition). However, there is nothing within the application as it stands that can be taken as a commitment to contribute towards the achievement of satisfactory mitigation at the two junctions identified.

Neither can a general commitment to producing and implementing a Travel Plan at a later stage be taken as indication that the improvements to the early morning and evening bus-service links to Braintree and Witham that are so critical to the sustainability of the development will be forthcoming.

Moreover, a Travel Plan that satisfactorily addresses all the sustainability issues arising is crucial at this outline stage because it is the sustainability of the development that is a key determining factor to its acceptability, or otherwise. In turn, it cannot be left to be dealt with by planning condition or legal agreement because there can be no certainty that agreement will be reached over what its scope should be and what it needs to offer. As it stands, what is proposed is significantly short of what is required.

Open-Space, including Provision for Maintenance

Core Strategy Policy CS10 states:

“The Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a range of recreation, outdoor sport and amenity needs in the District...”

More specifically, new developments are required to make appropriate provision for publicly accessible open space or improvements of existing publicly accessible space in accordance with the following adopted standards, as set out under Policy CS10.

The Council's standards are based on hectares provision for different types of open-space per thousand population:

Parks & gardens - 1.2 ha per 1000 in the main towns and key service villages;

Outdoor sports provision - 2 ha per 1000;

Amenity green-spaces - 0.8 ha per 1000;

Provision of Children & Young People - 0.2 ha per 1000;

Allotments - 0.23 ha per 1000 population.

On-site provision for outdoor sport is required for developments of more than 300 dwellings and for allotments for developments of more than 250 units.

Based on the illustrative details of the layout for the development, there would be ample space to provide all the different typologies to the requirements of the adopted policy.

Assuming an average occupancy of 2.4 persons per dwelling, this gives a potential 840 residents at the development. This translates into a requirement on this site for:

Outdoor sports provision - 1.68 ha;

Amenity green-spaces - 0.67 ha;

Provision for Children & Young People - 0.84 ha;

Allotments - 0.168 ha.

In total this amounts to a requirement for at least 3.35 ha of open-space (all types). The application provides for a total of 3.71 ha of open-space, from

which it is clear that the Council's minimum open-space requirements would be exceeded.

Beyond this, there would need to be discussion about the distribution of open-space through and around the development and the areas to be allocated for particular types. However, for the purposes of the current application, no concerns arise in terms of the total amount of open-space potentially available.

The draft Heads of Terms does anticipate in general terms a need for the Section 106 agreement to cover open-space. However, it does not cover this in any detail and does not provide a mechanism by which all the matters which need to be covered in this regard - including its maintenance to an agreed schedule and specification - could be secured.

SUMMARY/CONCLUSION

The application is a major proposal for expansion of the village of Silver End by the addition of up to 350 dwellings on land (partly in use for agriculture and partly in use for horse-paddocks) on the northern side of the Western Road, which is the main access into the village from the east.

The site was put forward for residential development in the "call for sites" made last year in the context of the work on the new Local Plan. It has not yet been appraised in that context. In the meantime, an application for residential development of the land has been made, which the Local Planning Authority is obliged to determine.

The land, which lies outside but abuts the village development boundary, extends to almost 17 ha, of which 3.71 ha would be used for public open-space of one kind or another.

The applicant argues, inter alia, that the development:

- *"clearly constitutes "sustainable development";*
- *"there are no material considerations or adverse impacts which significantly and demonstrably outweigh the benefits which flow from the development";*
- *has a "demonstrably suitable and appropriate location to host new housing development";*
- *"...will make a significant contribution towards meeting the social elements of sustainability through: providing homes to meet the objectively assessed housing needs of Braintree and making a valuable contribution towards five year housing land supply";*

- *“...will provide 40% affordable housing (approximately 140 dwellings in circumstances where there is a chronic shortage in the District (which) ...should be regarded as a significant material benefit”;*
- *“...will deliver a number of economic benefits which include the New Homes Bonus totalling £3.3m, 343 jobs in construction and an associated gross expenditure of £5.6 million annually”;*
- *...will deliver “...a number of environmental benefits...which include the provision of green infrastructure, the protection and enhancement of existing wildlife corridors”;*
- *“...will introduce changes to the area and some urbanising effects. Care has been taken to ensure that the impact and the perceived impact on Silver End are minimal and acceptable. This will be achieved through careful design and siting and the holistic approach to landscape provision at the site.”*

Officers do not accept this assessment of the merits of the proposal.

The starting point for considering all proposals for development outside development boundaries are the policies of restraint that apply to the rural areas generally, which seek to protect the undeveloped rural character of the countryside.

On the other hand, the Council's Core Strategy (2011) is now out-of-date in terms of government planning policy, as set-out in the NPPF and, more specifically, for the delivery of new housing - which local planning authorities are now charged to “boost significantly”, informed by an objectively assessed figure for housing supply in their area. The research commissioned by the Council to inform the new local plan does, indeed, suggest the need for a significant increase in housing supply beyond the Core Strategy target and, consistent with that, the Council's Local Plan Sub-Committee at its meeting on 15 March 2016 decided to adopt the target figure of 845 dwellings per annum for the purposes of the Draft Local Plan consultation. It is important to stress, however, that this figure has not been adopted by the Council as policy and, whatever figure is eventually adopted, this will only emerge following public consultation on the Local Plan. In the meantime, the Core Strategy targets remain.

Notwithstanding that - where the development plan is out-of-date (as is the case in Braintree) or silent - the NPPF presumes in favour of sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

In this respect, it is worth noting that in a very recent judgement in the High Court relating to the case of a major housing development that had been refused planning permission by Cheshire East Council and allowed at appeal the Court, inter alia, confirmed the important principle that supposedly “out-of-

date” planning policies may still be relevant and material if they do still reflect government policy as set-out in the NPPF. Para 215 of the Framework is relevant here when it states that “...due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework...” The point here is that the Council has already considered the expansion of housing in Silver End in-line with the NPPF by its allocation of the former Crittall site for housing - which is a brownfield site - and this was done in preference to the release of a greenfield site on the edge of the village, to protect the countryside and the setting of the village.

The acceptability of the development proposed, therefore, depends on whether it can be regarded as sustainable.

The view of officers is that the proposal cannot be regarded as sustainable having regard to:

- the amount and location of the development sought;
- the unavailability, inadequacy and capacity of local services to meet the additional demands that would arise from it;
- its adverse landscape and heritage impact;
- the fact that the applicant has not shown that safe and secure access can be achieved or that the impact on the functioning of other junctions likely to be affected by the development would be acceptable;
- the application includes few proposals to enhance the sustainability of the development, particularly in relation to early years/childcare services, the provision of funding towards the provision of transport for secondary-school age children and the expansion of bus-services at the start and end of the day to provide improved access to rail services at Braintree and Witham;
- the fact that the land is potentially valuable as a mineral resource and should be protected as such under the County Council Minerals Local Plan.

In short - the proposed development would be an unsustainable development in the countryside that would cause significant harm.

In addition, the draft Heads of Terms submitted with the application does not provide a suitable and sufficiently comprehensive mechanism by which, if the application was to be judged to be acceptable, the range of measures necessary to mitigate the impact of development and the essential developer contributions required could be secured.

It is, accordingly, recommended that planning permission be refused as set-out below.

RECOMMENDATION

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

- 1 The site lies outside the development boundary for the village of Silver End, in a location where there is a presumption against the introduction of new development unrelated to rural uses, to protect, inter alia, the essential open, undeveloped rural character of the countryside. The proposal would amount to an unjustified intrusion into the countryside that would be harmful to the rural setting of the village on its eastern side and to the appearance of the surrounding landscape. The proposal is, therefore, contrary to Policy RLP2 of the Braintree District Review Local Plan (2005) and Policy CS5 of the Braintree District Local Development Framework Core Strategy (2011).
- 2 The National Planning Policy Framework (NPPF) presumes in favour of the grant of planning permission for sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Council does not accept that the proposal would be sustainable development within the meaning of the NPPF, having regard to the following factors:

- the excessive amount and unsuitable location of the development sought;
- the lack of availability or capacity of local services to meet the additional demands that would arise from it;
- the adverse landscape impact of the development;
- the adverse heritage impact on the development - in particular, on the setting of the neighbouring Grade II listed building known as Bowers Hall, along with the other buildings in its curtilage, and on the Silver End Conservation Area, on the key easterly approach into it;
- the failure to demonstrate that the safe and secure access to the site can be achieved or that the impact on the functioning of other junctions likely to be affected by the development would be acceptable;
- the absence of proposals to enhance the sustainability of the development, particularly in regard to the provision for early years/childcare services, the provision of funding towards the provision of transport for secondary-school age children and the expansion of bus-services at the start and end of the day to provide improved access to rail services at Braintree and Witham and, thereby, to minimise the use of the private motor-car;
- the failure to demonstrate satisfactorily that the mineral deposits at the site cannot be worked economically and, in turn, that the

proposals could potentially sterilise economically important reserves.

The proposal would, therefore, be contrary to the provisions of the National Planning Policy Framework which makes it clear that, when development is shown to not be sustainable, refusal of planning permission may be justified because the adverse impacts would significantly and demonstrably outweigh the benefits of allowing development.

- 3 The proposals would enclose, with buildings, the two remaining open sides of the site of the neighbouring Grade II listed building, Bowers Hall, and the other buildings in its curtilage, which are curtilage-protected in law, to the detriment of its setting and its appearance and its historic place in the landscape as an isolated farmstead that would have served the surrounding rural area.

The development would also be harmful to the character and appearance of the Silver End Conservation Area on the key eastern approach into it, which would assume a significantly more built-up and inappropriately urban appearance.

This harm is judged to be “less than substantial harm”.

The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to “...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”; whilst Section 72(1) of the same Act applies a general duty on the Local Planning Authority, with respect to any buildings or other land in a conservation area, to pay “...special attention....to the desirability of preserving or enhancing the character or appearance of that area.”

Moreover - paragraph 132 of the NPPF states that “great weight” should be given to the objective of conserving designated heritage assets and, given this objective, all harm, including harm as a result of development within the setting of a heritage asset, requires “clear and convincing justification”.

Paragraph 134 continues “Where a development proposal will lead to less than substantial harm to the significance of the heritage asset (*as is the case here*), this harm should be weighed against the public benefits of the proposal.”

