Planning Committee AGENDA

THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 10 November 2015

Time: 19:15

Venue: Council Chamber, Causeway House, Braintree, CM7 9HB

Membership:

Councillor J Abbott
Councillor R Bolton
Councillor Mrs L Bowers-Flint
Councillor P Horner
Councillor H Johnson
Councillor S Kirby
Councillor D Mann
Councillor Lady Newton
Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor Mrs I Parker
Councillor R Ramage
Councillor Mrs W Scattergood (Chairman)
Councillor Mrs G Spray

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

Page

PUBLIC SESSION

1 Apologies for Absence

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

3 Minutes of the Previous Meeting
To approve as a correct record the Minutes of the meeting of the Planning Committee held on 13th October 2015 (copy previously circulated).

4 Public Question Time
(See paragraph below)

5	**Planning Applications** To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined 'en bloc' without debate.	
	PART A Planning Applications:-	
5a	**Application No. 15 00819 FUL - Cornerstone Cottage, 183-185 Witham Road, BLACK NOTLEY**	**5 - 12**
5b	**Application No. 15 01012 FUL - Land rear of 16 High Street, HALSTEAD**	**13 - 25**
5c	**Application No. 15 00949 FUL - Land South of Sheepcote Wood, B1018, Witham Road, WHITE NOTLEY**	**26 - 57**
5d	**Application Nos. 15 00799 OUT and 15 00800 FUL - Land at North East Witham, Forest Road, WITHAM**	**58 - 122**
	PART B Minor Planning Applications:-	
5e	**Application No. 15 00959 FUL - 14 St Andrews Rise, BULMER**	**123 - 129**
5f	**Application No. 15 01029 FUL - Ashwood, 3 Spa Road, FEERING**	**130 - 135**
5g	**Application No. 15 00407 FUL - White Court Primary School, Ennerdale Avenue, GREAT NOTLEY**	**136 - 151**
5h	**Application No. 15 01028 FUL - 45 Collingwood Road, WITHAM**	**152 - 156**
6	**Planning and Enforcement Appeal Decisions - September 2015**	**157 - 161**
7	**Urgent Business - Public Session** To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	

8 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

9 Urgent Business - Private Session

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

Continued

E WISBEY
Governance and Member Manager

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

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

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

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

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

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

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

Please let us have your comments setting out the following information

Meeting Attended…….… Date of Meeting.....
Comment.....
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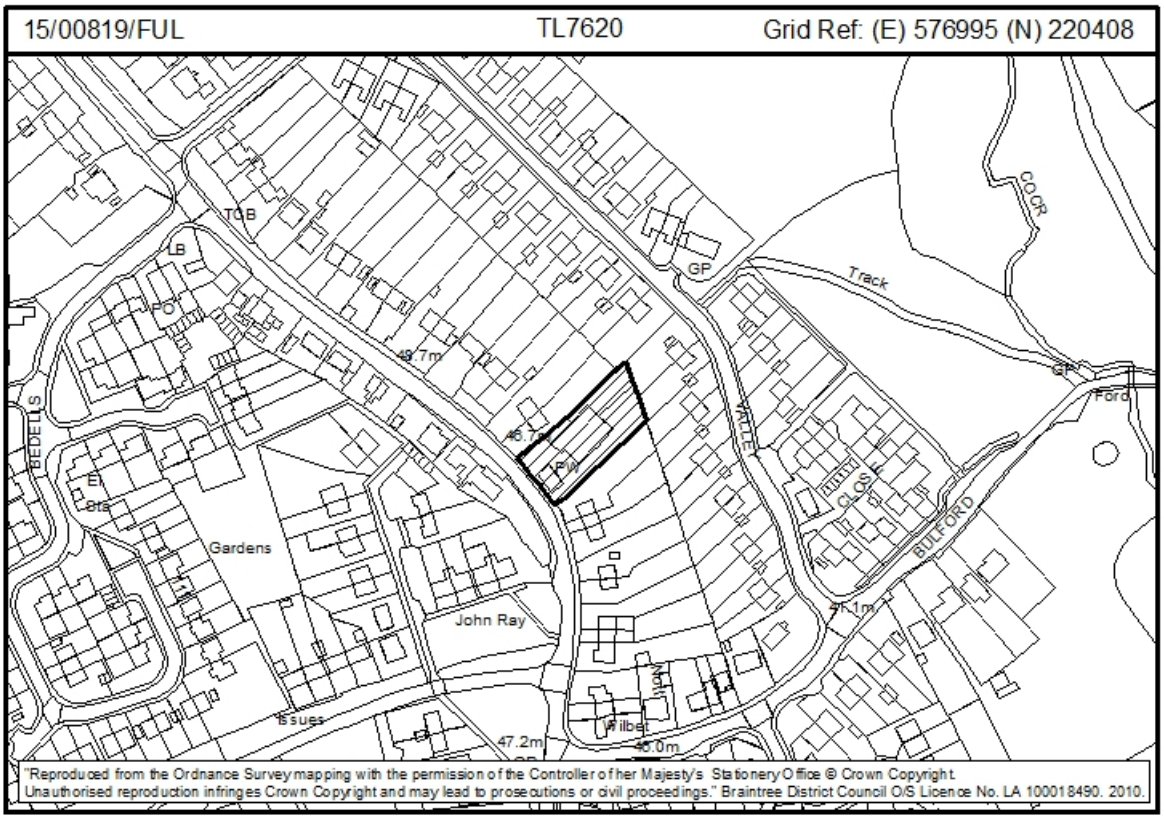
Contact Details: .....

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO:	15/00819/FUL	DATE VALID:	29.06.15
APPLICANT:	Cornerstone Church 183 - 185 Witham Road, Black Notley, Essex, CM77 8NB		
AGENT:	Lewis Patten Mr Cliff Patten, 16 Watermark Way, Fosholes Business Park, Hertford, Hertfordshire, SG13 7TZ		
DESCRIPTION:	Alteration and front extension to church building and alterations to chapel building		
LOCATION:	Cornerstone Centre, 183 - 185 Witham Road, Black Notley, Essex, CM77 8NB		

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



SITE HISTORY

91/00524/PFBS	Proposed Replacement Church Building	Granted	20.08.91
92/01083/ADV	Proposed display cabinet with internal neon downlighter	Granted	10.11.92
93/01550/FUL	Erection of toilet extension	Granted	08.02.94
97/01373/FUL	Extension to car park	Withdrawn	15.01.98
98/00701/FUL	Erection of open-sided lean-to	Granted	02.07.98
14/01456/FUL	Demolition of former chapel building to front to create parking and access. New front and side extensions to main hall building	Refused	31.12.14

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

RLP56 Vehicle Parking
RLP62 Development Likely to Give Rise to Pollution or the Risk of Pollution
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 receipt of an objection from Black Notley Parish Council.

SITE DESCRIPTION

The Cornerstone Church is situated on the east side of Witham Road and is within the Black Notley Village Envelope. There are two main buildings within site, a Victorian Chapel, also known as the Mission Hall, is sited close to the highway. The other more modern building is set further back into the site, behind the Chapel. This building is used for worship and a variety of community purposes. There is an open-sided lean-to structure on the side which abuts the boundary of a neighbouring dwelling, No. 181 Notley Road.

To the side and rear of this building is a tarmacked area used for vehicular parking. Car parking space is also available to the front of the building. There are two vehicular accesses into the site which are either side of the Chapel. The site is within a residential area and is set on ground which slopes fairly steeply away from the road to the north-east, backing onto the rear gardens of properties in Brain Valley Avenue.

PROPOSAL

This is a revised proposal following on from the refusal of planning application reference 14/01456/FUL. This application proposed the demolition of the Victorian Chapel to create additional parking spaces, and a larger extension to the modern building. This application was refused on the grounds of impact on the character of the area, the removal of the existing landscape buffer and the intensification of use for vehicle parking which would result in harm to amenity, particularly that of No. 181 Notley Road and 23 Brain Valley Avenue.

With this application it is proposed to retain the existing Chapel, with a minor alteration to insert new entrance doors, a small extension to the front and side of the main building, an additional 5 spaces in the rear car park area together with landscaping and surface water attenuation.

The proposed extension is to the front of the building and will create a garden room where the existing lean-to structure is currently located, representing an increase in floor area of 79sqm from 330sqm to 409sqm. This will enable some internal alterations to improve existing facilities at the Centre including the provision of an office and store and additional toilet facilities. It will feature a pitched roof and flat roofed section on the side facing 181 Notley Road. It will be set below the height of the existing building and will measure approximately 2.5m in height, 3.4m in length and 8.8m in width. The front elevation will feature 4 new windows and double doors. No additional windows are proposed on the north-west side, however, one high level window is proposed on the south-east side of the new extension. A new external emergency door and staircase is proposed on the rear. The materials are to match the existing building.

The block plan submitted with the application indicates the installation of a ‘new pedestrian priority paved entrance path’ from the Chapel to the main building together with a disabled person’s parking space to the side. Four of the new parking spaces will be placed to the rear, set in from the boundary with No. 181 Notley Road. Acoustic screening and surface water attenuation is proposed on the north and west boundaries, however, no details of their appearance have been submitted. An additional parking space is shown adjacent to the existing row of spaces, backing onto the garden of No. 23 Brain Valley Avenue.

CONSULTATIONS

ECC Highways have no objection to the proposal.

BDC Engineers comment that they are unaware of any surface water issues affecting the site.

Black Notley Parish Council objects to the proposal on the grounds that:

- The insertion of the doors would alter the fabric of the Chapel, which should be retained in its existing form;
- Car parking space would be lost at the side;
- Extending the tarmacked area would further exacerbate the known flooding problem into neighbours' gardens and bring traffic noise and pollution nearer to their properties;
- The extension is too close to a property boundary to enable future maintenance;
- It will exacerbate existing parking problems in the area caused by visitors to the church.

REPRESENTATIONS

Three letters of representation have been received as follows:

The occupier of No. 181 Witham Road objects to the proposal on the grounds that the side extension may encroach on their land and would prevent them from accessing their garage to paint or maintain it; its height will reduce the light to their kitchen and garden; the use of the garden room and garden will be intolerable in terms of noise; the car park is already subject to flooding and no details have been provided of a soakaway; the new doors will alter the Chapel to an unacceptable extent; the creation of the pedestrian crossing between the two buildings will cause traffic to back up and block their driveway resulting in a highway safety risk.

The occupier of 187 Witham Road objects to the alterations to the Chapel; the increased parking provision at the rear will increase noise, pollution and disturbance; increase in surface water flooding; existing parking problems will be exacerbated;

The occupier of No. 23 Brain Valley Avenue is concerned that the existing flooding of his property caused by ineffective drainage on the application site will be exacerbated. Whilst new drainage is indicated on the plans there is no definite indication of the size, location or route of the proposed drain.

Further representations have been received from the above residents commenting that the proposed parking area has been cleared.

REPORT

The National Planning Policy Framework requires that local planning authorities should always seek to ensure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. It also states that the planning system can play an important role in facilitating social interaction and the creation of healthy inclusive communities. To

deliver the social, recreational and cultural facilities the community needs, planning decisions should, amongst other things, plan positively for the provision and use of shared space and community facilities, such as places of worship. This development affects an existing building within the Village Envelope and is therefore acceptable in principle.

It is apparent from the representations received regarding this and the previous application that the Cornerstone Centre has an impact on the immediate neighbours in terms of its activities. However, it must be acknowledged that the church has been here for a considerable number of years and whilst it has changed over time in terms of the nature of its pastoral activities, there are no mechanisms to prevent it from continuing on this site. Notwithstanding this, it is important to note that this proposal follows on from the refusal of planning permission reference 14/01456/FUL. The reasons for refusal centred on objections to the demolition of the Chapel building and the potential harm to residential amenity likely to result from the reconfigured parking area to the rear bringing additional activity closer to the boundaries of Nos. 181 Witham Road and 23 Brain Valley Avenue. No objections were raised to the design of the extension or likely impact on residential amenity resulting from the new build. It is confirmed that the landscaped buffer referred to in the decision has now been removed. Whilst this is unfortunate, the removal of the shrubs and plants does not in itself constitute development for which planning permission is required.

Policy RLP90 of the Braintree District Local Plan Review requires a high standard of design in all development large or small. Particular care should be observed in protecting neighbouring residential amenity and the character of the local area. Policy RLP62 of the Local Plan seeks to prevent development which will or could potentially give rise to polluting emissions to land, air and water, or harm to nearby residents from noise, smell, fumes, vibration or other similar consequences.

This application proposes a modest increase above the existing footprint of the building together with the retention of the Chapel building. The originally proposed side extension has been moved to the other side, and is smaller in scale and length. Whilst it is acknowledged that this element will be visible from the neighbouring property at 181 Witham Road, it is in flat-roofed form and will be enclosed with no windows on the side, rather than open sided as per the existing structure. There is also an intervening garage building on the side of No. 181 Witham Road adjacent to the boundary. As such it is not considered that the extension will result in overlooking or overshadowing of the aforementioned property sufficient to warrant refusal of the application.

The insertion of the new doors into the Chapel building is not considered to result in harm to its appearance or to the character of the area as they will not be visible from the street.

The front elevation of the extension respects the integrity of the original building, therefore it is considered that it is acceptable and will not result in harm to the character of the building or the street scene. Whilst it is possible

that the alterations to the building may increase the level of use, there is no evidence to demonstrate that this will be the case as the application is modest in scale and will improve the existing facilities within the building. If there is an increase in noise activity from within the building, it would be more appropriately dealt with under Environmental Health legislation. It is concluded therefore that to refuse the application on the basis of potential increased noise and disturbance from the activities at the church would not be reasonable.

The concerns regarding the potential reconfiguration of the parking area are noted, however, it must be acknowledged that the rear of the site has clearly been used for the parking of vehicles for some time and use of this area for such purposes would not require planning permission if it did not involve operation development. It is also relevant to note that ECC Highways has not objected to the proposal in terms of highway safety or the Vehicle Parking Standards. The details submitted with the application state that there are 11 existing spaces on the site. The block plan indicates that 11 spaces can be provided at the rear, with 4 spaces to the side, albeit below standard in terms of size, together with a disabled person's space on the front. Essex Vehicle Parking Standards states that Places of Worship should provide a maximum of 1 space per 10sqm and even with the addition of the proposed 5 spaces provision would still be below the maximum standard. However, to address the concerns of residents regarding the new parking areas, the applicants have reduced the amount of hardstanding adjacent to the boundaries of No. 181 and 23 Brain Valley Avenue. In addition, as these spaces are shown backing towards these boundaries, the applicant proposes to erect acoustic fencing and provide new landscaping. Conditions are recommended to ensure that these are provided.

