

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 05 July 2016**

**Time: 19:15**

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

## **Membership:**

Councillor R Bolton

Councillor K Bowers

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 Mrs W Scattergood (Chairman)

Councillor P Schwier

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 21st June 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:-

<b>5a</b>	<b>Application No. 15 01584 FUL - Polly's Field, land between 76-110 Church Lane, BRAINTREE</b>	<b>5 - 33</b>
<b>5b</b>	<b>Application No. 15 01271 OUT - Land North of West Street, COGGESHALL</b>	<b>34 - 74</b>
<b>5c</b>	<b>Application No. 16 00459 FUL - Land adjacent to Purley Farm Barns, Colne Road, COGGESHALL</b>	<b>75 - 89</b>
<b>5d</b>	<b>Application No. 16 00410 OUT - Land West of Finchingfield Road, STEEPLE BUMPSTEAD</b>	<b>90 - 130</b>

### **PART B**

Minor Planning Applications:-

<b>5e</b>	<b>Application No. 16 00089 LBC - Town Hall Centre, Fairfield Road, BRAINTREE</b>	<b>131 - 137</b>
<b>5f</b>	<b>Application No. 16 00596 LBC - New Mills, Silks Way, BRAINTREE</b>	<b>138 - 141</b>
<b>5g</b>	<b>Application No. 16 00631 FUL - 4 Warley Close, BRAINTREE</b>	<b>142 - 146</b>
<b>5h</b>	<b>Application No. 16 00712 FUL - 12 Hazel Grove, BRAINTREE</b>	<b>147 - 150</b>
<b>5i</b>	<b>Application No. 16 00769 FUL - Gardeners, Station Road, EARLS COLNE</b>	<b>151 - 155</b>
<b>5j</b>	<b>Application No. 16 00819 FUL - 28 Burrows Road, EARLS COLNE</b>	<b>156 - 160</b>

<b>5k</b>	<b>Application No. 16 00484 FUL - Annexe at Rascasse, Sheepcotes Lane, SILVER END</b>	<b>161 - 168</b>
<b>5l</b>	<b>Application No. 16 00566 FUL - 23 Chapel Street, STEEPLE BUMPSTEAD</b>	<b>169 - 173</b>
<b>5m</b>	<b>Application No. 16 00813 FUL - 36 Cromwell Way, WITHAM</b>	<b>174 - 178</b>

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

**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](mailto: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](mailto: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 .....

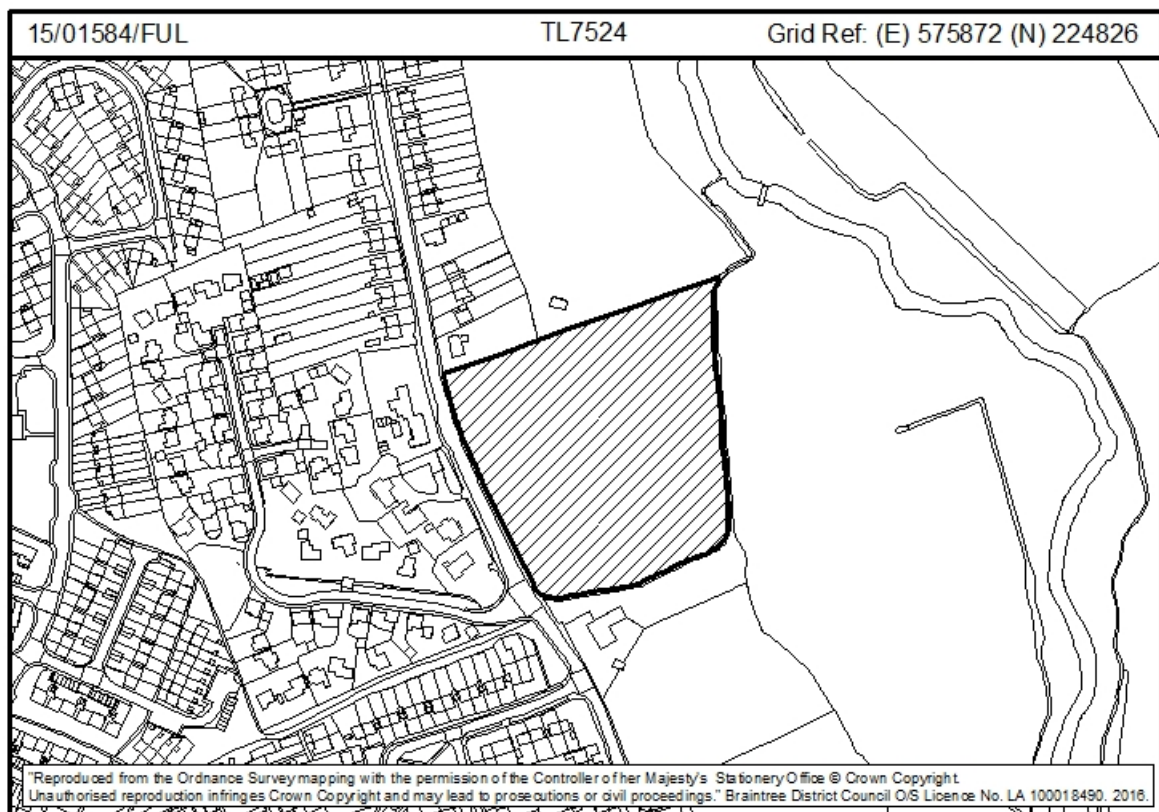
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PART A

APPLICATION NO: 15/01584/FUL DATE: 05.01.16  
 VALID:  
 APPLICANT: Abbeyfield Braintree & Bocking Society Ltd  
 Mr Dave Summersgill, Abbeyfield, Wickham House, 338-340 Coggeshall Road, Braintree, Essex, CM7 9EH  
 AGENT: Nicol Thomas  
 Mrs Wendy Griffin, Suite 108, Fort Dunlop, Fort Parkway, Birmingham, B24 9FD  
 DESCRIPTION: Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards.  
 LOCATION: Polly's Field, Land Between 76-110, Church Lane, Braintree, Essex

For more information about this Application please contact:  
 Katie Towner on:- 01376 551414 Ext.  
 or by e-mail to:



## SITE HISTORY

88/01685/P	Erection Of Residential Extra- Care Centre Together With Staff Accommodation	Refused	02.11.88
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP82	Sites of Special Scientific Interest
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
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

Open Spaces Supplementary Planning Document  
Open Spaces Action Plan  
Parking Standards – Design and Good practice  
External Lighting Supplementary Planning Document

### Other Guidance

Landscape Character Assessment 2006

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the development is considered significant in the terms of the Scheme of Delegation.

### NOTATION

The Local Plan Review Proposals Map (2005) shows the site to be located outside of the Town Development Boundary and therefore within the countryside.

Notwithstanding this, the application site was allocated in the Pre Submission Site Allocation and Development Management Policy Plan (ADMP) for specialist housing/care home development.

More recently on the 9<sup>th</sup> May 2016, the Local Plan Sub Committee agreed that the site was to retain its allocation for specialist housing within the new Local Plan. Full Council agreed the proposed allocation should be progressed within the new Local Plan on the 20<sup>th</sup> June 2016.

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

### SITE DESCRIPTION

The application site is located to the eastern side of Church Lane between the residential properties of no. 76 and 110. The site is currently undeveloped and is contained by hedging, albeit this is sparse around parts of the perimeter. There is a prominent hedgerow along the Church Lane boundary which is sited on a bank which rises up from the highway. The site is highest at its northwest corner and the ground levels fall gently to the east and south by approximately 6.3m and 4.8m respectively. Beyond the site to the east is open countryside which abuts the River Blackwater.

Church Lane presents a relatively eclectic collection of properties, both semi-detached and detached in form and of varying designs. The street has a strong character of linear form, with dwellings fronting Church Lane. Immediately to the north of the site is a detached bungalow at no. 110 Church Lane. To the south of the site is a detached house at no. 76 Church Lane.

The site is located within close proximity to several listed buildings at no. 123, and 125 Church Lane directly opposite the site and no. 120 Church Lane north of the application site.

## PROPOSAL

The application proposes 100no. extra care retirement apartments, comprising 42 no. one bedroomed apartments and 58 no. 2 bedroomed apartments, together with a range of communal facilities, including a bistro/dining area, hall, hair and beauty salon, IT suite, gym and conservatory. Each apartment is provided with a private balcony/terrace area and all residents would have use of the wider communal gardens. The age of residents to be restricted to those over 55. The applicant has advised that for potential occupiers who are between 55–60 years of age they would need to demonstrate an immediate care need. It is expected that the average age of residents would be approximately 70.

Extra Care (now referred to as Independent Living by Essex County Council) promotes a housing model which is aimed at enabling older people to remain independent for as long as possible and gives them access to care and other services which help them retain this independence. Residents enjoy the privacy of their own home, yet they have immediate access to services and facilities that can support them when necessary. Extra Care also allows a flexible approach to care, with care being able to be provided when residents first move in, or at a later date if and when it is required. Fundamentally the ethos behind extra care is allowing older people the choice of living within such a development and planning their later years.

The scheme comprises development along the front of the site, albeit set back some 24m from the western boundary, continuing the linear form of Church Lane. The development along the front of the site is two and three storey in height. The three storey parts towards the southern end of the site have a lower ground floor, which is achieved given the topography of the land and allows for a consistent ridge height. Behind this development to the front of the site the schemes proposes a two storey flat roofed curved building, which given the topography of the land appears sunken into the landscape. These two buildings are connected by a double height conservatory feature and glazed link.

The development is to be served by a single point of vehicular access off Church Lane and 3 separate points of pedestrian access. The site plan shows 70no. car parking spaces, landscaped gardens and an attenuation pond.

## CONSULTATIONS

Essex County Highways – No objection

Natural England – No objection



Essex County Council Heritage – No objections

Historic England – Advice should be taken from the local specialist.

Essex County Council Archaeology – No objection subject to a condition requiring a programme of archaeological works to be undertaken.

Essex County Council Flood and Water Management – No objections

BDC Housing Research and Development – the scheme requires 30% affordable housing.

Essex County Council Economic Growth and Development – No contribution towards education required.

NHS England – No contribution required for healthcare in this case.

## REPRESENTATIONS

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

- Inadequate cycle parking
- The size of area between the road and the front door is inadequate
- A previous application was refused in 1988 for a smaller extra care facility
- The application is premature as the Local Plan is currently under review
- The scale of the development is over development and not in keeping with the character and style of the properties in the immediate neighbourhood
- The proposed terraced building facing Church Lane is two and three storeys with high pitched roofs and varied in height from 10m-13m. The development will totally dominate this section of Church Lane and obscure views across the Blackwater Valley
- The proposal increases the development by 125m beyond the rear gardens of the adjacent properties which would create an unsatisfactory blot to the wider landscape and set a serious precedent
- The proposed access is located halfway down Polly's Hill and will present a significant traffic hazard in respect of vehicles approaching this access from the north over the brow of the hill
- Inadequate car parking provision
- Inadequate safe access for pedestrians and those using electric scooters to access the site from Church Lane
- The nearest bus stop is 160m north
- There is no footpath along the western boundary of the site
- Landscaping proposals are inadequate particularly in the treatment of the boundaries for privacy and visual amenity

- Polly's Field represents an immediate foraging area for the local badger sett
- The site is frequented by barn owls and kestrels looking for food
- The local bus service has been reduced
- Has anyone assessed the impact of this development on potential increased flood risk downstream?
- The scale of the development is far too excessive
- The development will overshadow the existing properties and will result in a loss of privacy to the rear of some properties
- The proposed development will add more traffic to a residential road that is already too busy
- Will cause an increase in noise
- The site is a special landscape area
- We question the suitability of the proposed development for older people as in other parts of Bocking the provision of small bungalows seem to be adequate. What is proposed gives the development a holiday camp feel rather than a residential area
- Alongside this development we have to consider the probable Towerlands development as this will produce considerable extra traffic for Church Lane.
- Concerns with effects this volume of residents will have on local doctor's surgeries
- Do not object in principle but appalled to see where the entrance has been sited. The access has been put on the narrowest part of the road with a bend slightly at the top of the hill and adjacent to a bus stop
- The proposed building will not only have a footprint that will negatively impact on the surroundings, but the height of the structure means it will affect the skyline of the whole area
- The impact on the river level in the winter will be severe

## 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. Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the development management policies and allocations of the Pre-Submission Site Allocations and Development Management Plan (ADMP) and the new Local Plan are also relevant in the determination of planning applications. However in accordance with the NPPF (paragraph 216) the weight that can be attached to such plans will be dependent on the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies/allocations and the degree to which such policy allocations are consistent with the policies in the NPPF.

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.

The proposed site is located within the countryside as defined on the proposals map of the Braintree District Local Plan Review 2005, however the Pre Submission Site Allocation and Development Management Plan (ADMP) 2014, allocated the land for specialist housing/care home development and this allocation has been proposed to be carried forward within the new Local Plan.

Policy CS5 of the Core Strategy seeks to protect the countryside from inappropriate development in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Notwithstanding this the ADMP and the new Local Plan supports the development of the site for the purposes proposed.

The ADMP has been subject to public consultation and there are no unresolved objections in respect of the proposed allocation of this site. There has been no objection to date, as part of the emerging Local Plan, for continuing the allocation of the land for specialist housing. Full Council have agreed that the proposed allocation should go forward within the new Local Plan, which will now be subject to public consultation. The allocation of the site in the ADMP and the carrying forward of this within the emerging Local Plan sets out a clear approach that the Council considers this land appropriate for the development proposed.

Notwithstanding that within the current adopted Local Plan the site is located within the countryside, the Council has shown a clear approach for the allocation of this land for specialist housing. The ADMP allocation has been subject to public consultation to which there are no unresolved objections and Full Council has agreed to continue this allocation as part of the emerging Local Plan. It is considered therefore that the proposed allocation should be afforded weight in the decision making process.

Planning permission was refused in 1988 for the development of the site for a care home, however this pre dates the allocation of the land as set out within the ADMP.

National government guidance states that local authorities should plan for a mix of housing based on current and future demographic trends and needs of the different groups in society.

The ADMP recognises that some people, such as the elderly or disabled, may need specialist housing provision, which is specifically designed for their needs. Essex County Council produced a Market Position Statement published in 2015. This statement projects that by 2025 Braintree will have seen a 34% increase in the number of older people (defined as those 65 and over) within its population, the second largest increase in Essex and as such will likely experience a shortfall in specialist housing. The current level of extra care housing in Essex is considered low by national standards. The above

mentioned statement highlights Essex County Council's approach to elderly care being led by promoting independence with a key focus on developing extra care housing.

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

Braintree is identified as a main town in the settlement hierarchy in the adopted Core Strategy. As one of the 3 main towns in the District, Braintree is considered a sustainable location for an appropriate scale of growth. The town offers a range of services and facilities to meet the needs of residents.

There are no overriding planning constraints at the site which would mean the site is not suitable for this type of development.

Given that the site is considered to be in a sustainable location, the ADMP supports the development of the site for specialist housing and this allocation is proposed to be carried forward in to the new Local Plan, it is Officers opinion that the development is acceptable in principle.

#### Design, Appearance and Layout

The NPPF requires as a core principle for planning to always seek to secure high quality design. 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. Policy RLP90 of the Local Plan Review seeks a high standard of design and layout in all developments.

Church Lane is characterised by its linear arrangement and predominantly two storey form of housing. The existing housing however differs in styles and architectural approach as the street has evolved/developed over time and thus in terms of design and appearance the street presents an eclectic mix.

The proposed development has two distinct parts. To the front of the site the linear form of Church Lane is continued and the development presents two and three storey blocks of apartments (three storeys created by way of a Lower Ground Floor). The mass of the continuous development across almost the width of the site is broken up by using smaller blocks linked by setback glazed sections. The design takes a relatively simple and traditional form, with rectangular blocks with pitched roofs, to reinforce the characteristics of the local area; however the detailing and materials provide a contemporary finish. The timber framed balcony structures are considered to add a pleasing modern finish to the treatment of the buildings. As well as complimenting architecturally, these structures also serve a functional purpose as supporting

balconies for private outside space and incorporating brise soleil to deflect sunlight.

To the front elevation the entrance into the building has been made obvious with a glazed roof, however this is set back and not prominent. The hedgerow along the western boundary is to be largely retained, apart from that which is required to be removed in order to accommodate the proposed access. Given that the levels of the site fall away from west to east, this hedging will obscure the view of the site from the highway level.

To the rear of the site the building takes a curved form and given the topography of the site appears to be sunken in to the ground. This part of the building is two storey in height with a flat roof and thus will not be seen above the development at the front of the site. Given the sunken nature, the building would not be read as being at full two storey height. The flat roof is proposed as a grass roof, to help minimise the visual impact of the roof span.

The built development undoubtedly takes up a large area of the site and its layout is somewhat spread out, however the mass of the building has been broken down by using smaller blocks with glazed linking sections which are transparent, two distinct design approaches to address the levels of the land, varying materials and timber balcony structures which allow a view through. In addition the topography of the site has been utilised effectively. The development will radically alter the appearance of the site and the landscape of which it forms part; however it is considered that the design approach taken is reflective of the predominant two storey form of surrounding properties and the contemporary finish enhances the standard of design.

The internal layout is based on the ethos of residents having their own private accommodation, yet they are purposefully directed through communal areas to enter/exit the building. This is why all the community facilities are placed centrally within the building as it encourages interaction and provides legibility. This internal layout therefore dictates the external form to some extent.

In conclusion it is considered that the proposed development makes for a well-designed scheme which has considered the context of the settlement of which it will form part, yet asserts a modern emphasis. The development will introduce a significant degree of built form and undoubtedly alter the appearance of the site; however it has been designed in a way such it is not distinguishable as sheltered housing and will integrate successfully in to the wider area, satisfying the above mentioned policies.

### Impact on Heritage Assets

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Core Strategy states that development should respect and respond to the local context, especially where development affects the setting of historic buildings. Policy RLP100 of the Local Plan Review seeks to protect the character and setting of listed buildings.

The historic buildings advisor has been consulted on the application and comments that whilst the two listed buildings opposite the site originally enjoyed an open setting, the effect of 20<sup>th</sup> Century development has been to create an almost continuous frontage along Church Street. This and in particular the Church Meadow development means that the way in which these listed buildings are experienced has fundamentally changed. In addition given the piecemeal nature of the modern development and wide range of styles of architecture means there is not a palette of materials or pervading style of architecture which this development could use for a wider frame of reference. It is not considered therefore that the development will adversely impinge upon the setting of the listed buildings.

### Landscape Impact

Policy CS8 of the Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change. The Evaluation of Landscape Capacity Study, commissioned by the District Council and undertaken in June 2015 did not assess this site; however the area immediately to the east was considered to be a visually sensitive landscape.

The site is visible both from Church Lane and from the Public Right of Way to the east that connects Broad Road to Dorewards Avenue. The view from this footpath and further across the countryside is likely to be more affected by development, as this area is currently a green break in an otherwise built up area. Notwithstanding this the development would be viewed against and in association with the existing development on Church Lane. The site has been designed to reflect the two storey form of Church Lane at the front of the site and utilise the topography of the land within the site to develop a flat roof building which will appear sunken into the site, reducing its presence. Any development on this site will have an impact upon views across from the River valley; however consideration has to be given to the allocation of this land for development and the design of the scheme which has utilised the topography of the land and lessened the scale of the development at the rear of the site.

The application is supported by a landscape masterplan which sets out the landscaping for the whole site. The masterplan shows a woodland area in the north east corner of the site along with a large amount of new planting, especially to the boundaries. This planting will help to soften the built development when it is viewed from a distance and integrate it to the context of the surrounding area. The proposals also include hedge and ornamental planting and areas laid to grass. A courtyard garden is proposed to the south side of the site which will include a pergola structure, paving, seating and planting.

The Council's Landscapes Team have advised that the planting proposed is generally good, especially the orchard bank which will help with biodiversity and encourage foraging species. It is considered that the pedestrian access to the North West corner of the site could be enhanced with more planting to give a greater sense of arrival. Views into the site from this point will mostly be of car parking and hard surfaces, which could be softened with more planting.

Although the landscape masterplan is detailed in respect of presenting how the site will be landscaped, no information is given on the species/types of trees and other plants to be included or the specifications for the hard surfaced areas. It is considered reasonable to require a full landscaping plan including specifications for the planting and hard landscaping features to be requested by way of a condition on any grant of consent. In addition given that the landscaping scheme is ambitious it is recommended that it is undertaken within supervision from a project Landscape Architect to ensure it is correctly implemented.

### Highways

The NPPF requires planning to focus development in locations which are or can be made sustainable. The NPPF also advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change, and to this end, future development will be provided in accessible locations to reduce the need to travel. Policy RLP49 of the Local Plan Review states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in the design and layout. Policy RLP53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport service exist or there is potential for the development to be well served by public transport and the layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance. Policy RLP56 relates to vehicular parking, which will be addressed below.

The application is supported by a Transport Statement and a Transport Statement addendum.

A travel demand review has been undertaken and the results indicate that the proposed development would likely generate a maximum of 28 two way vehicle movements; however this will occur outside of the peak hours on the surrounding highway network. During the AM and PM network peak hours it is anticipated that the development will generate approximately one additional vehicle movement every two minutes. It is considered that given the low volume of traffic generated by the development it will not give rise to a significant impact on the operation of the surrounding highway network. The Highways Authority raise no objections to this conclusion.

The site is to be served by a single point of vehicular access off Church Lane. Visibility splays of 2.4m x 43m have been provided in both directions, which is necessary on roads with 30mph speed limits. Several letters from neighbouring residents have commented that the proposed vehicular access would present a safety hazard. The Highway Authority has considered the

drawings and information contained within the transport statements and raise no objections on highway safety grounds.

To ensure pedestrian accessibility to/from the site three points of access are provided along the western boundary. To the northern end of site a pedestrian access will link with the existing footpath along Church Lane. To the southern end of the site it is proposed that the existing traffic island be extended to provide a pedestrian refuge crossing point. This is recommended as a condition by the Highway Authority.

The Highway Authority recommends that a footway is introduced along the western boundary. This would result in the loss of the entire hedgerow along this boundary and as such the requirement for the footpath needs to be balanced against the impact of the loss of the hedgerow. As will be discussed in more detail below, the hedgerow is considered an important and established screen along this boundary and its loss is not looked upon favourably by Officers.

The application proposes several points of pedestrian access in to the site and a new refuge crossing, such that pedestrians will be able to access the site successfully. It is unfortunate that the existing footway terminates at the North West corner of the site and pedestrians need to cross Church Lane to continue safely south, however this is the existing arrangement and the proposed development does not alter this. The NPPF requires developments to be accessible by all and that improvements are undertaken which limit the impacts of the development. The site can be accessed by vehicles and pedestrians successfully and improvements in the form of a refuge crossing are proposed that improves pedestrian links to the site. It is not therefore considered that a footway is reasonably required in order to make the development acceptable and thus the condition is not considered necessary.

The NPPF promotes sustainable modes of transport. Braintree Town Centre and Bocking Village are within walking distance; however it is appreciated that not all residents will be able readily to achieve this distance. The site is located within a more reasonable walking distance to regular bus routes along Church Lane, which provides services to Halstead, Chelmsford, Great Yeldham, Great Notley and Great Bardfield. Furthermore a bus runs from outside of Braintree College to Stansted Airport and Colchester.

In addition to connections to nearby towns and villages, the site will provide a range of facilities for residents, which is a fundamental part of the extra care housing model.

### Car Parking

The scheme provides 70 no. car parking spaces, which equates to 0.7 spaces per flat. It is not possible in this case to directly apply the adopted car parking standard as the use does not fall neatly within either use class C2 (Residential Institutions) or C3 (dwelling-houses). Officers consider it reasonable to conclude that the proposed use would not require the C3 parking standard to



be applied in full; however it is also expected that some residents will have cars and consideration has to be given to staff and care workers who will regularly visit the site.

An addendum to the transport statement provides information of 10 other extra care facilities throughout the country and compares their car parking provision to that proposed at the application site. Out of the 10 developments only two have a greater level of car parking, at 0.74 and 0.75 spaces per unit, than that proposed and both of these sites are located a greater distance from the nearest neighbourhood/town centre than in this case. In all apart from 3 cases the site is located a greater distance from the nearest town centre than the application site is to Braintree Town Centre or Bocking village.

The applicant currently operates two other sites in Braintree (Great Bardfield House, Wickham House). Great Bardfield House located on Coggeshall Road is run as an extra care facility, albeit on a much smaller scale with only 35 units. There are 34 residents at this site with 11 car parking spaces (0.31 spaces per unit). Only 3 of the residents have a car.

The age profile of the residents at Great Bardfield House is 9% under 70, 15% between 70-80, 53% between 80-90 and 24% over 90. It is reasonable to conclude that car ownership decreases with age. The applicant has also provided information on driving licence holders, which concludes that this decreases significantly with age.

On balance given the specific use of the site and the likely age of residents, Officers are of the opinion that the 70no. car parking spaces provided would be sufficient to meet the needs of residents, visitors and staff.

The car parking is positioned abutting the western and northern boundaries of the site, however given the existing and proposed hedging/planting this will largely be hidden from view and will not impact upon the appearance of the street scene. The car parking inevitably results in a large area of hard standing; however this is broken up with soft landscaping and differing surface materials.

The car parking is located principally at the front of the site, meaning that it is located somewhat distant from a number of the apartments. However as addressed above the layout of the site has been designed in order to encourage interaction and promote a healthy lifestyle. Residents with limited mobility would be able to use mobility scooters within the building and park these outside their apartment; such in this way access to the car parking and all other community facilities would not be unachievable.

#### Impact on Neighbour Amenities

The NPPF requires a good standard of amenities for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review states that there shall be no undue or unacceptable impact on the amenities of any nearby residential properties.

To the south of the site is no. 76 Church Lane, which is a detached house. The closest part of the development is 25.3m from the side elevation of no. 76 and there are no windows proposed in the side elevation of the development which would give rise to overlooking. In addition the landscaping masterplan shows additional planting between the development and no. 76 which will help to screen the development when the trees become established.

No. 110 Church Lane, a detached bungalow, immediately abuts the site to the north. The proposed development is located some 24.7m from the closest part of no. 110 and is two storey in form at this point. Given the distance between the development and no. 110 and that the site levels fall from north to south, it is not considered that the development would give rise to an overbearing impact. The development is set back from the front building line of the neighbouring property, but not to an extent which would give rise to unreasonable overlooking to the rear windows and garden area. In addition there are no windows in the side elevation of the development which would give rise to overlooking.

The existing properties immediately opposite the site would be separated by at least 39m from the closest part of the built development. The existing hedgerow is to be retained in its majority and the site levels fall from west to east. As such given the setback positioning of the development from the highway, it will be sited on land at a lower level than at the western boundary and therefore the impact of the built form along the width of the site is lessened as a result. It is not considered that the properties immediately opposite would experience an unacceptable impact on their amenity.

The site is currently undeveloped and therefore any development will change the nature of the use of the site. It is considered that the site has been designed sympathetically in response to the proximity of neighbouring residential properties and responds to this successfully in leaving sufficient distances, strengthening the existing landscaping and utilising the topography of the site.

The activity of the site will inevitably be noticeable; however given the nature of the use and that the majority of the activity will be contained within the building, this is unlikely to give rise to noise levels that would be harmful to the amenity of neighbouring properties.

### Section 106 Provisions

The following identifies those matters that the District Council would seek to secure through a planning obligation. The applicant has agreed to these Heads of Terms.

Affordable Housing – Policy CS2 Affordable Housing of the adopted Core Strategy (2011) states that ‘a *target of 30% affordable housing provision on sites...including the proposed growth locations*’ shall be provided. The

application indicates 30% affordable housing provision and therefore accords with Policy CS2.

Public Open Space - Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space. The Open Space Supplementary Planning Document informs that uses such as specialist housing will be required to contribute only to informal/green amenity space. The contribution sought for informal/green amenity space would be £25,047.02.

Age Restriction – It is recommended that the Section 106 agreement contains a clause which restricts the age of occupants to 55 and over.

Health – The initial response received from NHS England requested a contribution of £32,880 towards capacity and general improvements to local GP surgeries. This was based on a projected occupancy level of 2.4 residents per unit. Given the nature of the application a more realistic occupancy level of 1.5 residents per unit was established and the contribution sought reduced to £20,550.

When assessing requests for S106 contributions, Officers need to ensure compliance with the CIL Regulations and specifically that it is only possible to pool five contributions towards one project.

In this case, given the relatively small contribution this scheme would deliver and having discussed this further with NHS England, it was agreed that no contribution would be sought from this development. The NHS considers that strategically it would be more effective to rely on more significant schemes for financial contributions. It is Officer's opinion also, that in this case it would be more sensible to obtain contributions from other developments in the future.

## OTHER MATTERS

### Trees and Ecology

Policy CS8 of the Core Strategy states that all development proposals will ensure the protection and enhancement of the natural environment, habitats and biodiversity. 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 should not be detrimental to the distinctive landscape features and habitats of the areas such as trees, hedges, woodlands, grasslands, ponds and rivers. Policy RLP81 of the Local Plan Review encourages landowners to retain, maintain and plant locally native trees, woodlands and hedgerows. Policy RLP86 of the Local Plan Review advises that development will not be permitted where it would harm the open character, nature conservation importance or recreational importance of river walks.

The application is supported by a Phase I Habitat Survey and individual reports with regards to badgers, reptiles, water voles and otters.

In respect of badgers, an outlier sett was found to be active on site. The hedgerow where the sett was identified is proposed to be retained, however construction work is likely to disturb and/or damage the sett and therefore a licence from Natural England will be required before works can commence. Given that the hedgerow where the sett was identified is to remain and the setting of the wider area, the report concludes that no loss of foraging habitat would result. The report also recommends that any excavations are covered over during the night to prevent badgers becoming trapped and if works have not commenced within 12 months of the initial survey then the site should be reassessed.

In respect of reptiles the site was surveyed as being a suitable habitat and both common lizards and grass snakes were identified along the eastern boundary. These reptiles are likely to be killed or injured during the construction period and thus a reptile mitigation strategy is required. This can reasonably be required by condition.

No water voles or otter were found on site, however the report highlights that the stream maybe be used by commuting otters, as such lighting for the scheme should be carefully considered and as proposed for the badger, any excavations should be covered over at night.

In respect of nesting birds, any clearance work should be undertaken outside of the nesting season.

It is recommended that a condition is placed on any grant of consent which requires a wildlife protection plan and mitigation strategy to be submitted containing appropriate measures for the safeguarding of protected species, for examples details of where construction activities will be restricted and where protective measures will be installed and details of such protective measures.

The application is supported by an arboricultural survey. The site is bound on its eastern and western boundaries by hedgerows, surveyed to be category B. A small part of the hedgerow along the western boundary (fronting Church Lane) is proposed to be removed to facilitate the site access. There are no other trees within the application site however the survey has included trees just outside of the site.

It is recommended that a Tree Protection Plan detailing the method and location of protective measures should be required by condition. This plan should also show how much of the hedge that fronts on to Church Lane is to be removed, and how the remainder will be protected.

It is considered that with the conditions recommended above, the flora and fauna identified at the site and within the wider area will be adequately protected in accordance with the policies mentioned above.

## Noise Impact

Paragraph 123 of the NPPF states that planning should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life, including through the use of conditions.