The Local Planning Authority takes the view that such benefits as would arise from permitting the development do not sufficiently outweigh the harm that it would cause to the setting of the listed building and to the character and appearance of the Silver End Conservation Area.

Accordingly, the proposal is judged to be contrary to the National Planning Policy Framework (paragraphs 132 and 134, 2012), to policies RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review (2005) and to Policy CS9 of the Braintree District Local Development Framework Core Strategy (2011).

- 4 The submitted Mineral Resource Assessment (MRA) concludes that the mineral deposit at the site is not significant and is not economically viable to be worked. However, this conclusion is reached based on borehole information that is not obtained from the site and the Minerals and Waste Planning Authority considers the interpretation of the existing borehole information is inadequate to justify these conclusions. The proposals could, therefore, sterilise a potentially economically workable mineral deposit for which no properly substantiated justification has been provided by the applicant. It is considered that the submitted Mineral Resource Assessment is deficient, does not adequately demonstrate that there is not a workable deposit within the application site and does not conform with Policy S8 of the adopted Essex Minerals Local Plan 2014 - which seeks to protect potentially economically viable mineral deposits - and paragraphs 142 to 146 of the National Planning Policy Framework (2012).
- 5 Access is excluded from the planning application as revised in July 2015, which does not, therefore, fall to be considered here. However, critical to it being accepted that a site is an eligible development site in principle, it has to be shown that a satisfactory connection to a highway is possible. The applicant has neither demonstrated this in principle nor in terms of a detailed design for the access for the application site. The Local Planning Authority and the Highway Authority are, accordingly, obliged to take a cautious approach to the proposal for the site's development which is, therefore, judged to be unacceptable in principle on the grounds that safe and secure access has not been shown, contrary to paragraph 32 of the National Planning Policy Framework (2012), policy CS7 of the Braintree District Local Development Strategy Core Strategy (2011) and policy RLP90 of the Braintree District Local Plan Review (2005).
- 6 The application does not demonstrate that traffic generated by the proposed development would not adversely affect the functioning of the highway generally and of critical junctions that give access to the wider area and to the strategic highway network. Highways England takes the view that the anticipated increase in traffic flows predicted at both Galleys Corner (A120) and at the Rivenhall End junction with the A12 are such that the impact on these two junctions need to be the subject of Traffic Capacity Assessments to show the need or otherwise for mitigation. No such Assessments have been provided. Accordingly, in the absence of evidence/assessments that demonstrate otherwise, the proposal is judged to be unacceptable on the basis that the application does not show that the impact on the functioning of the highway and on key road junctions in the area would be acceptable, without the

implementation of mitigatory improvements. The proposal would, therefore, be contrary to paragraph 32 of the National Planning Policy Framework (2012), policy CS7 of the Braintree District Local Development Strategy Core Strategy (2011) and policy RLP90 of the Braintree District Local Plan Review (2005).

- 7 Policies CS10 and CS11 of the Braintree District Local Development Framework Core Strategy (2011) and Policy 138 of the Braintree District Local Plan Review (2005) require developers to provide or contribute towards the cost of providing open-space (and its maintenance), essential community facilities and other infrastructure appropriate to the type and scale of development proposed. In addition, Braintree District Council has adopted an Open-Space Supplementary Planning Document (SPD), which sets out its requirements in this regard, including the process and mechanisms for the delivery and improvement of open-space.

In this case, a Section 106 Agreement would be required to secure the following matters:

- 40% affordable housing;
- the expansion of Early Years & Childcare provision & Primary Age education;
- health-care contribution;
- the provision of , off-site highway works, including the securing of improvements to the Rivenhall End junction with the A12 and Galleys Corner (A120), if it is demonstrated they are required;
- the measures contained in a Travel Plan to be submitted and agreed and the expansion of the local bus-service to make the development more sustainable;
- and the provision, maintenance and management of areas of open-space/landscaping to be created within the development (including the provision of equipped areas of children's play - in accordance with an agreed scheme of landscaping and an agreed maintenance/management schedule.

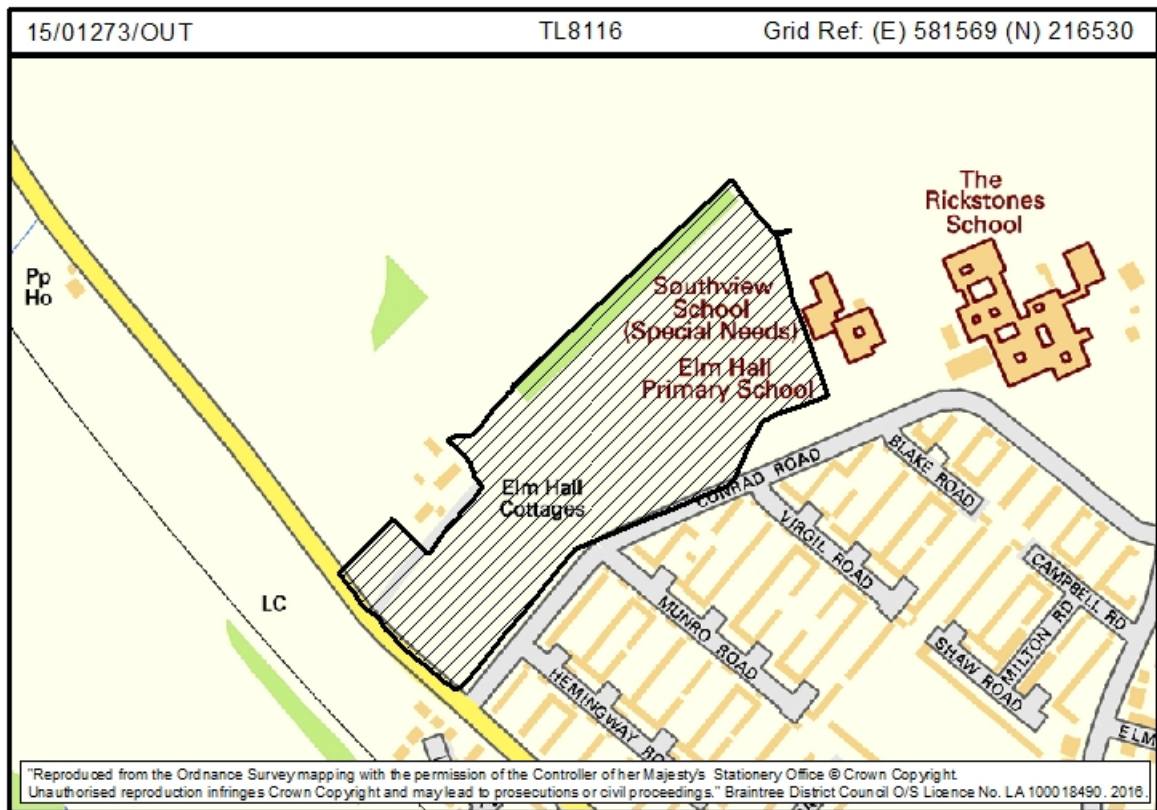
The draft Heads of Terms submitted with the application fails to cover all the matters that need to be secured through planning obligations, neither does it provide a sufficiently comprehensive and detailed basis through planning obligations, by which these matters can be secured. Accordingly, the proposal would not satisfy the requirements of the above policies and the adopted SPD.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01273/OUT DATE: 16.10.15
 VALID:
 APPLICANT: CWO Parker Grandchildren's Trust
 C/o Agent
 AGENT: Strutt & Parker
 Mr Jack Lilliot, Coval Hall, Chelmsford, Essex, CM1 2QF
 DESCRIPTION: Outline planning application with all matters reserved other than strategic access point onto the public highway for up to 150 residential units with associated infrastructure and landscaping
 LOCATION: Land North Of Conrad Road, Witham, Essex

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



SITE HISTORY

None

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
 Essex Design Guide
 External Lighting Supplementary Planning Document
 Open Spaces Supplementary Planning Document
 Open Spaces Action Plan
 Essex Parking Standards Design and Good Practice 2009

Other Guidance

Landscape Character Assessment 2006
 Braintree District Settlement Fringes – Evaluation of Landscape Analysis June 2015

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

The application site is located outside the Witham town development boundary as designated in the Braintree District Local Plan Review 2005.

The application site was not allocated for development in the Pre-Submission Site Allocation and Development Management Policy Plan.

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

SITE DESCRIPTION

The application site is located immediately adjacent to the northern town development boundary of Witham. It measures approximately 6.4 hectares, the majority of which is arable farmland. The northern boundary however includes an established broadleaved tree belt and there is also a small area of woodland/scrubland located adjacent to Cressing Road. The southern boundary is mostly delineated by an established hedgerow and the eastern

boundary by a broken hedgerow that contains a number of mature trees. The western boundary remains open to Cressing Road.

In terms of gradient, the site as a whole falls by approximately 11 metres from its north-eastern to its south-western periphery.

With regard to its wider setting the site is bounded to the south by Conrad Road, to the south-west by Cressing Road and to the east by South View School and Elm Hall Primary School, beyond which lies the New Rickstones Academy. A smaller portion of the south-eastern boundary abuts an area of land safeguarded under the Braintree District Local Plan Review 2005 for future use as Allotments.

To the north the site adjoins further agricultural land with the exception of 3 residential properties; The Willows and No. 3 and No.4 Elm Hall Cottages.

Vehicular access to the site is currently achieved via an access track leading from Cressing Road to both the application site and the adjacent dwellings.

PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except for access, for up to 150 residential units with associated infrastructure and landscaping.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The proposed vehicular and pedestrian access point would provide access to the site from Conrad Road, on the site's southern boundary. Besides access all other matters regarding the proposed development (appearance; landscaping; layout and scale) are Reserved Matters.

The applicant has submitted, in addition to a proposed access drawing a parameter plan that identifies the developable area of the site, the storey heights of buildings to be located in identified areas of the site and maximum finished building heights. In terms of building heights the plan identifies two areas of 2 storey dwellings and two areas of up to 2.5 storey dwellings. The 2.5 storey dwellings would be situated at the south-western periphery and in the mid-section of the developable area.