Whilst BDC Engineers do not object to the proposal, surface water flooding during periods of heavy rain seems to be a problem for adjacent neighbours, particularly for the occupier of No. 23 Brain Valley Avenue. Although this may be the case, it is considered that the modest increase to the size of the building is unlikely to exacerbate this problem to such an extent that refusal is warranted. With regard to the increase in the number of parking bays, the applicant has indicated willingness to provide some additional surface water attenuation. Conditions are therefore suggested to safeguard the interests of adjacent neighbours by ensuring that this is provided.

CONCLUSION

On balance, whilst the concerns of residents are acknowledged, the proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The design of the scheme has been revised to ensure that it can take place without material detriment to existing neighbouring amenity or the character of the street scene and conditions are suggested to address the potential impact as a result of the modifications to the parking area. Approval is therefore recommended subject to the conditions set out below.

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: 1492/A1/200B
Elevations	Plan Ref: 1492/A1/210C
Location Plan	Plan Ref: 1492/A3/900
Existing Plans	Plan Ref: 1492/A1/90

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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 the extension shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

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

4 Prior to the occupation of the extension hereby approved a scheme of landscaping for the areas between the parking spaces and neighbours' boundaries shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment.

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of

the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

5 Prior to the commencement of the development, details of an acoustic fence to be provided on the north-east and north-west boundaries shall be submitted to and approved in writing by the local planning authority. The acoustic fencing shall be provided only in accordance with the approved details prior to the first use of any additional parking space and shall be permanently maintained as such.

Reason

To enhance the appearance of the development and in the interests of safeguarding the amenity and privacy of neighbouring residential premises.

6 The extension of the car parking area shall not be commenced until a scheme for the provision and implementation of surface water attenuation and drainage has been submitted and approved, in writing, by the Local Planning Authority. The scheme shall indicate existing and proposed site drainage provision and the capacity of proposed additional surface water storage capacity. The scheme shall be constructed and completed before occupation of any part of the proposed development.

Reason

To ensure that the development and associated soakaways do not give rise to additional surface water runoff from the site.

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

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

Reason

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

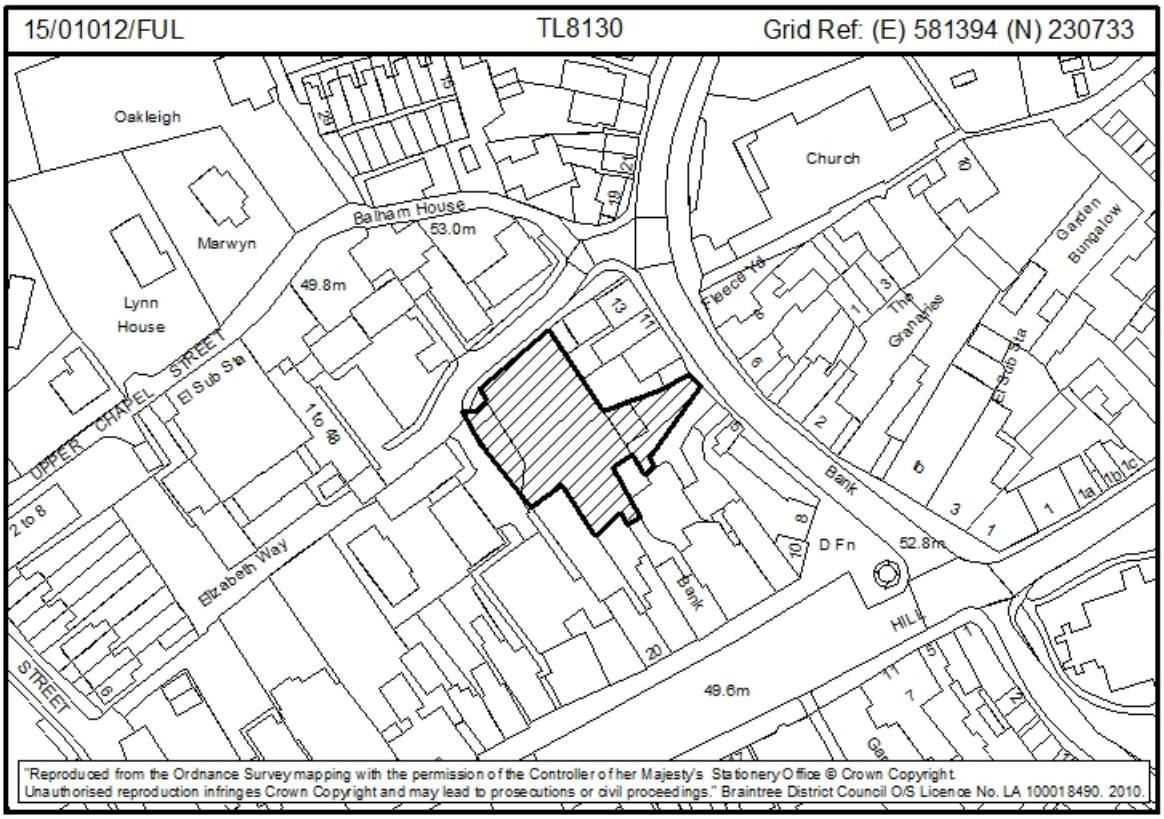
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO:	15/01012/FUL	DATE VALID:	04.08.15
APPLICANT:	Mortier & Sons Limited Mr K Mortier, C/o Agent		
AGENT:	Springfields Planning & Development Mr Chris Loon, 15 Springfields, Great Dunmow, Essex, CM6 1BP		
DESCRIPTION:	Erection of terrace comprising 4 no. dwellings (3 no. two bed and 1 no. three bed) complete with gardens, parking and related works, including partial demolition of wall.		
LOCATION:	Land rear of 16 High Street, Halstead, Essex		

For more information about this Application please contact:
Lee Smith-Evans on:- 01376 551414 Ext.
or by e-mail to: lee.smith-evans@braintree.gov.uk



SITE HISTORY

01/00021/REF	Erection of four dwellings	Appeal Dismissed	23.08.01
00/01609/FUL	Erection of four dwellings	Refused then dismissed on appeal	20.11.00

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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009

Essex Design Guide 2005

INTRODUCTION

This application is brought before the Planning Committee because Halstead Town Council has objected to the application contrary to the officer recommendation.

SITE DESCRIPTION

The site is an historic walled garden behind 16 High Street Halstead. For some decades the site has not been related to a residential curtilage, nor has the site been used by a Bank which has occupied the High Street address for many years. The address is now vacant.

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

There are some trees on the site which is currently let to a neighbour for recreational use. Currently there is no vehicular access to the garden area which is enclosed by brick walls but the part of the site off Hedingham Road is currently used for car parking and is shared with a neighbour who has access to a garage adjacent to the development site.

There are a number of listed buildings to the east, on Hedingham Road and to the south on the High Street. The site is located within the Town development boundary and within the Halstead Conservation Area.

PROPOSAL

Initially described as 3 two bed and 1 three bed the application now consists of 4 two bedroom houses that form a simple terrace that runs parallel to the High Street. Back gardens are proposed to the northern boundary with the terrace fronting a mews like parking court to the south, behind the High Street development. The trees on site have been retained, with one set in the largest private garden to the north of the site and others are incorporated into an open space between the frontages of the proposed terrace and the existing development along the High Street.

The access from Hedingham Road is proposed through a demolished part of the garden wall to serve the parking for the four dwellings. There are two parking spaces for each dwelling and spaces are provided for the host building – No. 16 High Street.

The part of the site outside the wall is landscaped with a proposed new tree and lower planting together with a new paved surface. The historic wall will be repaired where necessary and new wall added where there are lost sections

RELEVANT HISTORY

The site has been the subject of a refused application and subsequently dismissed appeal, the corresponding references being; 00/01609/FUL and appeals APP/Z1510/F/00/1052634, APP/Z1520/A/01/1065202 and APP/Z1510/A/01/1065202.

The previous application proposed four large dwellings that fronted the southwestern site boundary, removing the historic wall to provide access to four undercroft garages. At appeal the applicant proposed two large houses

within the site as an alternative to the refused scheme; this second proposal was also dismissed.

CONSULTATION

The County Archaeologist requires a condition for a full Archaeological investigation prior to development.

The Highway Authority has raised no objection to the application subject to the imposition of conditions.

The Council's Landscape Services Team has raised no objection to the application subject to conditions to protect the retained trees.

The Council's Drainage Engineer does not object.

The Council's Environmental Services Team has raised no objection to the application but recommended the imposition of conditions to limit the impact of the development process on the amenities of neighbouring residents.

The Town Council object to the proposal on the grounds of inadequate access arrangements with regard to highway safety. The parking spaces are not to the correct size and overlooking into the rear of properties on the High Street.

The Historic Buildings Advisor raises no objection to the scheme, subject to suggested conditions concerning the use of appropriate materials and detailing.

REPRESENTATIONS

8 letters of objection to the proposed development had been received at the time of writing the report. Some of which are retained objections following amendments. These object on the following grounds:

- The amendments do not overcome the objections previously raised.
- Overlooking of existing properties
- Visibility splays cannot be achieved
- Loss of access
- Development on a greenbelt space
- Overdevelopment, crammed into the site.
- Ecological interests and protected species are present in the garden
- Archaeological value
- Negative impact on Conservation Area
- Loss of historic garden

REPORT

The Principle of Development

The application site is located within the Town Development Boundary of Braintree. Therefore, applying weight to policies RLP2 and RLP3 of the Braintree District Local Plan Review 2005, it is considered that there should be no objection to the principle of residential development at this site, subject to the considerations set out in the following sections.

The NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and that there should be an aim "to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities." It is considered that this proposal complies with the intentions of those parts of the NPPF.

Layout, Scale and Appearance

Policy RLP3 of the adopted Local Plan states, inter alia, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not materially detract from the character of the settlement. Furthermore, policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings. These policies are supported by policies RLP10 and RLP90 of the adopted Local Plan and CS9 of the adopted Core Strategy.

The terrace has been subject to amendments in order to create an appearance more appropriate to a backland site and there have been a number of amendments to improve the way in which its scale, mass and detailing relate to the historic assets of the Conservation Area and accord with policy RLP95 which seeks appropriate development within Conservation Areas.

The 4 two bedroom units are orientated and positioned to not create overlooking of existing dwellings and are of a much smaller and more appropriate scale than the scheme refused in 2000. Comparatively, the current scheme shows far greater sympathy to the context in which it is set and can be seen to have overcome the previous reasons for refusal regarding an appropriate layout within the historic and backland context and addresses the appeal Inspector's critique of the previous scheme's failures.

The historic pattern of development is a dense character with many instances of historic infill and backland development in the Conservation Area. In this context this scheme can be seen as appropriate to the character of its surroundings. The layout retains the character of the site through the retention of the wall around the site. The application can be considered to enhance the Conservation Area by repairing the wall where, in the earlier refused schemes parts to the western boundary were to be demolished.

The terrace has been negotiated to have detailing that can be seen to be more appropriate in the context with exposed rafter feet, a pattern of fenestration that has vertical emphasis and simple porch hoods over the front doors all of which echo the characteristics and details found in the surrounding context. The previous schemes, dismissed at appeal, were criticised by the inspector for not being sufficiently sympathetic to the pattern of development, it can be considered that the current scheme relates to the traditional and historic pattern of backland development within the conservation area.

The gardens provided for two of the dwellings meet the sizes required for two bedroom dwellings in the Council's adopted guidance. The gardens for the other two are a little below the standard but, being enclosed by a high wall to the north provide what can be considered an adequate level of privacy in a historic and urban context. But it should also be noted that the tight grain and tall developments in Elizabeth Way are closer than the Essex Design Guide deems appropriate and will erode privacy to an extent. A condition is recommended to remove permitted development allowances for extensions, roof alterations and outbuildings.

Impact on Neighbouring Residents

Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The proposed development would be highly visible from within a number of properties and will inevitably have some impact on the outlook of neighbouring residential properties. There will be an increased sense of enclosure and there will be additional disturbance caused by the presence and movement of additional people and vehicles.

Notwithstanding this, it is considered relevant to note that in most cases the development is compliant with the standards contained within the Essex Design Guide which suggests that minimum separation distances of 25 metres should be provided between back-to-back properties and 15 metres between dwellings positioned at an obscured angle.

The positioning of dwellings and their orientation has been designed in such a manner to ensure that most dwellings would not be directly overlooked to an extent that would justify the refusal of the application on those grounds. Moreover, it is considered that the height of the dwellings and their positioning would ensure that any impacts on sunlight and daylight within neighbouring dwellings and their gardens would not be harmful to an extent that would justify the refusal of the application. Whilst the terrace will face onto the back of dwellings in the High Street there is sufficient separation at approximately 30 metres apart to consider that overlooking, as defined by the Essex Design Guide, will not be an issue.

Therefore, whilst it is inevitable that the occupants of the neighbouring dwellings will have a materially different outlook and environment in comparison to the existing situation, it is considered overall that the harm to residential amenity would not justify the refusal of the planning application.

In the case of the first application submitted in 2000 the arrangement of dwellings and the scale of the proposals had more significant impacts on neighbouring amenities, particularly in its relationship to properties to the southwest. It is of note that the alternative scheme presented at appeal for two dwellings was not objected to on grounds of an overbearing impact on the neighbouring premises and that scheme had the same orientation as the current proposal. The retention of the garden wall will provide privacy to the gardens of dwellings on Hedingham Road and it is considered that these gardens are not overlooked by the development.

It is acknowledged that there will be some disruption during the construction process. Conditions are proposed which seek to minimise such impacts.

Highway Arrangements and Parking Provision

The Highway Authority has raised no objection to the application and as such it is considered that it would be unreasonable to argue that the development would pose a threat to highway safety. The increased number of residential units at the site would be likely to cause an increase in the amount of vehicle movements, but not to an extent that would make the existing highway network circumstances materially worse. The two appeal schemes were not considered acceptable in highway terms although the Inspector did not consider the highway concerns decisive in themselves. The proposed access arrangements for the appeal schemes were different to the current application.

Parking is provided to the adopted standards of the Council with two spaces per dwelling provided in the parking court at the front of the dwellings. There are two additional spaces provided for 16 High Street with a space allocated to plot 2 located in courtyard outside the retained garden wall. No visitor spaces have been provided but it can be considered that the High Street and local car parks can provide for this in a town centre location.

The car parking spaces were initially proposed below the standards required by the Council's adopted guidance. These have been amended during the application process to now accord with the policy and guidance of the Council.

Landscaping

The Council's Landscape Services Team has commented on the application as it affects trees within a Conservation Area. No objection has been raised by the Landscape Team as it is considered that the existing trees can be retained within the proposed development. A condition is proposed to secure root protection areas during the construction process to safeguard the trees from damage. Additional landscaping to the courtyard was requested by both

the landscape consultant and the Conservation Officer and this has been negotiated into the scheme.

OTHER MATTERS

A Unilateral Undertaking has been submitted as part of the application to provide a contribution towards public open space in the area. Under the council's policy the scheme does not attract a contribution towards affordable housing.