The application is supported by a noise impact assessment which has identified Church Lane as the most noise generating source which could impact upon the site. The assessment which was undertaken concluded that at the western boundary of the site noise levels could be slightly in excess of the value as set out within BS8233 (Control of Noise), for both daytime and night time periods. As such attenuation will be required for the apartments which are at the front of the site. No mitigation is required further in to the site or within the garden area.

It is advised that at the time the noise assessment was undertaken only a site layout was available, such it was not possible for this report to be determinative as to what mitigation would definitely be proposed for the apartments to the front of the site, as it was not known how these would be constructed. It is likely that with typical cavity wall construction and specific double glazing that noise sensitive rooms (living rooms and bedrooms) would be sufficiently protected. It is Officer's recommendation that a condition is placed on any grant of consent which requires a noise mitigation strategy to be provided, in the interests of the amenity of future residents and to accord with the requirements of the NPPF.

## Lighting

The application makes reference to the proposed external and internal lighting. The site is located in a sensitive position, immediately adjoining existing residential properties and adjacent to the river corridor. The ecology reports submitted with the application (discussed in more detail below) suggest that sensitive lighting will be required in order to protect the species in this area.

At the entrance it is proposed to use under lighting in the canopy such the immediate area is lit but light does not spill much beyond this. The strategy submitted proposed lights at the entrance, within the parking area and at all pedestrian routes. Luminaries are proposed to be mounted in 4000mm or 6000m conical columns finished in black. The pathways, landscaped courtyard and patio areas are to be illuminated using decorative column mounted luminaries (height not specified), fitted with LED lamps. All external lighting will be controlled from within the building. Inside the building within the communal areas all lights will be sensor controlled. The communal area in the centre of the site has a partly glazed roof and as mentioned above glazed linking sections are used throughout the development. In order to reduce light

spill from the building the use of sensor controlled lighting in these communal areas is considered necessary.

The lighting strategy submitted is brief and limited in specific detail, such it is not possible to fully appreciate the lighting impact. It is recommended therefore that a condition is placed on any grant of consent which requires a more detailed lighting scheme, which addresses both internal and external lighting, to be submitted. This will enable the Local Planning Authority to control this aspect of the development, in the interests of the amenity of neighbouring properties and the river corridor.

### Archaeology

Advice from Essex County Council recommends that a condition is placed on any grant of consent which requires a programme of archaeological works to be undertaken in accordance with a written scheme of investigation. This is because the site lies along a historic route between the medieval settlements at Bocking and Bradford Street.

It is Officer's recommendation that the condition suggested by Essex County Council is placed on any grant of consent.

### Flooding and Surface Water Drainage

The NPPF sets strict tests in order to protect people and property from flooding and advises that development should be directed towards areas with the lowest probability of flooding. Paragraph 103 of the NPPF states that Local Planning Authorities should ensure flood risk is not increased elsewhere as a consequence of the development.

Policy CS8 of the Core Strategy states that the Council will seek to minimise the exposure of people and property to the risks of flooding and will avoid new development in areas of flood risk. Policy RLP69 of the Local Plan Review advises that where appropriate the Council will require developers to use sustainable drainage techniques as methods of flood protection, pollution control and aquifer recharge.

The site is located in flood zone 1 and therefore is not at significant risk of flooding from fluvial sources. In respect of surface water flooding, the site lies to the west of the River Blackwater and to the north of the minor watercourse. Land to the west of the site falls towards the site but the surface water runoff is channelled to the Minor Watercourse. The site is therefore not at risk of significant flooding from surface water runoff from adjacent land.

The application is supported by a flood risk assessment and drainage strategy. This report sets out the following recommendations in order to reduce flood risk and promote sustainable drainage:

- The floor levels should be set a minimum of 150mm above the surrounding external levels

- Drainage and exceedance pathways should be provided to any sunken areas to prevent localised flooding.
- An above ground attenuation pond is to be utilised as the site control SuDS feature ensuring that the required restriction rate can be achieved and providing one treatment train for water quality improvement.
- The lower building will have a green roof and where viable the car parking areas will be paved with permeable paving.
- The proposed development surface water discharge will be limited to the existing 1:1 year surface water runoff rate for all storms up to and including the 1 in 100 year plus 20% climate change event, prior to discharge to the minor watercourse.
- Foul water drainage from the proposed development shall be drained to the existing Anglian Water adopted foul sewer crossing the south west of the site.

Essex County Council as Lead Local Flood Authority has been consulted on the application and, after some revisions to the proposed surface water strategy, raise no objections subject to conditions.

## CONCLUSION

The site is identified in the Local Plan as countryside. The ADMP, which is afforded weight in the decision making process and the emerging Local Plan allocates the site for shelter housing/care home development. As elaborated upon above, it is Officer's opinion that the site is in a sustainable location and appropriate for this type of development.

Officers consider that the development has been designed in an acceptable manner, complying with relevant standards for design, parking, highways and amenity. As well as delivering 100 extra care apartment, 30% of the dwellings will be provided as affordable housing, which accords with Core Strategy policy.

With the imposition of suitable planning conditions the proposal would protect identified protected species and enhance biodiversity and ensure the protection of existing trees. The scheme will deliver a robust and expressive landscaping which will add character to the development, lessen the impact on the wider landscape and help to safeguard the amenity enjoyed at neighbouring residential properties.

The application proposes the incorporation of a refuge crossing in Church Lane to improve pedestrian accessibility to the site and a new access with the necessary visibility splays provided for vehicular traffic. With these measures in place the development would not be unacceptable in highway safety terms and whilst the development will increase the number of motor vehicles on the road network this has been demonstrated to be minor and within existing capacity. The Highway Authority has raised no objection, subject to conditions being placed on any grant of consent.

The applicant has agreed to contribute towards improvements in public open space by way of a financial contribution.

In conclusion, the site is identified as countryside in the adopted Local Plan which means that the proposed development does not accord with the development plan. Nevertheless, the proposal does accord with the draft allocation given to the site in the new Local Plan and this allocation has been the subject of consultation (in the ADMP) and there were no unresolved objections to that allocation. Accordingly, whilst the draft allocation cannot be attributed as much weight as the adopted Plan, the proposed development is considered to represent sustainable development in the terms of the NPPF and, on the planning balance, the adverse impacts of granting it permission are not considered to significantly and demonstrably outweigh the benefits it would deliver.

On this basis it is recommended that the application is approved. Members are asked to grant a resolution to approve the application, subject to the completion of the S106 in accordance with the Heads of Terms reported above.

### 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
- Public Open Space (financial contribution)
- Residents Age Restriction

within 3 calendar months of this resolution, the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below.

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

### APPROVED PLANS

Location Plan	Plan Ref: B5402 (PL) 01	
Proposed Block Plan	Plan Ref: B5402 (PL) 02	Version: A
Proposed Floor Plan	Plan Ref: B5402 (PL) 03	Version: A
Proposed Floor Plan	Plan Ref: B5402 (PL) 04	Version: A
Proposed Floor Plan	Plan Ref: B5402 (PL) 05	Version: A
Street elevation	Plan Ref: B5402 (PL) 06	Version: A
Street elevation	Plan Ref: B5402 (PL) 07	Version: B
Street elevation	Plan Ref: B5402 (PL) 08	Version: A
Proposed Elevations	Plan Ref: B5402 (PL) 09	Version: A



Proposed Elevations	Plan Ref: B5402 (PL) 10	
Proposed Elevations	Plan Ref: B5402 (PL) 11	
Proposed Elevations	Plan Ref: B5402 (PL) 12	Version: A
Proposed Elevations	Plan Ref: B5402 (PL) 13	Version: A
Proposed Elevations	Plan Ref: B5402 (PL) 14	Version: A
Proposed Elevations	Plan Ref: B5402 (PL) 15	Version: A
Proposed Elevations	Plan Ref: B5402 (PL) 16	
Topographical Survey	Plan Ref: R-10861_201	Version: A
Topographical Survey	Plan Ref: R-10861_202	
Landscaping	Plan Ref: TNA_460_01	Version: B
Drainage Plan	Plan Ref: 15004-240	Version: D
Drainage Plan	Plan Ref: 15004-241	Version: A
Highway Plan	Plan Ref: 1380-04	

- 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 Construction of any buildings shall not be commenced until a schedule and samples of the types and colour of the materials to be used in the external finishes has 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 that the development does not prejudice the appearance of the locality

- 4 The development hereby permitted shall only be used for extra care retirement living and for no other purpose, including any use otherwise permitted within Class C2 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason

In order for the Local Planning Authority to control the use of the site and for any other use proposed to be duly considered against applicable planning policy.

- 5 No development or preliminary groundworks 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

The site may be of archaeological interest. It will be necessary for this information to be supplied and agreed prior to commencement as it relates to investigations that will need to be undertaken before any construction works take place.

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

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

Reason

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

- 7 The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy Rev B produced by BSP Consulting, dated March 2016.

The mitigation measures as contained within the above mentioned Flood Risk Assessment and Drainage Strategy shall be implemented in full prior to the first occupation of the development and thereafter retained in the approved form.

Reason

In order to prevent flooding by ensuring satisfactory storage/disposal of surface water from the site.

- 8 No works shall take place 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 subsequently be implemented. The scheme shall be implemented as approved.

Reason

In accordance with paragraph 103 of the NPPF which states that local planning authorities should ensure flood risk is not increased elsewhere by development. This matter must be dealt with prior to commencement of development as it relates to measures that will need to be in place as part of the construction process.

- 9 Prior to the first occupation of the development hereby approved a Maintenance Plan, detailing the maintenance arrangements, including who is responsible for maintaining different elements of the surface water drainage system and the maintenance activities and frequencies, shall be submitted to and approved in writing by the Local Planning Authority. The Maintenance Plan as agreed shall be that carried out on site in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

- 10 The person(s) and/or organisation responsible for the maintenance of the surface water drainage system, as identified in the Maintenance Plan required by condition 9 above, shall produce yearly logs/records in perpetuity of the maintenance of the surface water drainage system in accordance with the approved Maintenance Plan. The yearly logs/records of maintenance shall be available for inspection to the Local Planning Authority upon request.

Reason

To ensure that the surface water drainage systems are maintained, such they continue to function as intended to ensure mitigation against floor risk.

- 11 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- Details and timing regarding the construction of the site access
  - 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 and for vehicles making deliveries and removing material from the site.

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

Reason

In the interests of the amenity of residents of the locality and in order to minimise nuisance caused by pollution in the interest of residential amenity. This matter must be dealt with prior to the commencement of development as it relates to measures that will need to be in place before construction works take place.

- 12 Prior to the first occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of a pedestrian refuge island crossing to be constructed within Church Lane, in the location as shown on drawing no. 1380-04. The details as agreed shall be those implemented on site, prior to the first occupation of the development and thereafter retained in the approved form.

Reason

To ensure pedestrian accessibility to/from the site and to accord with the Highway Authority's Development Management Policies (2011).

- 13 Construction of the buildings hereby approved shall not commence until the vehicular access as shown on drawing no. 1380-04 has been provided and constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 6m and it shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason

In the interests of highway safety.

- 14 Construction of the buildings hereby approved shall not commence until the vehicular access, in the location shown on drawing no. 1380-04 has been provided with a clear to ground visibility splay with dimensions of 2.4m by 43m to the north and 2.4m by 43m to the south as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm 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.

- 15 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

16 There shall be no discharge of surface water on to the highway.

Reason

To prevent hazards caused by flowing water or ice on the highway.

17 No flat/apartment shall be occupied before the car parking and vehicle turning areas as shown on drawing no. B5402 (PL) 02 Rev A has been laid out and constructed in its entirety and made available for use. Thereafter the said car parking and vehicle turning areas shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

Reason

To enable the Local Planning Authority to secure satisfactory provision for the parking and turning of vehicles in the interests of highway safety.

18 No development shall commence until a wildlife protection plan and mitigation strategy has been approved by the Local Planning Authority. It will include but not be limited to appropriate measures for the safeguarding of protected species and their habitats such as:

- a) An appropriate scaled plan showing protection zones where any construction activities are restricted and where protective measures will be installed; and
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction
- c) capturing and translocation of common lizards and grass snakes and the identification of a receptor site
- d) details of suitably qualified person responsible for:
  - i.) compliance with legal consents relating to nature conservation
  - ii.) compliance with planning conditions relating to nature conservation
  - iii.) installation of physical protection measures during construction
  - iv.) implementation of sensitive working practices during construction
  - v.) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - vi.) provision of training and information about the importance of wildlife protection to all construction personnel on site

The wildlife protection plan and mitigation strategy as approved shall be that implemented on site for the duration of the construction of the development. Any amendment to the wildlife protection plan and mitigation strategy shall be submitted to and agreed in writing with the Local Planning Authority, prior to the implementation of any such amendment.

Reason

To protect features of recognised nature conservation importance. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged. This matter must be dealt with prior to commencement as it relates to measures that will need to be in place prior to any construction works taking place.

- 19 If development has not commenced prior to October 2016 a survey of the application site shall have been carried out by a suitably qualified and experienced ecologist no more than 50 days prior to commencement of the works, to investigate the potential presence on the application site of badgers, as specified in Badger Survey (Middlemarch Environmental, September 2015) and any other protected species. Details of the methodology, finding and conclusions of the survey shall be submitted to the local planning authority for approval prior to the commencement of development.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement to minimise the adverse effects of the development on protected species
- (b) a scheme of translocation to be submitted if necessary
- (c) A programme of timing for the works referred to in a) and b) above

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above

Reason

To safeguard and protect protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken in to account and mitigated. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance and development otherwise there would be danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 20 Prior to the construction of the buildings hereby approved details of noise mitigation measures for the apartments fronting Church Lane shall be submitted and approved in writing by the Local Planning Authority.

Reason

In the interests of residential amenity.

- 21 Prior to the first occupation of the development hereby approved details of the internal and external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority. In respect of the external lighting details shall include a layout plan with beam orientation and a schedule of equipment proposed (luminaire type and design, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details and thereafter retained in approved form.

Reason

In the interests of visual and residential amenity and to prevent external lighting adversely affecting the ecological value of the site and surrounding area.

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

Reason

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

- 23 The landscaping for the site shall be undertaken in accordance with the principles set out in drawing no. TNA\_460\_01 B (Landscape Masterplan Proposals), unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of the development hereby approved a detailed scheme of landscaping (to include hard and soft landscaping) and a planting schedule shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme of landscaping, or such other scheme as may be agreed in writing by the Local Planning Authority, shall be that carried out on site in accordance with the approved scheme. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Prior to the commencement of the development hereby approved details shall be submitted to and agreed in writing by the Local Planning Authority of a consultant landscape architect (or a landscape clerk of works) who will be responsible for monitoring the implementation of the agreed landscaping along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record and report their monitoring of the approved works.

The details as agreed shall be those undertaken on site and implemented until such time as the landscaping has been carried out in accordance

with the approved drawings/specifications, or any other scheme as may be agreed in writing by the Local Planning Authority.

**Reason**

To ensure enhancement of the development in the interests of visual and residential amenity and to ensure the landscaping is undertaken appropriately to ensure longevity.

- 24 No development shall commence before a Tree Protection Plan (TPP), detailing the method and location of protective measures has been submitted to and approved in writing by the Local Planning Authority. This plan should also include how much of hedgerow H1 (as detailed within the pre development arboricultural survey, March 2015) is to be removed and how that to be retained will be protected. The details as agreed shall be those implemented on site and retained throughout the construction process.

**Reason**

To ensure the protection and retention of existing/remaining trees and hedges. This matter must be dealt with prior to the commencement of development as it relates to measures that will need to be in place before construction works take place.

**INFORMATION TO APPLICANT**

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.



- 3 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)
- 4 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.
- 5 It is expected that the vehicular access will be installed prior to any other works commencing on site to ensure that all construction vehicles are accommodated within the site clear of the highway. Details of the access and the timings for when this will be provided are required as part of condition 11 of this permission.

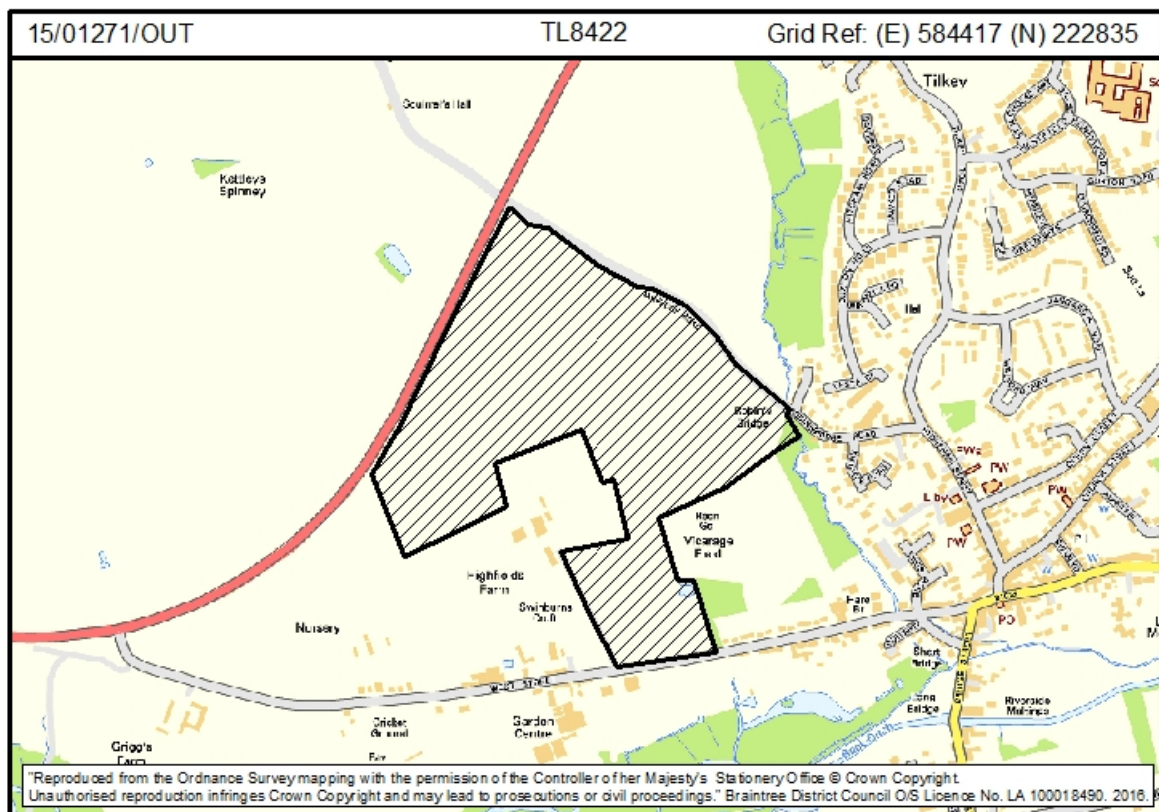
TESSA LAMBERT  
DEVELOPMENT MANAGER

## AGENDA ITEM NUMBER 5b

### PART A

APPLICATION NO: 15/01271/OUT      DATE: 05.10.15  
 VALID:  
 APPLICANT: Pigeon Land Ltd And Systemafter Ltd  
 Linden Square, 146 Kings Road, Bury St Edmunds, Suffolk,  
 IP33 3DJ  
 AGENT: Raymond Ricks  
 Ray Ricks Consultancy, 4 Blackwater Avenue, Colchester,  
 Essex, CO4 3UY  
 DESCRIPTION: Hybrid application for mixed use development to include  
 community woodland and public open space. Outline: 8 no.  
 self build plots and business hub (Class B1a) 836 sqm  
 floorspace (both elements re-sited in revised plans). Full:  
 98 dwellings with associated garages and parking areas.  
 Proposed new access from West Street and pedestrian  
 access from Robinsbridge Road  
 LOCATION: Land North Of, West Street, Coggeshall, Essex

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



## SITE HISTORY

None relevant.

## 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
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
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
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  
 Landscape Analysis of Settlement Fringes – Landscape Partnership, June 2015

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

Full permission is sought for residential development comprising 98 dwellings with associated garages, ancillary buildings, roads, footpaths and incidental open space and the use of part of the land as community woodland. Outline permission is sought for eight “self build” dwellings and buildings containing 836 sq m of Class B1a (office use) within three identified areas of the site. The outline proposals would be accessed from the roads the subject of the full application but all other matters within the identified areas are reserved for later approval.

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

## SITE DESCRIPTION and CONTEXT

The application site comprises an irregularly-shaped area of arable land amounting to about 25Ha lying to the west of the defined settlement boundary of Coggeshall. At its southern end the site has a road frontage to West Street from which a roughly rectangular field rises gently to the north. This land is bounded to the west by the entrance drive to Highfields Farm (a Grade II listed building). At a point close to the north west corner of the Vicarage Field recreation ground the site narrows before opening out into a much larger field.

This part of the site rises steadily from a low point at its eastern-most corner, where Robinsbridge Road becomes Ambridge Road where it is crossed by Robins Brook. The north-west boundary of the site is marked by the A120.

The site is crossed roughly south west to north east by public footpath 77-20 and north west to south east by footpath 72-17. The eastern boundary of the site is skirted by footpath 72-70 which follows Ambridge Road from Robins Brook to the A 120.

To the east of the application site both the north and south sides of West Street have frontage development. Both sides of the road are within the Coggeshall Conservation Area (CA) the outer boundary of which is a short distance from the south east corner of the application site. Within the CA the southern side of West Street is home to a number of listed buildings, the nearest of which (No 47) is about 140m from the site. To the west a tight cluster of buildings on both sides of the road also includes a number of listed buildings with No 89 being about 45m from the site. Highfields Farm and the Cartlodge at Highfields Farm are individually listed (Grade II) and those buildings with associated curtilage buildings form a group of heritage value to the west of the site.

The south side of West Street is occupied by the Vineyard with its associated buildings and to the west of the vineyard is a two-storey office building with an associated yard. Whilst the poles and supporting wires within the vineyard are visible from the road there is a clear view through to the willows that mark the course of the River Blackwater.

The undeveloped land to the north and south of the A120 creates a miniature “green belt” around the western end of Coggeshall and when approaching the village from the west the edge of the settlement is marked by trees and hedges.

## PROPOSAL

The application is submitted partly in outline and partly as a full application.

Full permission is sought for residential development comprising 98 houses with associated development in two areas of the site – the eastern half of the southern field fronting West Street and the southern part of the larger field immediately north of the recreation ground. Vehicular access is proposed from the centre of the road frontage with West Street with a main spine road curving around the western side of the housing development in the southern field and through the narrow neck of the site to reach the housing area in the northern field. An area to the northwest of the “full” application site is the subject of an outline application for eight dwellings with all matters except access reserved for later approval.

The area immediately to the west of the point of access is indicated to be a wildflower meadow. To north of this land is identified for B1(a) (office) development and described as a “business hub”. Outline permission is sought

for this aspect of the proposal with all matters of detail except access reserved for later approval; access is proposed from the spine road. An area beyond the commercial development to the west of the spine road and extending into the northern fields is indicated to be a wildflower meadow. This meadow is proposed to extend westward towards the A120 to the north of Highfields Farm.

A large part of the northern field (indicated to be 5.6 Ha) is proposed to be community woodland with recreational routes and “community engagement schemes”. The proposal therefore includes a material change of use from agriculture to recreational use for the meadows and woodland.

The “full” residential proposal comprises a mix of two-storey houses, bungalows (36 in all) and flats. It includes 44 affordable dwellings (representing 41.5%). These comprise 18 flats within four two-storey buildings at the southern end of the site close to West Street, 16 detached and semi-detached dwellings at the north end of the southern part of the site (of which 5 are bungalows) and 10 detached bungalows in the northern part of the site.

The application is supported by the following documents:

- Design & Access Statement (as revised);
- Arboricultural Impact assessment
- Construction Management Statement;
- Ecology surveys;
- Flood Risk Assessment (as revised);
- Landscape & Visual Impact Assessment;
- Transport Assessment and Travel Plan (as revised);
- Heritage Statement and Heritage Impact Assessment;
- Architectural & Historic Character Summary;
- Ground Investigation Report;
- Health impact assessment;
- Noise Assessment;
- Utilities Infrastructure Assessment;
- Sustainable design and Construction Checklist;
- Statement of Community Involvement.

## CONSULTATIONS

### Coggeshall Parish Council (amended application)

Objects to the planning application. Having objected to the original application, we see nothing in the revised application to change our view. The application is not in accordance with the Braintree District Council Interim Planning Policy, lying outside of the development envelope on land that is not one of the strategic site allocations, and the site is one that the PC has recommended should not be allocated in the Emerging Local Plan.

We consider that the detail set out in our response to the original application is still relevant and have set out areas in the revised application that still do not conform to the core planning principles for sustainable development set out in the National Planning Policy Framework (NPPF).

**Heritage** - Archaeologists believe this area to have been occupied since the Iron Age and quite possibly contains evidence of Stane Street, the Roman Road that ran from Colchester to Braughing in Hertfordshire. Our opposition to development is supported by the advice from Historic Buildings and Conservation at Essex County Council. Highfields Farm and its associated buildings are Grade II listed and appear in the National Heritage List for England. They belong in a rural setting to protect their heritage value, as set out in the NPPF, and accords with the advice given by ECC's Historic Buildings and Conservation at the time of the original application (.... recommend that the application be refused as being contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 133 of the NPPF and saved policies RLP 95 and RLP 100 of the Braintree District Local Plan).

**Ecology** - The revised application claims to address the frequent flooding of Robins Brook, but more importantly does nothing to address the history of flooding in and around West Street (the southern border and the village centre, which is currently mitigated to a degree by the open nature of the land outside the development envelope.

**Landscape** - The area itself is a significant feature of the western landscape of Coggeshall, providing a buffer between the A120 and the medieval village centre. The footpath crossing the site from Vicarage Field to Highfields provides the only unobstructed aspect of the Blackwater and its flood plain rising up to the Essex Way, which would be lost if this development were to proceed. The site itself is mainly medium/low landscape capacity with only the frontage area rated as medium. It has been productive agricultural land in living memory.

**Highways, Transport and Parking** - The proposed vehicular access to the site from West Street is now much closer to the section of West Street where parking is allowed on both sides of the road. We feel that the acceptance of the proposals by Highways England does not reflect the traffic and safety implications posed by restricted vehicular rights of way, where frequent queues of cars, buses (route number 70) and delivery vans already results in vehicles driving on the pavements. It also appears that there is road access from the proposed development on to the private road to Highfields, which would create a very dangerous second junction with West Street.

**Transport Infrastructure** - Public transport is inadequate for the increase in population that this development would create. With poor mobile phone reception and the absence of plans for superfast broadband, the business hub is likely to add to the growing number of vacant business units in the village and consequently an increase in additional commuter traffic movements is

likely. The village centre roads and parking facilities are inadequate for increased social traffic movements from the site.

Infrastructure Capacity - The ECC document "Commissioning School Places in Essex 2013-2018" forecasts both primary and secondary schools being oversubscribed, without account being taken of any population increase that may arise from new developments allocated in the Emerging Local Plan. The proposed development would be unsustainable. Coggeshall surgery currently has over 5500 patients registered with the two doctors, well in excess of the NHS England guideline, and the practice is currently not accepting any patients transferring in from other surgeries in the catchment area. This capacity issue has been recognized by the NHS in their response, but this does not address the difficulty in staff recruitment and the fact that the surgery premises are rented from a private landlord.

Local Housing Needs – Coggeshall Parish Council are already working with BDC Planning Officers on the Emerging Local Plan in order to provide a sufficient supply of housing to meet local needs in the period to 2033.

#### Essex County Council Highways and Transportation (amended application)

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

In this case the internal estate road layout, in its current form, is not of an appropriate standard that would allow ECC to adopt the internal roads as highway. This in itself is not a reason for the highway authority to issue a recommendation of refusal, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following -

1. Prior to first occupation of the development the access shall be implemented as shown in principle on drawing No. 15067/005 dated Nov 2015, full details to be agreed in writing with the local planning authority. These works shall include but are not limited to a priority junction and visibility splays of 2.4 metres by 120 metres in both directions.
2. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following all clear of the highway:
  - safe access to/from the site
  - the parking of vehicles of site operatives and visitors



- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- the safe guarding of the Public Rights of Way during construction

The approved Plan shall be adhered to throughout the construction period.

3. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.

The above measures are to ensure that this proposal is not 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).

The consultation response sets out a number of measures that would be required to enable the proposal to be reconsidered for adoption.

#### Highways England (amended application)

No objection (as regards effect on trunk roads and special roads - A120).

#### Essex County Council Heritage (amended application)

The applicant seeks permission for a mixed use development, located on land North of West Street, Coggeshall, to the west of the historic centre of Coggeshall. This is to include a full application for 98 dwellings with associated gardens, parking and access and an outline application for eight self-build plots. The current plans are revisions following a series of objections to the proposals, including from a heritage perspective. They reduce the number of units within the full planning application from 119 to 98, and the footprint of the site covered by buildings has been pulled back, further to the east.

The site, as mentioned before, is severely constrained. The land is located on the boundary of the Coggeshall Conservation Area, which extends up to the south-eastern edge of the site. The site (although not the development) also encloses the south, north and east aspects of two grade II Listed Buildings to the west of the site, Highfields Farm and the Cartlodge at Highfields Farm, as well as other associated curtilage listed structures. Directly to the west of the southern edge of the site, numbers 104-112 (even) West Street are all individually listed grade II in their own right. Similarly numbers 89-105 West Street (odd) are also all listed grade II either individually or part of a group.

Whilst the applicant has clearly responded to the objections raised, and attempted to reduce the level of harm, I would still suggest that the fundamental objections which I raised previously in regard to this application remain unaltered.

Even with a greater distance of separation, the development would still create a sense of encirclement around the Listed Buildings and it would still alter the prevailing character of the landscape from agricultural to suburban, albeit with a wider buffer zone. The existence of a buffer zone also does not alter the fact that this development would create a hitherto non-existent sense of enclosure within the setting of the Listed Buildings, which is at odds with the buildings' currently open setting- which is significant given the fact that this is something which forms part of the historic character and understanding of the buildings. The revised layout will also still impact on key views of the heritage assets, particularly on views of the farmhouse. Historic England's guidance on setting, Historic Environment Good Practice in Planning 3: The Setting of Heritage Assets, notes that 'The contribution of setting to the significance of a heritage asset is often expressed by references to views.....including a variety of views of, across or including that asset'. In particular it will completely obscure views of the heritage asset looking north from West Street, and will be a prominent incursion in views of the group of heritage assets when looking south from the A120.