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

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Transport Assessment
- Framework Travel Plan

- Flood Risk Assessment and Drainage Strategy
- Utilities Survey
- Contaminated Land Assessment
- Landscape and Visual Impact Assessment
- Landscape Strategy
- Ecology Report
- Arboricultural Impact Assessment
- Archaeological Assessment
- Site Constraints Plan
- Site Opportunities Plan

CONSULTATIONS

Witham Town Council

No objection to proposed strategic access point. Would like to see the following concerns addressed in any future applications:

- Housing density appropriate to this gateway location
- Provision of healthcare and community facilities
- Cycleway links
- Developer to liaise with developer of Forest Road development to prevent duplication of road junction improvements at Braintree Road/Cypress Road junction

Witham and Countryside Society

Would like to see free bus transport for new residents of the development to the railway station and town centre for at least 6 months, preferably 1 year. Also must be an opportunity to provide a cycleway and footpath from the schools (New Rickstones Academy, Elm hall and South view) to the River Walk across Cressing Road (B1018) and the railway.

Historic Environment Officer, Specialist Archaeological Advice (Essex County Council)

No objection subject to a condition requiring a programme of archaeological work prior to the commencement of development.

Lead Local Flood Authority (Essex County Council)

No objection subject to conditions relating to the approval of; a detailed surface water drainage scheme; a scheme to minimise offsite flooding caused by surface water run-off during construction works; a SUDS maintenance plan and a requirement to maintain yearly logs of maintenance in accordance with the approved maintenance plan.

BDC Urban Design Consultant

No objection. Developable area identified in the parameter plan is capable of accommodating the level of development proposed. 2.5 storeys may be out of character with the area but the proposed design would be considered at the reserved matters stage.

BDC Landscape Officer

No objection. Submitted Arboricultural report is comprehensive. Collectively the amenity provided by existing trees on the site is worth retaining. Request condition requiring Tree Protection Plan to be approved prior to construction works commencing.

There is currently a lack of character and immediacy in the way in which Witham announces itself on the approach by road from Braintree and Cressing. Therefore appropriate to seek a layout and landscaping concept (Reserved Matters) that will achieve this. Additional screening around the eastern boundary to the adjacent school should be a consideration at Reserved Matters. Opportunities to increase the tree cover along the north western boundary should also be taken. Would want to see a landscape scheme that was an integral part of the overall layout providing SUDS ponds in open glades within a larger woodland setting with less grass sward.

BDC Environmental Services

No objection subject to conditions relating to; intrusive ground contamination survey with mitigation measures if required; hours of construction work; provision of external lighting scheme; provision of dust assessment; provision of a dust and mud control scheme.

Any adverse air quality effects of the development should be offset by appropriate measures such as; Travel Plan; promotion of use of public transport; contribution to improving infrastructure/facilities in connection with public transport; provision of electric vehicle charging points.

Education (Essex County Council)

Current information indicates that there is sufficient provision for early years and childcare provision to meet demand for the proposed development.

A financial contribution is sought to provide additional primary places within the Braintree Primary Group 1 (Witham and Rivenhall). The contribution would be calculated using the County Council's standard formulae and would be based upon the number and size of units constructed.

Current information indicates that there will be a significant surplus in secondary school provision in Witham.

Having reviewed the proximity of the site to the nearest primary and secondary schools a school transport contribution is not sought, however the developer should ensure that safe and direct walking and cycling routes are available to the nearest schools.

Minerals and Waste Authority (Essex County Council)

No objection

Historic England

No objection

Braintree District Council Engineers

No objection

Essex County Council Highways

No objection subject to the provision of junction alterations and associated works at the junction of Rickstones Road with Braintree Road and Cypress Road, the provision of a footway from the junction of Conrad Road and Cressing Road to Elm Hall Primary School and upgrades to the Hemingway Road and Virgil Road bus stops. Also the provision and implementation of a Residential Travel Information Pack is required.

NHS England

No objection subject to a financial contribution of £49,360 toward mitigating the impact of the development in terms of additional healthcare provision.

Historic Buildings Advisor (Essex County Council)

No objection.

Anglian Water

No response received at the time of writing.

Environment Agency

No response received at the time of writing. (Do not respond to consultations that do not meet their criteria for comment).

Natural England

No response received at the time of writing.

Essex County Council Rights of Way Officer

No response received at the time of writing.

Representations

Objections – 3 letters of objection have been received. The main material and non-material reasons of objection stated are set out below:

- do not approve of green or agricultural land being developed
- detrimental impact upon biodiversity and character of countryside
- difficulty of access for plant equipment
- disruption to residents during construction phase
- impact upon parking in the locality
- increase in traffic
- concerns in relation to traffic particularly during school drop off/collection hours in relation to the adjacent schools
- road is a local bus route causing further traffic problems
- proposed access is located where a bend in Conrad road straightens and people increase their speed. Road is used as a rat run.
- detrimental impact upon existing residents' privacy and quality of life
- impact upon local amenities such as doctor's, schools, dentists
- proposed affordable housing will not benefit local people
- potential to exacerbate anti-social behaviour and crime in the locality
- negative impact on existing house prices
- Noise impact. Southview School have a sensory garden located on the boundary with the application site. Proposed development would destroy the purpose of this quiet area.

No objection – 1 letter stating no objection has been received. The occupants of 3 Elm Hall Cottages however request that they be permitted to continue to use the concrete pad opposite their home for parking as they have done for the past 16 years.

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

Braintree District Local Plan Review Policy RLP2 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 relates to development in the countryside and states that such development will be restricted to 'uses appropriate to the countryside'.

The application site is located immediately adjacent to but outside the town development boundary of Witham and is situated in the countryside. The proposed development of the site for residential use is therefore contrary to the adopted Development Plan and as such the application is a departure application.

The National Planning Policy Framework (NPPF) is however an important material consideration in the determination of all planning applications in the District. The NPPF states (para 14) that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. More specifically, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. Whilst the application is a departure from the adopted development plan it is therefore necessary to assess the proposed development against the presumption in favour of sustainable development in accordance with the requirements of the NPPF.

Witham sits in the top echelon of the identified settlement hierarchy in the District, alongside Braintree and Halstead. These are the 3 main towns in the District and these are identified in the Core Strategy as sustainable locations that are capable of accommodating additional growth. With regard to Witham, the Core Strategy (para 4.9) states 'Witham is a thriving town with good transport links and a higher amount and proportion of local employment than Braintree. The surrounding landscape has the potential to accommodate some sustainable growth'. It is therefore accepted that at the strategic level the town of Witham is one of the most sustainable locations within the District and is identified as having the ability to accommodate future growth.

Historically the application site was considered for development during the Site Allocations and Development Management Plan (SADMP) process. The Council had been working on the SADMP to build on the strategic policies set out in the Core Strategy since the adoption of the Core Strategy in 2011. This was to complete the suite of documents required in the Local Development Framework to guide development in the District. The SADMP was to provide detailed land use allocations across the District, including settlement boundaries and policies used in the determination of planning applications. The SADMP applied the minimum housing targets set out in the adopted Core Strategy.

During the evaluation of the site as part of the SADMP process no major constraints to the development of the site were found and at the Local Development Framework Sub Committee meeting of 30th May 2013, Officers considered the application site but concluded that (para 3.82) *'The Council has already identified sites for 351 dwellings in Witham in the draft Site Allocations Plan, which provides for the requirements set out in the Core Strategy. The Conrad Road site is not required but could be held in reserve in case other sites do not come forward'*.

However, since work on the SADMP began, national planning policy has changed significantly and the Regional Spatial Strategy from which the Council's housing target in the Core Strategy was derived has been abolished. A key requirement specified in the NPPF is that local authorities should '*boost significantly*' their supply of housing. Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the SADMP for examination by the Planning Inspectorate as the SADMP housing targets were based on the targets set out in the Core Strategy which in turn were derived from the now abolished Regional Spatial Strategy.

The Core Strategy stated that the Council would plan, monitor and manage the delivery of a minimum of 272 dwellings per annum. In accordance with national planning policy, the Council commissioned research to establish the Objectively Assessed Need for housing in the district. This research forms part of the evidence base for the new Local Plan. The Council's consultants advise that the Objectively Assessed Need for Braintree District is 845 dwellings per annum. This figure was considered at the Council's Local Plan Sub-Committee on 14th March 2016 and was adopted as a target for the draft Local Plan which is due to be published for consultation in Summer 2016.

The Council's position remains that the District does have a 5-year supply of housing land, as set out in the Council's Annual Monitoring Report (2014). The work to identify the district's objectively assessed housing need does not constitute an adopted housing target at this time as set out in a Ministerial letter to the Planning Inspectorate of 19th December 2014. The Council is committed to working to create a new Local Plan as a matter of urgency which will be fully compliant with national planning policy.

Notwithstanding the above, the presumption in favour of sustainable development as required by the NPPF (para.14; para.49) is a material consideration in the determination of all planning applications. It is therefore necessary to assess the specific merits of the application site in detail to allow an evaluation of it to be made in terms of its potential to accommodate the proposed development in a sustainable manner.

Design, Appearance and Layout

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

The current application is an outline application with all matters reserved except access. The applicant has however submitted a parameter plan which would, alongside the access drawing and site location plan constitute the

approved drawings should planning permission be granted. The parameter plan seeks to fix the development area and identifies both maximum building heights and the extent of the site which would not be developed. A strategic access point (vehicular and pedestrian) is also identified and greater detail provided on the accompanying highway access drawing.

It is proposed that up to 150 dwellings are erected on the site which measures a total of approximately 6.4 hectares. The identified developable area measures 3.9 hectares giving a net density of 38.4 dwellings per hectare and a gross density across the entire application site of 23.4 dwellings per hectare based on a development of the full 150 dwellings. The undeveloped area of the site measures 2.52 hectares and would incorporate areas of open space, SUDS provision and structural landscaping.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered acceptable and is in keeping with both the site's location on the edge of a main town and with the need to facilitate on site strategic landscaping and the retention of existing landscape features.

Ecology and Landscape

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

The majority of the application site consists of agricultural land which is of relatively low ecological value. There are however a number of established trees and hedges on the site boundary, most notably the substantial tree belt (broadleaved plantation) that exists on the northern boundary and an area of woodland/scrubland located on the north-western periphery of the site adjacent to Cressing Road.