The Open Spaces Action Plan identifies a number of projects for open space enhancement that the development could support and accordingly any recommendation to grant permission should be subject to such a legal obligation to secure such a contribution.

CONCLUSION

In conclusion, these proposals will provide a residential development in a sustainable location without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety.

Therefore, on balance this is considered to be an acceptable form of development on this site that would contribute to the supply of housing within an existing urban area, and is considered a satisfactory scheme which reflects the context of backland developments within the Conservation Area.

RECOMMENDATION

It is RECOMMENDED that, subject to the applicants entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following matters:

- To secure a financial contribution towards the provision or enhancement of Public Open Space.

the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions set out below. Alternatively, in the event that a suitable planning obligation is not agreed within 2 months of the date of this decision, the Development Manager may REFUSE the grant of planning permission.

APPROVED PLANS

Location Plan	Plan Ref: 77414.10	Version: B
Proposed Floor Plan	Plan Ref: 77414.11	Version: C
Proposed Elevations	Plan Ref: 77414.13	Version: C
Landscaping	Plan Ref: 77414.15	Version: D
Other	Plan Ref: 77414.16	Version: A
Visibility Splays	Plan Ref: 77414.17	Version: A

Materials Details	Plan Ref: Material Schedule	
Topographical Survey	Plan Ref: 1351-1	Version: A

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

Reason

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

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

Reason

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

3 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

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.

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

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

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

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

Any trees or plants which die, are removed, or become seriously

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

Reason

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

5 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

9 Samples of bricks to be used in the repair of the wall around the site together with the methodology of repair and for cleaning paint from the wall shall be submitted to and proved in writing by the local planning authority prior to the commencement of this particular element of the development. Thereafter the wall shall be maintained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

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

Reason

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

11 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

12 Prior to commencement of the development details of a wheel washing facility within the site and adjacent to the highway shall be submitted to and approved in writing by the local planning authority. The wheel washing facility shall be provided at the commencement of development and maintained as agreed throughout the period of construction.

Reason

To ensure that loose materials are not brought onto the highway, in the

interests of Highway safety to ensure accordance with policy DM1 of the Highway Authority's Development Management Policies, adopted as the County Council's Supplementary Guidance in 2011.
This pre commencement condition relates to approving equipment necessary during the construction process and can only be viable prior to commencement.

13 The repairs to the wall shall be undertaken in accordance with the details pursuant to Condition 9 above and shall be completed prior to the first occupation of any of the dwellings hereby approved.

Reason
To ensure that this element of the development is completed given the contribution its makes to the enhancement of the appearance of the Conservation Area.

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

Reason
In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

INFORMATION TO APPLICANT

1 Please note that in accordance with Government Legislation a formal application must be made to the local planning authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or

constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

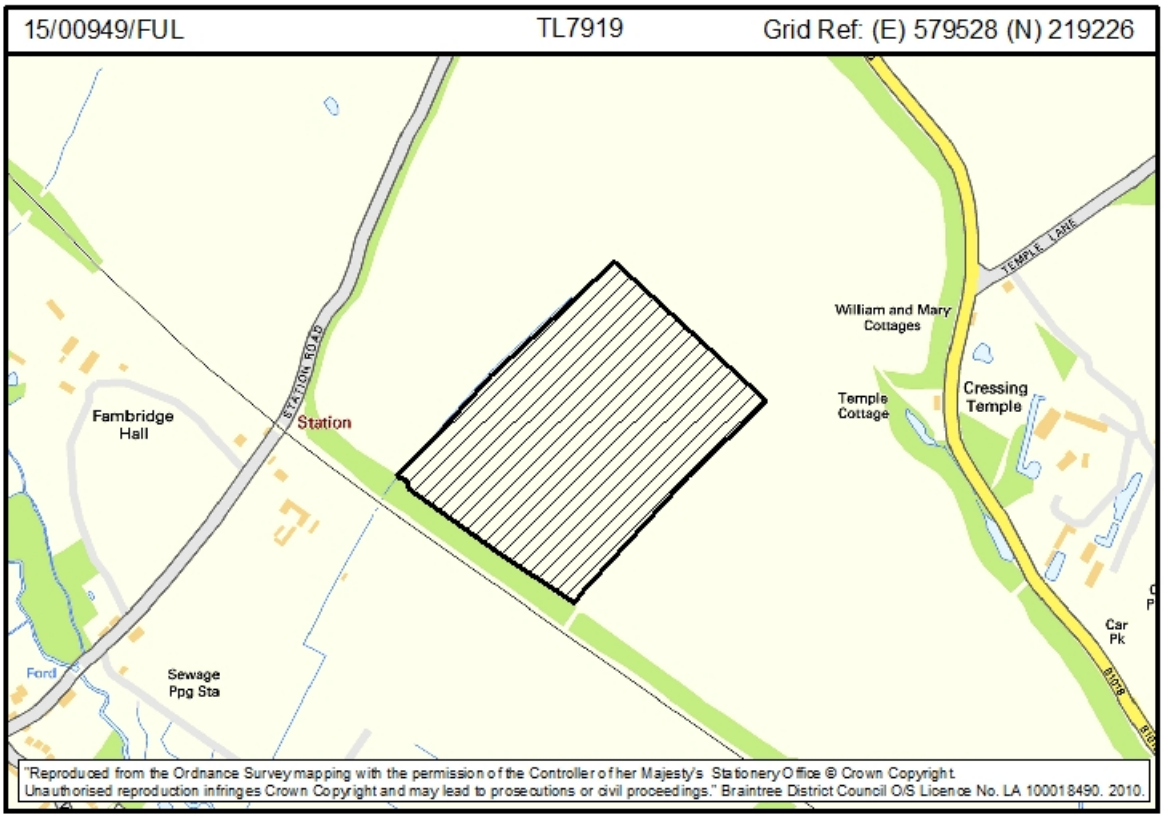
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION NO:	15/00949/FUL	DATE VALID:	24.07.15
APPLICANT:	Mr S Rademaker C/o Agent		
AGENT:	Mr L Simpson RPS Planning And Development, 20 Milton Park, Abingdon, Oxfordshire, OX14 4SH		
DESCRIPTION:	Proposed solar farm and infrastructure		
LOCATION:	Land South of Sheepcote Wood, B1018, Witham Road, White Notley, Essex		

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



SITE HISTORY

07/00744/FUL	Construction of a crematorium, cemetery and gardens of remembrance	Withdrawn	21.06.07
14/00013/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed solar farm	Screening/ Scoping Opinion Adopted	13.08.14

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
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP76	Renewable Energy
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation

Braintree District Site Allocations Development Plan

ADM1	Presumption in Favour of Sustainable Development
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM52	Built Development in the Countryside
ADM56	Renewable Energy
ADM58	Development Likely to Give Rise to Pollution, or the Risk of Pollution
ADM59	External Lighting
ADM60	Layout and Design of Development
ADM66	Alterations and Extensions and Changes of Use to Listed Buildings or Structures and their Settings

Supplementary Planning Guidance

Braintree District Landscape Character Assessment, September 2006
Development Management Policies, Essex County Council Highways, 2011

Planning Practice Guidance

- Climate Change
- Conserving and enhancing the historic environment
- Natural Environment
- Renewable and Low Carbon Energy
- Use of Planning Conditions

Other Material Policy/Guidance Considerations

Written Ministerial Statement - Solar energy: Protecting the Local and Global Environment - 25 March 2015

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is referred to the Committee for consideration because the proposal is a major development in the countryside outside defined settlement boundaries.

SITE DESCRIPTION

The application site consists of a roughly rectangular-shaped cultivated field of approximately 9.3 hectares in area.

The site is landlocked and lies about 37m to the south-western side of Witham Road (B1018) and to the north-eastern side of the Braintree-Witham railway line at White Notley, just south of White Notley station. It is surrounded by agricultural land - with the exception of the site's south-western boundary

which runs parallel with the railway-line, albeit separated from it by a densely planted tree belt about 3m to 4m in width.

Access to the site is currently by means of an access track running from the north-eastern corner of the site in a north-easterly direction to Witham Road.

The site is generally flat, with little variation in levels - save for a slight fall southwards across the site - and is featureless. Three of its boundaries are marked by dense hedgerows, which are for the most part unbroken and contain numerous mature trees, whilst the south-western boundary is enclosed by the tree belt referred to above.

The site is not easily visible publicly, including from local roads, because of its landlocked character and enclosure by hedgerows and trees.

Five residential properties fronting onto Witham Road lie about 300m to the north-east of the site but existing woodland and other vegetation completely screen views of the development site from these properties.

About 200m to the south-west of the site there are three dwellings adjacent to White Notley Station. There are no views of the site from these neighbouring properties either because they are screened by existing vegetation and trees and by the railway-line.

No public rights of way cross the site. The nearest public right of wayruns north-east to south-west from Cressing Temple to White Notley and at its closest point is about 370 metres to the west of the site.

The site does not contain any designated heritage assets. The nearest heritage asset is the Cressing Temple farmstead which is a scheduled monument and contains a group of listed buildings. There is a second group of listed buildings to the west of the site at Fambridge Hall. A third group of listed buildings lies in the vicinity of New House, Church Road.

The land does not have any special landscape designation nor is it designated in terms of its ecology interest. Sheepcote Wood to the north of the site is an area of replanted ancient woodland.

The land lies within Flood Zone 1 (Low Risk of Flooding).

Most of the site area is Grade 3a agricultural land (70%), with there being 22% classified as Grade 3b and 8% as Grade 2; this means that 78% of the site area consists of “Best and Most Versatile” agricultural land for the purposes of interpreting policy.

The land is not known to be contaminated.

It lies in the countryside outside any settlement boundaries and is remote from residential development. The village of White Notley lies about 700m to the south-west of the site, whilst Silver End is about 1km to the north-east.

PROPOSAL

The application seeks to create a 5MW (megawatt) ground-mounted solar farm - with associated infrastructure.

The installation will be connected to the local electricity network via an existing overhead 33 kv line located approximately 300m north-east of the application site. It is expected to generate enough clean green electricity to meet the average electricity consumption of 1,131 homes.

The development would consist primarily of the installation of:

- 46 lines (arrays) of identical south-facing static PV panels, each affixed to a mounting -frame, constructed on a post-mounted system, using steel posts, driven into the ground at a depth of approximately 1.8m. The finished height of the solar PV modules would be approximately 2.7m, angled at 25 degrees. Below each panel there would be string-inverters, which avoids the need for the provision of a separate inverter building within the development.

In addition, there would be a line of ancillary buildings side-by-side along the south-western boundary of the site backing onto the railway-line. These would consist of the following:

- a mini substation building, with gently sloping gable roof - measuring 6.64m long by 5.06m wide, height to ridge 3.418m, sloping down to an eaves height of 2.64m;
- a flat-roofed control building measuring - 3.96m long by 2.36m wide by 2.31m high;
- a “customer” room of crown-roofed design - 6.08m long by 2.38m wide,;
- maximum height 2.78m high;
- a central transformer building - 12.192m long by 2.438m wide by 3m high.

The entire site would be enclosed by 2.2m high deer-fencing, consisting of pine poles supporting 4m sections of high tensile steel mesh fencing of 2.5mm gauge.

There would also be pole-mounted CCTV cameras - maximum height 2.135m - around the site perimeter.

A new access track is also proposed - to give access into the site from Witham Road. This would take the form of an extension to the existing concrete-surfaced gated access track off Witham Road, about ¾ km to the south of the site, would be about 770m long and would run from the existing access-way alongside the north-eastern edge of the adjoining field to the south and then turn in a 90 degree direction to run in a south-westerly direction along the boundary of another smaller field on the north-eastern side

of the site. The track would be 4m wide and would be finished in permeable aggregate on a 300mm sub-base.

A triangular area at the north-western corner of the site is proposed to be left free of development for the creation of small nature reserve.

The following documents have been submitted to explain and justify the proposals:

- Statement of Community Involvement;
- Planning Statement;
- Design & Access Statement;
- Sequential Statement;
- Traffic Management Plan;
- Traffic Management Plan - Pre-Construction;
- Flood Risk Assessment;
- Archaeological Resources Report;
- Archaeological Desk-Based Assessment;
- Landscape & Visual Impact Assessment;
- Glint and Glare Assessment;
- Ecology Report;
- Construction Methodology Plan - Pre-Construction;
- Decommissioning Plan.

RELEVANT HISTORY

A request for a Screening Opinion to determine if there is a requirement for a planning application to be supported by the submission of an Environmental Impact Assessment (EIA) was submitted to the Council in 2014. This related to a larger site than that now proposed. Having regard to the thresholds that applied then under the Town & Country Planning (EIA) Regulations 2011, the Local Planning Authority determined that an EIA would not be required.

The revision in April 2015 of the thresholds that trigger the requirement for an EIA does not change that position. It should also be noted that the scheme of development now under consideration is for a significantly smaller scheme than that to which the previous EIA applied.

No Screening Opinion has, therefore, been sought in respect of the current proposal, on the basis that no EIA is required on this occasion either because it is small site.

POLICY CONSIDERATIONS

National Policy

The *National Planning Policy Framework (NPPF)* was published on 27th March 2012 and is a material consideration in the determination of planning applications.

This states at para 97…

> "…local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources"…

and goes on in the same paragraph to advise that local planning authorities should, among other things, have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are addressed satisfactorily; and consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure.

It should also be noted that more recently in March 2014 the Government published its national *Planning Practice Guidance (PPG)*, which contains a chapter entitled Renewable and Low Carbon Energy. This identifies the considerations relevant to large-scale, ground-mounted solar farms which includes encouragement of the effective use of land by focusing on previously developed land and non-agricultural land. The PPG also advises that where a proposal involves greenfield agricultural land, consideration should be given to whether the proposed use of any agricultural land has been shown to be necessary and (whether) poor quality land has been used in preference to higher quality land.

The PPG also states that "…there is no quota (for renewable and low carbon energy development) which the Local Plan has to deliver".

The most recent statement from Government is the Written Ministerial Statement issued on 25th March 2015 which states that, in the light of the continuing concerns about the unjustified use of high quality agricultural land,

> "…we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."

Local Policy

Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plan policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. BDC had been working on a Site Allocations and Development Management Plan (SADMP) which had been published for its Pre Submission consultation period and is also backed up by a full evidence base, including a Sustainability Appraisal. As members are aware, the SADMP will no longer be progressed.

However, the Council, at its meeting on the 30th June 2014, has now made the decision to incorporate this work into a new Local Plan. The SADMP should nonetheless be given appropriate weight as set out in the NPPF paragraphs 215 and 216. This states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework. From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and the SADMP that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

CONSULTATIONS

ECC Highway Authority: No objections - subject to any planning permission being granted with a condition that requires the submission to and approval in writing of a Construction Management Plan that shows how construction traffic will be managed including (but not exclusively) the management and provision of the following items:

- suitable access arrangements to the application site in the construction of the development;
- wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway/public areas;
- turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site;
- routing and timing of construction traffic to be discussed in advance with the Highway Authority to minimise impact on the local community.