I would therefore reiterate my previous comments, with some minor amendments:

*Highfields Farm and the associated cart lodge currently benefit from an open setting, away from the main body of the settlement of Coggeshall. This allows the buildings to be read as an associated group of agricultural buildings, albeit with both now in residential use. This setting is partially harmed by the large twentieth century agricultural buildings to the north-west of the site, which represent an unwelcome visual intrusion. However these are read as being part of a subservient agricultural use of the site, and so can be at the very least seen to fall into the historic building hierarchy on the site, even if they are of insensitive design and materials. This cluster of buildings is evident in this setting away from the main body of Coggeshall as early as the Chapman and Andre map of Essex of 1777. This open setting, and its relationship to the rest of Coggeshall, can be seen to continue throughout the historic mapping, and remains relatively unaltered, and is important in understanding the building and defining its character. The historic mapping also shows the development land is in agricultural use closely associated with the buildings at Highfield, none more clearly than the plan of the Great Highfield Estate (c.1853). Information and photographs submitted with the application show part of the land is still in agricultural use. This use is closely associated with understanding the historic character of Highfields Farmhouse, and still has strong associative and illustrative value and contributes to the significance of the building. Historic England's guidance on setting, Historic Environment Good Practice in Planning 3: The Setting of Heritage Assets, also notes that 'The contribution of setting to the significance of a heritage asset is often expressed by references to views.....including a variety of views of, across or*

*including that asset'. Of particular significance in relation to this asset are views looking north from West Street, which offer key views of the heritage asset and allow the building to be understood as part of its wider setting. This view would be completely lost if the proposed development was to go ahead.*

*The proposed development would enclose this group of buildings on two sides (east and south), albeit at a greater distance than previously, and would mean that the buildings were drawn into the settlement envelope. This is a radical alteration from their historic setting and would completely alter the way in which these buildings are experienced. The development would also sever the buildings from their surviving agricultural setting, thereby denuding the building of its historic associated landscape and detracting from our current understanding of the building. This represents harm to a designated heritage asset, which the proposed mitigation measures cannot adequately address. As such the principle of this application would be harmful to the Listed Building.*

The revisions also do not alter my concerns in regard to impact on the Conservation Area, and I would therefore also reiterate my previous comments in regard to this:

*The application will also impact upon the setting of the Coggeshall Conservation Area. West Street forms an important historic route into Coggeshall and the application site extends from the north to adjoin the road. It also falls directly outside the boundary of the Conservation Area. The development therefore occupies a prominent location on an important entrance route into the Conservation Area, and as such has an impact on the way in which the asset is experienced and understood, as well as significantly influencing views into and out of the Conservation Area. The incursion of a large development to the west of the centre of the historic settlement of Coggeshall will result in the historic settlement plan being further subsumed and obscured, following other developments to the east. This loss of character will be compounded by the simple influx of a substantial number of new houses thereby expanding the settlement further away from its historic core, and further eroding the tightly defined settlement edge. Finally the agricultural use of land is a key element in defining the historic character of land around the Coggeshall, and is something which contributes to the character of not only the settlement and the Conservation Area, but also that of the wider historic landscape.*

I would also note that the revised plans for the proposed development also create issues from a conservation perspective that were not prevalent in the previous layout, mainly relating the positioning of the business hub. The movement of the business plots from the rear of the site to the front theoretically means that the largest buildings and the busiest section of the site, with the most vehicle movements, will be in closest proximity to Highfields. This would be harmful from both a visual and audial perspective to the way in which the Listed Building is experienced and thereby harmful to its setting. The business hub would also have a dominant and encroaching impact on the access road up to the farmstead and would therefore

completely alter the way in which the principal approach is experienced. This too would therefore alter the way in which the Listed Building is experienced. The movement of the business hub to this location would also make it the dominant feature of the site when viewed from West Street, which is significant given that West Street forms an important historic route into Coggeshall. This would have an impact on the way in which the Conservation Area is experienced and understood, as well as significantly influencing views in and out.

For the reasons outlined above I would therefore repeat my previous conclusion, that the proposed development would cause harm to both the setting of the two grade II Listed Buildings which form part of the Highfields Farm complex and to the setting of the Coggeshall Conservation Area. I would therefore still recommend that the application be refused as being contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 133 of the NPPF and saved policies RLP 95 and RLP 100 of the Braintree District Local Plan.

### Historic England

The proposals are for major development located adjacent to the western boundary of the Coggeshall Conservation Area. Historic England were not consulted on the proposals for this site in their original form, but we consider the revised scheme; which includes a reconfiguration of the built form on the site and a reduction in the number of dwellings from 119 to 98, would cause serious harm to the setting of the grade II listed Highfields Farmhouse and Cart Lodge on West Lane, due to the scheme's impact on the northern, eastern and southern boundaries of Highfields Farm. They would harm the setting of numerous grade II listed buildings located to the west of the southern boundary of the site on West Street. The overall proposals would also cause harm to the significance of the Coggeshall Conservation Area due to their impact on its setting. The revised proposals have not addressed the fundamental issue of the irrevocable change to the current character of the landscape from rural to suburban, nor have they adequately resolved the impact of the abutment of the application site in three directions on the setting of the listed farm buildings.

These substantial proposals would be not be in accordance with sections 66 and 72 of primary legislation (the 1990 Act). The National Planning Policy Framework (NPPF) identifies protection of the historic environment as an important element of sustainable (paragraphs 6 & 7) and establishes the presumption in favour of sustainable development in the planning system (paragraph 14). The significance of a designated asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting (paragraph 132). Paragraph 137 also advises Local Planning Authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance and that such proposals should be treated favourably. The proposals would be contrary to all the guidance outlined above and in addition would not be in accordance with guidance in paragraphs 126, 131, 133 and

134 of the NPPF. Historic England's guidance *The Setting of Heritage Assets (2015)* states '*the contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets.* The proposals would demonstrably be contrary to that guidance in that the layout of the site would still harm key views towards Highfield Farm.

Historic England consider the proposals would result in a fundamental change to the character of the landscape surrounding Coggeshall; from rural agricultural to suburban and would cause harm to the setting of numerous grade II listed buildings in the vicinity of the site and the setting of the conservation area.

### **Recommendation**

Historic England consider these major development proposals would cause serious harm to setting of the abutting grade II listed buildings at Highfields Farm due to the overall scale and proximity of the proposed dwellings and would cause harm to the significance of the Coggeshall Conservation Area as a result of the impact of their scale on its setting. The scheme would not be in accordance with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the comprehensive guidance cited in the National Planning Policy Framework or Historic England's guidance on the setting of heritage assets. We strongly recommend that the application be refused by your authority.

### National Trust (comment on application as originally submitted)

Objects to the development. It has significant concerns about the relationship between the proposed development and its surroundings and the wider impact on the nearby conservation area and settlement pattern of Coggeshall. West Street is an important historic route into Coggeshall, its settlement pattern has a tightly-knit medieval street pattern which is exemplified in the Grade I listed Paycocke's House. The proposed substantial development would significantly detract from the attractive character and appearance of the town and would be conspicuous in the surrounding landscape. In addition the design and layout of the proposed development would be poorly related and unsympathetic to the historic form character and setting of Coggeshall Conservation Area.

### Braintree District Council Urban Design (amended application)

The application is described as a hybrid with full permission being sought for all dwellings except the self-build plots. Those plots and the business hub are submitted in outline. This response is based on the assumption that the appearance, layout and scale of those aspects of the proposal; together with landscaping as it affects the areas occupied by those elements are reserved

for later approval. All other matters are considered as a full detailed application.

Footpaths running west to east through the site have been urbanised and lost their rural identity. Where they reconnect at the recreation ground they do not appear to have linkages beyond the site, whilst the new, internal footpaths are clearly defined, and, perhaps, overly so in parts of the site.

As previously stated to the applicant the connections to the village, both physical and visual, are weak and the revised scheme has provided yet more separation and isolation from the existing settlement. This underlies the poor location in terms of an extension to the village.

The undeveloped element of the site, towards the A120 does not seem to have been designed for the community and lacks access and opportunity for recreation. The open area north of the business units, within the setting of the adjacent listed buildings, is also poorly designed. Its contribution is not positive; lacking considered landscaping and obvious functions for the community.

The Landscape plan provides for 'stations' on a trim trail. These are limited to the edge of the built form and no attempt has been made to utilise all the open space to the north where a trim trail would be most logical and beneficial, as a lap of the woodland and POS. Incidentally one of the trim trail stations appears to be in someone's garden or on the pavement adjacent. I consider the landscaping to be far from an integrated aspect of the proposal and the lack of substance to the proposal gives rise to the possibility that it may be deliberately left undeveloped for future phases of housing. I would suggest that the integration of the landscape design and its functional contribution is far less than what it should be, or what accompanying text suggests.

All the house types are too repetitive and create monotony across the site. In comparison to the character of Coggeshall there is not enough variation in height and articulation or variety of design. There is little reference to the better elements of Coggeshall in the architecture and the repetition of standardised design elements in the houses has an 'anywhere' appearance that does not preserve local distinctiveness or relate positively to the Conservation Area. The sense of place within the site is weak because of the poor architecture.

Flats to West Street are poorly laid out. The car parking and space behind these flats is a poor environment, lacking natural surveillance of the parking spaces. There is a lack of security to the private realm and it is unclear where the private and public realms are defined. The flats will need 35m back to back distances to other residential units as required by the Essex Design Guide but this is not achieved.

The formality of the layout and road hierarchy should have been carried through the large self-build plots at the northern end of the development. The central road through the two parcels of self-build needs avenue planting to link

the woodland to the main estate. As shown, the planting may or may not be established.

Elsewhere the gardens sizes are mostly to standard and the parking standards have been observed. The exception is where parking has been provided undercroft in terraced housing. Spaces that are enclosed by walls to each side should have an additional 1 metre of space for people to enter and exit their cars without the compromise of a narrow space.

One caveat on the parking arrangement is that there is a presumption towards triple tandem parking which has been designed as two tandem spaces in front of a garage, or more commonly half a shared double garage. Inevitably triple tandem parking leads to on street parking as it fails to function in an appropriate way for the residents who are asked to shuffle three cars on a single width driveway. The alternative would be to provide four spaces for larger houses and just two for 3 bedroom houses. Whilst this is less spatially efficient it offers more benefits to the sense of place and the visual amenity without on street parking as well as the amenity of residents who have off street parking that works.

#### Braintree District Council – Landscape Services (original proposal)

Landscape Setting: The recently commissioned Landscape Analysis of Settlement Fringes produced by The Landscape Partnership in June 2015 considers the landscape setting around Coggeshall as part of the overall evaluation for key settlements within the District. The parcels of land within the application are identified within the analysis as 4d and 4e which have been graded as *medium* landscape capacity and *medium-low* landscape capacity, respectively, for development.

Specifically - 4d – the area partly relates to the historic core of the village with some modern extension to the western side. The parcel presents potential opportunity for small scale infill development utilising the existing framework provided by dense riparian vegetation to the River Blackwater corridor, the containment to some wider views by the facing valley slopes and the presence of the existing built development.

From my own assessment of the visual intrusion provided by development on this rising ground and in particular the sensitivity of views across the River Blackwater from the Essex Way – here, the views are contained and could be substantially mitigated by the level of additional woodland planting put forward in the application - in that this backdrop of tree planting would change the visual perception of the site and provide a degree of visual filtering to the development.

The report from the Landscape Partnership also suggests that there is scope to provide suitable landscape mitigation, in keeping with the existing landscape pattern in the medium term. The report notes that additional tree and shrub planting would be required to integrate development and ensure a consistent buffer is provided by the River Blackwater in views from the Essex

Way. There is scope within the Masterplan for the site to deliver along these lines particularly if there is more attention paid to the landscape linkage provided along the boundaries of the site.

Reference is also made to area 4e – *which occupies the upper slopes where the views are more prominent and disconnected from the settlement edge by the vegetated presence of Robin's Brook*. However it is noted that the prospect of new community woodland along the northern edge would change the perception of this area over time and make some impact on the ambient noise levels from the A120 and the level of visual screening currently available from the roadside hedging already established along the highway.

*Trees and Arboriculture*: There are a number of protected trees on the lower part of the site close to West Street; there are no specific concerns about the impact of the proposals on the amenity and longevity of these particular trees and the greater landscape contribution from the proposed new landscaping would provide suitable mitigation for any losses.

*Biodiversity and Protected Species*: The Ecology Report provided by Applied Ecology Ltd. concludes that the site being largely arable land has a low level of biodiversity and limited wildlife value, although there are some areas of interest in the natural corridors of woodland, hedgerow and field margin. There are therefore opportunities to improve the biodiversity of the site which can be addressed by the sympathetic design of SuDS features, incorporating bat and bird nesting opportunities in the detailed design of the housing and in the design of the broader landscape including new hedgerows and the prospect of a larger community woodland

#### Braintree District Council – Environmental Health (amended application)

The revised plan better separates the commercial and residential use and the residential use is further from the A120. It is recommended that if there is a decision to grant consent that a condition is imposed for a revised noise assessment to be submitted to confirm that internal and external noise level criteria will be met. The hours of operation of the commercial activities shall be restricted to protect residential properties from undue noise impact.

It is possible that the traffic in connection to the commercial use may give rise to disturbance as might noise and emissions to air. It would therefore be appropriate to consider the restriction of times of working and deliveries and the addition of any external machinery or ventilation equipment.

The contaminated land assessment reports conclude that there is a need for an intrusive survey to further assess whether remedial action is necessary. I agree with the conclusions of the report and a contaminated land condition should be imposed on any consent to ensure that the second and any further necessary stages of remediation are implemented.

In respect of air quality; the resultant traffic flows (from transport report) are not at levels which would require properties to be assessed with regard to air



quality impact. However it should be recognised that the additional vehicle movements and fuel use in connection with the development will give rise to additional emissions to air following the development. The NPPF does require that in respect of air quality any adverse effects are offset by appropriate mitigation measures such as promotion of a travel plan, promotion and contributions to local public transport, provision of electric charging points and any other mitigation which contributes to the reduction of emissions to air and therefore the impact to end users of the site.

The external lighting at the site particularly in the vicinity of the commercial units proposed should be approved prior to installation to ensure that there is no undue impact on existing or proposed occupiers.

There should be a condition imposed to control the hours of working at the time of construction. There should be an assessment of the dust likely to be created from the development at the time of construction and a scheme of mitigation to be approved and adhered to throughout the site clearance and construction phase.

#### Braintree District Council – Housing (amended proposal)

Supportive of the proposal as it has the potential to yield much needed affordable homes and the housing mix which corresponds to the following:

- 12 x 1 bedroom 2 person flats
- 6 x 2 bedroom 4 person flats
- 13 x 2 bedroom 4 person bungalows
- 5 x 2 bedroom 4 person houses
- 2 x 3 bedroom 5 person wheelchair standard bungalows
- 5 x 3 bedroom 5 person houses
- 1 x 4 bedroom 6 person house

Total – 44 affordable dwellings

We would expect the two 3 bed wheelchair bungalows to be compliant with Building Regs Part M Cat3 and the all the 2 bed bungalows to Cat 2.

In terms of tenure we would seek a ratio of 70/30 of affordable rent over shared ownership.

#### Campaign to Protect Rural England (Essex branch)

Object for four reasons:-

- 1) The proposal is premature in advance of the preparation of the local plan. Further the Parish Council is in the early stages of creating a plan for Coggeshall.
- 2) Proposal conflicts with adopted local plan. The proposal would develop agricultural land outside the village envelope that should be protected for its own sake.

- 3) It conflicts with the Core Strategy of the emerging plan by damaging the countryside that provides a rural setting for Coggeshall.
- 4) Coggeshall is a very important historic place and should be protected from development that would be severely detrimental to the conservation area.

Essex County Council – Education (amended proposal)

There is currently sufficient EY&C provision within the ward/surrounding ward to accommodate children generated from this development.

This proposed development is located within the priority admissions area for St Peter's Church of England Voluntary Controlled Primary School. The school has a capacity of 315 places, of which 3 places are in temporary accommodation. The school is forecast to have a surplus of 30 permanent places by the school year 2019-20. No contribution for additional primary school places should, therefore, be requested.

This proposed development is located within the Braintree secondary forecast planning group 3 (Halstead / Hedingham / Coggeshall). The forecast planning group has an overall capacity of 3,065 places. The Braintree secondary forecast planning group 3 is forecast to have a surplus of 192 places by the school year 2019-20. No contribution for additional secondary school places should, therefore, be requested.

Essex County Council – Flood and Water Management (22 April 2016).

No objection subject to conditions as follows:-

- 1) No works shall take place 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 LPA. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
  - Limiting to 1 in 1 year run-off rate
  - Giving priority to the use of SuDS
  - Providing the required level of treatment depending on the source of run-off.
- 2) No works shall take place until 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 approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 3) No works shall take place 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 agreed in writing, by the Local planning Authority.

4) The applicant or any successor in title must retain 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.

A number of informatives are recommended.

#### Environment Agency (EA)

No objection

Flood defence - A very small part of the site in the eastern corner is within flood Zones 2 and 3 but no development is proposed within those areas. Robins Brook is designated as a main river. It appears that no development is proposed within 9m of the top of the bank of the main river or the landward toe of any defence. Any encroachment with 9m would require consent from the EA.

Foul water disposal – Anglian Water Services should be consulted as to the Available capacity of the foul water infrastructure.

Sustainability – EA recommends a number of measures to enhance the sustainability of the development.

#### Anglian Water Services

The foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre that will have available capacity for these flows

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

## Essex County Council – Minerals and Waste

No objection.

## Essex County Council – Archaeology

Archaeological fieldwork has been completed. It identified medieval and post mediaeval activity across the site. Pre-historic to Roman material was present in very low levels. The evaluation has allowed a more accurate assessment to be made. There are no objections to the development of the site. A full archaeological report will be required with recommendations for mitigation where necessary together with a programme of archaeological fieldwork.

Recommended that three conditions are imposed:-

- 1 No development or preliminary groundworks can commence until a full archaeological evaluation report has been submitted by the applicant and approved by the local planning authority.
- 2 No development or preliminary groundworks can commence until a programme of archaeological excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 3 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of field work, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

## NHS England (amended application)

The proposal is likely to have an impact on the services of Coggeshall Surgery which does not have capacity for the additional growth resulting from this proposal which could generate about 254 residents. The proposal would therefore give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation a proportion of which should be met by the developer.

A capital cost calculation indicates that a sum of £34840 would be needed to mitigate the impact of the proposal. This should take the form of a developer contribution secured through a planning obligation.

## REPRESENTATIONS

### *4 representations of support*

The proposal will bring affordable housing to “the town”. It will bring more employment and boost the local economy and businesses in Coggeshall and help new businesses establish and stop the continual closing of local shops etc. I also believe it to be the most practicable site in Coggeshall.

Many of the objectors are from households that are in fact from residents of 20th century development. It raises the question, if people had taken a similar position as they are, WHERE would they be living now?. This development offers much to the health of the Community and local business. Some of those "Objections" when read are not objections, but questions and should at least be classified as neutral.

### *3 comments*

The council should ensure that Coggeshall gets 2 bed starter homes, preferably with shared ownership, that the young people who were brought up in the village, educated in the village, work in the village and want to remain in the village to bring up their own families, so desperately need. Need good quality bungalows which are not part of a retirement development but incorporated with other housing types, to enable older people to downsize. Self build plots should be integrated into development

### *141 objections*

#### Summary of objections

The site lies outside the current development envelope and there is no demonstrable local demand for new housing or business premises on the scale set out in this application.

The amendments do nothing to alleviate the underlying concerns of the residents of Coggeshall. This remains land that is outside the village envelope; too big a development for a town of the size of Coggeshall, with its lack of infrastructure; too much of a blight on the landscape; too close to listed buildings at Highfields; it would generate too much traffic on an already hard to navigate road.

Many of the small business units in Coggeshall are currently vacant.

The area concerned is outside of the village envelope, in attractive countryside. Site is very conspicuous on sloping land. Proposal would detract from open views to the north of Coggeshall. The site is a valuable and attractive piece of green open space. The footpath across the land well used by the residents of Coggeshall and provides views across the Blackwater valley and beyond. The proposal would damage the tranquillity of

Robinsbridge Road by the ford/bridge which would be a loss to residents who enjoy walking that way.

The development would be an unattractive entrance to the village. It would adversely affect the Conservation Area and listed buildings (including Grade I building in West Street).

The commercial hub in the amended proposal would be visually intrusive and detrimental to the approach to the village.

The suggested new planting will not replace the lovely hedgerow, self-seeded oak tree and apple tree that currently grow along the boundary with West Street, or the centenarian Horse Chestnut tree adjacent to number 76.

The scheme would be high density and low quality not appropriate to village environment. Houses would result in noise and light pollution

Coggeshall is currently developing its community led plan for local development, which will detail where sustainable development acceptable to local people can take place. Coggeshall understands that it will have to accept new housing, but in order to protect a beautiful village with almost 200 listed buildings this needs to be in an appropriate style and place.

This is valuable arable land, has been for centuries, and needs to remain so. It is also important in the streetscape of Coggeshall, particularly on the entrance to the village along West Street.

Encroachment of needed green space - noise/air pollution from busy A120 - to already existing homes and town

The planning documents state that run off water from the proposed estate will either drain or be pumped into Robinsbrook. Robinsbrook is prone to frequent flooding and the proposal would increase flooding. West Street is frequently flooded across the carriageway with cars needing to go at crawling pace through the water. Flood water flows into the village flooding properties in Bridge Street. Surface water drainage from the site would contribute further to the flooding experienced at the junction of Robinsbridge Road and Ambridge Lane when the brook overflows in bad weather.

The sewerage system cannot cope with the additional houses.

Traffic on West Street is already bad and the road is congested. The narrow junction in the centre of the village at the start of West Street is already a pinch point and a one way system would ease the already current problem. Street coping with extra vehicles. On-street parking in West Street results in buses struggling to get through. At points along West Street the pavement narrows and can be dangerous for passing pedestrians. The proposal would increase traffic and congestion West Street increasing danger to all highway users. It would result in additional traffic at the A 120 junction and on the A120 which already suffers from congestion (eg Marks Farm Braintree).

Residents would be likely to drive into the village contributing to parking and congestion problems in Coggeshall.

There is one small commuter bus to Kelvedon Station which is already full. Proposal would result in additional traffic using Kelvedon Road to drive to station. Parking at Kelvedon station is limited.

Both primary and secondary schools are full to capacity and there are not enough pre-schools. There is no basis for the claim that St Peters expects a falling roll in the coming years, as stated in the application.

The doctors' surgery has no capacity for new patients. There is no NHS dentist in Coggeshall.

Telephone and broadband are already very poor in Coggeshall

The community resources referred to in the application (woodland and play area) are a long way from the village centre and would not be used by village residents.

Public transport (No 70 bus) is already over capacity.

The site provides a breeding site for the Skylark. This is a red-listed species that has declined by 75% in British farmland between 1972 and 1996. Development of this site will present a serious threat to the survival of this species. There are great crested newts on and around the site.

Effect on traffic and residents during construction – disturbance, dust etc.

Neighbouring residents request that a suitable boundary for security is provided, stopping pedestrian traffic on to their land from the proposed development. Occupier of Highfields expresses concern at effect of proposal on their outlook and the setting of their listed buildings – supports view of Essex County Council Heritage and the National Trust.

## REPORT

### Planning Policy Context – Housing

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

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

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

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

As previously stated national planning policy has changed significantly in specifying how local planning authorities should plan for housing growth and delivery and the Council need to respond to this. Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the Pre-Submission ADMP for examination by the Planning Inspectorate. Officers instead begun work on a new Local Plan which will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF - including the need to 'boost significantly' the supply of housing in the district. The Core Strategy stated that the Council would plan, monitor and manage the delivery of a minimum of 4637 dwellings between 2009 and 2026 – this equates to a minimum of 272 dwellings per annum. In accordance with national planning policy, the Council commissioned research to establish the Objectively Assessed Need for housing in the district. This research forms part of the evidence base for the new Local Plan. The Council's consultants advised that the Objectively Assessed Need for Braintree District is 845 dwellings per annum. Accordingly, the draft target of 845 dwellings per year from 2016 has been agreed by the Council for inclusion in the Draft Local Plan, which was approved for consultation at Full Council on 20th June 2016 and will set out the draft housing allocations to fulfil that target.

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its



view as at May 31st 2016 is, therefore, that its forecast supply for the period 2016 - 2021 is 3.52 years and for the period 2017 - 2022 3.59 years. This does not mean that sites outside of existing development boundaries are automatically appropriate for new development as it states at Paragraph 14 of the NPPF that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Officers recommend that the Council should determine this application on its merits, having regard to the principles of sustainable development set out in the NPPF and other relevant national and local planning policies and guidance.

The Council is committed to working to create a new Local Plan as a matter of urgency which will be fully compliant with national planning policy. Public consultation on a draft Local Plan is scheduled for June 2016 (commencing on 27<sup>th</sup> June for 8 weeks as agreed by Full Council) as part of the process required to get the new Local Plan adopted in 2017.

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

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

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

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

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

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. Coggeshall is identified as one of these key service villages.

In addition, the Council considered about 360 sites brought forward through two “Call for Sites” exercises, of which about 80 have been included in the list of preferred sites in the new Draft Local Plan, along with others. As part of this work, due to the scale of new housing that is required, 2 new stand-alone

garden communities are also being planned, with upwards of 10,000 homes each, to deliver sustainable and substantial growth and infrastructure into the future.

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

### Principle of Development

The 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 adjacent to but outside the Village Envelope of Coggeshall and is situated in the countryside. The proposed development of the site for residential and business uses therefore represents a departure from the adopted Development Plan.

The Core Strategy sets out the identified settlement hierarchy in the District for the purpose of the Development Plan. Coggeshall is identified as a Key Service Village with a good level of services. It is therefore at the second tier of the settlement hierarchy where the Core Strategy indicates that appropriate development will be supported and promoted. The supporting text reads:-

*"The Key Service Villages will be allowed to develop with growth already identified within existing development boundaries"*

The Core Strategy also identifies the Spatial Strategy for the District, setting out where new development should be located and stating (para.4.15) that the objective of the Spatial Strategy is:

*'To preserve and enhance the character of the rural heartland of the Braintree District, its countryside and villages, by supporting development that is needed to make settlements and the rural economy more sustainable and protect and enhance the natural environment and;*

*To concentrate the majority of new development and services in the Main Towns of Braintree, Witham and Halstead, at new Growth Locations at Braintree and Witham and in the Key Service Villages’.*

In terms of the new Local Plan which the Council are currently progressing, the site was submitted to the Council for consideration as part of the call for sites process. This site was considered by the Local Plan Sub Committee on 9 May 2016 (ref UCOGG180) but was not taken forward for consideration for allocation for residential development.

The National Planning Policy Framework (NPPF) is an important material consideration in the determination of all planning applications. 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 and is clearly contrary to both adopted Local Plan Policy RLP2 and Core Strategy Policy CS5 it remains necessary to assess the proposed development against the presumption in favour of sustainable development in accordance with the requirements of the NPPF.

The NPPF emphasises the importance of up-to-date local planning policies. In paragraph 14 it states that the presumption in favour of sustainable development lies at the heart of the NPPF and is a golden thread running through plan-making and decision-taking.

Paragraph 7 identifies the three limbs of sustainable development and paragraph 8 draws attention to the mutual dependency of the economic, social and environmental facets of sustainability. The policy around sustainability is encapsulated in paragraph 9 which states that the pursuit of “sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life”.

Paragraph 14 indicates two courses of action for the decision-taker

- a) where a development proposal is in accord with the development plan it should be approved without delay; and
- b) where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless:-
  - i) any adverse effects of doing so would significantly and demonstratively outweigh the benefits when assessed against the policies in the Framework as a whole; or
  - ii) specific policies in the Framework indicate development should be restricted.

A footnote to Paragraph 14 indicates that “specific policies” include those relating to “designated heritage assets”.

Paragraph 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council is currently unable to demonstrate a five year supply and it is therefore necessary to consider sub paragraph b) above. Whilst not explicit in that sub paragraph the over-arching objective within the NPPF, as explicitly expressed at the outset in paragraph 14, is the presumption in favour of sustainable development. Therefore the entreaty in sub paragraph b) relates to “sustainable” development.

When determining this application therefore the first consideration is whether the development would be sustainable. This application concerns development that has an effect on designated heritage assets and therefore, if the proposal would amount to sustainable development sub paragraphs b i) and b ii) (above) are both engaged.

#### Landscape character and appearance

The application site falls within two sub-areas identified in the Landscape Analysis of Settlement Fringes (LASF) produced by The Landscape Partnership in June 2015. The southern field fronting West Street is within Parcel 4d which also includes Highfields Farm and the northern frontage of West Street extending to the end of the frontage buildings. This part of the fringe is identified as an area with Medium Landscape Capacity. Paragraph 4.14 of the LASF indicates that Parcel 4d presents a potential opportunity for “small scale infill development”. It sets out guidelines for the mitigation of any development that may be permitted in this area. The larger field is within Parcel 4e which is identified as having a Medium to Low Landscape Capacity. No specific advice is given for Parcel 4e but reference is made to its relative prominence in views when approaching Coggeshall and from the Essex Way and its disconnection from the settlement edge by the vegetated presence of Robin’s Brook (para 4.20).

Bullet point 5 within the twelve core planning principles set out in paragraph 17 of the NPPF indicates that planning should “take account of the different roles and character of different areas..., recognising the intrinsic character and beauty of the countryside”. The importance of this principle was emphasised by Brandon Lewis MP, Minister of State for Housing and Planning on 27 March 2015 when he wrote to the Chief Executive of the Planning Inspectorate about landscape character in planning decisions. The letter referred to an appeal case in which harm to landscape character was an important consideration in the appeal being dismissed. The letter indicates that *“decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable in the local context”*. The

Minister went on to state that:- *“outside of (the) designated areas the impact of development on a landscape can be an important material consideration”*.

The application site lies within an area that performs a number of roles. It provides the setting for heritage assets (see “Heritage” below), it assists in clearly defining the western edge of Coggeshall and distinguishing it from the group of buildings to the west. It forms part of an undeveloped belt around the western end of the village that enables the landscape of the Blackwater valley to be appreciated from the north and south (including views across the valley from the Essex Way) and in both directions from West Street. The land also has a role in creating opportunities for residents of Coggeshall to access the open countryside, including short footpath links from the centre of the village.

The proposed development would materially reduce the undeveloped gap between the isolated developed frontages to the west and Coggeshall village to the east creating an almost continuously developed frontage on the north side of West Street. The important role played by the area in defining the extent of the village would be lost and the open views that can currently be enjoyed from north to south and south to north linking the river with the rising open land to the north would be destroyed.

The proposal would retain the existing footpath routes and create additional opportunities for public access; however the experience of those using the footpaths would be materially changed by the development.

The proposal goes far beyond the concept of “small scale infill” which the LASF indicates that Parcel 4d may be able to accommodate. Further, it would conflict with the guidelines for development in that area in the LASF which indicate that (amongst other things) development should take account of the approach to the village and preserve cross-valley views from the Essex Way.

Bullet point 5 in paragraph 7 of the NPPF indicates that the “planning” should recognise the intrinsic character and beauty of the countryside. It is considered that in this context having recognised that the countryside has an intrinsic character and beauty this cannot be ignored when decision taking. The countryside in this area is not nationally designated; however it is considered that its intrinsic character in providing a setting for the village and its natural beauty that arises from its gently sloping landform, the presence of the Brook and associated trees and hedges and the wider views through that provide inter-visibility from the valley floor to the upper slopes are worthy of protection.

In addition to the core principle in paragraph 7 the NPPF in paragraph 109 indicates, amongst other things, that the planning system should protect and enhance “valued landscapes”. The Framework does not define “valued” but as NPPF paragraph 115 refers to nationally designated land it is reasonable to conclude that the value of a *local* environment is a matter for local people and their representatives to determine.

The application site lies within the Upper Blackwater Special Landscape Area which confirms that it has been recognised by the Council as a valued landscape. The Special Landscape Area designation is of limited weight in decision making being superseded by landscape character assessments; however it demonstrates that the site is part of a valued landscape. The Braintree District Settlement Fringes Landscape Capacity Analysis for Coggeshall (November 2007) indicated that Area C4 to the north west of the village was of medium to high landscape value. This was as a result of its historic designation as a Special Landscape Area, the presence of a County Wildlife Site, good footpath network, listed buildings and proximity to a conservation area. That part of Area C4 to the south of the A120 does not benefit from a wildlife designation. However the other factors that are indicative of a valued landscape are present with the appeal site in particular being especially close to heritage assets and being crossed by footpaths.