The applicant submitted an extended Phase 1 Ecology Survey in support of the application. The report confirmed that although the majority of the site is arable land of low ecological value there are areas of broadleaved plantation woodland, species-rich hedgerow and scattered trees on the site which have a higher ecological value. It also identified that there is potential for badger, bats and nesting birds within the hedgerows on the site and for nesting birds and bats within the broadleaved plantation and scattered trees. An assemblage of common bird species is recorded as being observed on site.

Recommendations for mitigation and enhancement were set out including; the retention of existing trees wherever possible with a focus on the most mature and best condition trees; to enhance the area of scrubland adjacent to Cressing Road to increase the woodland habitat and improve biodiversity on

the site and to incorporate a wildlife friendly and native species based landscaping scheme. It is recommended that these matters can be covered by conditions.

Core Strategy Policy CS8 *Natural Environment and Biodiversity* states that 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'. The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 has been produced in addition to the 2006 Landscape Character Assessment and evaluates smaller more specific areas of land than the 2006 assessment. The application site is identified as land parcel 3a in the 2015 analysis. Of the 33 land parcels assessed, the application site was found to have the highest capacity to accommodate development and was the only parcel to be rated with a 'medium-high' capacity. The assessment also found that development should be at an appropriate scale and form to the adjoining settlement fringes and mitigation planting should be used to improve the relatively abrupt edge to existing development in the area.

Having made their own assessment of the site and having considered both the applicant's Landscape and Visual Impact Assessment (LVIA) submitted in support of the application and the Council's own Landscape Capacity Analysis study of the site Officers do not consider that there is an objection to the proposed residential development on the grounds of landscape impact. The submitted parameter plan specifies maximum building heights of 2.5 storeys limited to the south-western periphery and center portion of the developable area of the site, with the remainder of the developable area being 2 storey. A landscape buffer is retained around the identified developable area and incorporates the existing broadleaved plantation, woodland/scrubland area adjacent to Cressing Road, the southern hedge line and the eastern hedge line with associated mature trees. In addition a significant standoff from Cressing Road is maintained. This would allow mitigation planting to improve the relatively abrupt edge to existing development in the area as identified in the Council's Landscape Capacity Analysis and would provide the opportunity to create a greater sense of character and arrival when entering Witham from this direction as identified by the Council's Landscape Officer. It would also facilitate the retention of all category A and B trees as identified in the applicant's arboricultural survey.

Highways

The applicant seeks full permission for the proposed access point to the site from Conrad Road. The vehicular access would measure 5.5 metres in width with an adjacent 2.0 metre wide footpath to each side. The submitted drawing demonstrates to the satisfaction of the Highway Authority that the access can be safely achieved with adequate visibility splays.

The applicant also proposes junction alterations and associated works at the Junction of Rickstones Road with Braintree Road and Cypress Road.

Following an initial objection from Essex County Highways due to a lack of sufficient information to properly determine the highway impact of the proposed development the applicant submitted further detailed information for review. This related to the detail of the submitted Transport Assessment including timings for peak traffic flows and trip distribution and the requirement to re-model the junction of Rickstones Road with Braintree Road and Cypress Road, using the proposed junction upgrades already agreed with the Highway Authority in relation to the proposed development at Forest Road, Witham (15/0799/OUT).

Following a review of this revised information by the Highway Authority, the Highway Authority are satisfied that the previously agreed junction upgrades relating to the proposed development at Forest Road (the removal of the Cypress Road roundabout and its replacement with a right hand turn lane) can also accommodate the additional traffic flow from the proposed development subject to this application. The Highway Authority subsequently removed their initial objection to the scheme. The junction upgrade can be secured by S106 Agreement to ensure that the works are completed.

The Transport Assessment identifies the requirements of the Essex County Council Parking Standards (2009) as being the relevant standard for on-site parking provision. Officers consider that the proposed quantum of development could accommodate a layout which meets the required parking standards. It is recommended that this level of provision is required by way of planning condition for the purpose of clarity.

In terms of its physical location, the site is well positioned for access by public transport with two bus stops being located on Conrad Road adjacent to the site's southern boundary and two further stops located slightly further north along Conrad Road adjacent to Virgil Road. These stops provide regular links to Witham rail station and town centre to the south and Braintree and Halstead to the north. Rickstones Road is also served by an additional bus route again providing access to the rail station and Witham town centre and also to Maldon. The nearest Rickstones Road stop is approximately 500 metres from the application site. With regard to rail links, Witham rail station provides a main line, regular service to London Liverpool Street.

The site is located in close proximity to the adjacent primary and secondary schools. The Highway Authority has requested that an additional footpath link is provided from the junction of Conrad Road with Cressing Road to the existing footpath network at Elm Hall School. This can be secured by S106 Agreement.

Overall, it is therefore considered that the site is located in a sustainable location with good public transport links to the existing services and facilities of Witham and with easy access to the town's established pedestrian and cycleway networks.

Impact Upon Neighbour Amenity

The 3 existing dwellings located immediately adjacent to the site's northern boundary are the closest to the application site. The outlook from these dwellings would change significantly however the parameter plan identifies a substantial stand-off from the boundary of the properties, making provision for a landscaped buffer between the existing houses and the edge of the proposed developable area.

To the south, the outlook from dwellings located along Conrad Road which are orientated toward the site would also be affected. Conrad Road is however positioned between these existing dwellings and the application site in addition to which there is again a non-developable buffer area positioned along the site's southern boundary.

To the east the site abuts the boundary with Southview School and Elm Hall Primary School. Neither School has objected to or commented upon the proposed development however it is again considered important to ensure that there is an identified buffer zone between the proposed developable area of the site and the adjacent schools. This is identified on the applicant's parameter plan and would ensure that a sufficient stand-off would remain between the closest of the new houses and the boundary with the schools.

Other Matters

Archaeology

The applicant submitted a desk-based archaeological assessment of the site which finds that the site has low archaeological potential for the Roman and Late Saxon - Early Medieval period; moderate potential for the Prehistoric and Medieval period and high potential for Post Medieval findings. Essex County Council Place Services (Archaeology) advises that the assessment provides an adequate evaluation of the site in terms of the potential for the survival of undesignated heritage assets. The County Council also advise that aerial photography has recorded circular cropmark features in the adjacent fields indicative of prehistoric occupation or settlement. Excavations to the north of the site along Cressing Road have also revealed evidence of multi-period occupation including evidence of Medieval domestic activity and Middle Iron Age settlement. A condition, as requested by the County Council is therefore recommended requiring the securing of the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved by the Local Planning Authority prior to the commencement of any development.

Construction Activity

The Council's Environmental Services Team have been consulted regarding the proposed development and have no objection subject to a number of conditions which include, in relation to construction activity, conditions to

control hours of working, require a dust assessment and to require provision of a dust and mud control scheme for approval.

Air Quality

In relation to air quality the Council's Environmental Services Team have advised that the facades of the properties will be distant from the B1018 (Cressing Road) and it is therefore unlikely that air quality objective levels will be exceeded. The additional vehicle traffic movements created by the development will however lead to an increase in traffic on the B1018 and will have a cumulative impact on the levels of air pollutants on this route towards Witham Town. Any adverse air quality effects of the development should therefore be offset by appropriate measures to promote the use of public transport. The required improvements to bus stops in the locality are set out above under S106 matters as is the requirement to provide a pedestrian/cycleway link to Southview School. It is also recommended that a Travel Plan is required under the S106 Agreement.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant proposes to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface run-off water from the proposed development.

The Lead Local Flood Authority (Essex County Council) initially objected to the application as the applicant's Flood Risk Assessment and Drainage Strategy failed to provide a suitable run-off rate, an appropriate level of treatment for run-off leaving the site, a suitable half-drain time and enough information on the linking basins on the site.

The applicant responded to the concerns of the County Council and following the submission of further information the County Council do not object to the application. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage and the County Council have specified a condition which it is recommended is attached to any permission granted relating to the required content of this scheme.

Site Assessment Conclusion

Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts on the wider landscape. Other adverse impacts of the proposed development are limited and the applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

Section 106

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

Affordable Housing

The applicant submitted an Affordable Housing Statement in support of the application confirming that 30% of the proposed dwellings would be affordable housing; that is housing that is social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 150 dwellings this equates to 45 dwellings.

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas such as Witham.

The application site is located in the Parish of Witham and sits within the Witham North Ward although it is located outside the town development boundary and in the countryside. The provision of 30% affordable housing therefore accords with the requirements of Policy CS2.

The Council's Strategic Housing Team recommend that a 70/30 tenure mix (rent over shared ownership) is secured. In addition, on the assumption that the scheme is delivered in two phases the affordable housing is to be clustered in two areas with 50% being delivered in each phase. There is also a requirement for two of the units to be fully adapted wheelchair bungalows with the flexibility for these units to be delivered at any location on the site rather than in the specified affordable clusters. These units would be required to be delivered in Phase 1 of the development. All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction and Lifetime Homes Standard for ground floor flats and 3 bedroom houses must be achieved.

This is an outline application where design and layout are reserved matters. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the types of affordable housing that is required to meet local need. It is recommended that the S106 Agreement specify that an Affordable Housing Strategy be submitted (as part of a site wide housing strategy to cover phasing and market housing mix) to the Council for approval prior to the submission of the first application for Reserved Matters.

Maltings Lane Community Building

Policy CS1 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services

and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include 'transport, health, education, utilities, policing, sport, leisure and cultural provision and local community facilities'.

The Council has secured land on the Maltings Lane Development in Witham which is intended for use as a Community/Hall Facility which will also provide indoor sports facilities. A significant financial contribution of £200,000 has been agreed with the applicant towards this project and will be secured through the S106 Agreement.

Education

The County Council has stated that there is sufficient provision for early years and childcare provision to meet demand for the proposed development and that there will be a significant surplus in secondary school provision in Witham.

With regard to primary school provision, the proposed development is located within the Braintree Primary Group 1 (Witham and Rivenhall) Forecast Planning Group. Additional primary places are being added to this group over the next five years to accommodate growth generated by new housing in the town. The proposed development will add further pressure on primary school places and a financial contribution toward the provision of additional primary school places is therefore sought using the County Council's standard formula S106 Agreement clauses. The formulae are based upon the number and size of dwellings constructed.