ECC Flood & Water Management: No objections subject to a condition being applied that requires the development is not commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction work has been submitted to and approved in writing by the Local Planning Authority, the approved scheme to be implemented as approved.

Historic England: No objections raised.

The site is 400m west of Cressing Temple, which is a scheduled monument and contains a number of listed buildings.

The topography and existing vegetation would, for the most part, screen the proposed development in views to and from the ancient monument and listed buildings and further mitigation would be afforded by the additional planting to be undertaken at the site.

In accordance with the NPPF the Council is, therefore, advised to judge the harm which could be caused to the significance of the scheduled monument against any public benefits in the proposed development.

ECC (Historic Buildings & Conservation): No objections. Any planning permission should be granted subject to a condition that requires maintenance of the mature vegetation on the site boundary for the entirety of the construction, utilisation and decommissioning period.

Environment Agency: No comments.

Network Rail: No objections.

NATS (National Air Traffic Services): No objections. Proposal does not conflict with safeguarding criteria.

Stansted Airport: No safeguarding objections.

Ministry of Defence: No safeguarding objections.

BDC Economic Development: No response.

BDC Landscaping: No response.

BDC Environmental Health: No objections subject to restrictions being placed on the hours of site preparation and construction to protect the occupiers of nearby residential property against noise nuisance.

ECC Archaeology: No objections subject to planning permission being granted with a condition that requires archaeological investigation of the site prior to commencement of the development in accordance with a scheme that has been submitted and agreed by the Local Planning Authority.

White Notley & Faulkbourne Parish Council: No objections. Recommends that planning permission be granted. The Parish Council has not received any objections from residents and the application does not oppose or contradict any policies contained within the NPPF or local policies contained within the Braintree Local Development Framework or the Review Local Plan.

REPRESENTATIONS

Two letters of representation has been received, raising no objections or explicitly supporting the proposal:

- one letter states “no adverse comments” subject to restrictions being placed on the hours of site preparation and construction to protect the occupiers of nearby residential property against noise;

- the other letter states “it is important to support the generation of green energy which will reduce carbon emission and the use of limited fossil fuels. This in turn will reduce the risk of electricity black-outs as it will contribute to increasing capacity in the local area as well as nationally. Along with helping to power and offset the impact of planned housing and commercial developments in the district.”

REPORT

In deciding planning applications section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are referred to above. National policy is clearly a material consideration.

National Policy

It is useful to set-out the broader policies that comprise the more strategic national policy background against which proposals of this sort also need to be considered.

The NPPF states that one of the core principles of the planning system is to:

- “*support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)*”

Section 10 of the NPPF sets out in further detail how the Government expect this to be done.

It states at para 93:

- “*Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.”*

It then continues at paragraph 97 to state:

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- *have a positive strategy to promote energy from renewable and low carbon sources;*
- *design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;*
- *support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and*
- *identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

This is followed by paragraph 98 which states:

98. When determining planning applications, local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable.*

Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas'.

In addition to the policies contained within the NPPF - there are a number of other Acts, Strategies and Regulations which underpin national policy and guidance relating to renewable energy production.

These include the Climate Change Act 2008, which establishes a long-term framework to tackle climate change. It aims to fundamentally reform the source of energy production and consumption in order that the country meets legally binding national targets as part of the transition to a low-carbon economy. It also provided a clear long-term framework for the UK to achieve its goals of reducing carbon dioxide emissions and will ensure that steps are taken towards adapting to the impacts of climate change. This Act also put into statute the UK's targets to reduce carbon dioxide emissions through domestic and international action by 60% by 2050 and 26% - 32% by 2020, against a 1990 baseline.

The EU Renewable Energy Directive sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020. The Government remains committed to reaching this target - although a figure of just 4.1% was

achieved in 2012, up from 3.8% in the preceding year. It should be noted that these targets refer to total national energy consumption. Whilst the level of total energy consumption from renewable sources remains relatively low the amount of electricity produced by renewable energy sources is more significant, having increased to 15.5% of UK electricity production in the second quarter of 2013. (Source UK Renewable Energy Roadmap Update 2013, Department of Energy and Climate Change (DECC), Nov 2013).

Solar photovoltaics (Solar PV) have been identified by the Government as one of the eight key renewable energy technologies that can help to create a clean, balanced UK energy mix. Indeed the Department of Energy and Climate Change (DECC) Minister has stated '*The Coalition Government is committed to placing solar PV at the heart of the UK's energy mix'*. As at June 2013, the UK had 2.5 Gigawatts (GW) installed capacity and the Government recognises the potential role and contribution that solar PV can play in helping to meet the UK's target of 15% of total energy consumption from renewable energy sources by 2020. The DECC forecast estimates that the UK is likely to reach 10GW installed capacity by 2020 but Gregory Barker, the then Minister of State for Energy and Climate Change said that up to 20GW is not only desirable but also potentially achievable within a decade (UK Solar PV Strategy Part 1 - Roadmap to a Brighter Future, DECC, October 2013).

The current application indicates that the proposed array would have a generating capacity of approximately 5 megawatts (MW) and that the projected level of electricity production would be sufficient to meet the annual electricity consumption of 1,131 houses (based on figures produced by Ofgem). To put this into context - the UK's largest solar farm is currently the 48 MW Southwick Estate Solar Farm near Fareham in Hampshire - which provides power for about 14,500 homes - so the proposed installation is fairly modest.

When considered against this strand of renewable energy policy - renewable energy schemes of all sizes, including that proposed here, are to be regarded as making a valuable contribution to cutting greenhouse gas emissions, increasing the use of renewable energy and offsetting the impact of climate change.

That said - proposals still fall to be appraised against the usual range of environmental tests that apply to all development in the countryside.

It is also the case that the National Planning Practice Guidance (PPG) - which post-dates the NPPF - makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

Indeed the PPG introduced 9 further tests - "particular factors"- over and above the broad tests applicable under the NPPF - against which proposals are to be appraised. These tests are, in summary, as follows:

1. *Use of Brownfield & Non-Agricultural Land* - Does a proposal amount to most the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value?

2. *Use of Agricultural Land & Poorer Quality Agricultural Land* - Where a proposal involves greenfield land - has it been shown that (i) the proposed use of any agricultural land is necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays?

3. *Planning Conditions to Address Decommissioning Issues* - Are planning conditions being applied to ensure that the installations are removed when no longer in use and the land is restored to its previous use?

4. *Visual Impact/Glint & Glare* - Has the proposal's visual impact, its effect on the landscape in terms of glint and glare and on neighbouring uses and aircraft safety been given proper consideration?

5. *Additional Impacts* - Has the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun been properly considered?

6. *Security Lighting & Fencing* - Has the need for and the impact of security measures such as lights and fencing been properly considered?

7. *Heritage Assets* - Has the impact on heritage assets, including their conservation and the impact of proposals on views important to their setting, been considered properly? As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

8. *Mitigation of Landscape & Visual Impact* - Has the potential to mitigate landscape and visual impacts through, for example, screening with native hedges been considered?

9. *Energy Generating Potential* - Has the energy generating potential of the development, which can vary for a number of reasons including, latitude and aspect, been considered/maximised?

Then on 25th March 2015 - the *Written Ministerial Statement - "Solar Energy: Protecting the Local and Global Environment"* - was issued, which is the latest statement from Government in regard to solar power generation.

This states, inter alia, that in the light of continuing concerns about the unjustified use of high quality agricultural land

> *"…we want it be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."*

Assessment

Each of the PPG tests is taken in turn - along with the more general requirements in the NPPF for Local Planning Authorities to have regard to the protection of the intrinsic character and beauty of the countryside and for the planning system to contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The requirements of Review Local Plan and Core Strategy renewable energy policies also need to be considered.

PPG tests 1 and 2 are taken together as these in combination amount to what is commonly referred to as the "Sequential Assessment Test" and are considered first as the findings of this are crucial to the decision that is taken on the question of principle.

Sequential Assessment Test (PPG Tests 1 & 2)

The key issue here is whether it is necessary for the development to be located on greenfield agricultural land, 78% of which here falls into the "Best and Most Versatile" category - that is, consists of Grades 3a and 2 land here - which the March 2015 Ministerial Statement makes clear needs to be "justified by the most compelling evidence".

In support of the development - the applicant has, therefore, undertaken a Sequential Assessment that encompasses potentially suitable brownfield and green-field sites (agricultural and non-agricultural) within a 30 km radius - which is considered to be a sufficiently wide search area. A report based on this assessment has been submitted with the application. Its main purpose is to identify potential suitable alternative sites for large scale solar PV development of a similar type to that now proposed in Cressing.

The initial stage of the assessment is a desk-based exercise that considers a large number of sites - to identify which sites merit further investigation. This narrowed the number of sites meriting detailed investigation, additional to the application site, to 9.

Assessment basically involves feeding in all the operator and planning constraints that apply on a site-by-site basis (both brownfield and greenfield) to identify which sites meet operator requirements and also do not present insurmountable planning problems.

The conclusion of the Assessment is that none of the other sites considered is suitable for large scale solar PV development.

Officers have considered the Assessment undertaken and do not disagree with its conclusion.

The case in principle for the development of a large scale solar PV development on greenfield agricultural land that consists very substantially of “best and most versatile” (BMV) category quality is, therefore, considered to be made, at least in terms of national policy.

In this regard - it important to mention that about 70% of the Essex area is agricultural land and of that about half is high grade - that is, Grades 1 and 2. If agricultural land of BMV category - that is, Grades1, 2 and 3a - was to be regarded as unsuitable for large scale solar PV development for that reason alone - the scope for the provision of such development in the area would be extremely constrained, even before other factors that might constrain suitability, such as environmental impact or access to the grid, are considered.

Whilst the 2015 Ministerial Statement could be read as meaning that large scale solar PV development on BMV agricultural land is difficult to justify per se - the fact is it also leaves open the opportunity to consider exceptions if there is “the most compelling evidence” to the contrary. What is clear is that a balanced judgement needs to be made on a case-by-case basis.

A key part of that evidence is the findings of the Sequential Assessment.

It is not, however, the only factor. This is where the other PPG tests and the tests applicable under local policy are important. These are discussed below.

It should also be noted that the land will not be lost to agriculture. The development will operate for a period of 25 years, following which it will be decommissioned. In the meantime - the field will be sown as grassland, with wild-flower sown field margins, and used for sheep grazing.

NPPF

Turning now to the requirements of the NPPF - protection and enhancement of the intrinsic character and beauty of the countryside and of valued landscapes is a critical consideration, as it is under local policy. This is the critical next issue that has to be considered after the implications of the Sequential Test.

Clearly - a solar farm and the various ancillary development that come with it represent a significant intrusion into otherwise undeveloped countryside.

However - pleasant though it is - the countryside here has no special designation or special character beyond being part of a well-tended, undulating and tranquil landscape that is, for the most part, under intensive cultivation.

Moreover - the development would be inconspicuously sited on a land-locked site that is enclosed by established hedges and trees of some height and maturity and which, with their strengthening by additional planting in a small number of locations. This means that the development would not be seen from public roads and the scope for it to be seen from public viewpoints would be extremely limited.

Impact in the landscape would, therefore, be slight and within acceptable tolerances. Developments of this kind and scale will always have some environmental impact. The question to be considered is how significant that impact will be. In this case the impact is considered acceptable.

There would also be some environmental improvements insofar as the development provides for the creation of a small “nature reserve” at the south-western corner of the site. There would be additional planting to strengthen existing hedgerows and a range of measures to the benefit of the local ecology and biodiversity are proposed - including the provision of nesting boxes, bat boxes, owl-boxes, hedgehog shelters, log piles for insects etc. The field is in arable cultivation and is of low ecological value at present. A key benefit in terms of ecology and biodiversity will be the conversion of an arable field to a grassland meadow, the establishment of wildflower-rich grassland field margins, the planting of native climbers along the site fences and the establishment of a pollen and nectar mix nature area.

Overall - leaving aside the impact on the installation itself, which is clearly unavoidable if proposals of this sort are to be provided anywhere - the impact on the countryside would be acceptable and satisfactorily mitigated, with some biodiversity and ecological improvements too. There would, therefore, be no conflict with the NPPF in terms of its objectives to afford protection and enhancement of the countryside, whilst at the same time providing for a solar PV installation that contributes towards clean, renewable energy generation in the area.

Returning now to the other tests applicable under the PPG - each is taken in turn in the order in which they appear in the document:

PPG Test 3 – Decommissioning

The application is supported by a Decommissioning Plan.

The site would be in use for solar PV energy generation for 25 years. Decommissioning would take place during the 26th year. If the solar farm was to be decommissioned earlier a decommissioning plan would be prepared and submitted for the Council’s approval.

It is anticipated that deconstruction of the site would take 1 to 2 months to achieve. Most materials are re-cyclable and would be processed off-site at appropriately licenced locations. The site would then be prepared for return to the owner for agricultural use.

The actual decommissioning/deconstruction operations would be undertaken in accordance with methods outlined in Decommissioning and Construction Management Plans, to be updated over time as need be to reflect future standards, techniques and regulations, all to be submitted to and agreed in writing by the Local Planning Authority no later than six months before work to decommission the site and deconstruct all development on the site, including the removal of the access-way from Witham Road, is first commenced. There would also be a requirement for such remedial work as may be necessary to make the land suitable for agricultural use to be carried out within 3 months of the installation being decommissioned and all plant, equipment, buildings, fencing etc brought onto the site and the access-way from Witham Road being removed from the site.

PPG Test 4 - Visual Impact/Glint& Glare/Aircraft Safety

The application is supported by a Glint and Glare Assessment.

Glint is a direct reflection of the sun on the surface of the PV solar panel. This is often considered to be a potential source of viewer distraction.

Glare is a continuous source of brightness. It is not a direct reflection of the sun but a reflection of the bright sky around the sun. Glare is significantly less intense that glint.

The Assessment concludes that:

- the solar-farm would not have a glint impact on any road transport routes or dwellings;
- there is a low potential for temporary after-image glare from users of the railway-line from April to October for up to an hour between 05.00 hrs and 06.00 hrs, before allowing for the screening effects of vegetation between the site and the railway. Owing to the vegetation between the railway-line and the site being “in leaf” from April to October, and only brief glimpses of the site will be available during the winter months, it is considered that any potential glare from the panels to the users of the railway-line will be effectively screened to the extent that there will be no effects from glint and glare.

That being the case - concerns relating to visual impact, as discussed above, and problems from glint and glare do not arise.

Regarding *aircraft safety* - the relevant aviation authorities and the operators of Stansted airport have been consulted and no objections have been raised.

PPG Test 5 - Other Impacts (From the Solar Panels)

There would be no additional impacts from the panels over and above those already discussed.

The main concern here is the possibility of nuisance due to the panels tracking the sun through the day.