The language in NPPF Paragraph 109 indicates that it concerns landscapes that are “valued” which introduces a subjective judgement of the worth of the landscape. Representations made by local residents and organisations provide a clear indication that the landscape in this area is valued by them and therefore the landscape within which the development is both objectively “of value” and subjectively “valued”. In these circumstances the NPPF indicates that it should be protected and enhanced.

The Landscape and Visual Impact Assessment (the LVIA) that accompanies the application indicates at paragraph 5.1.2 that the proposal would have an adverse effect on the local landscape character that cannot be avoided. It indicates that the role of the landscape architect has been to integrate the proposal into the landscape and to put forward mitigation proposals to compensate for the adverse effects. The issue to be considered is therefore whether the acknowledged harm can be successfully mitigated.

The LVIA indicates at 5.3.2 that the proposal would have a moderate adverse effect on the landscape (this is the second highest adverse rating below substantial adverse effect). However it concludes that as a result of the generous public open space, play facilities, footpath and cycle routes and community woodland the proposal would have a slight beneficial effect on the landscape character.

In considering the visual effects of the proposal the LVIA indicates that the existing landscape has a “good visual amenity” (6.1.4) where the quality of the views is such that there are few incongruous elements and the views are enjoyed by local people on a day to day basis (reinforcing the view the view that the landscape is valued and has an inherent positive character and beauty). The analysis carried out by the LVIA concludes that the visual effect of the proposal from identified view points would be mainly moderate adverse to slight adverse with a substantially adverse effect being experienced by users of a short section of footpath 72\_50 through the development. It indicates that as the development matures the overall visual effect would be slight adverse to negligible (7.1.4).

The Council has not carried out its own LVIA but it is considered that the applicant's LVIA underestimates the effect of the proposal. This report does not seek to analyse all possible viewpoints; however by way of example the LVIA indicates that views from Ambridge Road are largely screened by hedgerow and occasional trees, but this fails to address the view of the site from the end of Robinsbridge Road where it crosses the stream and the southern end of Ambridge Road where there are wide open views of the site, which is on rising land, across to Highfields Farm. (Viewpoint 14 in the LVIA comes closest but the specific viewpoint chosen has a small tree in the foreground). As a result of the proposal the dwellings would be skyline features and the proposal would severely detract from views into and across the site from the footpath.

The LVIA considers the view of the site from West Street which is used by vehicles and pedestrians. It indicates that when completed views from West Street immediately adjacent to the site would be moderately adversely affected and when established with maturing trees and vegetation (15 years) the effect on visual amenity would be "slight adverse".

The methodology that resulted in this conclusion is not challenged; however the proposal would destroy the open character of the land when seen from West Street. The road access to the site with its clear visibility splays and views into the development would be an urbanising feature which could not be disguised. The vegetation towards the front of the site may provide a degree of "filtering" of views but there would be no doubting the presence of the flats close to the road and the B1 units on the rising land to their west. It is considered that the LVIA conclusion that the effect from West Street would be "slight adverse" materially under estimates the effect of the proposal on this most publicly visible part of the site.

The LVIA concludes that in the absence of mitigation the overall effect of the proposal on the landscape would be moderate adverse. When seen from West Street, footpaths through and bordering the site and dwellings close to the site the visual effect of the proposal is also indicated to be mainly moderate adverse.

However the LVIA indicates that overall, and as a result of the mitigation measures, the effect of the proposal as regards both landscape and visual effects, would be slight adverse to slight beneficial. The LVIA indicates that this downgrading of the harm and the perception of a benefit from the proposal arises from generous public open space, landscaping, play facilities, footpath and cycle routes and community woodland.

When taken in the round those factors may make the area attractive to new residents and would introduce screening to hide the development from some viewpoints as well as having ecological and recreational benefits. However those measures would have a very limited effect on the development as perceived by users of the road and footpaths. The measures of mitigation cannot compensate for the loss of valued open countryside that carries out a

number of important roles in relation to the character and setting of the village and heritage assets.

The proposal would conflict with Policy RLP2 (Town Development Boundaries and Village Envelopes) of the Braintree District Review Local Plan (2005) and Policy CS5 of the Braintree District Local Development Framework Core Strategy (2011).

Failure to take account of the role and character of the area, failure to recognise the intrinsic character and beauty of the countryside and failure to protect and enhance “valued landscapes” are indicators that a proposal does not satisfy the environmental dimension of sustainability.

### Heritage Issues

The Council 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 setting of a “listed” building. It also has a duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The heritage issues arising from the proposal are fully set out in the response from Essex County Council (Heritage) above. Briefly: the Historic Buildings Advisor indicates that the agricultural use of the application site is closely associated with understanding the historic character of Highfields Farmhouse and still makes a strong contribution to the significance of the building. He indicates that the proposal would radically alter the historic setting of the listed buildings at Highfields Farm and would sever the buildings from their surviving agricultural setting completely altering the way in which these buildings are experienced. As regards the listed buildings he concludes:-

*This represents harm to a designated heritage asset, which the proposed mitigation measures cannot adequately address. As such the principle of this application would be harmful to the Listed Building.*

Turning to the Conservation Area he concludes that the proposal:-

*....has an impact on the way in which the asset is experienced and understood, as well as significantly influencing views into and out of the Conservation Area. The incursion of a large development to the west of the centre of the historic settlement of Coggeshall will result in the historic settlement plan being further subsumed and obscured, following other developments to the east. This loss of character will be compounded by the simple influx of a substantial number of new houses thereby expanding the settlement further away from its historic core, and further eroding the tightly defined settlement edge.*

The Historic Buildings Advisor does not indicate whether the degree of harm to the significance of the heritage assets is substantial or less than substantial as defined in Part 12 of the NPPF.



Historic England (HE) has responded to notification of this application and raise clear objection to the proposals on grounds of both its impact on the setting of listed buildings and the significance of the Conservation Area. They consider the proposals “would result in a fundamental change to the character of the landscape surrounding Coggeshall from rural agricultural to suburban and would cause harm to the setting of numerous Grade II listed buildings in the vicinity of the site and the setting of the Conservation Area.”

HE strongly recommend that the application is refused judging that the development would cause serious harm to the setting of the abutting Grade II listed buildings, at Highfields Farm due to the overall scale and proximity of the proposed dwellings and would cause harm to the significance of the Conservation Area as a result of the impact of their scale on its setting. HE conclude that the scheme would not be in accordance with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act nor would it accord with the relevant paragraphs of the NPPF (131, 133, 134) which relate to the assessment of the harm caused to heritage assets and, where appropriate, the extent to which this can be weighed against the public benefits of the proposal.

The applicant’s Heritage Statement and the later Heritage Impact Assessment also conclude that the proposal would harm the setting of the listed buildings at Highfields Farm and the setting of the Conservation Area. In each case the Heritage Statement and Impact Assessment indicate that the harm would be “minor”. The language suggests that the degree of harm indicated by the Heritage Statement is less than that indicated by the Historic Buildings Advisor.

The NPPF defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced”. The applicant’s assessments do not question that the site lies within the setting of the Farmhouse and Cart Lodge and it is self-evident that it does. The applicant’s assessments consider that the setting of the listed buildings is a “more minor” contribution to their significance than their architectural interest. It is agreed that the architectural interest of the buildings has resulted in their being listed; however the buildings’ historic interest is enriched by its function within the area and its historic relationship with its surroundings. The proposal would radically change the character of the surroundings of the listed buildings. It would severely limit views of the listed buildings from the south and east and the introduction of residential and business development would materially change the character of views out from the buildings, their immediate settings and the access to them. In these respects the proposals would conflict with Policy RLP 100 (Alterations and Extensions and Change of Use to Listed Buildings and their setting) of the Local Plan Review and Policy CS9 of the Core Strategy.

The applicant’s assessments conclude that the main significance of the Conservation Area lies in its architectural interest. It is acknowledged that the architecture within the village is of great significance, both as regards

individual buildings and groups of buildings; however the Conservation Area is more than the sum of its buildings. Its interest also derives from its settlement pattern, spaces, its historic development and its associations with and role within the countryside. The applicant's assessments conclude that the character of that part of the Conservation Area immediately adjacent to the application site has already been eroded as a result of the alterations made to the post-war properties; examples are given that show replacement windows, stone cladding and porches. However this very narrow judgement ignores the south side of West Street where the original character of the buildings is retained and fails to acknowledge the importance of West Street as the main historic route into the village which, not far from the site, is fronted by Grade I and Grade II listed buildings.

The Historic Buildings Advisor concludes that the proposal would impact on the way in which the Conservation Area is experienced and understood, as well as significantly influencing views into and out of the Conservation Area. It is considered that this is an accurate summary of the effects of the proposal and it is concluded that the proposal would materially harm the setting of the Conservation Area. The proposal would conflict with Policy RLP 95 (Conservation Areas) of the RLP and Policy CS9 of the Braintree District Local Development Framework Core Strategy (2011).

The response from Historic England is clearly material to the consideration of the application. This indicates a clear judgement that the development would fail to preserve the setting of the abutting Grade II listed buildings at Highfields Farm, would cause harm to the setting of other listed buildings in the vicinity and would harm the setting of the Conservation Area.

It is considered that the harm to the significance of both the listed buildings and the conservation area is material.

HE define the harm to the setting of listed buildings at Highfields Farm as "serious" which does not strictly accord with the definitions in the NPPF (which identify either "substantial" or "less than substantial" as measures). However, their reference to paragraph 133 of the NPPF indicates that they consider the impact to be "substantial" and as a consequence, the NPPF would advise refusal of consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

The harm to the character of the Conservation Area is considered to be "less than substantial", meaning that it should be weighed against the public benefit of the proposal.

Failure to ensure that the significance of heritage assets (including their settings) is not harmed by a proposal is an indication that a proposal does not satisfy the environmental dimension of sustainability.

## Design and Layout

The comments of the Braintree District Council Urban Design Officer are set out above and there is no need to repeat them in full. Briefly the Urban Design Officer is critical of a number of aspects of the full application. He considers that the design of the dwellings has insufficient regard to the character of Coggeshall resulting in an “anywhere” appearance. There is detailed concern about the layout of the flats and their associated car parking at the southern end of the site and some aspects of the car parking layout throughout the development.

He is also concerned about the urbanisation and loss of rural identity of the footpaths that pass through the site and indicates that the landscaping is not an integrated aspect of the proposal. He comments that lack of substance to the proposal gives rise to the possibility that it may be deliberately left undeveloped for future phases of housing.

The applicant's Design and Access Statement (DAS) indicates that features have been added to buildings to introduce interest and that those features help to contribute to the “rich and varied architectural vocabulary which define the locally distinctive character of Coggeshall” but there is no indication that the buildings have been designed to reflect the character of Coggeshall. The area to the rear of the flats would be dominated by car parking with a combination of open parking, car ports (car barns) and garages. It is considered that this would create poor townscape and detract from the amenities of the occupiers of the flats.

The DAS indicates that the flats on the frontage would continue the line of the houses to the east thereby enabling tree planting along the West Street frontage and linking the scheme with the Conservation Area to the east. Whilst there may be merit in setting the flats back and having parking at the rear there would remain a clear break between the houses in the Conservation Area and the proposal and it is considered that the proposal would have little affinity with the development in the Conservation Area.

The DAS comments that the business hub would reflect the character of the buildings in the vineyard on the opposite side of West Street. Whilst that may be so the vineyard buildings occupy only a small proportion of the southern frontage of West Street and they are related to the agricultural use of the land around them. There appears to be no rationale for the development of a business hub in this location and the proposed development across the full width of the site contrasts with the predominantly open land to the south.

The proposal would conflict with Policy RLP9 of the adopted Local Plan which requires a high standard of design and layout in all developments and Policy CS9 of the Core Strategy which requires ‘the highest possible standards of design and layout in all new development’. At the national level it would conflict with the NPPF which indicates that planning should always seek to secure high quality design (Paragraph 17 - Core planning principles) and that

‘good design is a key aspect of sustainable development’ (Paragraph 56). Failure to achieve good design, in its widest sense, is an indication that a proposal does not satisfy the environmental dimension of sustainability.

### Open Space

The provision for open space would satisfy the Council's normal requirements.

### Effect on Neighbour Amenity

The proposed development would be sufficiently remote from the nearest dwellings to prevent any unacceptable effects on the living conditions of their occupiers. The occupiers of Highfields Farm express concern about the effect of the proposal on their outlook. Whilst this is of concern when considering the setting of the listed building the change in the view from the house would not have an unacceptable effect on living conditions.

### Highway Issues

The Parish Council and residents raise a number of concerns about the effect of the proposal on traffic in West Street and the wider network. The Highways Authorities raise no objection to the proposal in principle; however Essex County Highways indicates that as detailed the roads within the development (for which “full” permission is sought) would not meet its criteria for adoption.

### Trees

Landscape services indicate that no objection is raised to the loss of trees on the lower part of the site. For the record it should be noted that the proposal would require the loss of all of the trees on the West Street frontage including an oak tree towards the eastern end which is in good condition. The trees are proposed to be removed to accommodate the visibility splays and footways. It is also proposed to remove the mature horse chestnut at the extreme south east corner of the site on the West Street frontage. That tree is the subject of a TPO (30/2000). It is prominent in the street scene and is considered to be of significant amenity value both from within the conservation area and from outside looking towards it. However the applicant's arboricultural impact assessment indicates that it is in poor condition. It recommends that the tree is pollarded and that ivy is removed to fully assess its condition. It is indicated that eventually the tree will need to be removed and it is therefore recommended that it be felled, this would be a matter of good husbandry not be as a result of the proposal.

In addition to the frontage trees the proposal would result in the loss of a group of trees close to the eastern boundary. The drawings are not sufficiently clear to indicate whether the trees are also the subject of the TPO but they are all indicated to be in fair condition. It is indicated that their removal is required to enable a footpath to be constructed.

The loss of existing trees would be regrettable; however landscape services indicate that the trees lost as a result of the proposal would be adequately mitigated by the tree planting proposed within the development.

### Biodiversity

The creation of flower meadows and woodland would enhance the biodiversity of the site; however it would be essential to ensure that the existing high value habitats around the site including woodland, field margins, hedgerows and the Brook were suitably protected and enhanced.

Residents have raised specific concerns about the effect of the proposal on skylarks and great crested newts but this is not supported by the ecology surveys.

### Affordable Housing

Housing services indicate that the proposal would accord with current affordable housing requirements. The provision of affordable housing could be achieved through a planning obligation which the applicant is willing to enter into.

### Education

The comments of residents and the Parish Council are noted; however the education authority considers that the need generated by the development can be met within existing education provision.

### Health

The comments of residents and the Parish Council are noted; however the health authority raises no objection subject to a financial contribution to improve capacity at the local surgery by way of extension, refurbishment, reconfiguration or relocation.

### Drainage

The sewerage system at present has sufficient capacity to accommodate flows from the proposed development.

The proposal would increase the speed of run-off of surface water from the site. The surface water in this area finds its way into Robin's Brook and then to the River Blackwater, both of which have a record of flooding. The proposal includes measures to store surface water on the site. Provided that on-site attenuation would limit flows of surface water to the green field rate the proposal would be satisfactory as regards surface water drainage.

Essex County Council – Flood and Water Management gives no indication that attenuation measures could not be incorporated into the development.

### Planning Obligation

The applicant indicates willingness to enter into a planning obligation including (but not necessarily limited to):

- The provision of affordable housing
- Provision and maintenance of community woodland, play areas and other areas of public open space.
- Matters relating to the provision/improvement of bus stops and travel plan monitoring.
- Contribution to childcare/pre-school facilities
- Supporting and enhancing primary health care facilities.

The applicant indicates that other matters may arise during the consideration of the application which may need to be discussed before the obligation is finalised.

### Planning Balance

The NPPF (paragraph 8) indicates that in order to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is accepted that in the real world it is not always possible to achieve gains in each dimension of sustainable development and it is therefore necessary to strike a balance between competing issues.

Taking account of the indications in the NPPF the provision of new housing with a good proportion of affordable housing would be a significant benefit. The absence of a five year supply of housing land adds to the weight to be given to the proposal.

The business units would provide opportunities for employment which would also benefit the local economy. Any new housing and employment development would provide a boost to the building industry and suppliers of materials, fittings and furnishings. Residents occupying the houses would be likely to use shops and services within Coggeshall thereby making a positive contribution to their viability. The site is in a sustainable location as regards access to local shops services and public transport. All of these factors weigh in favour of the proposal and make a positive contribution to the social, economic and environmental dimensions of sustainable development.

The proposal would include an area of community woodland and flower meadows which would be of benefit to local ecology and enhance access to the countryside. These aspects of the proposal would be beneficial to the social and environmental roles of sustainability; however guaranteed public access could only be achieved by a planning obligation. This aspect of the proposal goes beyond what could reasonably be required in connection with a development of this type and therefore its provision via a planning obligation would conflict with the CIL regulations. Therefore it should be given no weight by the decision taker.

This report identifies and sets out the nature of the harm that would arise from the development to the role, character and appearance of the countryside and the setting of heritage assets. It also identifies the shortcomings of the design of the proposal. That harm would conflict with the environmental dimension of sustainability.

As regards heritage assets the harm that has been identified would be substantial in terms of the setting of the listed buildings at Highfields Farm and less than substantial in terms of the impact on the character of the Conservation Area.

As indicated above the development of new housing will always bring benefits but those benefits do not always outweigh all other considerations. In this proposal it is considered that the public benefit arising from the proposal would not outweigh the harm to the significance of heritage assets.

It is further considered that when assessed against the policies of the NPPF as a whole the adverse effects of the proposal would demonstrably and significantly outweigh its benefits.

## CONCLUSION

The proposal would conflict with the development plan and taking account of all of the dimensions of sustainability it would not be sustainable development. The harm to the countryside and heritage assets arising from the development would significantly outweigh the benefits and further, when assessed against the policies of the NPPF as a whole, the adverse effects of the proposal would demonstrably and significantly outweigh its benefits. Moreover, in view of the harm to designated heritage assets that would be caused by the development, the development would clearly conflict with the Authority's statutory obligations in relation to its impacts upon the setting of Listed Buildings and the character or appearance of Conservation Areas.

It is therefore concluded that permission should not be granted.

## RECOMMENDATIONS

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

1. The site lies to the west of Coggeshall and is in a location where Policy CS5 of the adopted Core Strategy indicates that development will be restricted to 'uses appropriate to the countryside'.

The site was submitted to the Council for consideration as part of the "call for sites" within the Local Plan process. The site was considered by the Local Plan Sub Committee on 9 May 2016 but was not taken forward for consideration for allocation for residential development. The local plan process is at an early stage and therefore the indication of potential

development sites carries little weight. Nevertheless the site will not be taken forward for consideration in the next phase of the Local Plan.

The Council cannot currently demonstrate a five year supply of housing land as defined in the National Planning Policy Framework (NPPF). Therefore as indicated in paragraph 49 of the NPPF the policies for the supply of housing are not up-to-date. Paragraph 14 of the NPPF indicates that in these circumstances permission should be granted for sustainable development unless:- a) any adverse effects of doing so would significantly and demonstrably outweigh the benefits of allowing development when assessed against the policies in the Framework taken as a whole; or b) specific policies within the NPPF indicate that the development should be restricted.

The Council considers that the application site is in a sustainable location; however it considers that as a result of the harm that would arise to the character and appearance of the countryside and the significance of heritage assets the proposal would fail to perform the environmental role of sustainability. When considered against the NPPF as a whole the proposal fails to take account of the role of the area and would be harmful to the intrinsic character and beauty of the countryside. The Council also considers that the proposal would fail to protect valued countryside. Further the design and layout of the proposal fails to respond to the distinctive character of the area and includes a number of detailed shortcomings that are identified in the officer report. In this respect the proposal would conflict with one of the Core Planning Principles which indicates that planning should always seek to secure high quality design. The proposal would therefore conflict with Braintree District Local Plan Review (2005) policy RLP 9 and Core Strategy Policy CS 5.

The proposal would be materially harmful to the significance of the setting of heritage assets and would conflict with Policy RLP 95 and RLP 100 of the Braintree District Local Plan Review (2005) and Core Strategy Policy CS 9.

The development of new housing would respond to the encouragement to boost significantly the supply of housing that is set out in the NPPF. The provision of housing land and affordable housing would result in a range of benefits that are acknowledged by the Council; however it is considered that the public benefits arising from the proposal would not outweigh the material harm to the significance of heritage assets. It is further considered that the adverse impacts as regards the role character and appearance of the countryside and the effect on heritage assets would significantly and demonstrably outweigh the benefits of allowing the development.

2. The site the subject of this application is located on land to the west of the settlement of Coggeshall. The land is located just beyond the boundary of the Coggeshall Conservation Area and the site also encloses the south, north and east aspects of two grade II Listed Buildings to the west of the site, Highfields Farm and the Cartlodge at Highfields Farm, as well as other associated curtilage listed structures. Directly to the west of the southern edge of the site, numbers 104-112 (even) West Street are all individually listed grade II and



numbers 89-105 West Street (odd) are also all listed grade II either individually or part of a group.

Given the location of the site and its relationship with designated heritage assets, 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 setting or any features of special architectural or historical interest which the Listed buildings possess. The Local Planning Authority also has a duty under Section 72(1) of the same Act to pay special attention to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a Conservation Area. Local Plan policies RLP95 and RLP100 and the National Planning Policy Framework support these statutory duties and regimes.

The proposed development would enclose the group of grade II Listed Buildings at Highfields Farm, radically altering their existing setting and severing the buildings from their surviving agricultural setting. The proposed development would occupy a prominent location on an important entrance route into the Coggeshall Conservation Area. The incursion of such a large development to the west of the centre of the historic settlement of Coggeshall would change the settlement's context, compromise its historic settlement plan and erode the tightly defined settlement edge, all to the detriment of the character and significance of the Conservation Area. The harm to the significance of the setting of the listed buildings at Highfields Farm is considered to be substantial and the harm to the significance of the Conservation Area is considered to be less than substantial. Having regard to the guidance in paragraphs 131 - 134 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance of designated heritage assets and would conflict with the statutory duties, national guidance and Local Plan policies outlined above.

3. 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.

The applicant has indicated a willingness to make a planning obligation to ensure that community and infrastructure facilities are provided but in the absence of an obligation the proposal would conflict with the development plan as regards:-

- the provision of affordable housing
- a financial contribution toward primary School provision

- a financial contribution towards the provision of primary health care.
- the provision and maintenance of play areas and other areas of public open space.

### SUBMITTED PLANS

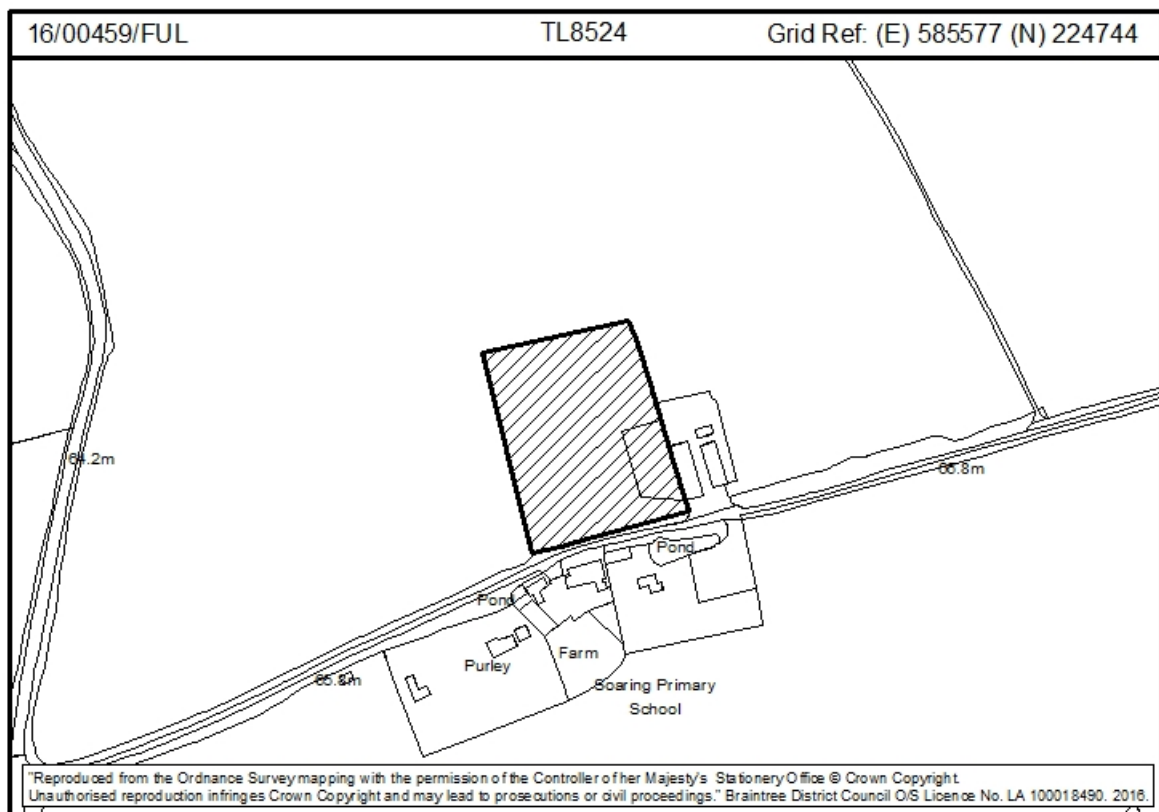
Location Plan	Plan Ref: 366-LP-01
Planning Layout	Plan Ref: 366-SK-01
Planning Layout	Plan Ref: 366-SK-02
Block Plan	Plan Ref: 366-SK-03
Storey Height	Plan Ref: 366-SK-04
Affordable Housing Plan	Plan Ref: 366-SK-05
Refuse Information	Plan Ref: 366-SK-06
Garden Layout Plan	Plan Ref: 366-SK-07
Parking Layout	Plan Ref: 366-SK-08
Levels	Plan Ref: 366-SK-09
Levels	Plan Ref: 366-SK-10
Street elevation	Plan Ref: 014-038-011
House Types	Plan Ref: 014-038-101
House Types	Plan Ref: 014-038-102
House Types	Plan Ref: 014-038-103
House Types	Plan Ref: 014-038-104
House Types	Plan Ref: 014-038-105
House Types	Plan Ref: 014-038-106
House Types	Plan Ref: 014-038-107
House Types	Plan Ref: 014-038-108
House Types	Plan Ref: 014-038-109
House Types	Plan Ref: 014-038-110
House Types	Plan Ref: 014-038-111
House Types	Plan Ref: 014-038-112
Landscaping	Plan Ref: 1722 05
House Types	Plan Ref: 014-038-113
House Types	Plan Ref: 014-038-114
House Types	Plan Ref: 014-038-115
House Types	Plan Ref: 014-038-116

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/00459/FUL DATE: 13.04.16  
 VALID:  
 APPLICANT: Soaring High Primary School  
 Ms Sarah Rowledge, Purleys Farm , Colne Road,  
 Coggeshall, Essex, CO6 1TH  
 AGENT: Ingleton Wood Norwich  
 Fiona Hunter, 8 Whiting Road, Norwich Business Park,  
 Norwich, Norfolk, NR4 6DN  
 DESCRIPTION: Change of use of land from agricultural to school playing  
 field (Use Class D1) relating to Soaring High Montessori  
 Primary School  
 LOCATION: Land Adjacent Purley Farm Barns, Colne Road,  
 Coggeshall, Essex

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)



## SITE HISTORY

09/01083/FUL	Change of use from B1 office to Montessori Primary School	Granted	12.11.09
13/01272/FUL	Application for removal or variation of condition no. 5 of planning application 09/01083/FUL - Relating to operation times - up to 9.30pm Monday-Friday on 9 occasions per calendar year and 12pm - 5pm on 6 Saturdays per calendar year.	Granted	19.02.14
15/01224/FUL	Application for variation of condition no. 5 of approved application 09/01083/FUL - Change to opening hours - on 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday. On 6 days per calendar year, the school may operate between 12:00 and 17:00 on a Saturday	Granted	20.11.15
00/01388/FUL	Removal of existing prefab offices and construction of permanent office replacement linked to other office. Re-organise car parking and landscaping	Granted	04.10.00
03/01250/COU	Change of use of parking area to over-wintering site for caravans	Granted	02.12.03
03/01445/FUL	Installation of temporary telecommunications base station	Refused	05.09.03
04/00763/FUL	Change of use to storage of caravans - Removal of Condition no. 4 of planning approval 03/01250/COU	Granted	14.06.04
89/00881/P	Erection Of Temporary Prefabricated Office Building	Granted	20.07.89
89/01713/P	Change Of Use Of Land To Hardstanding, To Form Lorry Park For Maximum 5	Refused	21.11.89

90/01055/PFBS	No Vehicles Permanent Use Of Buildings For Office Purposes And Associated Landscaping	Granted	04.09.90
95/00589/FUL	Erection of extension to existing offices	Granted	20.06.95
98/01252/FUL	Proposed rebuilding of existing timber barn	Granted	20.10.98
99/00568/FUL	Proposed change of use to offices and rebuilding of existing timber stable	Granted	07.06.99
05/01903/FUL	Renewal of previously approved application no: 00/1388/FUL - Removal of existing prefab offices and construction of permanent office replacement linked to other office. Re-organise car parking and landscaping	Granted	10.01.06
07/01967/FUL	Conversion of offices into a four bedroomed dwelling	Withdrawn	03.12.07
08/00070/FUL	Conversion of offices into a four bedroomed dwelling	Refused then dismissed on appeal	05.03.08
09/01083/FUL	Change of use from B1 office to Montessori Primary School	Granted	12.11.09
15/01224/FUL	Application for variation of condition no. 5 of approved application 09/01083/FUL - Change to opening hours - on 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday. On 6 days per calendar year, the school may operate between 12:00 and 17:00 on a Saturday	Granted	20.11.15
14/01090/FUL	Change of use from agriculture to school playing field (Use Class D1) relating to Soaring High Montessori Primary	Withdrawn	14.10.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS8            Natural Environment and Biodiversity

### Braintree District Local Plan Review

RLP62        Development Likely to Give Rise to Pollution or the Risk of  
Pollution  
RLP80        Landscape Features and Habitats  
RLP81        Trees, Woodland Grasslands and Hedgerows  
RLP90        Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as it is considered that its impact could be significant. Representations have been received, both objecting to, and in support of the application.

## SITE DESCRIPTION

The application site is situated within an isolated rural area approximately 1.15km north of Coggeshall village. The application site is outside of any Development Boundary as defined by Braintree District Council's Adopted Local Plan Review (2005) and is therefore classed as countryside.

The application site is accessed off the B1024 (Colne Road) which links Coggeshall and Earls Colne. The site is a short drive from the junction of Colne Road with the A120, located approximately 1 kilometre /0.6 miles to the south. Coggeshall lies to the south, on the opposite side of the A120.

The application site measures approximately 0.78 hectares (ha) and currently consists of part of an agricultural field located adjacent to Colne Road. The site is clearly visible from the B1024 with the land rising gently away from the road. There is a small wooded area towards the eastern corner. The field gate access to the site is located on a gentle bend in the road. To the east of the site there are buildings used for Class B1 (light industrial) use and by the school for storage, with a gravelled parking area to the front. Purley Farmhouse, a residential dwelling, and the school lie to the south of the site on the opposite side of Colne Road. Purley Cottage is the adjacent neighbour to the west of the school.