Healthcare

NHS England advise that the proposed development would be likely to have an impact on the services of 4 GP Practices in the area (Fern House, Douglas Grove, Witham Health Centre and Collingwood Road). Of these only Douglas Grove has any available capacity for additional growth. The proposed development will therefore give rise to a need for additional healthcare provision.

A financial contribution of is £49,360 is therefore required and would form a proportion of the funding required to relocate one of the existing practices in Witham to new premises with capacity to absorb patient growth generated by the development. It is likely that the contribution would be allocated by the NHS toward the re-location of Fern House Surgery.

Open Space

Policy CS10 requires new development to make appropriate provision for publically accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares;

outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site with a financial contribution towards the provision of off-site outdoor sports facilities and allotments. With regard to on-site provision, Policy CS10 would require a total of 0.77 hectares of informal open space and equipped children's play space for a development of 150 dwellings.

The parameter plan identifies a developable area of 3.9 hectares and an undeveloped area of 2.52 hectares. It is recommended that the S106 Agreement specify that the required equipped children's play space (0.07 hectares for a development of 150 dwellings in accordance with Policy CS10) would be located within the developable area. It would also specify that the remaining areas of informal open space (0.7 hectares for a development of 150 dwellings in accordance with Policy CS10) would be provided across the site as a whole but would exclude any structural landscaping or SUDS water features. It is also recommended that the S106 Agreement requires the submission of a Landscape Strategy to agree the detail of open space provision on the site prior to the submission of the first application for Reserved Matters.

In terms of off-site contributions, the Open Space SPD requires a financial contribution of approximately £121,747 toward the off-site provision of, or improvements to existing outdoor sports facilities and the provision of allotments. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

Highways and Transport

The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. These works consist of improvements to the existing bus stops (4 in total) on Conrad Road adjacent to Hemingway Road and Virgil Road (including the installation of wooden shelters and real-time displays) and the provision of a footway from the junction of Conrad Road with Cressing Road to the Elms Hall Primary School.

In addition, the mitigation works to the Junction of Rickstones Road with Braintree Road and Cypress Road are also required to ensure that the highway network can accommodate traffic flow from the proposed development. A Residential Travel Information Pack is also required for future occupants of the development, to include six one day travel vouchers for use with the relevant public transport operator.

CONCLUSION

The NPPF is a material consideration in the determination of all planning applications and states at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. The application site is situated outside but immediately adjacent to the Witham town development boundary where countryside planning policies apply which seek to control inappropriate development. However, Witham is identified as a main town in the adopted Core Strategy sitting in the top echelon of the settlement hierarchy in the District and identified as a location suitable for accommodating sustainable growth. The application site was evaluated for development during the SADMP process and found to be a site which was surplus to the requirements of the Core Strategy but considered by Officers as being suitable for being held in reserve in case other sites did not come forward.

The applicant has submitted a comprehensive planning application supported by a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, a S106 Agreement or the submission of further information at the Reserved Matters stage. The proposed development would bring a significant range of public benefits including a substantial number of both market and affordable houses; new public open space and green infrastructure for use by both existing and new residents; contributions toward local facilities and services including education, health and open space and a substantial contribution toward the proposed Maltings Lane Community building, a new footway link to the Elms Hall Primary School and upgrades to bus stops in the locality.

The site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape. It is well positioned in terms of its proximity to existing services and facilities in Witham and Officers consider the site's location to be sustainable. The adverse impacts of the proposed development are limited and would include the loss of greenfield (agricultural land) however Officers consider that the significant benefits of the proposal outweigh any adverse impacts.

Having assessed the specific merits of the site and the public benefits which the proposal would bring against the Council's policies and the requirements of the NPPF Officers consider that the proposed development would be sustainable and accordingly recommend that this application is approved.

RECOMMENDATION

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

- **Affordable Housing** (30% provision; 70/30 tenure split (rent over shared ownership); clustered in two areas for a 2 phase development with 50% delivered in each phase; delivered without reliance on public subsidy; 2 of the units to be fully adapted wheelchair units and delivered in Phase 1 at an agreed location on the site; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction; Lifetime Homes Standard for ground floor flats and 3 bed houses to be achieved).
- **Site Wide Housing and Phasing Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan).
- **Education** (financial contribution required based on the County Council's standard formula. Trigger point for payment being 50% upon the occupation of the first unit and the remaining 50% upon the occupation of the 75th unit, per phase, based on a development of two phases each of 75 dwellings).
- **Health** (financial contribution of £49,360. Trigger point for payment being the completion of the 80th dwelling).
- **Public Open Space** (financial contribution toward outdoor sports provision and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Trigger point for payment being prior to commencement of development. Provision of equipped children's play space within the identified developable area on the parameter plan at 0.07 hectares for a development of 150 dwellings (or otherwise calculated in accordance with the requirements of Policy CS10 for a lesser number of dwellings). Provision of 0.7 hectares of informal open space for a development of 150 dwellings (or otherwise calculated in accordance with the requirements of Policy CS10 for a lesser number of dwellings) to be provided across the site as a whole but to exclude strategic landscaping or SUDS water features. Submission and approval of Landscape Strategy required prior to submission of first Reserved Matters application).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Maltings Lane Community Building** (financial contribution of £200,000. Trigger point being occupation of 50th dwelling).
- **Provision of Junction Alterations and Associated Works** (at Junction of Rickstones Road with Braintree Road and Cypress Road. Full details to be submitted to and approved in writing by the Local Planning Authority. Trigger point for completion of alterations and associated works being prior to the occupation of any dwelling).

- **Provision of a footway** (from the junction of Conrad Road to Elm Hall School/New Rickstones Academy. Trigger point being prior to occupation of any dwelling and full details to be agreed with the Local Planning Authority).
- **Upgrading of bus stops** (Hemingway Road and Virgil Road stops. To include but not be limited to: Hemingway Road adjacent – move bus stop west to avoid collision with vehicles parked in layby. Install raised kerbs, wooden shelter and real time display. Hemingway Road opposite – install wooden shelter and real time display. Virgil Road adjacent – move bus stop west to avoid Collision with vehicles parked in layby. Install raised kerbs, wooden shelter and real time display. Virgil Road opposite – install wooden shelter and real time display. Trigger point being prior to occupation of 75th dwelling and details to be agreed in writing with the Local Planning Authority).

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

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

APPROVED PLANS

Location Plan	Plan Ref: SITE LOCATION PLAN	
Parameter Drawing	Plan Ref: 2014-473-SC12	Version: REV B
Access Details	Plan Ref: 14-245-001	Version: REV C

1 Details of the:-

- (a) scale, appearance and layout of the building(s); and the
- (b) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 150 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 3 No Reserved Matters application shall be submitted until a site wide masterplan, including a landscape and open space strategy has been submitted to and approved in writing by the local planning authority. The site wide masterplan shall demonstrate compliance with the approved plans listed above. The masterplan shall include:
 - illustrative site layout including internal vehicular, pedestrian and cycle access;
 - public open space including playspace;
 - structural landscaping;
 - SUDs

Reserved Matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved masterplan.

Reason

The particulars submitted are insufficient for consideration of the details mentioned.

- 4 No Reserved Matters application shall be submitted until a site wide strategy for the following has been submitted and approved in writing by the local planning authority:
 - details of a parking strategy for the development;
 - details of a lighting strategy for the development;
 - details of a waste management strategy for the development.

Reserved Matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved strategy.

Reason

The particulars submitted are insufficient for consideration of the details mentioned.

- 5 Any Reserved Matters application relating to scale or layout shall be

accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

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

- 6 Prior to the occupation of the development the access shall be implemented as shown on drawing 14 - 245 - 001 Rev C.

Reason

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

- 7 Prior to occupation of any dwelling, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the north east and 2.4 metres by 43 metres to the south west, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600 mm in height at all times.

Reason

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

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

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

Reason

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

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

Reason

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

- 10 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.

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

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

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

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

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

Reason

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

offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbors and other offsite receptors before any on-site work commences.

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

Reason

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

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

The scheme shall include:

- Seasonal groundwater testing and infiltration testing in line with BRE 365. If infiltration is not possible, run-off rates should be restricted to the 1 in1 greenfield rate which is calculated on the impermeable area.
- Storage on site for the 1 in 100 inclusive of climate change storm event and urban creep.
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
- Further investigation into any adjacent ditches to the site to demonstrate that they are not viable discharge points.
- A drainage plan highlighting final exceedance and conveyance routes, storage sizing and locations, discharge rates and outfall for the site.

Reason

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

- 16 No development shall commence until a scheme to minimise the risk of

offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

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

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

Reason

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

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

Reason

To ensure that the drainage system implemented at the site will adequately function and dispose of surface water from the site.

- 19 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained (as identified in the Arboricultural Report by Lockhart Garratt Ref 15-1336 3825 01 Version 2 September 2015) on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any 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.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

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

Reason

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

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

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

Reason

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

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

Reason

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

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

Reason

To ensure adequate off-street parking space is provided.

- 27 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to

establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed during the development.

- 28 Prior to first occupation of the relevant phase of the development details of a scheme for the provision of nest and roost sites for birds and bats shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so retained.

Reason

In order to ensure that appropriate provision is made for birds and bats on the site.