However, the panels sought are static so nuisance in this regard is not a concern either.

PPG Test 6 - Fencing & Security Lighting

A development of this sort has a clear need for site security. It is, therefore, necessary for the public to be excluded and for plant and equipment to be protected. Deer would also need to be excluded.

The site would, therefore, be enclosed by 2.2m high deer-proof fencing and monitored by column-mounted CCTV cameras fitted with motion sensors to a height of 2.135m.

There would, however, be no lighting of the site.

The impact of the fencing and CCTV would be slight. Indeed, the Landscape and Visual Impact Assessment that supports the application rightly mentions that the relatively low height of the various operational elements of the development referred to above - combined with the 2.7m height of the PV panels - means that the impact in the landscape is not a cause for concern - particularly so as the site is highly enclosed by existing significant hedgerows and other vegetation.

No objections, therefore, arise to the fencing and security cameras proposed.

PPG Test 7 - Heritage Assets

Neither Historic England nor the Council's Historic Advisor raise any objections to the development.

Historic England simply reminds the Local Planning Authority of the need to weigh any harm to local heritage assets - in particular to the Cressing Temple site on the opposite side of Witham Road - against the public benefits arising from allowing the development. That said - its own view is that there would be no harm.

The Historic Buildings Advisor likewise does not consider the development would harm or diminish the significance or setting of listed buildings nearby (William and Mary Cottages and Fambridge Hall) or the ancient monument (Cressing Temple, which also includes a number of listed buildings), on the opposite side of the road. It is suggested that existing mature vegetation on the site boundaries be retained - which will be the case.

The Local Planning Authority has a duty to consider if a proposal would preserve the significance of a listed building and its setting. None of the listed buildings or the ancient monument nearby would be adversely affected, including their setting.

The Cressing temple complex is the nearest grouping of heritage assets but this lies on the opposite side of Witham Road at some considerable distance from the site, which does not front Witham Road in any event, but is set-back from it at a distance of not less than about 230m and is completely hidden from view by existing substantial vegetation and hedges. Officers concur with the view taken by Historic England that there would be no harm.

The other listed buildings lie at such considerable distance that their setting could not be affected in any way, especially so given the abundant vegetation and hedgerows around the site that afford significant screening.

No concerns, therefore, arise in terms of the impact of the development on heritage assets nearby.

PPG Test 8 - Mitigation of Landscape & Visual Impact

Comment has already been made that the site is landlocked, surrounded by agricultural fields and the Braintree-Witham railway line, is very secluded and is largely hidden from view publicly by abundant established vegetation, trees and hedges, completely so from public roads in the vicinity of the site, most notable the B1018 Witham Road. These locational characteristics, combined with the low height of the installation, mean that the impact of the development in the landscape in the landscape would be very slight.

In addition - the application is supported by a Landscape and Visual Impact Assessment.

This concludes the following:

- the landscape character of the application site and surrounding area is judged as having medium to high sensitivity to change in the Braintree Landscape Character Assessment, which identifies the site as the Silver End Farmland Plateau;
- the landscape impacts of the development are limited by the surrounding high hedgerows, tree belts and blocks of woodland on the boundaries of the site and in the surrounding area, which afford a sense of enclosure to the site and significantly limit the impact of the development;
- because of the high level of screening - there would be no effects on the key characteristics and sensitivities to change identified by the Braintree Landscape Character Assessment and the landscape effects of the development are, overall, considered to be *slight/moderate* over the 25 year life-span of the development, with *many of the landscape features and receptors being unaffected;*
- the main effects relate to the effect on the undeveloped rural character and on the field to be developed, arising from its change in land-use and conversion to grassland - which will be positive because of the potential enhancement to biodiversity that is likely to result;

- after 25 years the site would be returned to its original use, by which time the field boundaries will have been slightly strengthened by new tree and hedgerow planting and will improvements will remain for the future;
- there will be minor long term benefits to the local landscape character arising from mitigation measures and the enhancement to the landscape and biodiversity interest of the site.

If planning permission is granted, this should be with appropriate conditions that (A) secure the grassland planting to ensure that it contributes to biodiversity, (B) require retention and gap reinforcement of the hedgerows on the north-east, north-west and south-east boundaries and the retention of all hedgerows on these boundaries, (C) requires infill planting on the south-west boundary with the railway line and (D) requires the planting of native climbers for all boundary fences to provide screening and to enhance biodiversity.

PPG Test 9 - Energy Generating Potential

This can vary for a number of reasons, including latitude and aspect.

Nonetheless the applicant has identified the site as suitable for this type of installation.

Braintree is located in the south-eastern part of the country in an area that receives relatively high levels of sunshine. The site itself is south-facing and there is convenient access to the grid at this point. The applicant has provided information that the power generated is likely to be sufficient to power up to 1,131 homes.

There is no reason to doubt the applicant's logic in choosing this site and its potential to generate the amount of power suggested.

Summary (National Policy)

This then concludes the summary of the national policy context against which the application falls to be considered and the tests that apply under the PPG.

The national policy context is basically positive.

That said - whilst the use of greenfield BMV agricultural land is not excluded - the Written Ministerial Statement of March 2015 makes it clear that any proposals involving BMV land now need to be supported by "the most compelling evidence."

The critical issue, therefore, is whether the justification in support of the current proposal being developed on a site where BMV land amounts to about 74% of the total can be regarded as "the compelling evidence".

The appeal decision issued 29th June 2015 in respect of a proposed solar PV development at Big Deere Lodge at Belchamp St Paul (appeal ref

APP/Z1510.A/14/2219512) is useful in this respect. This appeal was dismissed - having been refused solely on the grounds that the sequential assessment submitted with that application was inadequate. In that case, the Inspector acknowledged that national guidance is unclear as to what is required by way of sequential assessment. She did, however, agree with the Council that what had been provided by the applicant was inadequate to show that it was necessary to develop a site that was substantially BMV land and did "…not meet the high standard of being "the most compelling evidence" in the terms used by (the) Written Ministerial statement".

In that case - the amount of BMV land amounted to 94% of the total area of the development, which is significantly more than the 78% that arises at the application site. However, this still equates to about three-quarters of the total, so is still the greater part of the site area.

That said - as stated above - about 70% of the Essex area is agricultural land and of that about half is high grade - that is, Grades 1 and 2. If agricultural land of the "best and most versatile" category - that is, Grades1, 2 and 3a - was to be regarded as unsuitable for large scale solar PV development for that reason alone - the scope for the provision of such development in the area would be extremely constrained, even before other factors that might constrain suitability, such as environmental impact or access to the grid, are considered.

There are no specific agricultural classification figures available for the Braintree district. However, the proportion of agricultural land in the district that is high quality is likely to be similar to the figure for Essex as a whole.

Whilst this could be used as an argument to resist large scale solar PV development - this needs to be set against para 97 of the NPPF that "local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources."

It is also arguable that, because the district has a large amount of BMV land, the release of some of it - in instances such as this where it has been shown that there are no other suitable alternative sites nearby, brownfield or otherwise - and where the impacts are otherwise judged to be acceptable - permitting development of this sort would not so deplete the resource as to be significant.

In any event - the use sought is a temporary use of the site, which will be returned to agricultural use after 25 years, so as an agricultural resource it will not be sterilised. In the meantime - it will also continue in a form of agricultural use by its sowing as grassland for sheep grazing.

The sequential assessment carried out in the case of the appeal site was also very much open to question, whereas that carried out in support of the current proposal is much more exhaustive and covers a much wider search area, encompassing an area of 30 km radius from the application site; its findings

do, indeed, suggest that there are no other suitable alternative sites, brownfield or otherwise, within that radius.

It is, accordingly, concluded that - having regard to national policy - there are arguments in support of the proposal.

Local policy now needs to be considered.

Local Policy

Within Braintree District - the Development Plan comprises the 2011 Braintree District Core Strategy (CS) and the saved policies of the Braintree District Local Plan Review 2005 (LPR). These set out the Council's aim of supporting the use of sources of renewable energy in the District, to contribute towards diversity of supply and to the local economy, to secure potentially cheaper sources of fuel and to achieve reductions in harmful emissions to the environment. The Local Plan Review identifies a number of potential sources of renewable energy within the District and this includes photovoltaic. It should, however, be noted that the Local Plan Review was adopted in 2005 at which time solar PV technology was only an emerging technology and it is unlikely that the development of solar farms based on fields containing arrays of solar PV panels would have been in the minds of Officers and members at the time that the Local Plan Review was prepared.

Policy RLP 76 of the Local Plan Review states:

'*Proposals for renewable energy schemes … will be encouraged and permitted where no demonstrable harm is caused to landscape, nature conservation, or historic features within or immediately adjacent to the site*'.

The Council's Core Strategy was adopted more recently - in 2011. This document reinforced the Council's policy in respect of renewable energy development wherein Policy CS9 states that

"*Renewable energy proposals will be supported where impacts on amenity, wildlife, heritage assets and landscape are acceptable*".

The Council's Development Plan also contains specific planning policies which seek to protect the countryside from inappropriate development; seek to minimise the impact of development on the character and appearance of the landscape; seek to preserve and enhance ecology and the potential impacts on protected species; and recognise the need to protect heritage assets such as listed buildings.

Any assessment of the proposal must, therefore, recognise that the application site lies in an area beyond any designated settlement boundary, where countryside planning policies of restraint apply.

Core Strategy policy CS5 states that in such areas development 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."

However, as is clear from Policy RLP 76 (LPR), there is no in principle objection to the generation of renewable energy on sites within the countryside.

Both the Local Plan Review and Core Strategy predate the NPPF (2012) and the National Planning Practice Guidance (2014) and contain policies (see above) that have similar objectives to national renewable energy planning policy, by being supportive of appropriate schemes.

The issues of need and the requirement for focus on the use of lower quality agricultural land, set out in the Planning Practice Guidance (PPG) are not reflected in local policies. The Council's local policies are silent on these matters and, given that the national guidance is so recent, it is considered that greater weight must be given to the Planning Practice Guidance rather than to local Development Plan policies.

Officers have, therefore, had regard to the policies within the SADMP insofar as they are relevant to this application.

Many policies in the pre-submission version of the SADMP are considered to be consistent with the Local Plan Review policies that they are intended to replace.

Draft Policy ADM 56 - Renewable Energy - sets-out more detailed considerations to which regard must be had in the consideration of proposals for renewable generation. The policy states:

'Proposals for renewable energy schemes and the integration of renewable energy generation into new developments will be supported by the District Council providing the benefit in terms of low carbon energy generating potential outweighs harm caused to landscape, nature conservation, or heritage assets, including the setting of heritage assets. Renewable energy schemes will also need to demonstrate that they will not result in unacceptable impacts in terms of, for example, local amenity, noise, shadow flicker, reflection, distance from power lines and public rights of way, air traffic and safety, Ministry of Defence operations, electromagnetic transmissions, watercourse engineering and hydrological impacts, and pollution, and will not result in an unacceptable cumulative impact on the above factors. Schemes will also need to demonstrate that the cumulative landscape and visual impact of the scheme and other schemes within the zone of visual influence will not be unacceptable.

A condition will be attached to planning consents for energy development schemes to ensure the site is restored when energy

generation use ceases or becomes non-functioning for a period of 6 months'.

The draft policy would appear to be consistent with national policy in identifying landscape, nature conservation and heritage assets, including their setting as potential impacts which must be considered. The draft policy also acknowledges that a balanced assessment will always need to be made to ensure that the benefit of the low carbon energy outweighs any identified harm. The document and policy are silent on the use of greenfield sites, high quality agricultural land and necessity for development so again Officers consider greater weight must be given to the Planning Practice Guidance.

Finally - if proposals are considered acceptable in all other respects, the policy would require that a condition is applied to ensure the site is restored when energy generation use ceases. This is again consistent with the PPG.

Conclusion - Principle of Development (Local Context)

The view has already been expressed above that the proposal is considered justifiable in terms of national policy - notwithstanding the fact that the 2015 Written Ministerial Statement presumes against development of the best and most versatile agricultural land unless there is "the compelling evidence" to suggest otherwise.

Whilst local policy presumes against development in the countryside outside settlement boundaries where it is unrelated to rural uses - it is also the case that local policy is supportive of renewable energy proposals, subject to the impacts being judged to fall within acceptable tolerances.

In this case - the principle of a solar PV farm is considered to be acceptable in principle, given the presumption in favour of sustainable development in the Core Strategy and the thrust of emerging policy. It should also be noted that - given that the relevant national policies post-date local policies - it is national policy that takes precedence. That said - there is nothing in local policy that would dictate a different conclusion being reached on the acceptability of the development in principle. Beyond this it is the detailed local impacts that determine the acceptability of the proposal. These are discussed below.

Detailed Impacts

These impacts have, to some extent, already been discussed in the comments in terms of the considerations that apply under the NPPF and the PPG.

In summary, however, the impact of the development is this:

- it will occupy a landlocked-site that has no frontage to any public highway and is extremely well-screened by existing hedgerows, which will be strengthened as necessary. The landscape impact will be very slight;

- access to the site will be means of a “temporary” permeable aggregate surfaced track that will follow the line of the hedgerow that defines the eastern boundary of the adjoining field to the south. This will have little landscape impact and will be removed when the development is decommissioned;
- the use will be a temporary use of the land, albeit for 25 years, and the land will not be sterilised for agricultural purposes, indeed, agricultural use in the form of grazing will continue for the duration of the project;
- there will be environmental, biodiversity and ecological improvements in the form of the strengthening of the existing hedgerows, the various measures to encourage wildlife and the creation of a nature reserve
- there would be no harm to any heritage assets;
- the development would be remote from residential properties and there would be no harm to residential amenity;
- the appearance of the actual installation would be typical of developments of this type. It would have a somewhat functional appearance but its low height - maximum 2.7m - combined with its relatively remote and well-screened location would ensure that its landscape impact, combined with the additional screening measures to be undertaken (strengthening of the hedgerows as necessary and the planting of the boundary fences with appropriate climbing plants) would mean its impact would be relatively slight;
- there would be no impact on aviation in terms of glare impact. No objections have been received from aviation consultees, including the operation of Stansted airport;
- the Highway Authority raises no objections - subject to conditions being applied to cover specified matters. Overall - there would be no unacceptable traffic impacts, which would be within the capacity of the local road network to accommodate. A Construction Management Plan has been submitted. Installation will take place over a period of about 3 months during which time traffic movements into and out of the site would be frequent. The main access would be from the B1018 Witham Road by means of a sufficiently wide existing concrete-surfaced access that serves the farm and a small industrial development to the south of the site. Once installed there would be very few vehicle movements from the site. A condition requiring adherence to the Construction Management Plan would also be appropriate;
- there would be some economic benefits in that the installation will provide employment for the period of construction. Once completed - there would be few attending the site at all so the direct economic benefits would be more limited. The developer also proposes to set-up a Community Fund that would provide monies to be used for community benefit and which would, hopefully, be administered through the Parish Council. This is not something that is required to make the development acceptable in planning terms and is a matter for the parties. Longer term the main economic benefit is the increase in renewable energy that the proposal would deliver and the associated benefit in terms of increased national energy security and diversity of supply.