The school itself gained planning consent in August 2009 (09/01083/FUL refers), for the conversion of Class B1 (offices) at part of the former Purley Farm site to a school site. At that time the school had 24 pupils and 7 staff. Condition 2 of that consent states that...*the premises shall be used as a school for the education of people under the age of 16 and for no other purpose within Class D1.* The school began operating on the site in 2010. The applicant advises that the school currently has 50 pupils ranging from 4-11 years old and has a maximum capacity of 70 pupils, capped by Ofsted at this number due to the available amount of internal space. No cap on numbers is imposed by the planning consent.

The approved opening hours are as follows (15/01224/FUL refers):

08:00 to 18:00 on Monday to Friday, 08:00 to 12:00 on Saturdays and no time on Sundays, except as follows: On 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday; On 6 days per calendar year, the school may operate between 12:00 and 17:00 on a Saturday. The extended hours were to allow for activities such as parents' evenings and informal events.

## PROPOSAL

This planning application seeks approval for the change of use of land from agriculture to a school playing field (D1) for use by Soaring High Montessori Primary School. A previous application for the change of use of this land to a school playing field (ref. 14/01090/FUL) was submitted but withdrawn before it was determined. The school's existing external space is currently laid to provide: an equipped play area, a small sports pitch laid with artificial grass and a small irregular shaped area of grass. This proposal would add to the school's existing external play space and would not replace it. The applicant has advised that whilst the existing space meets some of the school's need, there is a requirement for a larger grassed space to function as a traditional school playing field.

The field would be used for physical education classes, lunch breaks, occasional classes and extra-curricular activities. The applicant is not seeking approval of a specified timetable as this would not provide the flexibility required by the school. Notwithstanding this, to assist the Council, external space timetables have been provided by the applicant, replicated below for ease of reference. It should however be noted that there is no restriction on when the existing outdoor space may be used during opening hours.

### ***Current timetable for the existing outdoor space***

Monday	Lunchtime break 12:15 – 13:45		Afterschool Activity 15:45 – 16:45 <sup>1</sup>
Tuesday	Lunchtime break 12:15 – 13:45		
Wednesday	Lunchtime break 12:15 – 13:45	Sports Lessons 13:45 – 15:00	Afterschool Activity 15:45 – 16:45 <sup>1</sup>
Thursday	Lunchtime break 12:15 – 13:45	Sports Lessons 13:45 – 15:00	

Friday	Lunchtime break 12:15 – 13:45		
Non-Timetabled Activities	Guests coming into the school periodically (Archaeologists, Landscape Designers, Outdoor Sculptors) who will spend an element of time with the children outdoors. Sports Day in the Summer Term between 14:00 and 15:00. Periodical times when the children are allowed to take their learning outdoors. <sup>2</sup>		

1 – NB In the Winter months, these are currently indoor activities

2 – NB This periodical activity is weather dependent and dictated by what the children are learning

**Indicative proposed timetable for the existing outdoor space**

Monday	Lunchtime break (once a week) 12:15 – 13:45		Afterschool Activity 15:45 – 16:45 <sup>1</sup>
Tuesday			
Wednesday		Sports Lessons 13:45 – 15:00 <sup>2</sup>	Afterschool Activity 15:45 – 16:45 <sup>1</sup>
Thursday		Sports Lessons 13:45 – 15:00 <sup>2</sup>	
Friday			
Non-Timetabled Activities	Guests coming into the school periodically (Archaeologists, Landscape Designers, Outdoor Sculptors) who will spend an element of time with the children outdoors. <sup>3</sup> Periodical times when the children are allowed to take their learning outdoors. <sup>3</sup>		

1 – NB This activity utilises the astroturf, but is weather dependent.

2 – NB These activities will be periodical and depend on the activity proposed (i.e. if the children are playing basketball, the astroturf will be used but if the children are playing football they will be on the proposed field).

3 – NB This periodical activity is weather dependent, dictated by what the children are learning and will be split between the proposed field and the current outdoor space.

**Indicative timetable for the proposed field use**

Monday	Lunchtime break 12:15 – 13:45 <sup>1</sup>	
Tuesday	Lunchtime break 12:15 – 13:45 <sup>1</sup>	
Wednesday	Lunchtime break 12:15 – 13:45 <sup>1</sup>	Sports Lessons 13:45 – 15:00 <sup>2</sup>
Thursday	Lunchtime break 12:15 – 13:45 <sup>1</sup>	Sports Lessons 13:45 – 15:00 <sup>2</sup>
Friday	Lunchtime break 12:15 – 13:45 <sup>1</sup>	
Non-Timetabled Activities	Guests coming into the school periodically (Archaeologists, Landscape Designers, Outdoor Sculptors) who will spend an element of time with the children outdoors. <sup>4</sup> Sports Day in the Summer Term between 14:00 and 15:00. Periodical times when the children are allowed to take their learning outdoors. <sup>4</sup>	

1 – NB Once a week the lunchtime break will be on the existing outside space



*2 – NB This is dedicated by the availability of a teacher and the days may not be set to a Wednesday and Thursday.*

*3 – NB In Winter months these are likely to be held indoors*

*4 – NB This periodical activity is weather dependent, dictated by what the children are learning and will be split between the proposed field and the current space.*

The field would, in the main, be laid to grass with an indigenous hedge and new trees bordering the site. A further area of planting is proposed to the north of the spinney and it is also proposed to extend the spinney at its southern end and lay a new bark chip footpath through the spinney. Fencing referred to in the application variously as “rabbit proof fencing” and “cattle fencing at 1.15m” is to be erected along the boundary.

A new infiltration pond and associated decked area would be created at the northeast corner of the site.

It is proposed to mark out a “Noisy Activity Area” towards the northern end of the field with the remainder of the field designated for “quiet activities”. No physical separation of these areas is proposed. No built development is proposed on the site other than a small scale boundary fence and the pond deck.

## CONSULTATIONS

ECC Highways – No comment to make on this proposal as it is not contrary to Local Transport Plan Policies in respect of Safety, Accessibility, Efficiency/Capacity, Road Hierarchy, and Parking Standards.

BDC Landscaping – No objections raised.

The current setting is an agricultural field. Whilst there may be limited views of the site that could change as a result of this development, due to the proposed landscaping it would not appear out of place within the countryside setting. The submitted Planting Plan and Landscaping Maintenance Plan are both very thorough and of good quality.

Many trees are to be planted in accordance with the Planting Plan, so the site will benefit local amenity and canopy cover in the area. There is a proposed path running through the existing wooded area. It is stated that all development works around retained trees are to be undertaken in line with BS 5837:2012 which is good, and should ensure that retained trees are not damaged. To create this path through the wooded area an Arboricultural Method Statement will need to be written detailing the method of construction – most likely no dig – to ensure root protection areas are not compacted or dug up. Due to the nature of the site and potential future use, all care should be taken to ensure retained trees are not damaged so submission of this method statement before development commences should be conditioned if permission is granted.

Due to the agricultural nature of the site, protected species are unlikely to be present. The addition of many new trees, shrubs, hedges and a pond will all benefit local wildlife and biodiversity.

BDC Environmental Services Pollution – Currently the outside activities at Soaring High School take place immediately adjacent to a residential garden. The school did in October 2015 erect a 2m fence but the effectiveness of this in reducing noise level is limited and noise from outside activities is still readily audible at the neighbouring property.

This proposal seeks to move the external activities to a field opposite. However external activities may still take place in the existing school playground areas.

The noise assessment concludes that the resultant noise level will be comparable to the existing background noise level assessing the noise as a point source and assuming that ground absorption will be maximised as noise created by the children at 1m height. In practice noise will also be created by adult instruction and I have heard instruction and the use of whistles at the neighbouring site so the noise will not in all cases be attenuated to as low a level as the calculations might suggest.

The report does mention the installation of a 1m bund as an acoustic screen. No further detail is provided but realistically a 1m bund is of insufficient height to provide significant reduction and unless the bund can be placed very close to the receptor or the noise source then any sound reduction would be dominated by the distance attenuation.

It is important, if this development proceeds, to maximise the noise reduction and therefore I would recommend that details of a suitable acoustic screen are provided for approval.

EHO further response to additional information – “Whilst the intention to have a specific area for noisier activities was agreed at the pre app meeting, the provision of a noise assessment allows the specific noise levels to be assessed so it was necessary to be included with the application. It is true that the levels predicted are not inaudible but lower than those currently experienced from the neighbouring playground at the residential property and therefore if the application confirmed that the new area was an alternative site rather than an addition to the existing outdoor play areas then this would provide confidence that the plans offer a means of removing existing noise intrusion. Whilst the additional comment about resultant noise levels is noted, the concern of the nearby resident is that two audible simultaneous noises could be created from two different directions. This situation occurring is not specifically precluded in the submission. Whilst the addition of the two noise sources will not create a significant increase above the existing in acoustical terms there would still be an increase.

My consultation response refers to the applicant's noise assessment report which states 'Additionally, it may be possible to construct a low grass/earth

bund or bank across the field to a height of 1 metre. This would provide visual as well as acoustic screening to the residential properties in Colne Road. Page 7 of report- Is the noise consultant able to provide details of the predicted acoustic screening afforded by this bund and where it would be positioned to further minimise the impact from the proposal. I note that this has not been mentioned in the addendum.

I believe the aim of the proposal should be to minimise the adverse effects as far as practicable and have the positive outcome of limiting noise from the existing development. In my view the submission needs to focus on additional mitigation (which has been mentioned in the noise assessment but with no detail) and possible conditions provided they are appropriate from a planning perspective.'

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties.

In response, six letters of representation have been received from residents being at Purley Farmhouse, 91 Colne Road, Coggeshall, 12 Willow Tree Way, Earls Colne, Gulls Farm, Buckleys Lane, Coggeshall and 30a West St, Coggeshall, who have objected to the application on the following grounds:

- Road safety concerns; safety of children crossing Colne Road near a bend in the lane; increased traffic using the lane in recent years; no speed restriction on the lane; no warning signs for drivers in the vicinity of the school;
- Unsustainable location, children have to be driven to the site;
- Easy access/egress to my property is restricted during school commencement and finishing times; people parking on private drive to drop off/collect pupils;
- Agricultural land should be protected, retained and preserved; does not enhance character of the landscape; land lost for good if school remains open;
- If more land is needed why didn't the school choose a more appropriate setting when they set up?
- Serious and founded concerns in relation to the continual growth of school in this rural location;
- Proposal may result in additional pupils and staff;
- Proposal could lead to built development on the site; the Planning Statement does not clarify if any buildings may be erected to store equipment only that no permanent sports or play equipment will be erected;
- Proposal may lead to floodlighting;
- School currently rent an adjacent building in B1 use which could be turned into changing rooms;
- Possibility that proposed field could be used for other events such as school fetes and competitions;

- School has detrimental impact on quality of my home and garden environment;
- Extreme noise from existing play activities makes it impossible to relax;
- Current situation is becoming increasingly stressful and intolerable for my family as school expands;
- This problem will only increase with this proposal; if this application is approved there will be no limitation as to the frequency of noisy activities between the hours the school have applied for, the suggested limited timings and the division of activities put forward in this report may bear no resemblance to what will actually take place;
- No obligation for school to ensure pupils remain in the noisy activity area or to construct an earth bund to mitigate noise; how could the activities of excitable playing children be contained in the noisy area?
- Proposed boundary planting would obscure my views of open countryside;
- Support comments are from parents of pupils, those with links to the school, or people that will directly benefit from the proposal; this is a residential area, the fact that there are only a few residents should not be given any less credence than if the area was more populated.

19 letters of representation have been also been received from Purley Cottage, Vine Cottage, Tumblers Green, Stisted, Montclare, East St, Coggeshall, 56 Coggeshall Road, Earls Colne, 22 Church Rd, West Mersea, 3 Foundry Lane, Earls Colne, 35 Kings Acre, Coggeshall, 7 Jellicoe Way, Braintree (2 letters), 100a Feering Hill, Feering (4 letters), 1 The Gravel, Coggeshall, 53 London Rd, Feering, 77 Madgements Rd, Stisted, Grange Place, Greenacres, Coggeshall, Orchard Cottage, Ipswich Rd, 17 Broadstreet Green Rd, Maldon, who have supported the application on the following grounds:

- The school currently has limited external space that is not sufficient for all outdoor activities; limiting my child's scope for physical education/sporting activities; government initiatives to combat obesity;
- The opportunity for a grassed space in line with the expectation of "normal" school provision will facilitate sports lessons and nature lessons which will improve the educational experience for the children; the children currently have to be taken off-site on a mini bus in order to experience this;
- As a neighbour I am in full support of the application;
- The school is acting responsibly and is ensuring that any noisier activities take place at the northern end of the playing field reducing expected noise levels;
- The school is already operating and the children are at school, no additional travelling, pollution from cars etc. is likely to be caused by the new sports field;
- The children will be safely escorted from the school building to the proposed school field; no traffic or highways issues; the use of the gate and the crossing of the road is currently well managed at drop off and pick up times by the parents

- Children and noise associated with play and outside learning are an integral part of our society and healthy participation in outdoor activities should be welcomed and encouraged;
- The Pace Consult report has shown there will be no significant noise impact as an outcome of the proposed playing field;
- Landscape Strategy in keeping with surroundings;
- Land could be reverted to original use of the situation were to arise.
- The school provides excellent choice in education provision, in a catchment area where other primary schools are heavily subscribed.
- Improved education experience for our children/pupils.

## REPORT

### Principle of Development

The application site is situated outside of any development boundary as defined by the Braintree District Local Plan Review and emerging Local Plan and is therefore in open countryside.

The National Planning Policy Framework (NPPF) (paragraph 72) gives great weight to the need to create, expand and/or alter existing schools.

Policy CS5 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. Such uses would normally be expected to be related to agriculture or forestry.

Policy CS8 states, inter alia, that all development proposals will ensure the protection and enhancement of the natural environment and that development should protect the best and most versatile agricultural land.

The site is Grade 2 agricultural land which is of a very high quality according to Natural England's Agricultural Land Classification Map (2011) and falls within the range considered "best and most versatile". The applicant has stated that the proposal would be reversible and the land could be returned to agricultural use. Whilst this application does not propose to return the site to agriculture and therefore should be considered as the permanent loss of agricultural land, it is considered that the size of the land as a proportion of the field is relatively small and it would be difficult to sustain a refusal of the application on the basis of the loss of best and most versatile agricultural land.

The application site would be located in close proximity to and associated with Soaring High Montessori Primary School. However, the site is outside the existing school curtilage and would represent an associated extension into the countryside. In these terms, the principle of the development would be at odds with Policy CS5 of the Core Strategy.

The proposed development consists of the change of use of approximately 0.78ha of land from agricultural to playing field. Although this area measures under a hectare, it is of a significant size in this landscape and in relation to the areas associated with the existing school site and nearby residential properties. The applicant has advised that the school does not intend to erect any sports equipment on the field. The proposal includes the planting of indigenous hedging/trees to the borders of the site to enclose it as well as extending the existing spinney in the eastern part of the site.

The site is generally flat and is located within the High Garrett/Marks Hall Wooded Farmland landscape character area as defined by the Council's Landscape Character Areas Plan forming part of the Council's emerging Local Plan.

A Landscape and Visual Impact Assessment has been submitted in support of this application which concludes that the planting of the proposed hedgerows and trees would be in keeping with the surroundings and character of the area. The Assessment also concludes that, whilst the protective fencing may be visible for a short period, the proposed new hedgerows would soon obscure any views of it.

The Assessment states that there is potential to enhance the local environment with appropriate planting. This approach is supported by Policy RLP 81. The Council's Landscape Officer has stated that the proposal would not be out of keeping with the countryside setting due to the proposed landscaping. The overall change could be considered as delivering biodiversity enhancement as supported, in part, by Policies CS 8 and RLP 80.

Notwithstanding these conclusions, the Local Planning Authority has to consider the principle of the proposed extension of the school's "curtilage" into the open countryside and, the impact of the associated activity that would accompany such an expansion.

Whilst acknowledging the school's desire to increase the outdoor play/recreation space, this demand needs to be balanced against the impact of the expansion upon the character of the rural area. At the proposed scale, in a location slightly divorced from the existing school, and having regard to the difficulties of reasonably restricting the frequency and nature of the activities which take place, the proposals are considered to give rise to an unacceptable intrusion in the countryside, to the detriment of its quiet, open character.

#### Impact on Neighbouring Amenity

Residential properties are located within close proximity of the school and the application site to the east and west. These properties and the existing school are located to the south of Colne Road with the application site directly to the north of Colne Road. Given the open nature of the area, although additional landscaping is proposed along part of the southern boundary where the spinney is to be extended, this would take time to establish and the proposed

playing field would not be screened from view from these residential properties which would overlook the site.

The Council's Environmental Health Officer has advised that noise complaints have previously been received from a nearby residential property in relation to the existing school playground during play time and during physical education lessons. This noise comprises voices from children, instructions by teachers, use of whistles and impact noise as the play equipment is used. This is an ongoing issue. Acoustic screening in the form of a 2m fence was erected at the school last year, however the Environmental Health Officer has advised that the effectiveness of this in reducing noise level is limited and noise from outside activities is still readily audible at the neighbouring property. It is not possible to require any repairs or upgrading of this fencing in respect of the current application because it is outside of the application site boundary. Representations have been received in respect of the current application partly relating to noise concerns associated with both the existing and proposed school use.

This planning application seeks to enlarge the area used for external play and associated instruction thus increasing the potential for noise impact on nearby residents. The land subject to this application is located in a northern direction, a short distance from a residential property and introduces noise from another direction. Such a proposal would increase this activity beyond the extent of the original application for the school use and this intensification of use would increase the noise associated with the school. This impact is heightened given the low background noise level of the surrounding area. During consideration of planning application reference 14/01090/FUL the Environmental Health Officer stated that this type of noise cannot be readily attenuated without the provision of acoustic screening.

Further discussions have been undertaken with the applicant since planning application reference 14/001090/FUL was withdrawn. The provision of a specific area for noisier activities was agreed at a pre-application meeting and it was considered necessary for a Noise Assessment to be included with any future application to allow the specific noise levels associated with the proposal to be assessed. Accordingly a Noise Assessment has been submitted with the current application.

The current school hours are restricted to between 08:00 and 18:00 Monday to Friday, and to 08:00 to 12:00 on Saturdays with up to 9 exceptions in any one calendar year of between 18:00 and 21:30 on a day between Monday and Friday and up to 6 exceptions in any one calendar year of between 12:00 and 17:00 on a Saturday. However it would not be possible to further restrict the use of the proposed playing field beyond these times. Further any reduction would not deal with the level of noise that is emitted from the site but would reduce the duration of it throughout the day. However, even if the playing field is only used a handful of times a day, this would still give rise to significant and unacceptable impacts on the amenity of the occupiers of nearby residential properties by way of noise as highlighted by the Council's Environmental Health Officer.

Following discussion with the applicant in respect of noise concerns, the applicant has submitted further information in respect of *Multiple Noise Sources and Propagation Height*. It has been suggested by the applicant that a 1m high bund could be constructed across the field to provide noise attenuation in respect of the noisy area. This would provide visual as well as acoustic screening to the residential properties in Colne Road. However, the Environmental Health Officer advises that the height of the bund would be insufficient to mitigate noise intrusion to neighbours. Furthermore unlike the low level fencing at the boundary which will be screened by vegetation in due course, it is considered that the appropriate level of noise attenuation required to mitigate such an impact would be unacceptable in this location, being visually intrusive and having a detrimental impact on the open countryside setting.

Given its size, scale and nature the proposed development would not have an adverse impact on nearby residential properties by way of overlooking, overshadowing.

Therefore, taking into account the above it is considered that the proposed development would only add to the existing significant noise impact emitted from the school site to the detriment of local residents. The proposed use would intensify that existing, and from an additional angle, given the location of the proposed playing field separated from the school curtilage. It is also considered that the noise cannot be mitigated with physical measures without detriment to the setting. Given this it is considered that the proposed development would have a significant adverse impact on residential amenity by way of noise and therefore would be contrary to Policies RLP 62, and RLP 90.

### Highways

This proposal would result in the school and proposed playing field being separated by Colne Road itself, meaning that staff and pupils would need to cross this road to access the proposed playing field. This section of Colne Road is roughly straight with good visibility each way and is of a typical rural lane nature. This road does not form a main route on the highway network.

A number of representations objecting to the proposed development have been received partly in relation to highway safety. However, the Highway Authority has raised no objection to the proposed development. Further, it is considered that the school would also manage this arrangement ensuring that it would not have an adverse impact in terms of highway safety.

### CONCLUSION

The site is located outside of any development boundary where countryside policies apply. The principle of this proposal is not accepted and significant weight is given to protecting the countryside for its own sake as is required by Policies CS5 and CS8.



Although the proposal would bring recreation benefits to the school and new flexibility, and would deliver biodiversity enhancements these factors are not considered to outweigh the detrimental impacts on the surroundings, local landscape and residential amenity by way of noise contrary to Policies CS8, RLP62, and RLP90.

### RECOMMENDATION

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

- 1 Policy CS8 of the Braintree District Core Strategy (2009) states, inter alia, that all development proposals will ensure the protection and enhancement of the natural environment and development must have regard to the character of the landscape and its sensitivity to change.

The proposed development consists of the change of use of agricultural land to school playing field. The proposed development would enable the use of the site for sporting and recreational activities associated with a school accommodating pupils up to the age of 16. Such a use in this open, isolated rural location would have a significant adverse impact on the quiet character of the surrounding area and landscape contrary to Policy CS8 of the adopted Core Strategy.

- 2 Policy RLP62 of the Braintree District Local Plan Review (2009) states, inter alia, that planning permission will not be granted for development including changes of use which will, or could potentially, cause harm to nearby residents by way of noise.

Policy RLP90 of the Braintree District Local Plan Review (2009) states, inter alia, that planning permission will only be granted where development has no undue or unacceptable impact on the amenity of any nearby residential properties.

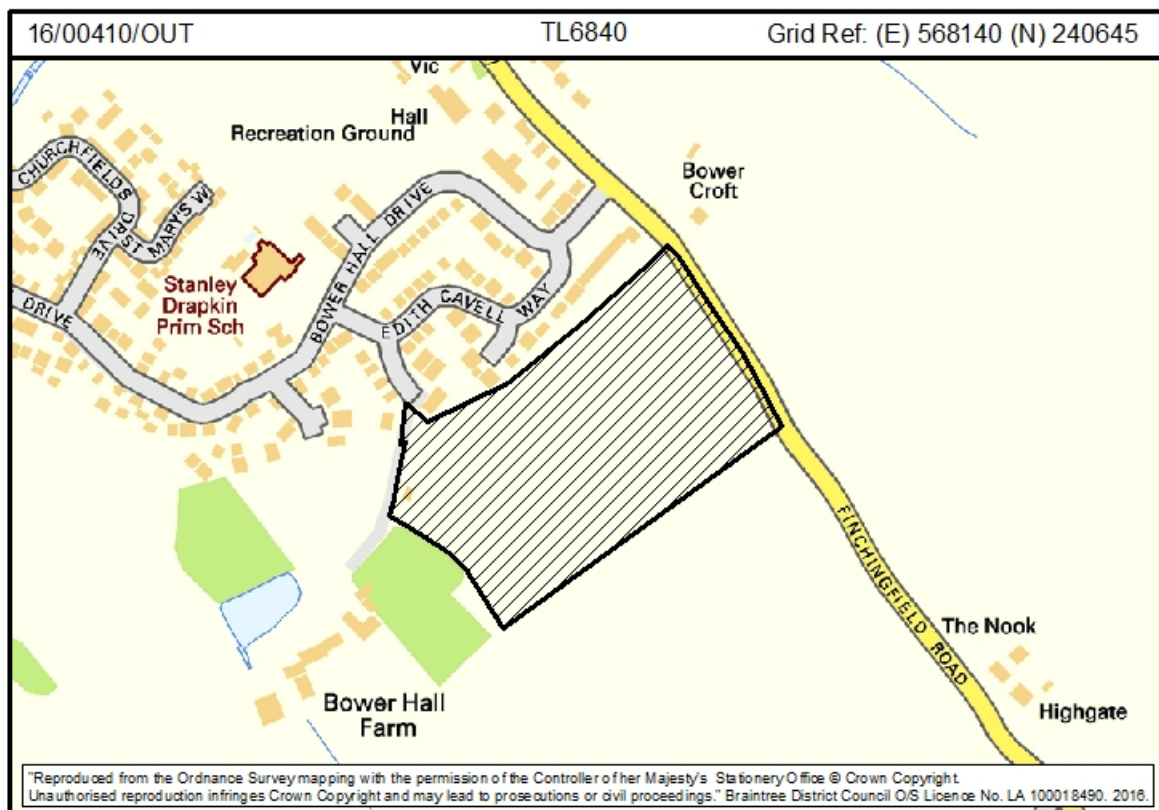
The proposed development would add significantly to the space available for outdoor sport and play which, by virtue of its size, nature, location and relationship with neighbouring residential premises, would add significantly to the level of noise associated with the existing school use, resulting in an unacceptable noise generating use which would have a significant adverse impact on the amenity of the occupants of the nearest residential properties to the east and west of the site in Colne Road. The proposed development is therefore contrary to Policies RLP62 and RLP90.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/00410/OUT DATE: 09.03.16  
 VALID:  
 APPLICANT: Gladman Developments Limited  
 Alexandria Way, Congleton Business Park, Congleton,  
 Cheshire, CW12 1LB  
 DESCRIPTION: Outline planning permission for up to 95 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access from George Gent Close and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access  
 LOCATION: Land West Of, Finchingfield Road, Steeple Bumpstead, Essex

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



## SITE HISTORY

16/00001/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Residential development of 95 dwellings and associated public open space and landscaping	Screening/ Scoping Opinion Adopted	12.02.16
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## 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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality

RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

#### Supplementary Planning Guidance

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

#### Other Guidance

Braintree District Landscape Character Assessment 2006  
 Historic Environment Good Practice Advice in Planning Note 3 (Historic England, 2015)

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

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

#### NOTATION

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

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

The application was also preceded by an application for a Screening Opinion under the Environmental Impact Regulations 2011, in response to which the Council determined that an Environmental Impact Assessment was not required.

## SITE DESCRIPTION

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

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

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

## PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of up to 95 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access from George Gent Close and associated ancillary works. All matters are reserved with the exception of the main vehicular site access which would be on Finchingfield Road and include a 2 metre footway to link to the existing footway.

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

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

- Affordable Housing Statement;
- Air Quality Report;
- Arboricultural Report;
- Archaeological Statement;
- Design & Access Statement;
- Development Framework/Parameters Plan
- Ecological Report;

- Flood Risk Assessment;
- Foul Drainage Report;
- Heritage Statement;
- Landscape and Visual Impact Appraisal;
- Noise Impact Assessment;
- Planning Statement;
- Site Investigation Report (Phase 1);
- Socio-Economic Sustainability Statement;
- Statement of Community Involvement;
- SUDS Checklist;
- Sustainability Assessment;
- Transport Assessment;
- Travel Plan
- Utilities Statement

The density of the development would be approximately 30 dwellings per hectare over an area of 3.17ha. Public open space (including an equipped play area), amenity space, woodland planting and landscaping would cover approximately 1.5ha. A drainage basin would also be included which would take up 0.09ha of land. An indicative layout has been submitted with the application.

Information within the application indicates that it is likely that on average around 25 to 30 market dwellings would be completed per annum. The affordable housing would be delivered simultaneously alongside the market dwelling completions. It is anticipated that the development of the site would take three to four years to complete.

### CONSULTATIONS

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

Environment Agency – No response at the time of writing.

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

Essex County Fire & Rescue Service – Additional fire hydrants would be required within the site.

Education (Essex County Council) – Request a contribution of £77,615 towards secondary school transport.

Education (Suffolk County Council) – No response at the time of writing.

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

Waste Services – No response at the time of writing.

Landscape Services – The development will form a significant extension to the existing settlement that will have a visual impact that is detrimental to the character and setting of the village, the broader historical narrative of the landscape and introduce a sense of urbanity extending up the side of the valley.

Housing – In accordance with Policy CS2 of the Core Strategy 38 of the dwellings should be affordable homes. This should be a 50/50 mix of affordable rent and shared ownership.

Highways – No objection subject to conditions. Notes that the location of the site is such that for the vast majority of journeys the only practical option will be the car. This should be taken into consideration when assessing the sustainability and acceptability of the site.

Historic Buildings Advisor – The Conservation Area and the listed church would have their setting affected detrimentally by the development. Following the parameters set out by the NPPF, this harm would be less than substantial and such harm should be assessed against any resultant public benefit.

Historic England – No response at the time of writing.

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

Lead Local Flood Authority (LLFA), Essex County Council – Initially advised that the Flood Risk Assessment was inadequate and did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Further information has been submitted but the LLFA has advised that this does not address all of the issues raised and therefore it is unable to remove its objection.

NHS England – The existing GP practice does not have capacity for the additional growth resulting from the development. Request a contribution from the developer to mitigate the impact of the development on the NHS funding programme for the delivery of primary healthcare provision. Do not raise an objection if a contribution of £22,560 can be secured through a S106 Agreement.

Steeple Bumpstead Parish Council – Object for the following reasons:

- A site allocations plan has been approved for inclusion within the draft Local Plan. The site is not included within this;

- The site is outside the village envelope;
- The development would have a negative impact upon the landscape particularly given the slope of the land. The development would rise higher than the rest of the village which is nestled with the valley landscape;
- The development constitutes a 14% rise in the number of houses in the village which is disproportionate to the size of the village.
- Would result in a loss of privacy and light for residents to the north;
- Does not meet the requirements of the NPPF with regard to sustainability in respect of environmental harm;
- The Moot Hall is vulnerable to damage from heavy traffic entering the village from Finchingfield Rd;
- The development would change an agricultural field with a rural character to a large housing estate;
- Perimeter landscaping would be unlikely to mitigate the harm of the development;
- The roads are narrow and congested. Occupiers would need to use their cars to get to work locations and surrounding towns for shopping.
- Highway safety concern regarding the new access due to the high volume and speed of traffic using the road;
- Will lead to an increase in pollution;
- Will result in a loss of Grade 2 agricultural land;
- Concern regarding flood risk. The village has had a flood prevention scheme. The proposal does not adequately take this into account;
- The attenuation pond should not be placed next to the children's play area due to risk of accidents.

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

## REPRESENTATIONS

Objections – 346 letters of objection have been received (several properties have submitted a number of separate letters).

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

- The site is outside the village envelope and is a greenfield site;
- The site is not in a sustainable location;
- The development is too large and would result in a 16% increase in houses;
- An additional site has already been identified for development in the village and other sites were rejected;
- The site was not submitted as part of the Call for Sites process.



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

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

- Concerns regarding safety of the access and other road users including cyclists and bikers;
- Access would be on a road which has the national speed limit;
- The traffic count was taken from the wrong location, closer to the village than the proposed access;
- Lack of public transport serving the village. The bus stop is 800 metres away;
- The majority of traffic will have to travel through the village to get to the larger towns, Stansted airport and London;
- Proposed footpath link is unsuitable as George Gent Close gets very busy;
- Impacts upon residential amenity – overlooking, loss of light, privacy and view. No detail provided about screening between the northern side of the site and existing properties;
- Increase to carbon footprint;
- Query the education figures;
- Would result in additional night time light;
- There would be severe disruption during construction;
- Concerns raised about the validity and accuracy of the reports submitted.