INFORMATION TO APPLICANT

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

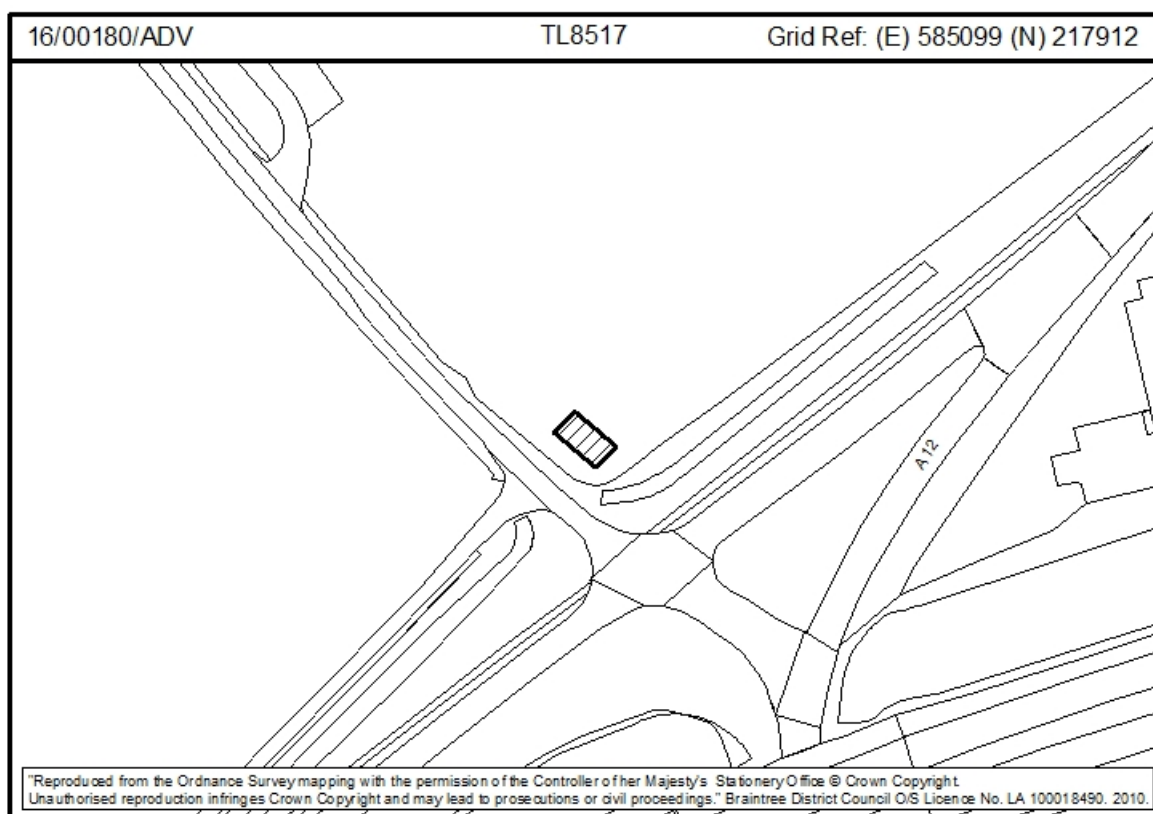
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION 16/00180/ADV DATE 01.02.16
NO: VALID:
APPLICANT: Crabbs Barn Ltd
Mrs Wendy Scott, Crabbs Barn, Cranes Lane, Kelvedon,
Essex, CO5 9AX
DESCRIPTION: Retention of directional hoarding sign.
LOCATION: Crabbs Barn, Cranes Lane, Kelvedon, Essex, CO5 9AX

For more information about this Application please contact:
Mrs Liz Williamson on:- 01376 551414 Ext. 2506
or by e-mail to:



SITE HISTORY

None.

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

INTRODUCTION

This application is brought before the Planning Committee due to an objection received from the Parish Council contrary to the recommendation of officers.

SITE DESCRIPTION

The site for the proposed sign is at the entrance of a long lane known as Cranes Lane, which leads to Crabbs Barn. The barn is used as a wedding and function venue. The site is situated outside of the village development boundary and adjacent the exit slip road from the A12.

PROPOSAL

The application seeks permission to retain the sign which has been placed at the entrance of Cranes Lane directing visitors to Crabbs Barn. The sign is non-illuminated and approximately 1800mm in width and 1200mm in height. The hoarding has a white background and brown text which states the name of the venue, the name of the lane together with a contact phone number and website address. The most prominent feature of the sign is the name of the venue which dominates the majority of the sign.

The supporting information which accompanies the application states that many map and satellite navigation systems incorrectly identify the lane leading to Crabbs Barn. It also states that the Highways Department erected a road name plate at the end of the lane but was subsequently removed and never replaced. The applicant has stated that the sign is required in order to assist visitors in locating the barn.

CONSULTATIONS

Essex County Council Highways has been consulted on the application, but at the time of writing this report no comments have been received.

Kelvedon Parish Council objected to the application and commented that while a directional sign is needed in this location, the sign should not include advertising/wording that promotes the wedding venue. Concern was also expressed that the location of the sign as it stands is too low and may dazzle drivers. Consideration should be given to make the sign higher.

REPRESENTATIONS

A site notice was displayed at the site, but no comments have been received.

REPORT

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

Amenity

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 of Advertising Regulations 2007. The sign is located at the entrance of a country lane adjacent the exit slip road of the A12.

Policy RLP90 seeks a high standard of layout and design in all development. Policy RLP107 states that inter alia outdoor advertisements should be visually subordinate to the features of the building on which it is located and that the proliferation of advertisements will be opposed.

In this case, the application seeks permission to retain an existing sign that has already been erected on the application site. The sign is set back from the road and is non-illuminated. It is considered that the choice of colours for the background and lettering are subtle and do not have a detrimental impact upon visual amenity. The size of the sign is also considered to be acceptable and appropriate in this location. As such, it is considered that the proposal would not have a detrimental impact upon visual amenity.

Highway Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. Policy

RLP107 also states that public safety, including traffic safety, will be accorded in a high priority in decision making.

Essex County Council Highways have been consulted on the application, but at the time of writing a consultation response has not been received.

It is considered that the proposed advertisement would not obstruct visibility splays or vehicle movement and therefore it is considered that the proposed development would not have a detrimental impact upon highway safety.

CONCLUSION

It is considered that the proposal would not have a detrimental impact upon visual amenity or highway safety. It is therefore recommended that Advertisement Consent is granted.

RECOMMENDATION

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

APPROVED PLANS

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance 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.

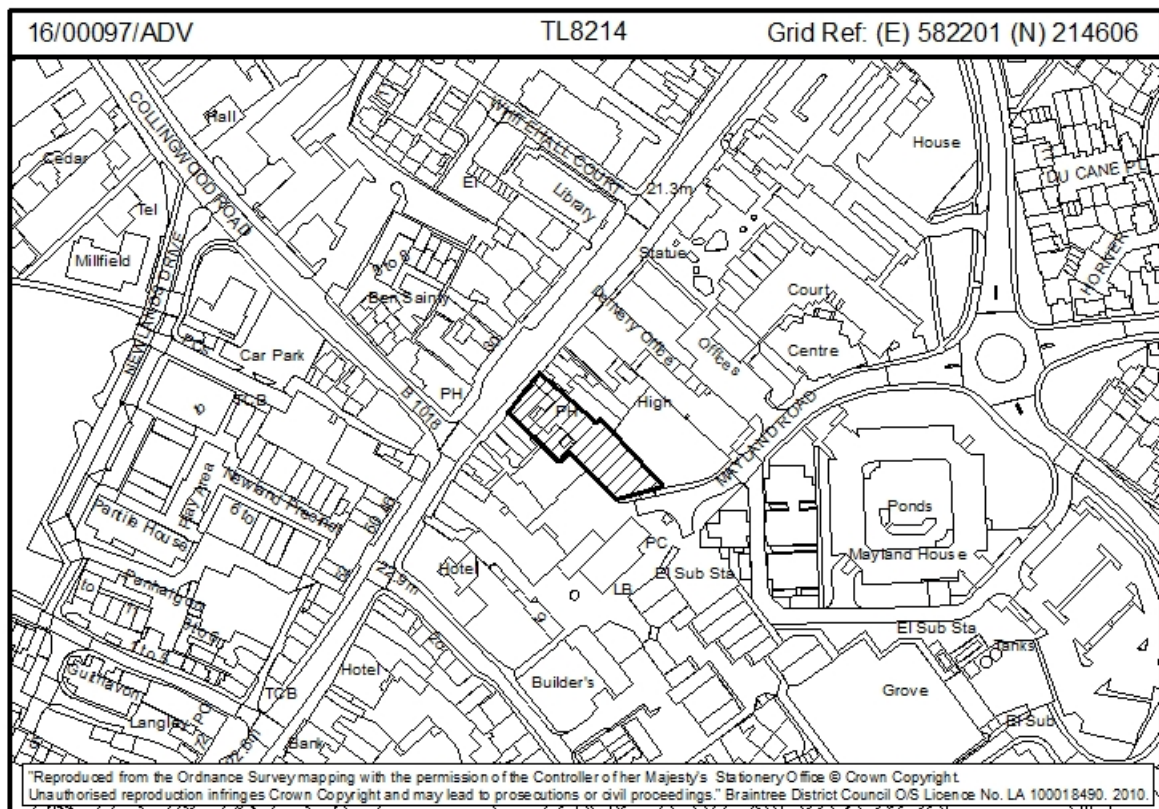
- (ii) No advertisement shall be sited or displayed so as to:
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - 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.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 16/00097/ADV DATE 18.01.16
 NO: VALID:
 APPLICANT: Star Pubs
 2-4 Broadway Park, South Gyle Broadway, Edinburgh,
 Scotland, EH12 9JZ
 AGENT: S R Signs Ltd
 Mrs Jill Shepley, Wortley Moor Lane, Leeds, West
 Yorkshire, LS12 4HX
 DESCRIPTION: Erection of replacement illuminated and non illuminated
 external signs and external repainting.
 LOCATION: The Red Lion PH, Newland Street, Witham, Essex, CM8
 2AF,

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

01/01899/FUL	Formation/improvements to existing rear entrance pitched roof, disabled toilet and relocation of trade kitchen	Granted	18.01.02
01/01900/LBC	Formation/improvements to existing rear entrance pitched roof, disabled toilet and relocation of trade kitchen	Granted	18.01.02
01/01958/ADV	Display of illuminated signs	Granted	14.01.02
02/00114/LBC	Display of illuminated signs	Granted	08.03.02
04/00651/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Lop or top 2 trees	Granted	03.06.04
85/00036/A	Same as 85/1181/LB	Withdrawn	02.06.86
85/00203/	Internal alterations, single storey rear extension and demolition of existing external toilet block	Granted	15.07.85
85/00204/LB	Same as 85/00203	Granted	15.07.85
85/01181/LB	Display of pub signs including illuminated fascia sign, hanging sign individual lettering and removal of existing sign boards	Withdrawn	02.06.86
86/00054/A	Same as 86/01352/LB	Granted	14.10.86
86/01352/LB	Display of advertisements including fascia signs, hanging car park sign and amenity boards	Granted	21.10.86
94/00744/ADV	Proposed new signage and lighting	Granted	13.09.94
94/00745/LBC	Proposed signage and lighting	Granted	13.09.94
98/00891/TPO	Notice of intent to carry out works to trees protected by the Conservation Area - Fell one tree of heaven	Granted	30.07.98
85/00203P	Internal alterations, single storey rear extension.	Granted	
85/00204P	Demolition of existing external toilet block.	Granted	
85/01181P	Display of pub signs including illuminated fascia sign, hanging sign individual lettering and removal of	Withdrawn	