Summary/Conclusion

Overall - officers are of the view that the proposal is acceptable in principle in terms of both national and local policies and can be achieved without causing unacceptable local impacts. Where there is divergence between national and local policy it is national policy that takes precedence.

The key items of national policy that apply are the national Planning Practice Guidance (Renewable and Low Carbon Energy) and the 2015 Ministerial Statement Written Ministerial Statement - Solar energy: Protecting the Local and Global Environment - 25 Match 2015.

The key features of national policy are that there is a preference for use of previously developed land and non-agricultural land. If agricultural land is to be used, this has to be shown to be necessary; where this is necessary poorer quality agricultural land should be used, in preference to land regarded as Best and Most Versatile (Grades 1, 2 and 3a).

The March 2015 Ministerial Statement makes it clear that the Best and Most Versatile agricultural land should only be used if there is compelling evidence to justify this.

In this respect - the applicant has undertaken a Sequential Assessment to identify sites on previously developed land and on poorer quality agricultural land, in line with the PPG. This assessment concludes that there are no suitable alternative sites within the 30 km radius search area. The applicant has also considered the suitability and availability of roof-tops within the search area and none were identified

The methodology applied in the carrying-out of the Assessment is apparently based on recent cases for similar development considered at appeal. The applicant takes the view that the findings of the detailed Sequential Assessment that has been undertaken constitutes the compelling evidence that is required under the Ministerial Statement to justify the development being undertaken on BMV agricultural land.

Officers do not disagree with this conclusion and the acceptability of the development rests with its detailed impacts. These are judged to be acceptable or to fall within acceptable tolerances and it is, accordingly, recommended that planning permission be granted.

RECOMMENDATIONS

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 Site Plan	Plan Ref: ESCO/EX6/001	
Existing Site Plan	Plan Ref: ESCO/EX6/002	
Existing Site Plan	Plan Ref: ESCO/EX6/003	
Existing Site Plan	Plan Ref: ESCO/EX6/004	
Existing Site Plan	Plan Ref: ESCO/EX6/005	
Existing Site Plan	Plan Ref: ESCO/EX6/006	
Existing Site Plan	Plan Ref: ESCO/EX6/007	
Existing Site Plan	Plan Ref: ESCO/EX6/008	
Existing Site Plan	Plan Ref: ESCO/EX6/009	
Existing Site Plan	Plan Ref: ESCO/EX6/010	
Substation Details	Plan Ref: PVF/EX6/05	
General	Plan Ref: PVF/EX6/07	
Elevations	Plan Ref: PVF/EX6/08	Version: B
General	Plan Ref: PVF/EX6/09	Version: B
General	Plan Ref: PVF/EX6/10	Version: A
Site Plan	Plan Ref: PVF/EX6/15	Version: A
Section	Plan Ref: PVF/EX6/16	Version: C
General	Plan Ref: PVF/EX6/24	Version: B
Planning Layout	Plan Ref: PVF/EX6/25	
Planning Layout	Plan Ref: PVF/EX6/26	
Block Plan	Plan Ref: PVF/EX6/28	
Location Plan	Plan Ref: PVF/EX6/117	Version: A
Other	Plan Ref: Construction Management Plan	
Other	Plan Ref: Traffic Management Plan	
General	Plan Ref: GLEC/REN/CSF/LP&B	

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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 rural area and does not harm the appearance of the locality.

3 The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid (the First Export Date), this date to be notified in writing to the Local Planning Authority. By the end of the 25 year period the solar panels must be decommissioned. No later than 6 months after decommissioning, all related structures shall be removed and the site restored in accordance with a restoration scheme which has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall include details of any ecological mitigation that is required. The need for ecological mitigation will be determined by an ecological assessment that has been completed within the 9 months preceding the submission of the site restoration scheme. The scheme shall include a programme of works to remove the solar panels, frames, foundations, the access-way, fencing and all related equipment including all underground cabling, and the land restored to agricultural use or to a condition to be agreed in writing by the local planning authority. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

The Local Planning Authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.

Reason

In view of the site's sensitive location in the rural area where development unrelated to rural uses is not normally permitted.

4 If the development hereby permitted fails for a continuous period of 12 months to produce electricity for supply to the electricity grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the solar panels and the ancillary equipment relating to it shall be decommissioned and removed from the site in accordance with a scheme to be submitted to the local planning authority no more than 3 months after the end of the 12 month period. The scheme shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, the access-way, inverter housings and all associated structures and fencing. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12 month period.

Reason

In view of the site's sensitive location in the rural area where development unrelated to rural uses is not normally permitted.

5 Notwithstanding the details included within the application and before the development hereby permitted is first commenced - a scheme of landscaping for the site, which shall, inter alia, include full details of the proposals for strengthening of existing hedgerows around the site and the proposed nature corner in the south-western corner of the site, shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, plant protection and seeding treatment of the grassland meadow to be created.

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

Any trees, plants and seeding which die, are removed, or become seriously damaged or diseased during the time that the solar operates 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. The approved scheme shall be implemented and retained for the period the solar farm is in operation.

The submitted scheme shall be supported by a large scale plan that illustrates the precise location of the planting to be undertaken, the species to be planted, where appropriate the density of the planting and the planting centres to be applied.

Reason

In view of the site's sensitive location in the rural area where development unrelated to rural uses is not normally permitted and it is important to achieve proper screening of the development in the interests of visual amenity.

6 No development, including site clearance, shall take place until a long term management plan for the land within the application site has been submitted to and approved in writing by the local planning authority. The management plan shall include (unless the Local Planning Authority agrees to any variation):

- Management measures for all the land within the site during the operation of the solar farm, including procedures for collecting litter which may collect along the perimeter fences
- Details of habitat enhancement / creation
- Details of woodland / hedgerow management measures
- An appropriate reporting mechanism for monitoring the management of the site and an annual review of the management plan by a suitably qualified ecologist to monitor and where necessary amend the management regime with the written approval of the local planning authority
- Details of who will be responsible for the implementation of each element of the management plan / strategy
- Details of the planned programme of routine maintenance of the solar panels and associated infrastructure.

All habitat creation and ecological enhancements works shall be carried out in accordance with the approved details and the site operated and maintained in accordance with the long term management plan, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the impact of the development is properly managed and to limit its impact in the rural area.

7 No development or preliminary ground works of any kind shall take place

until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the potential archaeological interest of the site. These details are required to be agreed prior to commencement because they relate to measures that must be implemented in advance of commencement of development.

8 The development hereby permitted shall be undertaken strictly in accordance with the details contained in the Construction Management Plan and Traffic Management Plan submitted as part of this planning application, except insofar as the conditions applied under this planning permission may supersede the details contained in those documents.

Reason

To minimise the impact of the development on local traffic conditions and highway safety and to protect residential amenity and the local environment.

9 Before development hereby permitted is first commenced, full construction details of the new access-way permitted to be formed to provide access into the development shall be submitted to and agreed in writing by the Local Planning Authority. The access-way shall then be constructed strictly as agreed.

Reason

To ensure a proper standard of development that is suitable to serve the solar farm at construction stage and for the duration of its operation and to minimise the impact of the access-way on the local environment.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected as permitted by Class A of Part 2 of that Order, other than that which has been expressly authorised pursuant to Condition 2 above.

Reason

In view of the site's sensitive location in the rural area and in the interests of visual amenity.

11 No site clearance, demolition or construction work shall take place on the site for the duration of the construction and decommissioning periods, including the starting of machinery and delivery of materials, or despatch of materials outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours
Sundays and Public Holidays - no work or deliveries / despatch of goods

Reason
To protect residential amenity.

12 No development shall take place until a Solar Farm Grazing Management Plan (SFGMP) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall describe the methods by which grazing will be maintained by sheep throughout the period during which the development is operational. If for any reason grazing by sheep fails to occur for a period of more than 12 months then, unless otherwise agreed in writing with the Local Planning Authority, the solar panels and the ancillary equipment relating to it shall be decommissioned and removed from the site in accordance with condition 4 above.

Reason
To ensure proper management of the site in accordance with good agricultural practice. These details are required prior to the commencement of development to ensure that grazing can take place from first functioning of the solar arrays.

13 The site shall not be lit in any way without the prior approval in writing of the Local Planning Authority.

Reason
To ensure that proper control is retained for the future, in the interests of protecting the undeveloped rural character of the countryside, in which lighting in a location such as this would appear as an unacceptably intrusive feature.

14 Before the development hereby permitted is first commenced - wheel-washing facilities for vehicles attending the site shall be provided in accordance with written details, supported by a plan, to be submitted to and agreed in writing by the Local Planning Authority. The approved wheel-washing facilities shall then be installed and operational before the first commencement of works on site.

Reason
To prevent the dispersal of mud and detritus onto the highway, in the interests of highway safety and amenity. These details are required prior to the commencement of the development because they need to be in place at the point of commencement of the development.

15 Before the development hereby permitted is first commenced, written details of a scheme to treat and remove suspended solids from surface water run-off during construction work shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then by installed strictly in accordance with the approved details and shall be operational by the time works first commence on site to carry-out the

development.

Reason
To minimise any additional flood-risk and harm to the local environment.

16 The maximum height of the solar panels hereby permitted to be installed shall be not greater than 2.7m above existing ground level.

Reason
To minimise the visual impact of the development in the surroundings, given the sensitive location of the site in the rural area.

17 Details of the exterior finishes and colours of all buildings permitted to be erected on the site shall be submitted to and agreed in writing prior to the first commencement of development on the site. The buildings shall then be constructed strictly as agreed.

Reason
In the interests of visual amenity, in view of the sensitivity of the site in the rural area.

18 The ecological mitigation measures shown on approved plan no GLEC/REN/SCF/LP&B shall be implemented within three months of the completion of the development hereby permitted.

Reason
To ensure satisfactory ecological mitigation for the scheme of development permitted.

19 Before the development hereby permitted is first commenced, an Ecology Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, detailing how the various ecological measures proposed are to be installed on-site, their specification and materials of construction and how they will be monitored, maintained and managed over the period that the solar-farm is in operation. In particular, the Ecology Management Plan will show how the "nature corner" will be managed.

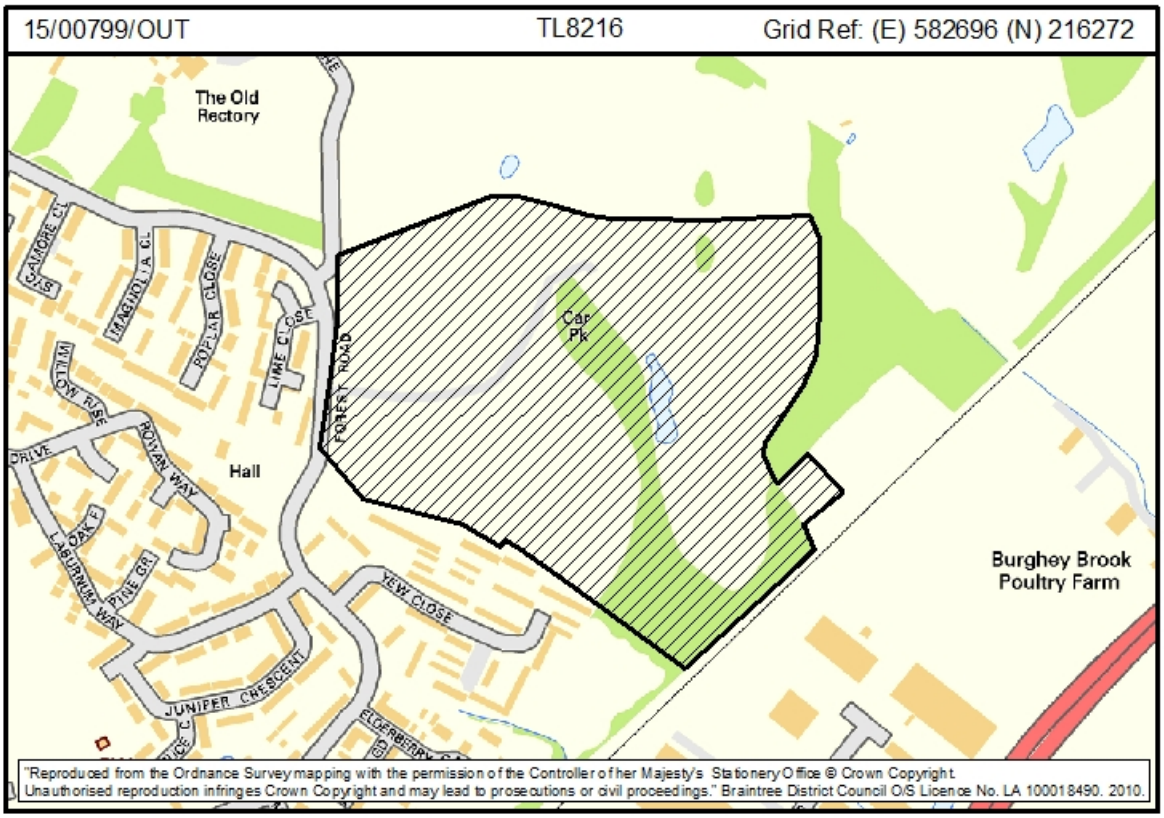
Reason
To protect the ecological interest of the site for the future and to ensure that appropriate ecological mitigation is in place for the period of operation of the installation from first functioning of the solar arrays.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A AGENDA ITEM NUMBER 5d

APPLICATION NO:	15/00799/OUT & 15/00800/FUL	DATE VALID:	24.06.15
APPLICANT:	Mrs Sarah Cornwell Bellway Homes Limited And Swan Hill Homes Limited, Bellway House, 1 Cunard Square, Townfield Street, Chelmsford, Essex, CM1 1AQ		
AGENT:	Mr Olivier Spencer Andrew Martin - Planning Ltd, Town Mill, Mill Lane, Stebbing, Dunmow, Essex, CM6 3SN		
DESCRIPTION:	Hybrid planning application comprising: (i) full application for 222 dwellings including affordable homes, 279 sq m gross floorspace for retail (Class A1) (or 3 additional dwellings in the event that no operator commits contractually to the retail element), public open space including local equipped area for play, sustainable drainage systems, landscaping and associated development: and, (ii) outline application with all matters reserved for up to 148 dwellings including affordable homes, public open space including allotments, sustainable drainage systems, landscaping and associated development.		
LOCATION:	Land at North East Witham, Forest Road, Witham, Essex		

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523 or by e-mail to:
neil.jones@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS6	Retailing and Town Centre Regeneration
CS5	The Countryside
CS6	Retailing and Town Centre Regeneration
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes

RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Site Allocations and Development Plan Policies

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

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
External Lighting Supplementary Document
Open Space Supplementary Planning Document
Open Spaces Action Plan
Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the significant scale of development. It is also of note that objections have been received from local residents, contrary to the officer recommendation.