2 letters of objection have been received from the 'Hands off Steeple Bumpstead' group making the following points:

- The proposal fails to accord with all three dimensions of sustainability set out in the NPPF;
- Much of the information submitted is generic, incorrect or misleading;
- There is one bus service and the bus stop is 800 metres away from the site;
- Employment is limited. Residents would need to travel out of the village for employment.
- Long term benefits of the New Homes Bonus are likely to be phased out by the time the development is built;
- Lack of economic sustainability.
- Roads are narrow and traffic is restricted due to on street parking. Congestion is frequent;
- The shop, post office and petrol station are one single site business.
- Inaccuracies within the Transport Assessment regarding the location of the traffic count and routes out of the village.

- There is only one regular bus service which goes to Haverhill and Saffron Walden;
- Cycling is not a practical means of transport due to the routes and hills;
- Sustainability in terms of transport provision cannot be demonstrated. Reliance on the private car would be necessary. Occupants of social housing may not have a car;
- The doctor's surgery is already under significant strain. The building would need to be extended but is not owned by the surgery.
- The primary school does not have sufficient capacity. There is no secondary school in the village. Pupils have to be bussed to Hedingham School which is the catchment secondary school.
- The shop is approximately 1km from the site. Residents need to visit bigger towns for supermarkets;
- The majority of journeys take place along roads to the north of the Bumpstead Brook. The approach road to the bridges are narrow and busy;
- Concern regarding safety of the access as the road is used by a significant number of bikers who travel at high speed;
- The proposal is contrary to national and local policy which promotes sustainable transport;
- Details within the Transport Assessment are incorrect;
- The development would change the local character and distinctiveness of the landscape and be visible from a number of vantage points;
- There will be an increase in pollution, emission outputs and carbon footprint;
- An additional site for housing has already been identified by the Parish Council for 30+ houses;
- The documents fail to address concerns about flood risk and have not shown that surface water run-off and drainage can be managed;
- There is no evidence that there is capacity to cope with sewerage from the development;
- Loss of light and privacy for existing houses;
- Loss of Grade 2 agricultural land;
- Historic buildings could be damaged by heavy traffic;
- Negative impact upon protected species;
- The new Local Plan is advancing and does not include the site or development of the magnitude proposed;
- The public consultation carried out by the agent was inadequate;
- The site is outside the village envelope and fails to accord with Policies CS5 and RLP2;
- Steeple Bumpstead is defined as an 'Other Village' within the Core Strategy. The proposal for 95 dwellings is disproportionate and inappropriate.

2 letters of support have been received raising the following points:

- The development will support the continuation of services in the village and encourage new ones;
- The affordable housing will enable young people to be able to live in the village;

- The site was formerly parkland of the Bower Hall Estate and is not as productive as other arable land due to high organic matter levels that lock up manganese and lead to poor yields of crops;
- Building in this location will keep new development to the south of the village where there is a precedent of modern housing;
- Flood risk could be addressed and the development is justification for the money spent on flood defences recently;
- With more residents there might be enough demand to provide additional public transport services.

1 neutral letter of representation has been received stating the following:

- New affordable housing is needed in the village;
- New housing is necessary for the survival of villages;
- The village school is within walking distance;
- There is not a significant risk to wildlife. With mitigation and planning for conservation wildlife might be enhanced;
- With appropriate measures it would have less of an impact on flooding than housing in the floodplain;
- Few houses on the site should be considered with an emphasis on smaller properties;
- Concern regarding visibility and parking in the village;
- Access should also be available through the Bower Hall Estate.

## REPORT

### Principle of Development

#### Planning Policy Context – Housing

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

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

It is however acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council had been working on the Site Allocations and Development Management Plan (ADMP), to build on the strategic policies set out in the Core Strategy, since the adoption of the Core Strategy in 2011. This was to complete the suite of documents required in the Local Development Framework to guide

development in the District. This Plan was to provide detailed land use allocations across the District, including settlement boundaries and policies used in the determination of planning applications. The Plan applied the minimum housing targets set out in the Core Strategy (approved 2011).

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

As previously stated national planning policy has changed significantly in specifying how local planning authorities should plan for housing growth and delivery and the Council need to respond to this. Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the Pre-Submission ADMP for examination by the Planning Inspectorate. Officers instead begun work on a new Local Plan which will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF - including the need to 'boost significantly' the supply of housing in the district. The Core Strategy stated that the Council would plan, monitor and manage the delivery of a minimum of 4637 dwellings between 2009 and 2026 – this equates to a minimum of 272 dwellings per annum. In accordance with national planning policy, the Council commissioned research to establish the Objectively Assessed Need for housing in the district. This research forms part of the evidence base for the new Local Plan. The Council's consultants advised that the Objectively Assessed Need for Braintree District is 845 dwellings per annum. Accordingly, the draft target of 845 dwellings per year from 2016 has been agreed by the Council for inclusion in the Draft Local Plan, which was approved for consultation at Full Council on 20th June 2016 and will set out the draft housing allocations to fulfil that target.

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at May 31st 2016 is, therefore, that its forecast supply for the period 2016 - 2021 is 3.52 years and for the period 2017 - 2022 3.59 years. This does not mean that sites outside of existing development boundaries are automatically appropriate for new development as it states at Paragraph 14 of the NPPF that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Officers recommend that the Council should determine this application on its merits, having regard to the principles of sustainable development set out in the NPPF and other relevant national and local planning policies and guidance.

The Council is committed to working to create a new Local Plan as a matter of urgency which will be fully compliant with national planning policy. Public consultation on a draft Local Plan is scheduled for June 2016 (commencing on 27<sup>th</sup> June for 8 weeks as agreed by Full Council) as part of the process required to get the new Local Plan adopted in 2017.

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

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

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

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

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

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. Steeple Bumpstead is not one of these villages. Its relative lack of public transport, facilities and employment opportunities, mean it does not act as a local service centre and is proposed to be treated as a ‘village’.

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

In the meantime the Council is not delaying consideration of new sites until the Draft Local Plan has been considered at Public Inquiry and its policies (with or without modification) have been adopted by the Council. On the contrary, it is considering planning applications for new housing on their merits, having regard to the policies of the NPPF (in particular, the

requirement that development should be sustainable) and their impacts. Planning applications for significant amounts of new housing have been submitted in advance of the new Local Plan, some of which have already been permitted, having regard to impact and issues of sustainability, others of which remain to be determined.

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

### Site Location & Designation

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

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

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

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

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

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

The proposed site is located within the countryside, outside of the development boundary for Steeple Bumpstead, as defined on the proposals map of the Braintree District Local Plan Review 2005, the Pre Submission Site Allocations and Development Management Plan 2014 (which forms part of the



Interim Planning Policy Statement) and the draft Local Plan. The application site has no specific designation / allocation in the current Development Plan.

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

The site has not put forward as part of Local Plan process, despite Officer's advising at pre-application stage that this should be done. Therefore the allocation of the site for development has not been considered by Officers or the Local Plan Sub-Committee.

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

The population of Steeple Bumpstead is 1,627 (Census 2011) living in 666 households. This proposal would deliver a further 95 dwellings which is a significant amount of new housing compared to the size of the existing village.

It is not disputed that the village is served by a range of facilities. As a village, Steeple Bumpstead benefits from a doctors surgery, pre-school, primary school, petrol station which also has a post office and general store, two public houses, two churches and a small business centre. However these are dispersed throughout the village and there is not a central core where services and facilities are located together. Moreover, the retail offer, professional services, employment, leisure opportunities and public transport are limited. Residents are unable to meet their everyday requirements within the village and will need to travel to the larger towns of Haverhill, Saffron Walden or others for many shopping needs and to access banks and professional services. The petrol station/store is over 800 metres from the centre of the site. Pupils will also need to travel to access secondary schools and sixth forms. The nearest bus stops to the centre of the site are located on Bower Hall Drive (approximately 450 metre walk) north of the proposed development and Chapel Street (approximately 400 metre walk) (as shown on the Traveline website). There is also another bus stop approximately 800m north-west of the site on the B1054. A 400m walk distance is generally considered to be a reasonable walk distance between development and bus stops. There is no railway station; the closest is located at Audley End, approximately 16 km west of the site. It appears that there are only 2 buses services which serve Steeple Bumpstead. The No.60 (Audley End – Haverhill) provides a daily service (4 buses in both directions each day from Chapel Street but less from Bower Hall Drive). The availability of bus services at the start and end of the

day to transport commuters to and back from the rail services is limited and likely to leave little option but to travel by car. The No.118 is a school service which runs between Newport and Great Yeldham once in the morning and once in the afternoon on school days only with the bus stop being at Claywall Bridge. It is noted that the information within the applicant's Travel Plan regarding bus services appears to be out of date. Furthermore, there are no cycleways or safe cycle routes in the village or between the village and other towns and villages. For these reasons it is not considered that the site proposed is a sustainable location for the scale of the development proposed.

### Sustainable Development

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

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

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

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

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

## (1) Economic Impacts

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

Creation of jobs - both direct and indirect during construction of the development and indirectly through increased on-going demand for goods and services as a result of the occupation of the proposed dwellings. The report suggests that the proposed development could help to sustain 135 full time equivalent jobs during the construction phase. This could also contribute towards supporting the local labour force.

Additional income to the Council from New Homes Bonus & Council Tax - The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is paid annually over the course of six years and is based on the amount of additional council tax revenue raised for new-build homes. The applicant estimates that Braintree District Council would receive £900,000 over a 6 year period. It is estimated that the District Council would receive £1,100,000 in Council Tax payments over 10 years.

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

Contribution to local economy - up to 95 residential dwellings could be home to 228 new residents bringing increased spending power to Steeple Bumpstead. The benefits of increased household expenditure to the local economy will be enhanced and ensure the long term economic competitiveness of Steeple Bumpstead.

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

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

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to

a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of 'local financial consideration'. Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

## (2) Social Impacts

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

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

Choice of homes - The proposed development of up to 95 net additional dwellings will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and market assessment for Braintree. New homes in Steeple Bumpstead will enable people to access the housing market locally rather than being forced to move away due to lack of available housing.

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

Provision of Affordable Housing - The application proposals would deliver 40% affordable homes (38 dwellings).

Public Open Space Provision - The development proposals provide 33% new public open space, a landscape setting, along with an equipped children's play area.

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

## (3) Environmental Impacts

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

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

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

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

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

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

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

- Proposed woodland planting on the south western part of the site connecting to the existing copse;
- Reinstatement of the roadside hedge;
- New hedgerow and tree planting along part of the south east boundary connecting the roadside hedge to the new woodland planting;
- Public open space to the west of the site;
- New hedgerow and tree planting along the western boundary;
- Public open space to the eastern corner of the site
- Conserve and enhance ecological biodiversity through significant areas of planting to provide green infrastructure, ecology and wildlife benefits. Habitat creation measures to ensure biodiversity is retained with enhanced hedgerows and green corridors. Such measures will ensure a net biodiversity gain.
- Provision of domestic gardens which provide an opportunity to improve biodiversity over and above agricultural use.
- Flooding betterment – the proposals seek to discharge surface water from the site and the existing ditch system surrounding the site into a SUDs attenuation pond with ultimate discharge at greenfield run-off rate.

The applicant has submitted a 'Landscape & Visual Assessment'. It states that the visual receptors which will be most affected by the development

would be those within closest range of the site boundary and of highest sensitivity. These primarily include road users of Finchingfield Road, a sole residence near Mill Farm, residents backing directly onto the Site, and public right of way users to the south along Mill Chase. The applicant's Assessment concludes that:

- Development of the Site would constitute a small change to the immediate setting of the Landscape Character Area (LCA), but not of a scale or location that would be out of character with the village as existing. Effects will be indirect and are not considered to be greater than Negligible in the long term.
- Effects on other LCAs are not considered to be greater than Negligible due to distance, Steeple Bumpstead already forming part of the setting to the LCA and lack of intervisibility.
- Development will result in localised permanent adverse changes to the landscape, although the creation of new public open space, structural landscaping, and boundary reinforcements are considered to result in beneficial effects.
- Effects on existing dwellings considered to be negligible to Minor Beneficial in the long term following establishment of the proposed planting. Properties along the Site boundary are likely to experience Minor to Moderate Adverse effects.
- The number of roads subject to visual effects is minimal. It is considered that these are confined to Finchingfield Road between the settlement edge and Mill Chase, and Mill Chase. Any other occasional opportunities are limited to elevated locations along short stretches at long distances (such as along Haverhill Road), and therefore effects on glimpsed views would be no greater than Negligible.
- There are few public footpaths through the local area that allow opportunities for views. The majority of footpaths will not have views of the Site. Where these are possible they are typically at long distance and visibility of the Site and Steeple Bumpstead will be confined to unimpeded sections of the paths that are elevated.
- Footpaths considered subject to effects are along Mill Chase, to the southeast, and from North Street, to the northwest. From both these locations the existing village is a notable component of the existing view, and the Site is partly screened by vegetation, as well as by the topography or the village, respectively. Effects in the long term would be no greater than Minor Adverse to Negligible.
- The landscape and visual effects on completion of the proposed development would be localised and limited in their extent. As a result of the delivery of public open space, new and reinforced hedgerows, new woodland and structural planting, the adverse effects would

diminish over time as the Green Infrastructure framework becomes established and matures, and provides screening and softening of the development.

- The site's landscape character has the ability to absorb change through the introduction of high quality development. The proposed development would bring beneficial effects and would be appropriate within this landscape context. The effects as a result of the proposed development would not give rise to any unacceptable landscape and visual harm.

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

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

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

The LCA states that "Sensitive key characteristics and landscape elements within this character area include small copses of woodland and low, well maintained hedges or tree belts (which are sensitive to changes in land management). The skyline along the rolling hills is visually sensitive to new development, which may be visible within panoramic views across the plateau. The overall sense of tranquillity within the character area is also sensitive to change and potential new development. There is also a sense of historic integrity, resulting from a historic and scattered or dispersed settlement pattern, which is sensitive to potential large scale development. There are also several important wildlife habitats within the area (including 30 sites of importance for nature conservation, comprising ancient woodland, semi-natural grassland and wetland habitats), which are sensitive to changes in land management. Overall, this character area has relatively high sensitivity to change". These references contribute to recognition of the significance of the site as a valued landscape for the purposes of the NPPF.

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

- Maintain cross-valley views and characteristic views across and into valleys.

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

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

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

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

The proposed development would sit on the valley side, extending development away from the village at an elevated position. After undertaking site visits Officers were significantly concerned about the impact of this proposal on the local landscape and accordingly advice has been sought from a Landscape Consultant (Matt Lee Landscape Architecture). The report provided by the Landscape Consultant includes a Visual Analysis Plan which identifies where views of the proposed development will be seen from the surrounding roads and public footpaths. The report is available to view on the Council's website.

The Consultant's Report states "The historic part of the settlement is arranged along the edges of the valley floor, generally below the 70m contour. The proposed new housing would be visible and evident above the level of the existing housing. Residential expansion of the village during the latter half of the twentieth century took advantage of a shallow sloping terrace to the south of the village which expanded the settlement boundary to around the 75m contour along the settlement edge adjacent to the application site. The application site slopes away from the existing settlement edge up the adjacent valley with new housing proposed up to around the 80m contour. The new housing will be seen noticeably above the level of the existing housing within



the settlement and at a similar level to the top of the church tower from a number of key viewpoints within the surrounding countryside". The consultant concludes that the development proposals do not respect the historic settlement pattern of the village.

With regard to cross valley views and characteristic views, the Consultant's Report states "The proposed woodland and infrastructure planting that has been designed to screen the proposed new housing on the valley side will gradually close down a number of important cross valley & characteristic views around the edge of the village. In particular, the elevated Finchingfield Road approach to Steeple Bumpstead from the south east currently enjoys long views of the opposite valley side, seen over the top of the village when approaching from the south east. This vista is channelled to some extent by outgrown hedgerows to the east and the copse adjacent to Bower Hall Farm to the west. This long view compensates for the rather hard, existing settlement edge that comes into view further down the hill. This important view across the valley in relation to the village would ultimately be completely screened by the proposed woodland and structure planting. The proposed new woodland screen would gradually and progressively cast shade over the proposed new development which would be located to the immediate north west on lower ground. This would be detrimental to the ambience around these dwellings and this approach would not be supported by urban design principles".

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

Furthermore, reference is made in the report to the predominance of moated sites within the LCA which are characteristically set within open landscape. The report indicates that the proximity of the development to Bower Hall Farm would be detrimental to local landscape character in this regard.

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

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

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

The applicant acknowledges that the development will result in an obvious and permanent change to the character of the application site. However, considers that the retention of existing landscape features and additional green infrastructure would mean that the proposed development would only result in a moderate adverse to negligible effect in terms of landscape character. The applicant considers that the proposals are well contained adjacent to the existing urban context and would not be significantly visible in the wider surroundings of the area.

Officers do not agree with the above or the conclusions of the applicant's Landscape and Visual Impact Assessment and consider that the proposal would have a significantly adverse impact upon the landscape character. The proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contributes to the rural setting of the village. The development would begin to extend the settlement out of the valley. The location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area. The sloping nature of the land and its proximity to the road would increase the prominence of any new development. The proposal would be visible from one of the gateway entrances to the village and also within the wider landscape from roads and footpaths around the village, impacting upon views across the valley. Views of the open countryside and local setting would be irretrievably lost. The proposed new landscaping would take time to mature. It would be used to screen views of the new development but as a result would obscure longer views across the valley and village from the south.

It is considered that the proposal fails to accord with the policies and guidance set out above and that the environmental impact would be such that this proposal could not be considered to be sustainable development

#### Design, Appearance and Layout

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

This is an outline application where design, layout and landscaping are reserved matters. The application includes a Development Framework Plan that indicates the key aspects of the design and layout, such as access, public open space and landscape features, SuDs features, and equipped play area. It is indicated that the density of the development would be 30 dwellings/hectare. The Illustrative Masterplan has been developed by the applicant to demonstrate to the Council that a development of the scale

proposed could be accommodated within the site whilst adhering to relevant design principles and standards. If the Council were accepting of the principle of the development, this would seem an appropriate density given the edge of village location. Of course, the detailed layout would form part of a reserved matters application at which time the density could be considered in more detail, ensuring that adequate parking, amenity space, public open space etc is provided. The application is for 'up to 95 residential dwellings' and if the Council were minded to grant planning permission a condition could be imposed limiting the number of dwellings to this amount.

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

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

#### Impact Upon the Historic Environment

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

Para.132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

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

landscapes. It also states that a conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated.

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

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

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

The proposal has been considered by the Council's Heritage Consultant who advises that the development would be visible from the Finchingfield Road to the south, and the Haverhill Road to the north, as well as points on minor roads and on footpaths. It would therefore affect the setting of the Conservation Area, and particularly its character on the approaches to it, which would begin to look suburban. The Conservation Area encompasses the old centre of the village and hence forms the setting of St. Mary's church. Although the church has lost the steeple which gave the village its name, the tower of the church which still exists would be inter-visible with the development from both north and south.

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

The Conservation Area and the listed church would therefore have their setting affected by the development. Following the parameters set out by the NPPF, the Heritage Consultant advises that this harm would be less than substantial and such harm should be assessed against any resultant public benefit. The Conservation Area and the church contribute to the character of the village and the site contributes to the setting of this. The development would have a visual impact which is detrimental to the character and setting of the village, heritage assets and the broader historical narrative of the landscape.

#### Impact on Neighbouring Amenity

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

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

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

#### Highway Issues

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

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

Concerns have been raised about the adequacy of the access and the proposed visibility splays. The Highway Authority has advised that the visibility splays required have been calculated using Design Manual for Roads and Bridges (DMRB) which are the most appropriate standards in this

circumstance, just outside of a 30 mph speed limit. These standards are used by Highways England on the National Road Network.

The visibility splays have been calculated using vehicle speeds which have been supplied by the developer, as is standard practise. Radar (hand held) and the Automatic Traffic Count (ATC) surveys were taken in the approximate position of the access and a later ATC survey was undertaken further to the south. In order to obtain visibility the developer will have to remove the hedge, once this is removed the alignment of the road is such that a 90m splay will be achieved to the north. This is greater than the Highway Authority has recommended to the Local Planning Authority based on the radar surveys in the transport assessment, and would accommodate higher speeds than those recorded in the survey. For traffic coming from the south even longer visibility splays will exist that exceed DMRB standards.

The surveys were undertaken in the off peak period. The Highway Authority advises that this is good practise as it ensures that there is free flowing traffic and so speeds will not be interfered with by any congestion in the peak period. The ATC would pick up all of the vehicles using Finchingfield Road during this period, further surveys would not necessarily pick up the groups of motor cycles mentioned and for the reasons mentioned above the higher speeds are accommodated by the alignment of the road.

The Highway Authority is content with the visibility provided for the site, and does not believe that a further speed survey is required in this situation. The Highway Authority has not raised an objection to the proposal and considers that a safe and suitable access can be achieved.

The distribution of traffic on the network is always difficult to analyse and drivers may choose to use a route, or not, for a number of reasons. The Highway Authority has advised that the distribution used by the developer put a modest number of additional vehicles along Church Street, 13 in the am peak and 12 in the pm peak. If these vehicles choose not use the route because it is too narrow and parked cars making it difficult to pass, there are other routes available. Even if all the generated traffic uses the other routes, the Highway Authority advises that it is unlikely to cause severe impact in terms of capacity and congestion, as the number of extra vehicles is relatively low, as are the existing flows along the roads.

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

The provision and layout of parking would be dealt with at Reserved Matters stage as part of layout and design if the application progressed. It would be

expected to include off road and visitor parking and cycle parking in accordance with the Council's adopted Parking Standards.

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

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

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

It is noted that there are some inaccuracies within the document and concern is raised about the implementation and effectiveness of the proposed Travel Plan and whether this is enforceable. For these reasons little weight is given to this document.

### Landscape and Ecology

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

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

assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

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

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

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

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

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

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



The single mature red horse-chestnut located within the site's north-western extent was identified as having low potential to support roosting bats. As the tree may be lost (dependent on layout) further surveys would be required to confirm the presence/absence of roosting bats. These surveys are seasonally restricted to the period of May to September.

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

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

Although there are no waterbodies within the site, the report identifies one pond located approximately 100m west, which is considered to be of 'average' habitat suitability for great crested newts. The submitted report indicates that based on the large size of the pond, the likely presence of fish populations and the absence of marginal, emergent or floating-leaved vegetation, the pond is considered unlikely to support great crested newts. However, in order to confirm the species presence/absence further surveys are recommended. These surveys are seasonally restricted to the period of mid-March to June. In the event that great crested newts were found to be present, due to the limited extent of suitable foraging habitat within the site appropriate mitigation, compensation and enhancement measures could be incorporated into proposals, although it would be necessary to obtain a licence from Natural England for the works.

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

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

site's southern and western boundaries would improve the connectivity of the off-site woodland to the remaining landscape.

### Drainage and Flood Risk

The site lies in Flood Zone 1 (lowest risk of flooding). The nearest open channel watercourse is an unnamed land drain, located along the northern boundary of the site and flowing in a westerly direction. Bumpstead Brook (a Main River) flows in an easterly direction northwest of the Site.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

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

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

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

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

A Flood Risk Assessment has been submitted which considers the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. This states that surface water can be managed through an appropriately sized attenuation pond, with an outfall to the ordinary watercourse on the northern boundary of the site. All runoff will be restricted to the greenfield runoff rate with discharge using complex controls. It is recommended a flapped outfall is fitted to ensure that the surface water system does not back up during a flood event.

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

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

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

The information submitted has been considered by the Lead Local Flood Authority (ECC). It initially raised objection as it considered that, for a number of reasons, insufficient information had been submitted within the FRA to assess the flood risk arising from the development. Following this the applicant submitted additional information to address the inadequacies identified. However, at the time of writing, the LLFA advised that the additional information submitted does not address all of the issues raised, in particular the long term storage of water for the site to mitigate against the additional volume of water leaving the site. On this basis the LLFA is unable to remove its objection. It is therefore the case that the applicant has submitted insufficient information to address the issue of surface water run-off and flood risk, contrary to the policies referred to above.

### Section 106

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

Paragraph 204 of the Framework sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

Affordable Housing – Policy CS2 of the Core Strategy states that on developments of this size affordable housing will be directly provided by the developer on-site with a target of 40% affordable housing provision on sites in rural areas. The applicant has submitted a Draft Heads of Terms for a Section 106 Agreement. Within this document the provision for 40% affordable housing is acknowledged. The Council's Housing Enabling Officer has advised on the mix of type and tenure of housing which would be sought. This could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education – Essex County Council has stated that there is sufficient capacity within the primary and secondary schools closest to the site in the County. However it notes that the development is approximately 11 miles from the secondary school and sixth form (Hedingham School and Sixth Form). It acknowledges that the nearest secondary school is in Haverhill and suggests that Suffolk County Council is consulted to see if this school has any capacity as it would provide a shorter journey time. Suffolk County Council has been consulted but no formal response has been received. As the nearest secondary school is more than 3 miles from the development Essex County Council is obliged to provide school transport and therefore requests a financial contribution of £77,615 towards this provision.

Health – NHS England advises that the GP surgery within the village has insufficient capacity to meet the demand arising from a development of this size and therefore the development must provide appropriate levels of mitigation. The capital cost of additional health services arising from the development would be £22,560. NHS England requests that this sum is secured through a S106 Agreement if planning permission is forthcoming.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards,

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped playground. A financial contribution would be sought for allotments and outdoor sport. The provision/contribution is based upon a formula set out in the SPD. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects would be secured through a S106 Agreement.

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

It is noted that a number of concerns have been raised in the letters of representation about the impact of the proposed development upon the GP surgery and school. The responsibility for these lies with NHS England and the Education Authority (Essex County Council) respectively. They have been consulted on the proposals and have requested contributions to mitigate the effect of the development based upon their own data. The District Council does not have any of its own data, nor has it been presented with any contrary data which could justify requiring additional contributions.

### Other Matters

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

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

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

**Foul Drainage** – A report submitted with the application indicates that there are public foul sewers located to the north of the development site in George Gent Close which can be accessed by means of a short length of offsite

sewer constructed in the public highway between the site boundary and the proposed connection point on the public sewer. The developer will be required to serve a notice on the Sewerage Undertaker under section 106 of the Water Industry Act 1991 in relation to the connection to the public sewer. This is not a matter which can be controlled by the planning system.

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

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

#### Other Utilities

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

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

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

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

Contamination – The Phase 1 Site Investigation report indicates that there is negligible risk from potential contamination but that samples should be

collected to confirm soil quality which could be the subject of a suitably worded condition.

## CONCLUSION

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

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

In addition to the benefits of providing additional market and affordable housing the applicant refers to a range of other benefits including the creation of construction jobs; increased demand for local services; the provision of public open space within the site and as a result of financial contributions to mitigate for the impacts of this development. Such benefits would be consistent with the social and economic dimensions of sustainable development.

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

In environmental terms, the impact of the proposed development upon the character and appearance site and surrounding area, having particular regard to its location, the topography of the site and the scale of the development is considered to fail the environmental aspect of sustainable development, as described above.

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

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the harm to the landscape and setting of heritage assets, together with the poor location of the site in terms of access to services, are adverse impacts that

would significantly and demonstrably outweigh the acknowledged benefits and accordingly it is recommended that this application is refused.

Furthermore, it has not been demonstrated that the proposal adequately addresses the issue of surface water run-off and flood risk.

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

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application REFUSED for the following reasons:-

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

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

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

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

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

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

Policy CS5 of the Core Strategy seeks to strictly control new development to uses appropriate to the countryside, in order to protect



and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

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

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

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

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

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

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

reasons the proposal would fail to accord with the principles and guidance set out in the NPPF and the local planning policies and guidance set out above.

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

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

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

The proposed development would trigger the requirement for:

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

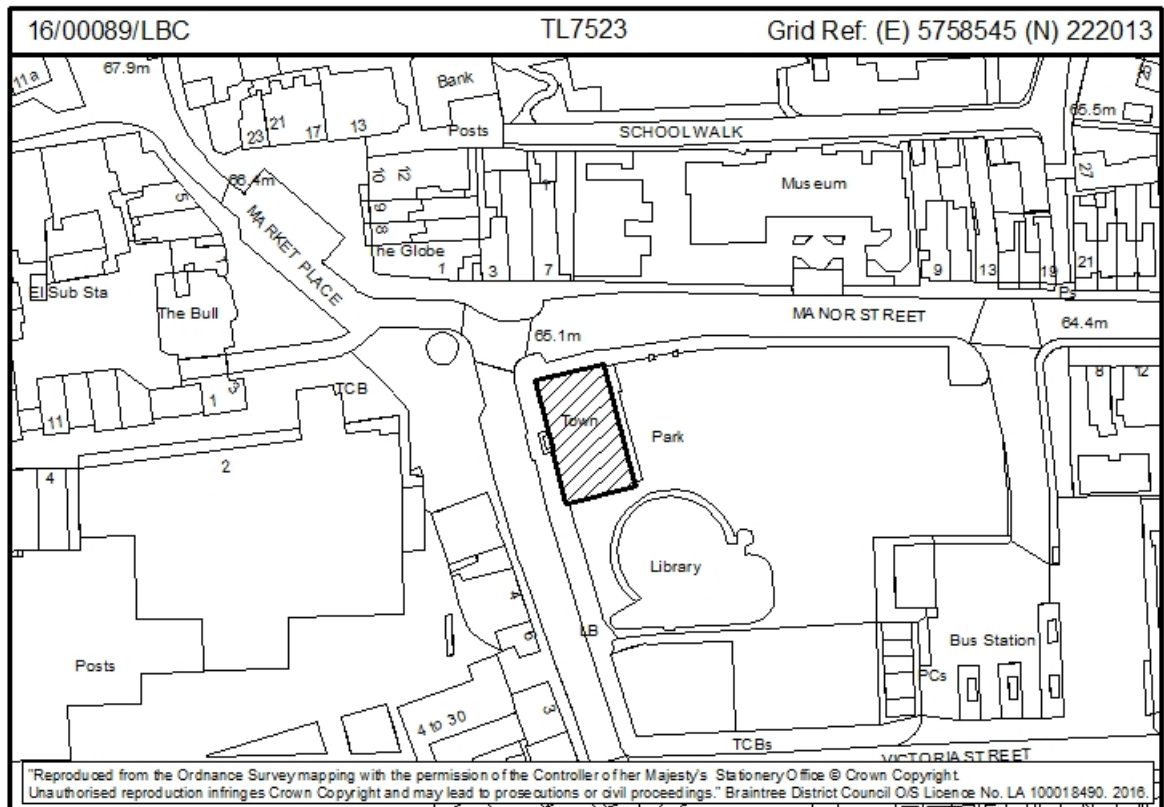
These requirements would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/00089/LBC DATE: 18.01.16  
 VALID:  
 APPLICANT: Braintree District Council  
 Mrs Wanda Smith, Braintree Town Hall, Market Place,  
 Braintree, Essex, CM7 3YG  
 AGENT: Selectaglaze Ltd  
 Mr Keith Mercer, Alban Park, Hatfield Road, St Albans,  
 Herts, AL4 0JJ  
 DESCRIPTION: Installation of aluminium framed secondary glazing units to  
 first and ground floor.  
 LOCATION: Town Hall Centre, Fairfield Road, Braintree, Essex, CM7  
 3YG

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)



## SITE HISTORY

04/00520/LBC	Installation of upgraded security alarm system	Granted	20.12.04
92/00429/PFBN	Alterations And Construction Of Ramp For Access For The Disabled	Withdrawn	15.06.93
94/00040/BDC	Proposed access for the disabled; Construction of ramp on part Manor Street footpath & internal alterations and alteration to Manor street carriageway, footpath and taxi rank to accommodate ramp	Withdrawn	28.09.94
94/00041/LBC	Proposed access for the disabled; construction of a ramp and steps on part Manor Street footpath and general internal alterations and alterations to Manor street carriageway, taxi rank to accommodate ramp. Provision of disabled toilet.	Withdrawn	28.09.94
96/00721/FUL	Proposed alterations to existing south and east elevations to create new access and escape doors including minor internal modifications and related external works	Granted	11.11.96
96/00722/LBC	Alterations to existing south and east elevations to create new access and escape doors including internal modifications and related external works	Granted	11.11.96
05/00094/LBC	Installation of lift and alterations to toilet	Granted	23.09.05
05/01911/LBC	Installation of a cabled computer data network	Granted	18.11.05
06/00556/LBC	Installation of CCTV system, replacement of inner lobby front entrance doors, installation of first floor ceiling crawlway access, installation of anti-pigeon netting to clock tower and repairs and remedial works to	Granted	06.06.06

07/01391/LBC	floorboards in art gallery Removal of existing window to boiler room and replacement with ventilation grille	Granted	04.10.07
10/01065/LBC	Interior and exterior cleaning of limestone cladding and adaption of Art Gallery, Arts Development, Tourism and Manager's Offices into rooms suitable for meetings	Granted	07.12.10
10/01570/LBC	Installation of secondary double glazing window units fitted to all meeting rooms excluding Council Chamber French doors, stained glass window on staircase and basement windows	Withdrawn	01.08.11
12/00314/LBC	Erection of a blue plaque to commemorate the Protestant martyr William Pygot who was publicly burnt near to this spot on 28 March 1555	Granted	01.05.12

## 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

RLP77        Energy Efficiency  
RLP95        Preservation and Enhancement of Conservation Areas  
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 before the Planning Committee as the applicant is Braintree District Council.