85/00036P	existing sign boards. Display of pub signs including illuminated fascia sign, hanging sign, individual lettering and removal of existing sign boards as above.	Withdrawn	
86/01352P	Display of advertisements including, fascia signs, hanging car park sign and amenity boards.	Granted	
86/00054P	Display of advertisements including fascia signs, hanging car park sign and amenity boards.	Granted	
06/01198/LBC	Replacement of existing wall	Granted	08.08.06
09/00102/LBC	Rebuild small section of rear right-hand car park boundary wall	Granted	06.04.09
09/00100/DAC	Application for approval of details reserved by condition no. 2 of approval 09/00102/LBC	Granted	13.07.09
12/00157/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove 2 trees and crown lift another tree up to 8ft off the ground	Part Grant, Part Refused	25.07.12
14/00395/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 17/12 - Crown reduce Tree of Heaven by 4 metre, remove dead branches and cut back to 2 horizontal overhanging branches and Lift canopy from an Mediterranea Oak back to main branches 6 metre from ground, 3 metre crown reduction overall	Granted	12.02.15
14/00396/TPOCON	Notice of intent to carry out works to a tree in a Conservation Area - Cut down to ground level 1 rotten Sycamore	Pending Considerati on	
15/00416/FUL	Change of use of the flat above The Red Lion	Permission not	23.07.15

	(currently private accommodation) to a bed and breakfast with four let-able rooms	Required
16/00098/LBC	Erection of replacement illuminated and non - illuminated external signs and external repainting.	Pending Decision

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
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
RLP107 Outdoor Advertisements

INTRODUCTION

This application is brought before the Planning Committee due to an objection received from the Town Council contrary to the Officer recommendation for approval.

SITE DESCRIPTION

The Red Lion PH is a Grade II Listed Building occupying a prominent location with the Conservation Area and within the Town Centre. Part of the frame of the building is of fourteenth century origin, but the core of the building was rebuilt in the seventeenth century. The site falls within the town development boundary of Witham.

PROPOSAL

The application seeks to erect replacement illuminated and non-illuminated external signs and external repainting of the building. The property is currently painted white with black painted beams. The proposal is to re-paint the building using a neutral colour and re-paint the beams using a dark grey.

The signage to be replaced is currently on black timber incorporating red and silver lettering. The proposed replacement signage can be summarised as follows:

Sign Type A - 1x single sided replacement aluminium fascia sign with applied individual letters and new trough lighting. The sign has a grey background with gold lettering;

Sign Type B - 1x double sided hanging sign – existing lion proposed to be refurbished with new panel and linolites with a grey background and gold lettering;

Sign Type C - 4x single sided replacement amenity/chalk boards (2x amenity boards, with a grey background and 2x chalk boards with a black background);

Sign Type D - 1x double sided car park sign with a grey background with gold/white lettering to be fixed to existing bracket;

Sign Type E – 1x single sided car park sign with a grey background with gold/white lettering.

Trough lighting is already in place and the application seeks to introduce a new trough light to illuminate the fascia sign as well as two new sets of linolites. Six new floodlights are also proposed, five of which are to be installed on the front and one on the side elevation.

CONSULTATIONS

Historic Buildings Consultant - No objection

The Historic Buildings Consultant raised no objections to the proposal, commenting that the majority of the work proposes to refurbish and refresh the existing signage. The main 'Red Lion' sign is proposed to be made slightly larger, but this is to a minimal extent, which cannot be considered to harm the Listed Building or the Conservation Area.

Town Council - Objection

Witham Town Council recommends refusal of the application which contravenes Policy ADM65 requiring the use of traditional materials in the Conservation Area. Councillors considered that the proposal will detract from the appearance of this listed building, and its setting.

REPRESENTATIONS

A site notice was displayed at the front of the property but no representations have been received.

REPORT

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

Amenity

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 of Advertising Regulations 2007.

Policy CS9 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.

Policy RLP90 seeks a high standard of layout and design in all development. Policy RLP107 states that inter alia outdoor advertisements should be visually subordinate to the features of the building on which it is located and that the proliferation of advertisements will be opposed.

Policy RLP100 of the Braintree District Local Plan Review development 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.

The submitted Design and Access Statement/Heritage Statement states that the existing signs are to be replaced as they have become weathered and are out of keeping with the building's rich aesthetic and that the replacement signage have been designed to respect the building's history, using appropriate heritage colours and fonts.

In this case it is considered that the proposed non-illuminated and illuminated signs are appropriately located on the building. There are existing signs displayed on the building which are considered appropriate and it is not proposed to increase the number of signs on the building. The proposal is to

replace the existing signage with new signs, which have been designed sympathetically and in keeping with the historic building and the Conservation Area. As such, it is considered that the proposal would not have a detrimental impact upon visual amenity.

Highways Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. Policy RLP107 also states that public safety, including traffic safety, will be accorded in a high priority in decision making.

Essex County Council Highways were consulted on the application however no consultation response has been received. In this case, it is considered that the proposed advertisements would not obstruct visibility splays or vehicle movement and therefore it is considered that the proposal would not have a detrimental impact upon highway safety.

CONCLUSION

It is considered that the proposal would not have a detrimental impact upon visual amenity or highway safety. It is therefore recommended that Advertisement Consent is granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan
Signage Details
Elevations
Elevations

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

Reason

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

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.

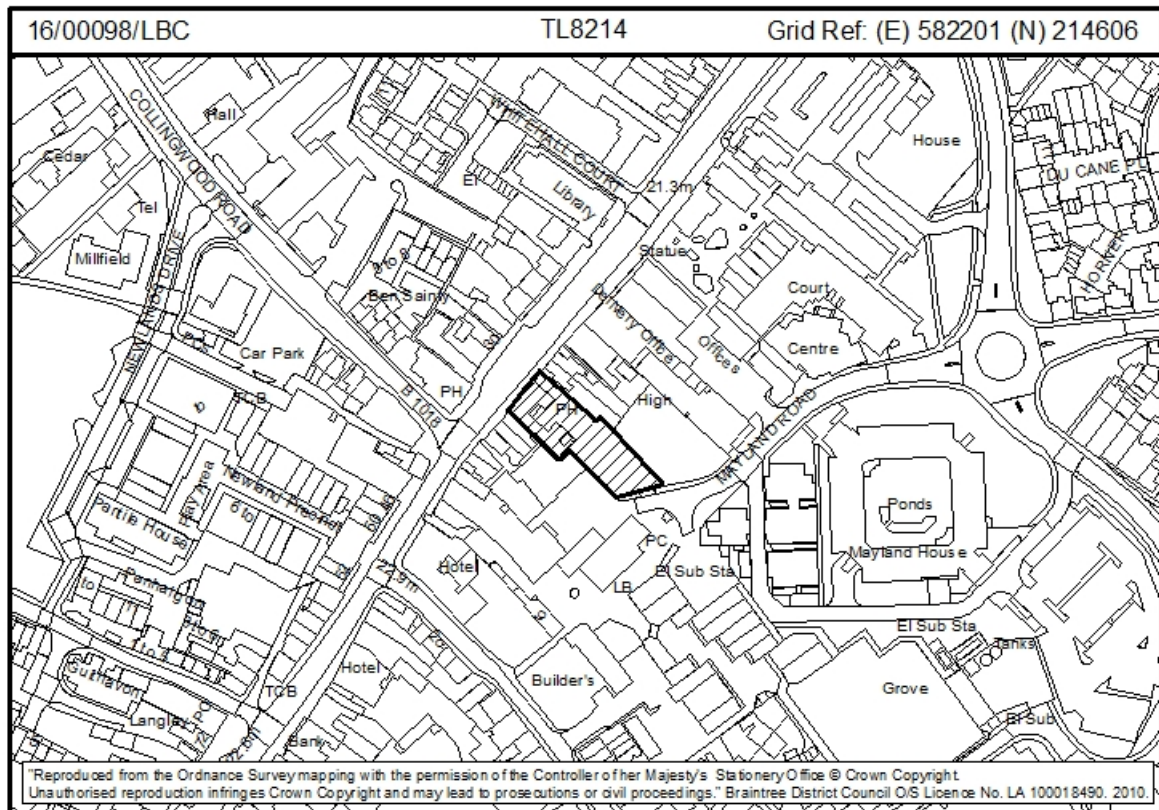
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 16/00098/LBC DATE: 18.01.16
 VALID:
 APPLICANT: Star Pubs
 2-4 Broadway Park, South Gyle Broadway, Edinburgh,
 Scotland, EH12 9JZ
 AGENT: S R Signs Ltd
 Mrs Jill Shepley, Wortley Moor Lane, Leeds, West
 Yorkshire, LS12 4HX,
 DESCRIPTION: Erection of replacement illuminated and non illuminated
 external signs and external repainting.
 LOCATION: The Red Lion PH, Newland Street, Witham, Essex, CM8
 2AF

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

01/01899/FUL	Formation/improvements to existing rear entrance pitched roof, disabled toilet and relocation of trade kitchen	Granted	18.01.02
01/01900/LBC	Formation/improvements to existing rear entrance pitched roof, disabled toilet and relocation of trade kitchen	Granted	18.01.02
01/01958/ADV	Display of illuminated signs	Granted	14.01.02
02/00114/LBC	Display of illuminated signs	Granted	08.03.02
04/00651/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Lop or top 2 trees	Granted	03.06.04
85/00036/A	Same as 85/1181/LB	Withdrawn	02.06.86
85/00203/	Internal alterations, single storey rear extension and demolition of existing external toilet block	Granted	15.07.85
85/00204/LB	Same as 85/00203	Granted	15.07.85
85/01181/LB	Display of pub signs including illuminated fascia sign, hanging sign individual lettering and removal of existing sign boards	Withdrawn	02.06.86
86/00054/A	Same as 86/01352/LB	Granted	14.10.86
86/01352/LB	Display of advertisements including fascia signs, hanging car park sign and amenity boards	Granted	21.10.86
94/00744/ADV	Proposed new signage and lighting	Granted	13.09.94
94/00745/LBC	Proposed signage and lighting	Granted	13.09.94
98/00891/TPO	Notice of intent to carry out works to trees protected by the Conservation Area - Fell one tree of heaven	Granted	30.07.98
85/00203P	Internal alterations, single storey rear extension.	Granted	
85/00204P	Demolition of existing external toilet block.	Granted	
85/01181P	Display of pub signs including illuminated fascia sign, hanging sign individual lettering and removal of	Withdrawn	