SITE DESCRIPTION

The Application Site measures 16.74 hectares (ha) and is situated immediately east of Forest Road, Witham. The site is currently accessed from Forest Road on the western side of the site, with an access road leading to Rivenhall Oaks Golf Club. Either side of the access road the land is currently in agricultural use. On the other side of a central tree belt the eastern part of the application site currently forms part of the Rivenhall Oaks Golf Course.

The land immediately to the north is in agricultural use, whilst the land to the north-west, between Forest Road and Rectory Lane, contains a large house in landscaped grounds.

The Application Site is bounded to the west by Forest Road and Rectory Lane; to the north by land in agricultural use and the Rivenhall Oaks Golf Centre, whose land also wraps around the eastern side of the site; along the south eastern boundary there is the main Great Eastern railway line linking London to East Anglia; and to the south western boundary residential properties on Yew Close and Holly Walk.

To the west of Forest Road is a large residential development, with Holly Walk and Yew Close to the south west marking the start of a smaller housing development immediately to the south west of the site. Housing along this part of Forest Road is mixed with some properties fronting the road, whilst others back into it. The houses along Holly Walk and Rectory Lane back onto the site.

Whilst the majority of the housing within the immediate vicinity of the site is post-war development, there is a Grade II listed building – Rivenhall Old Rectory - over 200 metres north-west of the application site. The property is a 16th / 17th century timber-framed house standing within substantial grounds.

Rectory Lane, which continues due north from the north western corner of the site, is designated as a Protected Lane in the Braintree District Local Plan Review (2005). A public right of way runs through the site, running broadly north / south. This forms part of the John Ray Walk.

Members will note that whilst the application site is immediately adjacent to the housing developments on the north eastern side of Witham town the whole of the site stands within the Parish of Rivenhall. The Council's Core Strategy (and the planning application) refers to the site as land North-East of Witham - off Forest Road in the Parish of Rivenhall.

NOTATION

The majority of this application site was allocated for development as a mixed-use growth location in the adopted Braintree Core Strategy (2011). There is a small area of land protruding on the south eastern boundary which is outside the area allocated in the Core Strategy (2011). This area of land, measuring

approximately 0.21ha is shown within the application to be the location of proposed new allotments.

PROPOSAL

This is a hybrid planning application whereby the applicant has simultaneously applied for outline planning permission for one part and full planning permission for another part of the same site.

- Full planning permission is sought for Phase One of development, on the western part of the site between the central tree belt and Forest Road, on what is currently agricultural land. The application proposes 222 new dwellings, public open space including equipped play area, a retail unit (Class A1) providing 279 sq. m gross floorspace and associated infrastructure including sustainable drainage systems on 11.74 ha of land
- Outline planning permission, is sought in respect of the eastern parcel of land measuring 5 ha. Outline permission is sought with all matters reserved for the erection of up to 148 dwellings, public open space including allotments along with associated infrastructure and landscaping.

The application has been accompanied by a suite of plans and reports including: Site Location Plan; Layout Plan, Plans showing house and flat types, details of the retail unit, site levels / sections, landscape plans including the equipped play areas. In respect of the outline element of the application plans have been submitted which show an illustrative layout. This layout is for illustrative purposes only – to demonstrate that 148 dwellings could be accommodated satisfactorily within this area. If the application were granted permission, this element of the plan would not be approved and this would be considered at Reserved Matters stage when the applicant would need to obtain approval for matters including appearance and layout.

Other documents submitted in support of the application include: Air Quality Report; Arboricultural Assessment; Design & Access Statement; Extended Phase 1 Habitat Survey and Phase 2 Ecological Surveys & Assessment; External Lighting Strategy; Flood Risk Assessment (including Foul Water Drainage Strategy and Surface Water Drainage Strategy); Geo-Environmental Site Assessment (including Contamination Information); Heritage Statement; Landscape and Visual Appraisal, Noise Impact Assessment, Sustainable Design and Construction Checklist, Transport Assessment and Framework Travel Plan, Statement of Community Involvement and Sustainable Design and Construction Checklist.

During the course of the application revised plans have been submitted in respect of the layout and house types and the plans for the Public Open Space to address Officers concerns. Further technical details have also been submitted concerning the potential impact on trees of constructing a new footway along Forest Road; additional reports on air quality and noise; and further information requested by the Highway Authority.

CONSULTATION

External Responses

Anglian Water – Anglian Water have no objection to development as the Witham water treatment plant has sufficient capacity to accommodate flows from the development

Essex County Council (ECC) Education – Although the development would create a demand for additional Early Years and Childcare provision within the town the County Council do not currently seek a financial contribution towards new capacity due to changes (governing the pooling of financial contributions through S106 agreements), introduced earlier this year by the Government. There is sufficient secondary school capacity to accommodate the demand for school places arising from the development.

It is stated that there is insufficient capacity within existing schools to accomdate the demand arising from this development and as a result the County Council request a financial contribution towards additional Primary School place provision.

The consultation response states that a contribution of £748,758 would be sought based on all 222 dwellings having 2 or more bedrooms. (N.B. The actual figure sought will be slightly lower to reflect the fact that 9 of the 222 dwellings proposed as part of the detailed application would be 1 bedroom units).

The application also seeks outline planning permission for up to 148 further dwellings. At this stage there is no information on the exact number and size of dwellings but the County Council advise that a financial contribution in the region of £498,443 would be sought if the development were to proceed with 148 further dwellings with 2 or more bedrooms. The amount required will be calculated on the actual number of dwellings that are approved with 2 or more bedrooms. The S106 agreement will also specify that the payments will be index linked.

ECC Flood and Water Management – As the Lead Local Flood Authority (LLFA), ECC provide advice on surface water drainage. A holding objection was submitted requiring additional information and clarification on the surface water drainage strategy.

Following discussion, the LLFA have withdrawn their objection subject to conditions.

ECC Highways – From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the applicant undertaking specified improvements to the highway (off-site); improvements to pedestrian and cycle links to the site; measures to encourage future residents

to use more sustainable forms of transport; and conditions concerning the detailed layout of Phase One of the development.

ECC Place Services Historic Environment Officer (HEO) – The application included a Desk Based Assessment (DBA) which provides a summary of the known archaeological evidence in the surrounding area. Within the DBA it is acknowledged that there is potential for archaeological evidence to be present within the development site.

The clear advice of the Historic Environment Officer is that because it is likely that the site could contain archaeological deposits, detailed archaeological investigation is required prior to approval being granted for any detailed layout. As a result an evaluation involving fieldwork and reporting will need to be submitted prior to the Council granting planning permission for Phase One of the development.

A further condition is recommended requiring the submission of archaeological investigation on the site of Phase Two of the development, prior to submission of the Reserved Matters application(s).

ECC Minerals and Waste Planning – Raise no objection to the proposal.

ECC Place Services (Urban Design) – As a result of discussions following submission of the original proposals the applicant has submitted a suite of revised plans and reports to address the concerns of the Urban Design consultant. The layout is now considered satisfactory but concerns remain, principally regarding matters of detailing and materials.

Essex Police (Architectural Liaison Officer) – Object to application due to the impact the development will have on routes to and from Witham Town centre and links to the A12. Suggest consideration is given to improving Rivenhall End junction on the A12.
Insufficient consideration has been given to safety and security of homes or businesses.
Safety and security can be dealt with by conditions requiring the developers to achieve Secured by Design certification (SBD) on all the development.
If any community building is provided it should include provision for police surgeries, one stop services etc.

Environment Agency – No objection raised. They highlight the importance of climate change considerations and recommend that consideration is given as to how new developments can be designed to minimise demands on scarce natural resources and be able to adapt to the effects of climate change.

Health & Safety Executive – The HSE does not object to the application on safety grounds. As the proposed development is within the Consultation Distance of a major hazard pipeline the Council should contact the pipeline operator before determining the application.

Highways England – No objection, or recommendations regarding conditions.

National Grid – No response – assumed no objection.

Network Rail – Initially Network Rail objected to the application as they were concerned it would increase the risk of serious injury or fatality at the Cut Throat Lane Level Crossing. Following further assessment of the risk, Network Rail have withdrawn their objection.

Other than the issue of the level crossing Network Rail state that the development must not, either during construction or after completion, encroach onto their land; or interfere with the safety and operation of the railway and its infrastructure.

NHS England – No objection, subject to a financial contribution being made to help fund capacity improvements in GP facilities within the town as the surgeries that would serve residents of this development have insufficient capacity to meet demand arising from the development.
As part of this application only seeks outline planning permission the actual number of dwellings to be built is unknown, however based on the maximum 370 dwellings being constructed the contribution required would be £91,320.

Rivenhall Parish Council – Requests that the application is not determined until consideration is given to a number of issues including – protection of Rectory Lane during construction; developer to provide a new footway link along Forest Road to provide safe pedestrian route to schools; the cumulative impacts of development on traffic congestion; lack of GP facilities in Witham North & Rivenhall; lack of open space which can be used for impromptu games.

Silver End Parish Council – Object to the application due to traffic generation caused by the development having an adverse effect on Silver End.

Sport England (SE) - Object to the application as when originally submitted, it was not clear how the development would contribute towards outdoor and indoor sport provision which is required in order to meet additional demand created by the proposed housing. They request that further consideration is given to the issue and that if planning permission is forthcoming, planning obligations or conditions are used to address the need to contribute towards Outdoor Sports Provision & Indoor Sports Provision.

UK Power Networks – No objection. There are two 33,000 volt underground cables which cross the site. The underground cables should not be located under buildings, in gardens or any other location where access is restricted.

Witham Town Council - Recommends approval of the application, subject to the satisfactory resolution of the following issues:-

- Pedestrian link to be provided to Motts Lane to provide access to the station and town centre;
- Construction traffic to not be routed past local schools at key times of the day;
- The Town Council wish to be closely involved in S106 negotiations, and the agreement should include the protection of Rectory Lane; provision of community facilities if the Golf Club facilities do not come forward; allotment provision to come forward in Phase 1 of the development; and as much landscaping to be done at the outset as possible.

Internal Responses

BDC Drainage Engineer – No known surface water issues recorded at the site.

BDC Environmental Services – No objection, subject to conditions.
Contaminated Land - The contaminated land report indicates no issues.
Noise – further information was requested following assessment of the initial report. This has identified the need for acoustic fencing and insulation to some dwellings to mitigate noise from the railway. This can be dealt with by condition.
Air Quality – further information was requested from the applicant to consider what mitigation will be provided to address potential air quality issues that could arise as a result of the development and increased traffic generation. The additional information indicates that the development, along with others, could adversely affect air quality along the B1018 and recommends measures to reduce car use.

BDC Housing Research & Development – Supportive of these applications and if approved they will yield much needed new affordable homes which when completed will be owned and managed by a locally based housing association.

REPRESENTATIONS

Two letters of representation have been received which object to the application – they raise the following issues:

- No further large scale development should be allowed in Witham;
- There is no demand for these new houses;
- The roads in the town will not be able to accommodate this expansion of the town;
- There is inadequate parking in the town to meet current needs;
- Trains to London are already overcrowded;
- GP Practices already struggle to meet demand – some practices have closed lists. The level of financial contribution sought by the NHS is inadequate;

REPORT

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

The site is identified in the adopted Core Strategy (2011) as a growth location. Policy CS1 (Housing Provision and Delivery) refers to the site as 'Land to the north-east of Witham (in Rivenhall Parish) - off Forest Road'. The policy states that the site is allocated for a minimum of 300 dwellings and associated community uses. The Core Strategy specified that the delivery of the 3 main growth locations would be phased with the Forest Road site intended for delivery between 2021 and 2026.

However Policy ADM3 of the Pre Submission Site Allocations and Development Management Plan Document (ADMP) set out the Council's intention to remove the phasing restrictions on the Core Strategy Growth Locations to allow those developments to come forward earlier to support housing delivery within the District.

The Council's Interim Planning Policy Statement states: *"The Council believes that the site allocations and policies contained within the Pre Submission ADMP are based on robust and credible evidence and have undergone a significant amount of public consultation and Member engagement. The Council therefore consider these are acceptable in principle. The Council accordingly adopts the land allocations and development management policies detailed within the ADMP for use within development management decision-making. The Council is of the view that these robust and clear statements should be given appropriate weight in all matters under consideration and that these are material considerations for the Council. The Council actively encourages the development of sites and allocations in accordance with these principles and will seek to support those who conform to the requirements of the NPPF and other statutory development plans. The Council recognises that the emerging local plan will gain weight as it is developed, however this statement provide a clear indication of the Council's position in the interim period."*

Members will note that the proposal is for the erection of up to 370 dwellings. This is based upon the applicants' testing of the site's capacity. The unit numbers specified within the Core Strategy were minimums so there is no objection in principle to a higher number of units being developed, subject to the applicant being able to demonstrate that this would still allow for the site to be developed in an acceptable manner. As this is a 'hybrid' application there is a degree of uncertainty over the final number of dwellings that would be built on the site. The precise number of units to be built on Phase One is set out within the detailed part of the application (222 dwellings). Outline permission is sought for Phase Two of the development, for up to 148

dwellings, but the actual number could be lower than this when the applicant makes the Reserved Matters application on the second phase of the development.

Members are advised that whilst the extent of the application site is largely consistent with the area allocated for development in the Core Strategy there are two points of difference.

1) Officers have sought a landscaping buffer along the northern site boundary of Phase 1 as the development will form the new boundary for built development and it is considered appropriate to introduce landscaping to soften the urban edge. The layout of the built development extends to the boundary of the site allocation so the applicant is proposing that the landscaping be undertaken on land adjoining the site. This is land within their control and Officers have no objection to this approach.
2) The proposed allotment site is on land which is outside the allocated site. The 0.21 ha area shown for allotments occupies a southern facing slope, near the railway line and at the southeast corner of the site. The applicants Planning Statement acknowledges that the allotment site would be in an area outside designated development boundaries, however Core Strategy Policy CS5 confirms that uses appropriate to the countryside are acceptable outside of allocated development sites and designated town / village development boundaries. The new allotments are considered an appropriate use of this land and there are no other reasons, such as ecology, landscape impact or neighbour amenity, which would lead Officers to assess that this particular site would be unacceptable for this purpose.

The Core Strategy indicated that the Council considered that it would be ‘desirable’ for this development to include a neighbourhood centre. The Core Strategy indicates that this could include religious, retail and leisure facilities.

The provision of such facilities was the subject of discussions with Officers prior to submission of the application. Given the location of the site and the Council’s experiences with trying to facilitate the provision of such facilities it was accepted that it was unlikely that this site would attract a viable leisure or religious facility. Whilst it does not form part of this application the landowner and operator of the adjoining golf course has plans to extend the club house which would add to the existing facilities it offers. It is also advised that residents of the development could use the bar and restaurant facilities at the club house.