## SITE DESCRIPTION

The Town Hall is a substantial and prominent Grade II\* Listed Building, located in the centre of Braintree town, within the Town Development Boundary and Conservation Area.

## PROPOSAL

It is proposed to install aluminium framed secondary glazing units to the first and ground floor windows. The secondary glazing is required to reduce heat loss from the building and to also reduce the noise experienced from the market which operates from Market Place (opposite) on a Saturday and Wednesday. The aim of these works is to increase the energy efficiency of the building and increase the marketing potential of the Town Hall, which is seen as a valuable resource in terms of being used as a wedding venue and being hired out for meetings.

## CONSULTATIONS

### Historic England

Historic England originally objected to scheme in relation to the installation of secondary glazing to two rooms: the main Council Chamber; and the Chairman's Room.

However, following a site visit by a representative from Historic England together with further justification for the works provided by Mark Wilson, Braintree District Council's Sustainability Manager, Historic England have revised their response and are now satisfied that the glazing units can be installed in all required windows including the main Council Chamber, but maintain an objection to them being installed in the "Parlour". The Parlour reference is confirmed by Historic Buildings Consultant as the Chairman's Room (with the four seasons depicted on the ceiling). The relevant windows being known as 1.05 and 1.06 on the floor plan layout.

### Essex County Council Historic Buildings Consultant

The Historic Buildings Consultant initially raised concerns regarding the installation of glazing within the Council Chamber, however subsequently confirmed that this aspect of the proposal was acceptable on heritage grounds, although maintained a preference for these windows to be removed from the scheme. No objections to the proposal on heritage grounds.

## REPRESENTATIONS

None

## REPORT

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”.

Paragraph 134 also 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.

Policy RLP100 of the Braintree District Local Plan Review states inter alia that development involving internal or external alterations, extensions and partial demolitions to a listed building 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’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes. Considering the policy above, the principle of the scheme is considered acceptable.

In addition to the above, the Braintree District Local Plan Review provides support for the introduction of energy efficiency measures. As identified above, the aims of this proposal is to improve the energy efficiency of the building and to increase the marketing potential of the Town Hall. While these aims are supported, the key issue for consideration in this case is the impact of the proposal upon the character and appearance of the Listed Building and Conservation Area.

The proposed secondary glazing has been the subject of lengthy discussions with the Local Planning Authority, Essex County Council’s Historic Buildings Consultant and Historic England. The submitted details are considered to be comprehensive and include the manufacturing detail and specification for how the secondary glazing units would fit each individual window.

When viewed externally, the existing windows appear identical in their size and form, however internally the window frames vary in that the windows are individual with varying depths to the reveals. As a result of this, the visual impact of the secondary glazing would vary internally. In many cases, the frames of the secondary glazing would be hidden behind window dressings such as curtains and pelmets. In other cases the window frames would appear more prominent. The secondary glazing however, would not be visible externally. The large reveals of most of the windows allow the secondary

glazing to be installed with very little intrusion to the fabric of the visual appearance of the building and are easily reversible.

Concerns were raised by Historic England in respect of the proposed secondary glazing in the Chairman's Room – the overriding concern being the appearance of the glazing and how it will impact on Chairman's Room given that it carries considerable merit in terms of the Grade 2 Star listing. The Chairman's Room has walnut panelling, a map of Essex on its ceiling and the four seasons all depicted by Henry Rushbury RA. Given the visual importance of this room it is considered that the installation of secondary glazing to the windows in this room would be visually harmful. The justification given for the installation of the secondary glazing in the Chairman's Room does not outweigh the harm caused to its significance; therefore it is considered that the secondary glazing cannot be supported in this room. Following discussions with the applicant, a revised floor plan has been submitted which removes the secondary glazing from this room which overcomes the concerns raised by Historic England.

As such, in this case it is considered that the proposal would not have a detrimental impact upon the fabric or character and appearance of the listed building.

### 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		
Window details	Plan Ref: C/29638/01-S01	
Window details	Plan Ref: C/29638/01-S02	
Window details	Plan Ref: C/29638/01-S03	
Window details	Plan Ref: C/29638/01-S04	
Window details	Plan Ref: C/29638/01-S05	
Window details	Plan Ref: C/29638/01-S06	
Window details	Plan Ref: C/29638/01-S07	
Window details	Plan Ref: C/29638/01-S08	
Window details	Plan Ref: C/29638/01-S09	
Window details	Plan Ref: C/29638/01-S10	
Window details	Plan Ref: C/29638/01-S11	
Window details	Plan Ref: C/29638/01-S12	
Floor Plan	Plan Ref: 10/1867/1	Version: B

- 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

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

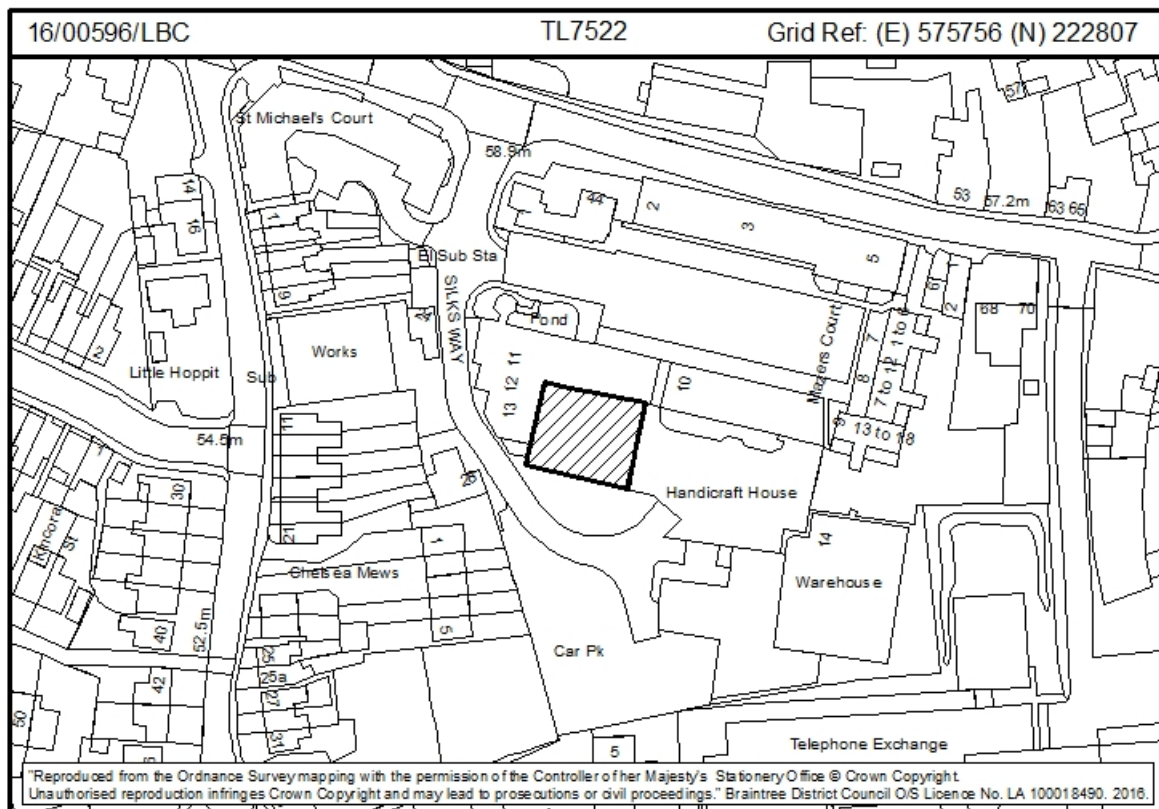
TESSA LAMBERT  
DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5f

## PART B

APPLICATION NO: 16/00596/LBC DATE: 22.04.16  
 VALID:  
 APPLICANT: Mr Andrew Epsom  
 Asset Management , Braintree District Council, Causeway House, Braintree, Essex, CM7 9HB  
 AGENT: Ms Louisa Reynolds  
 Keegans, Studio 3 Blue Lion Place, 237 Long Lane, London, SE1 4PU  
 DESCRIPTION: Proposed installation of a partition wall to the facade to the shop area to alleviate existing salts and damp ingress  
 LOCATION: New Mills, Silks Way, Braintree, Essex

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

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

## INTRODUCTION

This application is brought before the Planning Committee as the applicant is Braintree District Council.

## SITE DESCRIPTION

The site is located within the Conservation Area of Braintree. The mill complex is formed of three narrow rectangular buildings, built by George Courtauld in 1810 as a silk throwing mill. The three buildings are listed Grade II for their historic interest.

## PROPOSAL

The applicant seeks listed building consent to install an internal partition wall to include a damp proof membrane. The area to be altered is less historically and architecturally sensitive than other sections of the building.

## CONSULTATIONS

Historic Building Consultant – No objection

The Historic Buildings Consultant raised no objection to the proposal commenting that the altering of the area internally would have little to no impact on the architectural or historic character of the Listed Building.

## REPRESENTATIONS

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

## REPORT

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

The application seeks permission to install a partition wall to the façade of the shop area to alleviate salts and damp ingress. It would appear that the damp ingress has been caused by the height of the external hard landscaping which directly abuts the building and is trapping damp in the lower few courses of the brickwork. The area of the building to be altered is less historically and architecturally sensitive than other sections of the building and therefore the proposal would not impact on the architectural or historic character of the Listed Building.

In this case, it is considered that the insertion of partition wall would be sympathetic and in keeping with the historic building and Conservation Area. No objections have been raised by the Historic Buildings Consultant. It is therefore considered that the proposal would not have a detrimental impact upon the designated heritage asset.

## CONCLUSION

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

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: 6471/PM/15/LR
Floor Plan	Plan Ref: Sketch
Supporting Documents	Plan Ref: Appendix A - Sketch Plan
Supporting Documents	Plan Ref: Appendix B - Photographic Schedu

- 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

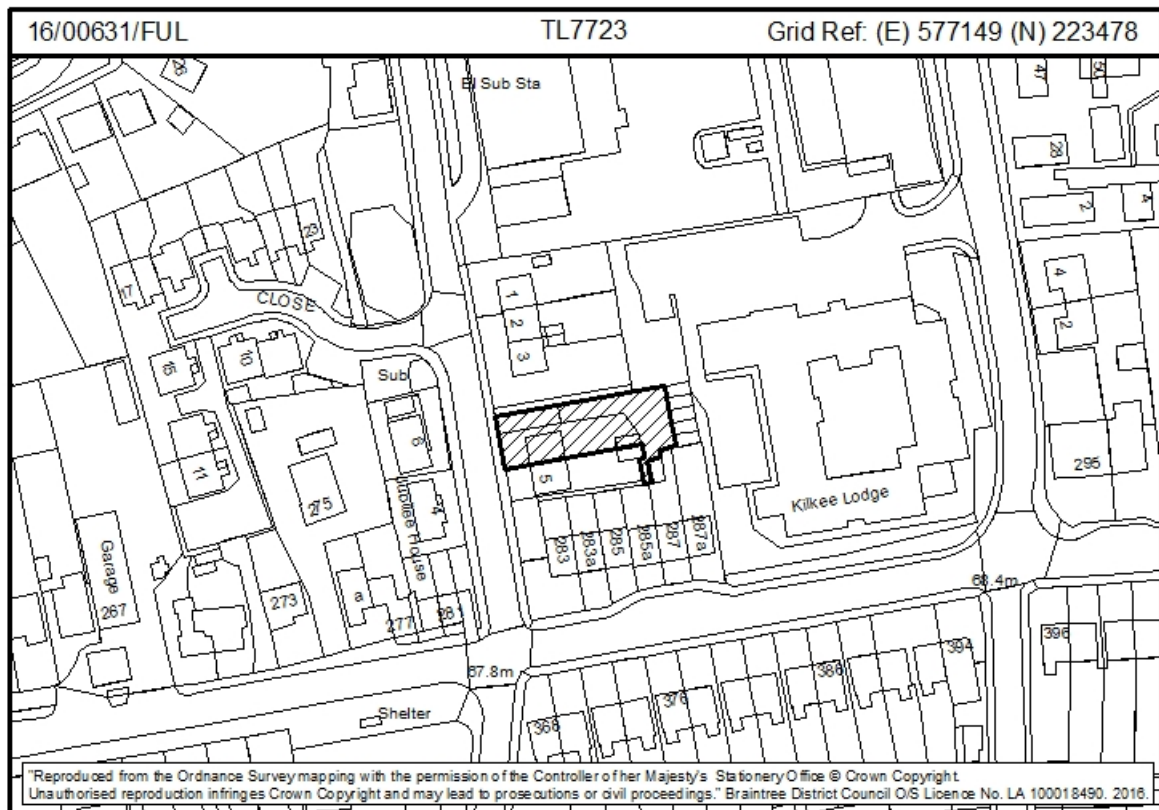
To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/00631/FUL DATE: 15.04.16  
 VALID:  
 APPLICANT: Mr Peter Armstrong  
 4 Warley Close, Braintree, Essex, CM7 9EU,  
 AGENT: Mr John Baugh  
 John Baugh Ltd, 67 Church Lane, Bocking, Braintree,  
 Essex, CM7 5SD  
 DESCRIPTION: Proposed replacement of existing porch, erection of 2  
 storey side extension and first floor extension to rear  
 LOCATION: 4 Warley Close, Braintree, Essex, CM7 9EU

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

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 before the Planning Committee as the Agent is an elected Member of the Council.

## SITE DESCRIPTION

4 Warley Close is a semi-detached dwelling situated within the Braintree Town Development Boundary. The dwelling is one of a pair of dwellings situated on the corner of a row of five house situated on Warley Close. 4 Warley Close is a red brick dwelling with a concrete roof, with a drive and porch on the front elevation and garden to the rear. Beside 4 Warley Close there is a shared access drive that runs the length of the boundary fence and allows access into the garages behind the dwelling.

## PROPOSAL

The applicant is proposing the replacement of the existing porch, and the erection of a two storey side and first floor rear extension.

## CONSULTATIONS

None

## REPRESENTATIONS

One representation was received from a neighbour neither objecting nor supporting the application, but raising concerns regarding a missing window on the side elevation of the extension, which the Case Officer subsequently

addressed with the architect. The architect submitted revised plans showing the correct number of windows on the side elevation and also amended both bathroom windows so that they were both obscure glazed omitting the need for a condition.

## REPORT

### Principle of Development

4 Warley Close is situated within the Braintree Town Development Boundary, therefore Policy RLP3 from the Braintree District Local Plan Review will apply. Policy RLP3 ensures that development will only be permitted where it satisfies amenity, design, environmental and highway criteria without affecting the existing character of the settlement. CS9 from the Braintree District Council Local Development Framework, together with RLP17 and RLP90 promote a good standard of design and layout of development, all of which are discussed in more detail below.

### Design, Appearance and Layout

In terms of Planning Policy, Core Strategy CS9 from the Braintree District Council, together with Policies RLP3, RLP17 and RLP90 would apply to the application as they ensure, inter-alia, that the Council will promote and secure a good standard of design and layout in all new development. There should be no over-development of the plot when taking into account the footprint of and the existing dwelling and the relationship to plot boundaries, the siting, bulk, form and materials of the extension should be compatible with the original dwelling. There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light together with there being no material impact on the identity of the street scene. The layout, height, mass and overall elevational design of buildings and developments shall also be in harmony with the character and appearance of the surrounding area.

4 Warley Close is a semi-detached dwelling situated down a cul-de-sac off of Coggeshall Road in Braintree. The dwelling is situated near the entrance of Warley close, and has a shared access drive beside the house that runs the length of the boundary fence and allows access into the garages behind. The access road is in the ownership of the applicant, and the neighbouring properties have been notified about the proposal with no objections received.

The existing dwelling is constructed from red clay bricks, with a mono pitched roof with concrete interlocking tiles. The front elevation of the house consists of three large white UPVC windows on the front elevation with a White UPVC front door and a pitched concrete interlocking tiled porch, and a large drive. On the rear elevation of the property there is a rear extension with a large white UPVC window with a half brick, half white UPVC conservatory attached to it. On the first floor of the rear elevation there is one large window with two smaller individual windows, all of which are in white UPVC.



The applicant is proposing the replacement of the existing porch, and the erection of a two storey side and first floor rear extension. The proposed porch would be wider than the existing and wrap around the dwelling meeting the wall of the proposed two storey side extension. The roof of the proposed porch would be changed from a pitched to a mono pitched roof using tiles to match those of the existing house. The new front door on the proposed porch would be reduced in size and the long UPVC windows on either side of the existing door would be removed. The door would also be repositioned so that it would be in line with the new internal lobby area, together with the addition of a skylight in the porch roof, which would provide light into the lobby area also.

The proposed two storey side extension would be constructed on the existing fence line, and would involve the removal of part of the existing fence (from the new porch to the end of the rear extension). The existing fence would be removed and replaced by the two storey side extension with the addition of bollards making up the new boundary of the property (not the redline). The removal of the fence would not encroach upon the shared access and the bollards would replace the old fence, together with providing protection to the house.

The proposed two storey side extension itself would consist of a pitched roof with concrete interlocking tiles to match the existing. On the ground floor there would be two windows on the side elevation of the house, one which would provide light into the new utility room and the other would be obscure glazed for the wet room. On the first floor of the side extension there would be two windows also, one of which would provide light into bedroom three and the other would be obscure glazed for the main bathroom.

On the rear elevation of the dwelling there would be a rear extension with a large gable extension added to the first floor. On the ground floor of the rear elevation there would be the insertion of new bi-folding doors, with skylights inserted into the new mono pitched roof, providing light into the new kitchen diner area. The UPVC part of the old conservatory would be removed and replaced with brickwork, with the addition of a large window and door. On the first floor there would be a large pitched roof gable extension finished in cement render with tiles to match the existing, which would provide the applicants with a new study room.

In summary it is considered that the proposed is acceptable in terms of design, appearance and layout.

#### Impact on Neighbour Amenity

The proposal would not increase overlooking, overshadowing or privacy issues at the site due to the architect altered design to include obscure glazed windows. It is therefore considered that the application would not have a detrimental impact upon the surrounding residential amenity.

### Highway Issues

There would not be any highway implications associated with this application.

### CONCLUSION

In conclusion, the application meets the Planning Policy criteria in the Braintree District Council Local Development Framework Core Strategy, together with the Braintree District Local Plan Review. It is therefore recommended that planning permission 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

Site Plan Plan Ref: 0684/00 A

Existing Site Plan Plan Ref: 0684/01 B

Proposed Site Plan Plan Ref: 0684/02 B

Existing Floor Plan Plan Ref: 0684/03 B

Existing Elevations Plan Ref: 0684/04 C

Proposed Floor Plan Plan Ref: 0684/05 C

Proposed Elevations Plan Ref: 0684/06 Version: D

- 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

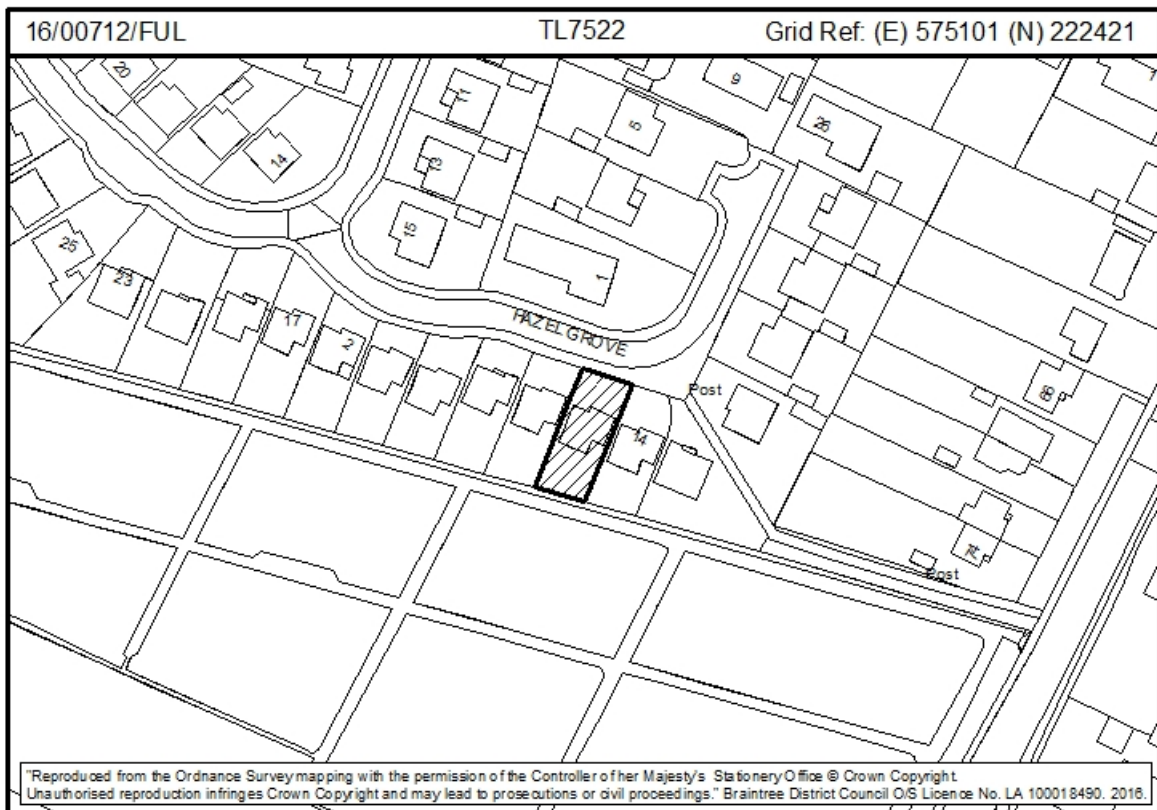
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 16/00712/FUL DATE 26.04.16  
 NO: VALID:  
 APPLICANT: Mr Martin Norgett  
 12 Hazel Grove, Braintree, Essex, CM7 2LX,  
 DESCRIPTION: Erection of two storey side extension projecting over  
 existing garage and single storey rear extension  
 LOCATION: 12 Hazel Grove, Braintree, Essex, CM7 2LX

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@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

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 / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because the applicant is related to a member of staff.

## SITE DESCRIPTION

The application site comprises a detached dwelling within Braintree town development boundary. It is not located within a Conservation Area or subject to any listing. The property is one of a number of contemporaneous dwellings on a residential estate, a number of which have been extended in the road in a similar style to the proposal. Braintree cemetery lies adjacent to the southern site boundary and is screened from the same by fencing and the lie of the land which falls to the southeast.

## PROPOSAL

It is proposed to extend to the side of the property above the existing attached garage and erect a single storey rear extension. A conservatory is proposed to be removed at the southeast corner of the house. The enlarged ground floor would accommodate an enlarged Kitchen/Dining Room. The space created at the first floor would accommodate a fourth bedroom and a new family bathroom, with the existing first floor layout being reconfigured to create a bedroom with en-suite.

## CONSULTATIONS

N/A

## REPRESENTATIONS

None

## REPORT

### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. Policy RLP17 of the Braintree District Local Plan Review states that within towns and villages proposals for the extension of an existing dwelling house will be considered in relation to: there should be no overdevelopment 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 should be compatible with the original dwelling; there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light; and there should be no material impact on the identity of the street scene, scale and character of the area.

In this case, it is considered that there is no objection in principle to the proposal, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

### Design, Appearance and Layout

A number of the neighbouring properties have been similarly extended over their garages. The scale of the proposal is considered to be in keeping with the host dwelling and the size of the plot. The reduction in rear private amenity space will be only around 5.5 square metres and it is considered that sufficient rear private amenity space will remain. The existing house is finished in red brick with rendered elements and concrete roof tiles. Materials and finishes are proposed to match existing.

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

### Impact on Neighbour Amenity

No new windows are proposed in the flank wall. Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

### Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces to the current adopted standard. No change is proposed the existing access and parking arrangements which provide one garage space and parking for two vehicles in the front curtilage. The change from a three bedroom to a four bedroom house does not require the addition of further parking spaces. It is therefore considered that there are no highways or parking impacts associated with the development.

### CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Block Plan  
Proposed Elevations  
Floor Plan

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

#### Reason

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

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

#### Reason

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

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

#### Reason

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

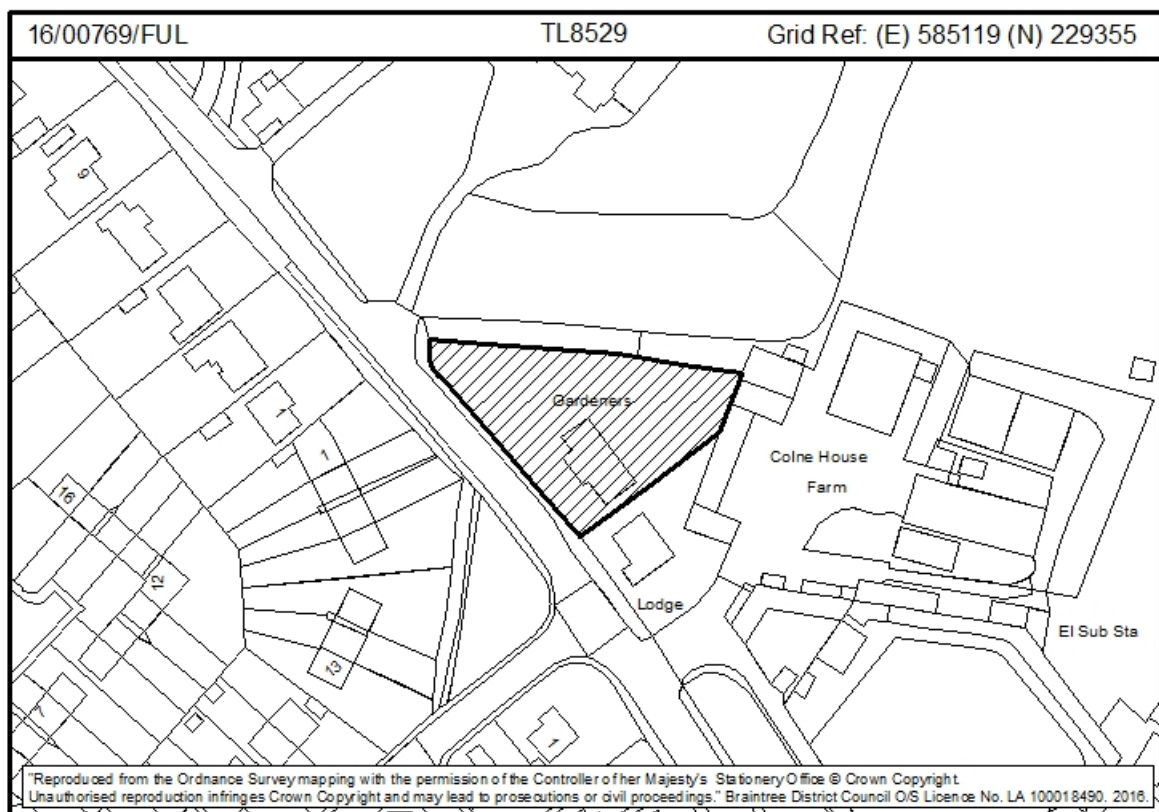
TESSA LAMBERT - DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5i

PART B

APPLICATION NO: 16/00769/FUL      DATE: 09.05.16  
VALID:  
APPLICANT: Mr & Mrs D Attree  
Gardeners, Station Road, Earls Colne, Essex, CO6 2ER  
AGENT: Nigel Chapman Associates  
Mr N Chapman, Kings House, Colchester Road, Halstead,  
Essex, CO 9 2ET  
DESCRIPTION: Proposed detached garage  
LOCATION: Gardeners, Station Road, Earls Colne, Essex, CO6 2ER

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



## SITE HISTORY

05/01828/OUT	Erection of detached bungalow	Refused	01.11.05
76/00400/P	Retention of bungalow without complying with condition restricting use to employees of the owner of Colne House	Granted	
11/00670/FUL	Erection of an extension to form an annexe	Granted with S106 Agreement	08.09.11
12/00706/FUL	Erection of porch and rear extensions	Withdrawn	04.07.12
12/00936/FUL	Erection of porch and rear extensions	Granted	23.08.12

## 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  
RLP56          Vehicle Parking  
RLP95          Preservation and Enhancement of Conservation Areas  
RLP90          Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee due to the agent being related to a Braintree District Council employee.

## SITE DESCRIPTION

The application site is located within the village envelope and within the Conservation Area of Earls Colne. The host dwelling is set back from the main road with a large driveway which has the capacity to accommodate several vehicles and turning area. The property benefits from having a large amenity area to the side and rear of the property. The boundary treatment for the property currently comprises a 3 metre high hedge. There are currently



two existing vehicular accesses, one at the front of the property and one to the side of the property.

## PROPOSAL

The applicant seeks planning permission to erect a triple garage adjacent the highway within the grounds of the host dwelling. The garage would be positioned at the end of the turning head of the driveway. There is currently off road parking for several vehicles which would not alter if the garage were to be erected. The materials to be used are red multi-stocks, smooth render painted olive and roof slates to match the existing host dwelling. No changes are proposed to the vehicular access.

## CONSULTATIONS

Essex County Council Highways Officer – No response received

Historic Buildings Advisor – No objection

Parish Council – No objection

## REPRESENTATIONS

A site notice was displayed at the front of the property and a neighbour notification letter was sent to North Lodge, Station Road, Earls Colne, but no representations have been received.