85/00036P	existing sign boards. Display of pub signs including illuminated fascia sign, hanging sign, individual lettering and removal of existing sign boards as above.	Withdrawn	
86/01352P	Display of advertisements including, fascia signs, hanging car park sign and amenity boards.	Granted	
86/00054P	Display of advertisements including fascia signs, hanging car park sign and amenity boards.	Granted	
06/01198/LBC	Replacement of existing wall	Granted	08.08.06
09/00102/LBC	Rebuild small section of rear right-hand car park boundary wall	Granted	06.04.09
09/00100/DAC	Application for approval of details reserved by condition no. 2 of approval 09/00102/LBC	Granted	13.07.09
12/00157/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove 2 trees and crown lift another tree up to 8ft off the ground	Part Grant, Part Refused	25.07.12
14/00395/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 17/12 - Crown reduce Tree of Heaven by 4 metre, remove dead branches and cut back to 2 horizontal overhanging branches and Lift canopy from an Meditteranea Oak back to main branches 6 metre from ground, 3 metre crown reduction overall	Granted	12.02.15
14/00396/TPOCON	Notice of intent to carry out works to a tree in a Conservation Area - Cut down to ground level 1 rotten Sycamore	Pending Consideration	
15/00416/FUL	Change of use of the flat above The Red Lion	Permission not	23.07.15

	(currently private accommodation) to a bed and breakfast with four let-able rooms	Required
16/00097/ADV	Erection of replacement illuminated and non-illuminated external signs and external repainting.	Pending Decision

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP95 Preservation and Enhancement of Conservation Areas
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

INTRODUCTION

This application is brought before the Planning Committee due to an objection received from the Town Council contrary to the Officer recommendation for approval.

SITE DESCRIPTION

The Red Lion PH is a Grade II Listed Building occupying a prominent location with the Conservation Area and Town Centre of Witham. Part of the frame of the building is of fourteenth century origin, but the core of the building was rebuilt in the seventeenth century. The site falls within the town development boundary of Witham.

PROPOSAL

This application seeks listed building consent for the installation of replacement illuminated and non-illuminated signage and external repainting. A separate application for Advertisement Consent (application reference 16/00097/ADV) has also been submitted.

The proposal is to re-paint the building using a neutral colour and re-paint the beams using a dark grey.

The signage to be replaced is currently on black timber incorporating red and silver lettering. The proposed replacement signage can be summarised as follows:

Sign Type A - 1x single sided replacement aluminium fascia sign with applied individual letters and new trough lighting. The sign has a grey background with gold lettering;

Sign Type B - 1x double sided hanging sign – existing lion proposed to be refurbished with new panel and linolites with a grey background and gold lettering;

Sign Type C - 4x single sided replacement amenity/chalk boards (2x amenity boards, with a grey background and 2x chalk boards with a black background);

Sign Type D - 1x double sided car park sign with a grey background with gold/white lettering to be fixed to existing bracket;

Sign Type E – 1x single sided car park sign with a grey background with gold/white lettering.

Trough lighting is already in place and the application seeks to introduce a new trough light to illuminate the fascia sign as well as two new sets of linolites. Six new floodlights are also proposed, five of which are to be installed on the front and one on the side elevation.

CONSULTATIONS

Historic Buildings Consultant - No objection

The Historic Buildings Consultant raised no objections to the proposal, commenting that the majority of the work proposes to refurbish and refresh the existing signage. The main 'Red Lion' sign is proposed to be made slightly larger, but this is to a minimal extent, which cannot be considered to harm the Listed Building or the Conservation Area.

Town Council - Objection

Witham Town Council recommends refusal of the application which contravenes Policy ADM65 requiring the use of traditional materials in the Conservation Area.

REPRESENTATIONS

A site notice was displayed at the front of the property but no representations have been received.

REPORT

Policy CS9 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.

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works to listed buildings 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.

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

In this case it is considered that the proposed repainting of the building and the installation of non-illuminated and illuminated signs would be appropriately located on the building, and have been sympathetically designed in keeping with the historic building and the Conservation Area. No objections have been raised by the Historic Buildings Advisor on either Listed Building or Conservation Area grounds. It is therefore considered that the proposal would not have a detrimental impact upon the heritage asset.

CONCLUSION

It is considered that the proposal would not have a detrimental impact upon the character and appearance of the Listed Building and Conservation Area. It is therefore recommended that Listed Building Consent is granted.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan
Block Plan
Signage Details
Elevations
Elevations

- 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

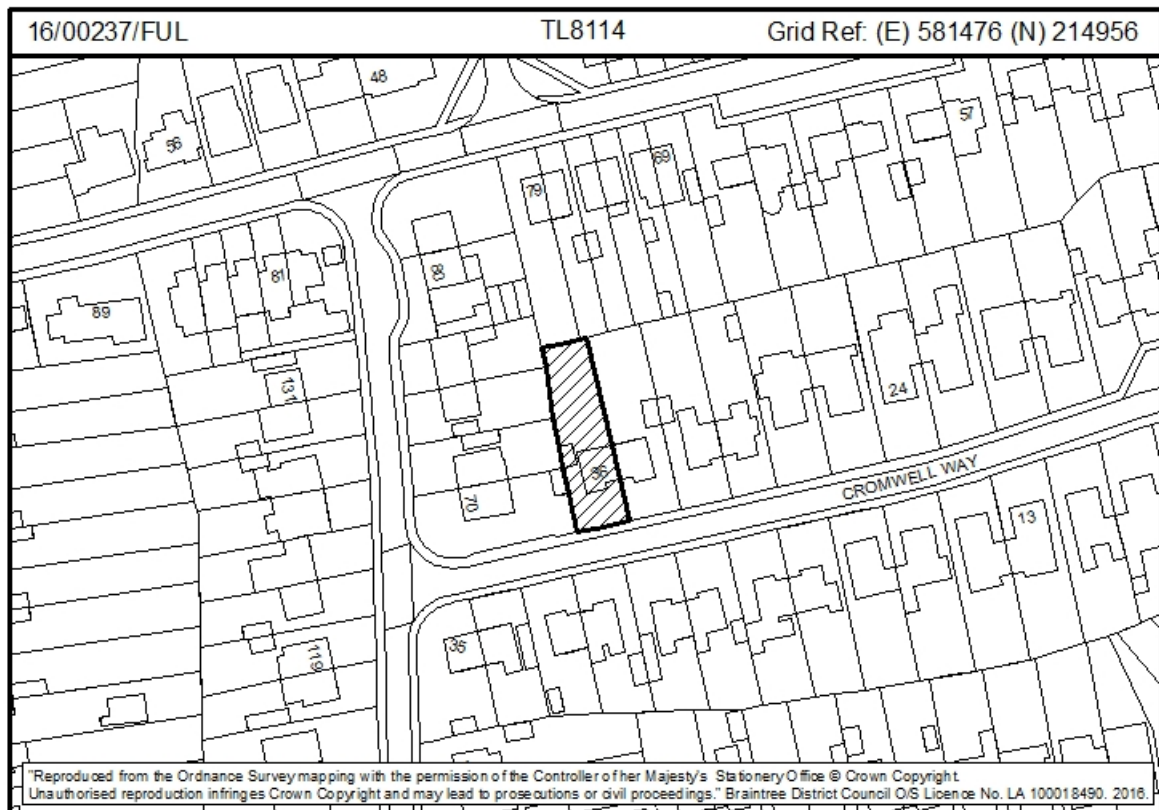
To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 16/00237/FUL DATE 11.02.16
 NO: VALID:
 APPLICANT: Mrs Sharon Fleuty
 36 Cromwell Way, Witham, Essex, CM8 2ES,
 DESCRIPTION: Demolition of existing garage and rear porch and erection of
 single storey side and rear extension.
 LOCATION: 36 Cromwell Way, Witham, Essex, CM8 2ES,

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

None.

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village
 Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

INTRODUCTION

This application is brought to Committee for consideration as both of the applicants are employed by Braintree District Council.

SITE DESCRIPTION

The application site comprises a single storey semi-detached property located within the town development boundary of Witham. The property has off road parking to the front and has a large garden to the rear. The rear garden is enclosed with a 2m high hedge and boundary fencing.

PROPOSAL

The application proposes to demolish the existing garage and rear porch and erect a single storey side and rear extension. The extension would provide addition living accommodation by creating a larger kitchen and dining area.

Materials and finishes are proposed to match the existing, namely facing brickwork, concrete tiles and upvc windows and doors.

CONSULTATIONS

Witham Town Council raised no objection to the proposal.

REPRESENTATIONS

Neighbouring properties were notified of the proposal but no representations have been received.

REPORT

Principle of Development

In this location, as set out in Policy RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including privacy, overshadowing and loss of light.

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

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon amenity and highway considerations.

Design, Appearance and Layout

Policy RLP17 states that within towns, proposals for the extension of an existing dwellinghouse will be permitted where: there would be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries; the siting, bulk, form and materials of the extension would be compatible with the original dwelling; there would be no unacceptable adverse impacts on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light; and there would be no material impact on the identity of the street scene, scale and character of the area.

In this case it is considered that the proposed extension would be in keeping with the character and appearance of the existing dwelling and would not have a detrimental impact upon the character of the area.

Impact on Neighbour Amenity

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore no representations have been received from neighbouring properties.

Highway Issues

It is not considered that there would be any highway implications associated with this application, as the existing parking spaces would be retained at the front of the property.

CONCLUSION

In conclusion, it is considered that the proposal is acceptable and would comply with the aforementioned planning policies. 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 Plans
Proposed Plans

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

Reason

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

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

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

Reason

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

TESSA LAMBERT - DEVELOPMENT MANAGER