## REPORT

### Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23-28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review reiterates this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”. Policy RLP95 of the Braintree District Local Plan Review states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the

Conservation Area such as the street scene, scaling and proportions of its surroundings.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

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

The position of the proposed garage would be in close proximity of the highway with a 3 metre high hedge currently separating the dwelling from the main road. The proposed garage would be visible from the main road but would be partially screened by the existing hedge. The host dwelling is a modern design and the proposed garage and use of matching materials would be sympathetic and in keeping with the host dwelling. No objections have been raised by the Historic Buildings Consultant on heritage grounds. In this case, it is considered that the proposal would not have a detrimental impact upon the character and appearance of the Conservation Area or the host dwelling.

#### Impact on Neighbour Amenities

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

#### Highway Issues

There is an existing vehicular access to the property, which leads onto the driveway. Vehicles are able to turn and access the highway safely as there is adequate space for parking and turning of vehicles within the existing driveway. The position of the proposed garage would not affect the existing driveway, as the garage would be located in an area of land to the left of the driveway. The proposed garage would provide three additional parking spaces and the existing spaces would be retained. It is therefore considered that there would be no highway implications associated with this application.

## CONCLUSION

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

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: 16/301/1
Proposed Plans	Plan Ref: 16/301/2
Proposed Plans	Plan Ref: 16/301/3

- 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 the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

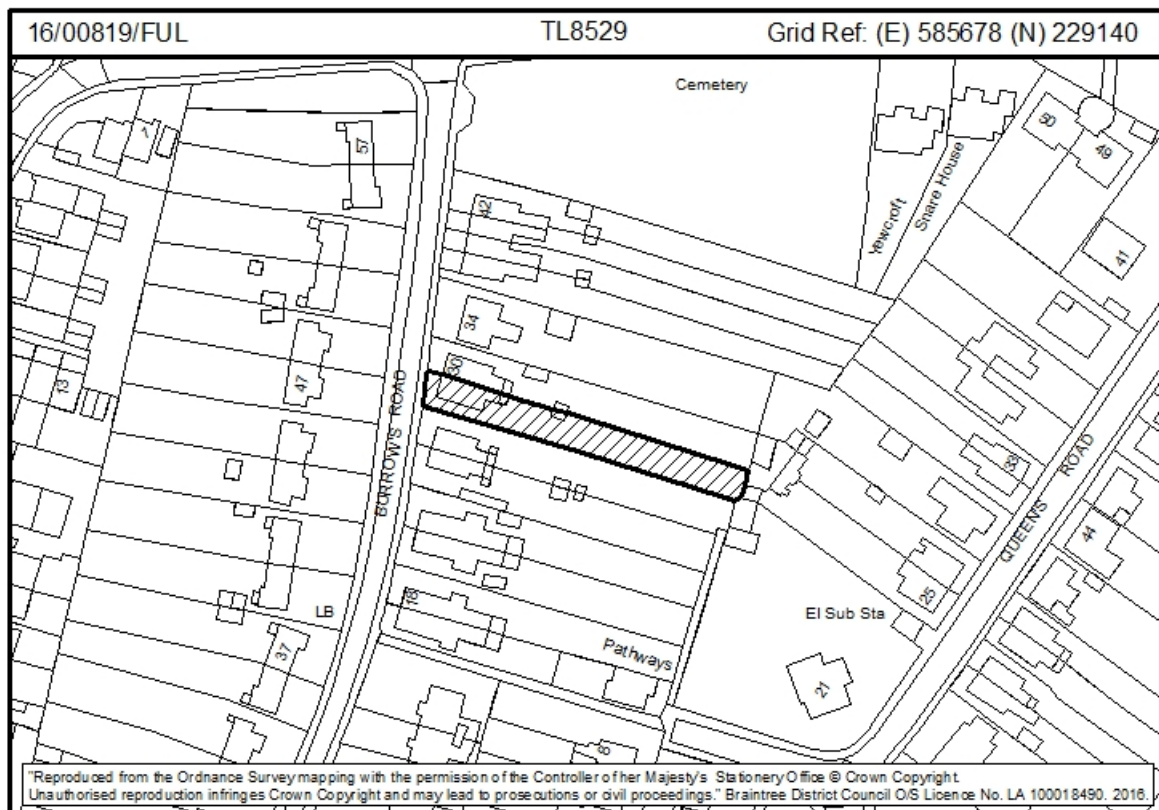
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION 16/00819/FUL DATE 12.05.16  
NO: VALID:  
APPLICANT: Mr and Mrs D English  
28 Burrows Road, Earls Colne, Essex, CO6 2SA,  
AGENT: Nigel Chapman Associates  
Mr Nigel Chapman, Kings House, Colchester Road,  
Halstead, Essex, CO9 2ET  
DESCRIPTION: Erection of single storey rear extension  
LOCATION: 28 Burrows Road, Earls Colne, Essex, CO6 2SA

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  
RLP95          Preservation and Enhancement of Conservation Areas

## INTRODUCTION

This application is brought before the Planning Committee due to the agent being related to a Braintree District Council employee.

## SITE DESCRIPTION

The application site comprises a two storey semi-detached property, one of a row of four pairs of semi-detached houses, located within the Conservation Area of Earls Colne and within the village envelope. The property has off road parking to the side of the dwelling and a long Victorian style garden. The rear garden has 1.8m fencing which forms the boundary treatment.

## PROPOSAL

The application proposes to erect a single storey rear extension. The extension would provide addition living accommodation by creating a larger kitchen/family room, utility room and glazed lean-to link to the main house with alterations to provide a large sitting room and new access to a renovated shower room within the existing lean-to bathroom.

Materials and finishes are proposed to match the existing, namely Red Multi Stocks to match existing plinth, arch and quoins. Multi-Yellow stocks to match existing Cedar Weatherboard; Dark Grey Traditional Slates; White PVCu and Grey rainwater goods.

Previous applications have been submitted and approved for extensions of a similar size, scale and proportions within this row of semi-detached dwellings. No. 14 Burrows Road; 24 Burrows Road and 36 Burrows Road have all been granted planning permission for extensions of a similar scale and design as sought in this application. All of the properties that have been granted permission are Victorian style properties, with generous plot sizes in close proximity to the application site.

## CONSULTATIONS

Historic Building Consultant – raises no objection to the proposal, as it is considered that the extension to the rear of the building would not have a negative impact on the contribution which the building makes to the Conservation area.

Parish Council – No objection

## REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties at 26 and 30 Burrows Road were notified of the application but no representations have been received.

## REPORT

### Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” Policy RLP95 of the Braintree District Local Plan Review states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings.

In this case, it is considered that there is no objection in principle to the proposal, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

### Design, Appearance, Layout and Impact upon Conservation Area

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review reiterates this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

In this case it is considered that the design and appearance of the proposed extension would be in keeping with the character and appearance of the host dwelling. While the size and scale of the extension is large, having regard to the generous plot and the prominence of other extensions of a similar size and scale which have been granted planning permission within the vicinity of the application site, it is considered that the proposal would be in keeping with the host dwelling. Furthermore, no objections have been raised by the Historic Buildings Consultant on Conservation Area grounds. The proposal is therefore considered to be satisfactory in this regard.

### Impact on Neighbour Amenities

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

The dwelling has existing parking to the side of the property, which would not be affected by the proposal. As the existing parking arrangements would remain, the proposal is therefore considered to be satisfactory in this regard.

### CONCLUSION

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

### RECOMMENDATION

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

## APPROVED PLANS

Proposed Plans

Plan Ref: 16/303/2

Version: A

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

### Reason

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

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

### Reason

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

- 3 No above ground works shall commence until a sample panel measuring 1m x 1m of both the stock brick and the proposed red brick quoin detail has been erected on site and made available for inspection by the Local Planning Authority and subsequently approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

### Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

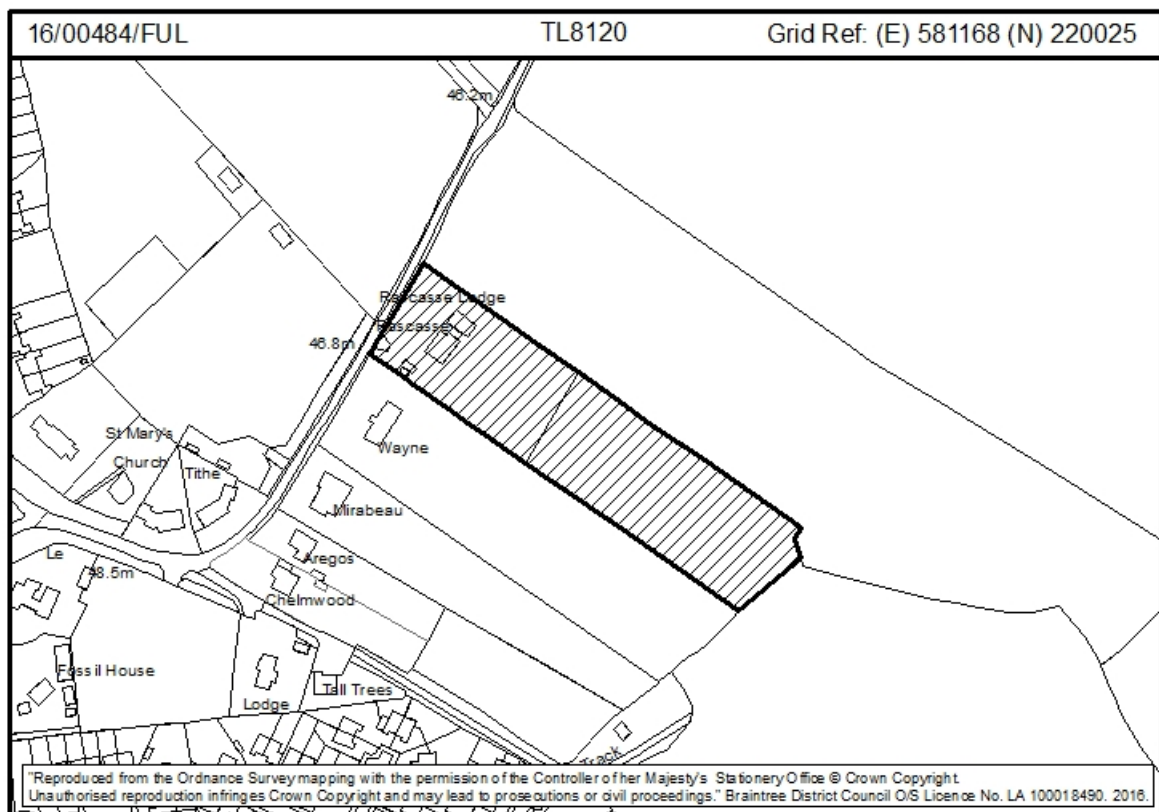
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART B

APPLICATION 16/00484/FUL DATE 17.03.16  
 NO: VALID:  
 APPLICANT: Zero Three Care Homes LLP  
 Mr Gary Leckie, Suite 1, The Exchange Court, London  
 Road, Feering, Essex, CO5 9FB  
 AGENT: HGN Design Limited  
 Mr Steven Higgon, 6 Proctor Way, Marks Tey, Colchester,  
 Essex, CO6 1XE  
 DESCRIPTION: Erection of single storey extension to annexe to provide  
 self-contained additional single bedroom accommodation to  
 existing residential care home  
 LOCATION: Annexe At, Rascasse, Sheepcotes Lane, Silver End, Essex,  
 CM8 3PJ

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)



## SITE HISTORY

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

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

## Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP21	Institutional Uses in the Countryside
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP90	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

The site is located at the rural edge of Silver End outside of the Silver End Conservation Area and outside of the development boundary, which is drawn approximately 70 metres to the south east of the site, and includes the first few properties in Sheepcotes Lane. “Rascasse” is the last in a linear group of dwellings on the east of Sheepcotes Lane, with open fields to the north and east, and land used for horse grazing to the west of the site. The land is generally fairly flat and the site is visible in long views when driving in a north western direction along Sheepcotes Lane towards the village.

The site has an extensive planning history. Of most relevance is the certificate of Proposed Lawful Development for use as a Dwelling House within Class C3 granted on 3rd September 2009; and, planning permission for the erection of an annexe extension, change of use from Class 3b (residential home for up to 6 residents living as a single household where care is provided) to Class C2 (residential institution) for people with learning disabilities, which was granted in 2012 (reference 12/00731/FUL). A condition limited the number of bedrooms to 7, not including staff accommodation.

“Rascasse” is a large former dwelling house situated towards the northern end of a very generous plot. There is a detached cartlodge to the southwest of the main house, and a detached annexe building to the northeast of the main house, which follows the general building line along Sheepcotes Lane. The front curtilage is mainly laid to gravel with an in and out semi-circular drive arrangement and also features lawn areas and mature trees. Parking is provided to the north side of the annexe. The large rear private amenity area is enclosed at the boundaries by close board timber fencing topped with trellis, the combined height of which is approximately 1800mm.

## PROPOSAL

It is proposed to extend the existing detached annexe from its eastern corner in an offset arrangement to provide ground floor self-contained accommodation comprising of one bedroom, a kitchen, bathroom, and living

room. The footprint of the building will be approximately 8.2 x 8.4 metres. The unit has an independent access to/from the rear amenity area and an internal access linking it to the existing annexe which comprises two bedrooms and two shower rooms (one each of which at the ground floor and at the first floor respectively), kitchen, utility, staff sleepover room, and a hall.

Residents are placed by Local Councils and CCGs with the specific requirements that those people with learning difficulties should be resident in the community in a variety of normal residential accommodation locations. The applicant advises that the additional bedroom would be for an enablement apartment, which would support people to move through from residential care to prepare them for Supported Living accommodation. The parking area will be reconfigured within the existing site boundary and will provide three additional spaces.

### CONSULTATIONS

ECC Highways – No comment, not contrary to Local Transport Plan policies in respect of Safety, Accessibility, Efficiency/Capacity, Road Hierarchy, and Parking Standards.

Environment Agency – Additional volume will not be detrimental if plant is managed correctly, requirement to comply with General Binding Rules.

BDC Environmental Services Pollution – It is critical that the general binding rules are complied with as the discharge is into a ditch which is next to the road.

As there is a significant amount of laundry effluent which can affect the efficiency of the treatment process the introduction of another sewage treatment plant may not resolve the intermittent odours. A means of preventing additional odour from this development would be to consider a soakaway or piping into faster moving water to prevent a build-up of solids. As the ditch is owned by a third party the applicant is advised to confirm that no additional permissions from the owner of the ditch are required for the separate discharge.

As a minimum, place a condition on any consent for the care home company to confirm exactly how they will meet the general binding rules and confirm the throughput of the two plants

Silver End Parish Council – Objection:

- Disperses sewage into ditch currently and cannot be considered for approval unless this is sorted out in advance.
- Over development of the site.
- Re-iterate comments made previously to this application

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties.

In response, one letter of representation has been received from: Mr M Smith, who has objected to the application on the following grounds:

- Stench from excess sewage being put into ditch since the care home has been there.
- Plant inadequate for the number of users.
- Smells reduced for short periods following complaints but a permanent solution needs to be found e.g. by joining up to the main sewage pipes.

## REPORT

### Principle of Development

The site is located outside of any development boundary and is therefore classified as countryside, where development is strictly controlled to uses appropriate to the countryside. The proposal seeks an extension to an existing residential institution in the countryside. There is therefore no objection in principal subject to satisfactory design and landscape setting, parking, and neighbouring residential amenity.

### Design, Appearance and Layout

Policy CS9 of the Core Strategy and Policy RLP90 of the Braintree District Local Plan Review seek to ensure that development accords with good design principles that respect the context, and the character of the landscape.

The existing annexe and main house are finished in a combination of render and black stained weatherboard, with plain tiles. Materials and finishes are proposed to match existing.

The way in which the extension is offset from the rear of the annex reduces the visual bulk of the front elevation and the annex will be read with the existing buildings on site and the neighbouring properties in longer views from Sheepcotes Lane. The roof of the extension will not be higher than the existing annex and mirrors the pitch of the same. Following discussion with the applicant an additional window has been inserted into the northwest elevation of the extension and this is considered to have resulted in a better solid to void relationship. It is also considered that a reasonable gap will remain between the flank wall of the extended annex and the boundary, and plenty of amenity space and parking will remain; the proposal does not therefore represent an overdevelopment of the plot.

It is therefore considered that the proposal is in keeping with the existing buildings on the site, will not be detrimental to the street scene or the character of the area.

#### Impact on Neighbour Amenity

Taking into account the position of the dwelling, and having regard to the proposed works it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

#### Other Issues

The Council's Environmental Health Officer has advised that the applicant is aware of complaints that have been raised in respect of sewage odour; the applicant advises that they are unaware of any complaints of odour connected to the application site but acknowledges that there have been issues with the sewage treatment plant for the "Mirabeau building" located to the southwest on the other side of the adjacent neighbour to Rascasse.

Policy RLP71 states that planning permission will not be given where there is inadequate water supply, sewerage or land drainage systems (including water sources, water and sewage treatment works) available to meet the anticipated demands of the development, unless there is an agreed phasing arrangement between the developer and the relevant service provider, for the provision of the necessary infrastructure. In line with the Environment Agency's pollution prevention guide lines on disposal of sewage, where no mains drainage is available, developers must show that they are proposing adequate facilities to service the development. A previous application (15/01295/FUL) was withdrawn in November 2015 due to drainage concerns. The proposal increases the accommodation on site by one bedroom.

The current proposal includes the installation of additional plant with the intention of reducing the load on the existing sewage treatment plant. The capacity of the combined system and the volume increase associated with the additional accommodation will be addressed through the building regulations regime should the application be approved. The Environment Agency has not objected to the application. A condition has been included to require the applicant to show that the Environment Agency's *General Binding Rules* (rules that must be followed if your small sewage discharge treatment plant releases (discharges) liquid to a surface water) can be met, prior to occupation of the extended annexe.

The applicant has been advised in respect of the requirement to meet the general binding rules and has advised that it is considered that discharge from the sewage plant into a new soakaway would be the best solution. Calculations of the discharge from the sewage treatment plant together with the calculations for the soakaway will be provided by specialists. It is recommended that this be covered by the aforementioned condition.

### Highway Issues

The existing access will not be altered and the reconfigured parking area will provide additional spaces. It is considered therefore that there are no highway impacts associated with the proposal.

### CONCLUSION

It is considered that the scale of the proposal would not be detrimental to the setting and that a condition can be used to mitigate any harm to the amenity of residents.

### RECOMMENDATION

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

### APPROVED PLANS

Proposed Plans

Plan Ref: 9025-02

Version: B

- 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.

- 4 No development shall commence until details of 1): how the Environment Agency "General Binding Rules" are to be met, and 2): confirmation of the throughput of the two plants, have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason

These details are required prior to the commencement of development in order to minimise nuisance caused by pollution in the interests of residential amenity.

- 5 The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the existing residential care home known as "Rascasse" as identified on the submitted Location Plan. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single planning unit.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

TESSA LAMBERT  
DEVELOPMENT MANAGER

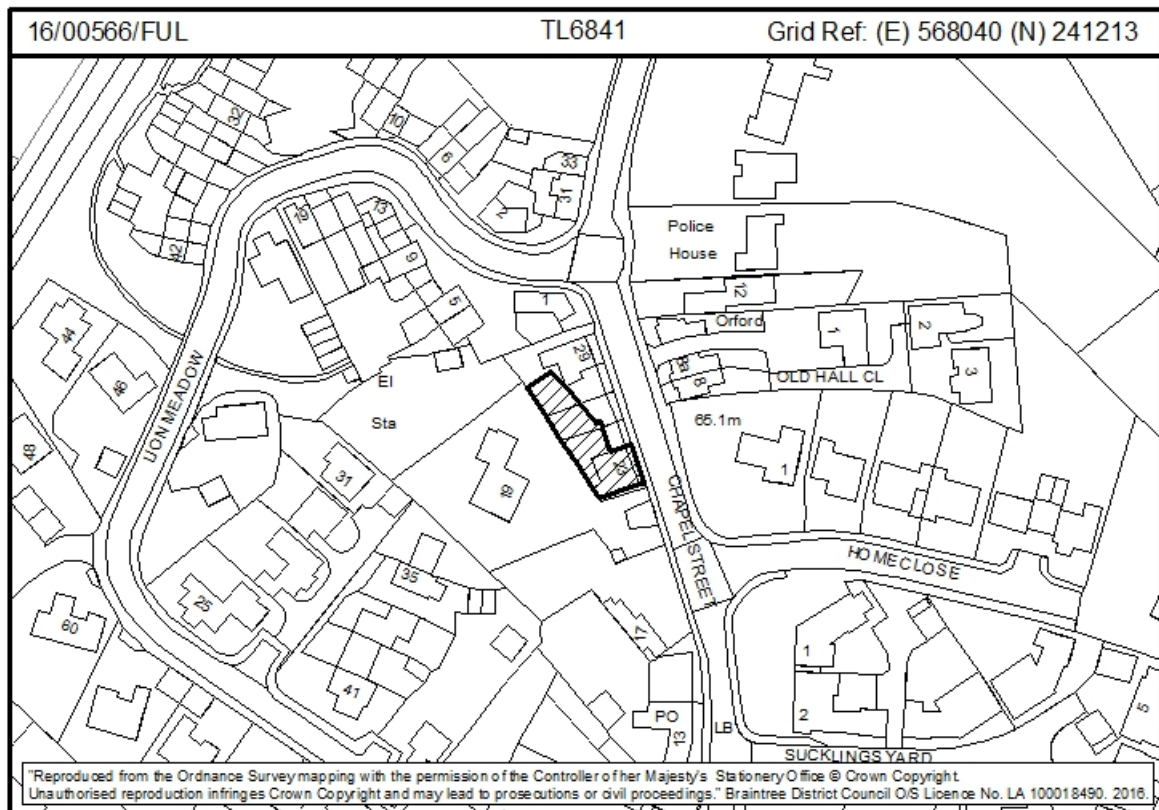


# AGENDA ITEM NUMBER 5I

## PART B

APPLICATION 16/00566/FUL DATE 01.04.16  
 NO: VALID:  
 APPLICANT: Mr & Mrs W Yates  
 23 Chapel Street, Steeple Bumpstead, Essex, CB9 7DQ  
 AGENT: Mr R P Dover  
 11 Bower Hall Drive, Steeple Bumpstead, Haverhill, Suffolk,  
 CB9 7ED  
 DESCRIPTION: Demolition of existing conservatory and erection of single  
 storey rear extension  
 LOCATION: 23 Chapel Street, Steeple Bumpstead, Essex, CB9 7DQ

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



## SITE HISTORY

02/01914/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Lop and top 1 walnut tree	Granted	11.11.02
08/02178/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - top 1 walnut	Granted	05.01.09
10/00268/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Fell 1 Walnut	Granted	22.11.10

## 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  
RLP95          Preservation and Enhancement of Conservation Areas

## INTRODUCTION

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

## SITE DESCRIPTION

23 Chapel Street is a semi-detached dwelling situated within the Steeple Bumpstead Village Envelope. The dwelling is situated on the corner of a row of five house situated on Chapel Street. 23 Chapel Street is a pale rendered dwelling with a slate pitched roof, with a long garden that runs behind three of the houses on Chapel Street, with tall hedges that screen the existing conservatory on the Southern boundary.

## PROPOSAL

The existing conservatory is in a poor condition and the applicants are proposing to demolish the existing conservatory and erect a single storey rear extension.

## CONSULTATIONS

Conservation Consultant – The Conservation Consultant does not support the application. The Conservation Consultant feels that in this context the size of the proposed conservatory will not be proportionate to the house or its location in the garden and the flat roof with roof lantern would not be acceptable design in this context.

Parish Council - Steeple Bumpstead Parish Council feel that the style of the proposal is not suitable for that character of the house, therefore Steeple Bumpstead Parish Council would recommend the application for refusal.

## REPRESENTATIONS

None received

## REPORT

### Principle of Development

23 Chapel Street is situated within the Steeple Bumpstead Village Envelope, therefore Policy RLP3 from the Braintree District Local Plan Review would apply. Policy RLP3 ensures that development would only be permitted where it satisfies amenity, design, environmental and highway criteria without affecting the existing character of the settlement. CS9 from the Braintree District Council Local Development Framework, together with RLP17, RLP90 and RLP95 promote a high standard of design and layout of development, together with ensuring that the application would not have a detrimental effect on the character of the Conservation Area, all of which are discussed in more detail below.

### Design, Appearance and Layout

In terms of Planning Policy, CS9 from the Braintree District Council Local Development Framework Core Strategy applies to the application as it ensures, inter-alia, that the Council will promote and secure a good standard of design and layout in all new development. Policies RLP17, RLP90 and RLP95 from the Braintree District Local Plan Review also apply to the application as they ensure, inter-alia, that there should be no over-development of the plot, the siting, bulk, form and materials of the extension should be compatible with the original dwelling, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light and should have

no material impact on the identity of the street scene, scale and character of the area. The Council would also seek to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings.

The concerns of the Conservation Consultant regarding the proposed are noted. The proposed conservatory is larger than the existing and its design also differs. However, the layout of the site and location of the conservatory results in it being screened in its entirety from publicly viewable spaces. Existing mature vegetation also largely screens the proposed conservatory from neighbouring properties. In this regard it is considered that refusal of the application on the grounds that it would harm the character and appearance of the Conservation Area is difficult to justify. It is further noted that the house itself is not a listed building.

The host dwelling is pale rendered finished with a slate pitched roof, situated in Steeple Bumpstead Village Envelope. The existing conservatory is in a poor condition and the applicants are proposing to demolish the existing conservatory and erect a single storey rear extension. The proposal would be constructed using weatherboard with a flat roof with a roof lantern. The bi-folding doors and windows, including the roof lantern would be made from white UPVC to match the existing. Although the size of the extension is larger in width than the existing conservatory, and the roof of the extension has changed from a pitched roof to a flat roof, the Case Officer feels that the extension would not be excessive in size and scale and that a flat roof in this location works well with the design, together with the proposal enabling the applicants to increase the amount of liveable space without having a detrimental effect on the host dwelling or the character of the Conservation Area.

Although the introduction of weatherboarding would be an addition to the relatively limited palette of materials used in the existing dwelling, it is considered that the weatherboarding would harmonise well with the design of the extension as well as with the existing dwelling. The extension would not have a detrimental impact on the amenities of adjoining residential properties due to its proposed location, together with the neighbouring trees providing a visual barrier between neighbouring properties and the rear extension. The proposal would not have a material impact on the identity of the street scene, scale and character of the area, due to its proposed location being in the rear garden of the property.

It is therefore considered, that the design of the extension would not have a detrimental impact on the character, appearance and setting of the Conservation Area, due to its proposed location, size, scale and materials used.

#### Impact on Neighbour Amenity

The proposal would not increase overlooking, overshadowing or privacy issues at the site due to the neighbouring large trees and location, design and

size of the proposed extension. It is therefore considered that the application would not have a detrimental impact upon the surrounding residential amenity.

### Highway Issues

There would not be any highway implications associated with this application.

### CONCLUSION

In conclusion, the application meets the Planning Policy criteria in both the Braintree District Council Local Development Framework Core Strategy, as well as the Braintree District Local Plan Review. The proposal can only be seen when in the rear garden of the site, therefore it is considered that the proposal would not have a detrimental effect on the Conservation Area. It is therefore recommended that planning permission 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

Existing Plans	Plan Ref: RD285.16/01
Proposed Plans	Plan Ref: RD285.16/02

- 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

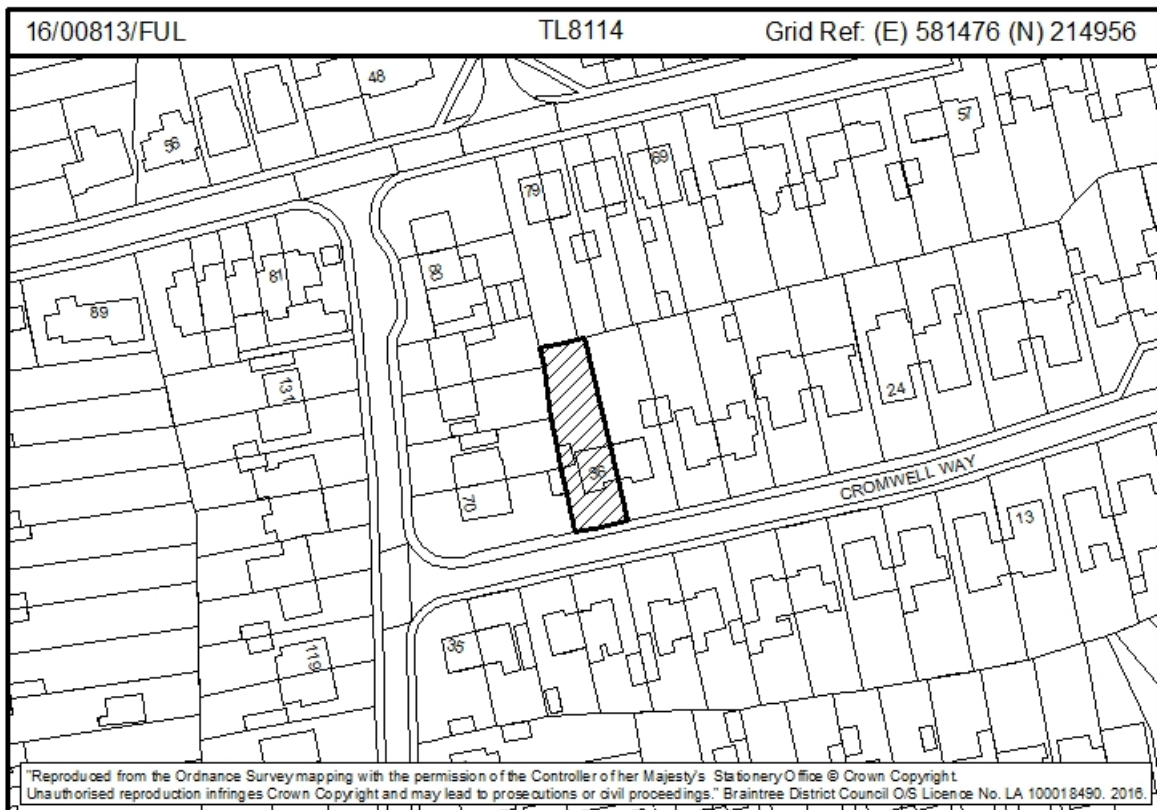
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 16/00813/FUL DATE 10.05.16  
 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

16/00237/FUL	Demolition of existing garage and rear porch and erection of single storey side and rear extension.	Granted	08.06.16
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## 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

Planning permission has been granted earlier this year under planning application reference 16/00237/FUL for the demolition of existing garage and rear porch and erection of single storey side and rear extension. The application was reported to Committee on 12<sup>th</sup> April 2016.

This application seeks to revise the previously approved proposal due to unforeseen problems relating to drainage. It is proposed to increase the depth of the extension by 1m and alter the position and size of the door in the side elevation and increase the window size in the rear elevation. The proposed extension would provide additional living accommodation by creating a larger kitchen and dining area.

## CONSULTATIONS

Witham Town Council – No objections

## 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, the principle of the proposal has been established through the grant of the previous planning application. There are therefore no objections in principle to this revised 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 dwelling-house 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 revisions to 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 Amenities

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 policies.

#### RECOMMENDATION

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

#### APPROVED PLANS

Proposed Plans	Plan Ref: DW2016-123	Version: SF1
Proposed Plans	Plan Ref: DW2016-123	Version: SF2
Floor Plan		

- 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