Pre-Application discussions and the Public Consultation events staged by the developer have reinforced the need to thoroughly explore the potential for a local retail facility to be included as part of the development.

Prior to submission of the application the applicant and their agents sought expressions of interest from national retail chains to ascertain whether there was any market interest in the provision of a retail convenience store. A local

independent operator registered their interest in opening a convenience store and pharmacy on-site and as a result the planning application includes proposals for a 279 sq. m (3,000 sq. ft.) gross of new retail (Class A1) floorspace, along with associated parking provision. The retail unit will occupy the ground floor of the building with flats in two storeys above it. It is proposed that the building be located at the intersection of the secondary access road and the John Ray Walk, within easy walking distance of the bus stops on Forest Road and adjoining residential areas.

The Applicant has agreed to design and build the new floorspace, subject to the local operator signing up to a long-lease at a pre-agreed sum. The applicant is concerned that if the local operator is unwilling or unable to proceed with the proposed lease the ground floor of the building could remain vacant with no replacement operator. The S106 agreement will specify that the applicants will need to agree a Marketing Strategy with the Council and then undertake an agreed period of marketing in an attempt to secure a commercial operator. They propose that in the event no operator can be found for the ground floor unit that the proposed development will revert to a specified fall back position (referred to on the plans as Option 2). This would see the ground floor retail area being constructed / converted to provide three additional affordable flats in place of the retail floorspace. In the event that this happens the applicant will have provided marginally in excess of the 30% Affordable Housing required in this phase and the number of affordable units provided in Phase 2 will be reduced accordingly.

It is considered that the proposal is broadly in accordance with the adopted Core Strategy and Pre Submission Site Allocations and Development Management Plan and that there is no objection to the principle of development.

Access and Highway Matters

The application includes a Transport Assessment and this has been assessed by Officers from Essex County Council Highways and Highways England.

The Transport Assessment seeks to demonstrate, amongst other things, that suitable access to the site can be achieved; the impact that the proposed development will have on the highway network; and that opportunities for sustainable transport modes are explored to reduce reliance on the private car. The NPPF states that development should only be prevented where the residual cumulative impacts arising from a development are assessed as being severe.

Vehicular access to both phases of the development will be taken from two access points off Forest Road. The junctions will be priority junctions and the northern access point will also continue to provide the means of vehicular access to the Golf Course.

The internal road layout of Phase One of the development has been designed in accordance with new emerging standards which will eventually update the

standards currently set out in the Essex Design Guide. In general terms the new standards provide slightly wider carriageways than those previously required. The layout incorporates shared surfaces on numerous residential streets and the roads will be designed to restrict speeds to 20mph to promote highway safety and encourage pedestrians and cyclists. The Highway Authority are satisfied with the road layout shown for Phase One of the development, subject to conditions to ensure that roads are constructed to a suitable standard; that construction activity is managed to prevent adverse impacts on highway safety; all parking spaces are to meet adopted standards and that buildings do not overhang the highway.

There is a Public Right of Way that crosses the site and this forms part of the John Ray walk. The Public Rights of Way (PROW) team at Essex County Council initially registered a holding objection. They have subsequently discussed the proposed development with the applicant and have advised that they withdraw the holding objection following assurances that the concerns raised in respect of the location of Footpath 60, Rivenhall would be addressed after the development was completed by way of a diversion application under the Highways Act 1980 s119. The PROW team has requested that the S106 legal agreement require that the applicants make an application for the diversion through the Highways Act.

The applicant has offered to improve directional signs in the vicinity of the site showing the route of the Public Rights of Way as it is accepted that the development will increase their use as residents of the development will use these, particularly for leisure purposes. Officers have also considered further improvements to the John Ray walk on the northern side of Rickstones Road but the PROW Team have not considered this necessary or appropriate.

In addition, a new footpath / cycleway is proposed through the centre of the site and linking up to Rectory Lane which will further encourage short journeys to be made by foot and bike. Beyond the site the applicant proposes to construct a new footway on the western side of Forest Road, on the existing grass verge, to link the site to Rickstones Road which will provide a safe walking route to the schools and bus stops on Conrad Road.

Officers are also keen to improve pedestrian and cycle links towards the town centre, major employment areas and train station. There is an existing PROW that connects the site with Motts Lane to the south but there is no surfaced path along this route where the PROW crosses an area of Public Open Space owned by the District Council. A condition is recommended requiring the construction of a 3.5m wide footpath/cycleway to connect the development site to Motts Lane. This path will link the site to the Bridleway Bridge which crosses the main railway line, providing access to the Eastways employment area. It will also allow access to Cut Throat Lane which will provide an attractive route for pedestrians and cyclists through towards the town centre and railway station with the added advantage that the route will be separated from motor vehicles. The applicant will also be required to contribute towards the provision of additional cycle parking facilities at Witham station to further encourage train users to cycle and not drive to the station.

The TA also proposes the provision of Residential Travel Packs for all new residents which will include bus tickets which are intended to encourage people moving into the development to consider using the bus. The Highway Authority has also recommended that the applicant prepare a Residential Travel Plan which is a further measure intended to promote the use of more sustainable methods of transport.

The applicant has proposed that a new footway be constructed along the grass verge on the western side of Forest Road, between Lime Close and Rickstones Road, to provide a better link to the schools on Rickstones Road. The Highway Authority has supported this proposal and recommends that this is dealt with by condition. When assessing this proposal Officers were concerned about the potential impact this work would have on the mature trees that stand within the verge.

The applicant has provided a preliminary arboricultural method statement for a proposed footway which concludes at this stage that no trees will need to be removed, however some further assessment is required in relation to specific trees and that the construction work will need to be carried out sensitively and under supervision of an arboriculturalist. These matters can be covered by condition.

The Core Strategy stated that it was desirable for this development to contribute towards '*Quality Bus Partnership and Public Transport Improvements*'.

Existing bus services pass close to the site but it would not necessarily be justifiable for an operator to divert services through the development for operational reasons. Officers have however sought to 'future proof' the development by ensuring that the main access road is designed to accommodate a bus route and bus stops to allow for the potential for future services. Highways Officers have verbally confirmed that bus infrastructure within the site should be secured by condition. A further planning condition is recommended requiring that the bus stop on Forest Road, opposite Lime Close be upgraded, to include new shelter, raised kerbs and telematics.

Whilst the TA recommends a package of measures to reduce reliance on the private car and encourage residents to use more sustainable forms of transport, the report acknowledges that the development will add to traffic volumes within the town. The TA identifies several junctions where modelling indicates there will be insufficient capacity in the medium term, with this development contributing to these problems.

The applicant has discussed a number of options to try and improve the operation of these junctions and as a result the applicant will be required to carry out off-site highway improvements including converting the Cyprus Road / Braintree Road to a simple priority junction from mini-roundabout; alterations to the Morrison's roundabout; and the installation of 'pre-signals' on the Chipping Hill Arm of the Chipping Hill / Braintree Road roundabout. 'Pre-

signals' are traffic lights which can be operated during peak times to hold back traffic from a junction or roundabout to allow prioritisation of other traffic flows.

One suggestion had been to also install pre-signals on the B1018 at the Chipping Hill junction however the case for doing so is less compelling. The Highway Authority recommend that further assessment is made of the operation of the junction, once Phase One of the development is completed and occupied. In part this is because it is suspected that the installation of the pre-signal lights on Chipping Hill may result in some motorists altering their routes but it is difficult to model with any certainty. Dependent on the findings of that assessment the developer may be required to undertake some additional modification to the junction but this decision will be taken by the Highway Authority at that time.

Rectory Lane is located to the west of the application site and runs between Forest Road and Rickstones Road. It serves a handful of residential properties but is narrow – almost exclusively single track circa 3m wide. It was to be designated in the ADMP as a Protected Lane. The District Council gives this designation to a number of lanes within the district due to their historic and landscape value for the character of the countryside. Essex County Council Officers updated their assessment of Protected Lanes in Braintree District to form part of the ADMP and Rectory Lane was considered worthy of protection. There will be no new vehicular accesses formed to connect the site to Rectory Lane, although the footpath / cycleway will connect to it. The Highway Authority have stated that they do not consider that there is a need to modify Rectory Lane to prevent or discourage use as it is a public highway which serves a number of dwellings and modifications are not considered necessary.

In respect of the detailed layout proposed for Phase One of the development the level of parking provision has been assessed against the Council's adopted parking standards. These state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. In addition 0.25 spaces per dwelling are required for visitor parking. A parking plan has been submitted which demonstrates compliance with standards. A total of 75 visitor spaces are shown. Visitor spaces will be provided through a mix of formal spaces, such as designated laybys or parking bays, whilst others will be more informal, for example through a slight widening of the carriageway in areas where visitors can park without compromising highway safety. Conditions are recommended to ensure that the parking spaces comply with the Council's adopted standards.

Highways England has raised no objection to the proposed development. Their response notes that the developments will add to the traffic using the substandard Rivenhall End junction. This has the potential to exacerbate existing safety issues at the junction but Highways England do not consider that this justifies an objection to the application, or a requirement for improvements to the junction.

It is noted that the Architectural Liaison Officer (ALO) at Essex Police has suggested that Rivenhall End junction be improved by the applicant but the body responsible for the management of the junction – Highways England – has not required this. Similarly the ALOs comments regards congestion on routes to the town centre and A12 are noted but the Highway Authority has not objected to the application subject to agreed highways works being carried out and on this basis an objection to the proposals could not be sustained.

In summary, the site is considered to be in a relatively sustainable location with reasonable access to public transport. The proposal would also see the development of a site on the edge of Witham. It is a reasonably sustainable location being located within reasonable distance of schools, public transport, employment areas and town centre facilities. As well as encouraging walking and cycling the applicant will also be required to carry out off-site highway works which should mean that any residual cumulative transport impacts of development are not severe. The road layout has also been designed in accordance with new emerging highways standards which specify more generous road widths.

The Highway Authority have recommended approval subject to a number of conditions and obligations including to mitigate the impact of increased traffic generated by the development, along with conditions controlling construction activity. Overall the scheme is considered acceptable and would not have an unacceptable impact upon highway safety.

The Town Council did request that controls be imposed to prohibit construction traffic from being routed past local schools at key times of the day. Such controls cannot be justified and are not necessary to make the development acceptable in planning terms.

<u>Design Matters</u>

In recent years the Government has sought to place a renewed emphasis on the importance of good design being delivered through the planning system. 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*'.

Local planning policies also set out the Council's expectations. Policy CS9 of the Core Strategy states that '*the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment'*. Policy RLP 9 of the Local Plan Review states that '*New residential and mixed-use buildings shall create a visually satisfactory environment and be in character with the site and relate to its surroundings*'. The Policy also requires that applications are

accompanied by a site appraisal which identifies opportunities and constraints which then informs the proposed development.

The woodland areas, golf course pond and hedges are all important features of the site and due to their value should, in the main, be retained. The constraints plan identifies a number of constraints on development, both within and adjacent the site. These include a high pressure gas main; high voltage electricity cables; public right of way; the railway line and resulting noise.

Full Application (222 Dwellings)

It is proposed that there are two points of vehicular access – both off Forest Road. The main access point will be located just to the north of the existing entrance to the golf course. The existing Hawthorn hedge on the south side of the drive is proposed to be retained and will form part of a landscaping scheme which will provide a green character. This route will turn gently north and will continue to form the access to the golf course. A secondary access is proposed to the south of the main access.

In terms of a design approach the site is largely self-contained. The topography of the site means that SuDS features will form a buffer, with existing vegetation, between the new development and existing dwellings. The only other area where there is significant built development which would be seen alongside the new development is on Forest Road, although most of the houses on the opposite side of the road turn their back on the street.

Given the scale of the development the Council's Urban Design consultant has sought more pronounced character areas to differentiate between different parts of the development to add character and create a sense of place. There will be five character areas – Forest Road frontage; Green Edge; Internal Spaces; Waters Edge; and Primary Access Road.

For example the dwellings along Forest Road will share specific characteristics. Whilst fronting the road the dwellings will be set back behind soft landscaping. Other characteristics include large houses, lower density and a simplified palette of materials and finishes to reflect the form of the existing dwellings on Forest Road.

In addition to the character areas the layout also has a pattern of house types with detached houses close to the entrance to the site then turning to semi-detached houses and houses joined by links closer to the centre of the site, with further detached houses on the eastern side of Phase One adjoining the central Public Open Space.

Following discussions with the Council's Urban Designer key parts of the layout have been designed with a continuous frontage, for example along the secondary access on the southern side of the site.

Whilst the majority of the development will be two storeys there will also be two and a half storey buildings, often at focal points in the layout as well as three storey blocks of apartments at the southern end of the site. The proposed retail unit has been located in a prominent location within one of the three storey block of flats that stands beyond a substantial open space, with the access road and the pedestrian links to Holly Walk providing good connections for existing and future residents. The proposed retail unit will have a separate car parking area with 8 spaces. The residential flats above will have a separate car park on the other side of the building.

The Proposed Development has a gross density (i.e. including all areas of public open space and infrastructure) of 22.2 dwellings per ha, based on 370 dwellings over the total site area of 16.74 ha. The net density of the detailed Phase One of the development is an average density of 35.3 dwellings to the hectare. Consequently the scheme is considered to be acceptable in principle.

As a result of discussions with the Council's Urban Designer the applicant submitted revised plans for the proposed house types. Whilst many of the different house types share the same size and internal layout a greater variety of external elevations has been used, for example to include elevational treatments with a more modern architectural style.

Although many of the concerns of the Council's Urban Designer have been addressed they remain concerned, largely in respect of matters of detailing and materials. Whilst the NPPF states that local authorities should not attempt to impose architectural styles or particular tastes on developers it does stress the importance of high quality design. Officers do not accept that all the Urban Design Advisers concerns must be addressed for the application to be acceptable; however there are several areas where the proposals do not follow the Essex Design Guide, such as eaves and verge details and the use of materials. Some of the bay windows and fenestration on key elevations also should be amended. It is recommended that conditions are applied to address these issues.

The application includes a plan specifying the private amenity dwellings to be provided which shows that the layout has been designed so that the vast majority of the dwellings will have private amenity space which would meet, or exceed, the minimum standards specified in the Essex Design Guide. There are a small number of dwellings, usually on corner plots, where the size specified is below the minimum standards however the Design Guide states this is permissible and Officers consider the arrangement acceptable. The Urban Design Advisers comments about the arrangement of the private amenity space are noted and the layout does contain some irregular shapes. It has been suggested that there was some rearrangement of the garden boundaries to create squarer /rectangular garden areas, albeit that some units will be below the standard whilst others will be above the maximum. The applicant has stated that they do not wish to amend the layout to provide more regular shaped areas garden areas and Officers do not consider that the arrangement would warrant refusal of the application.

Whilst Officers are satisfied that the revised plans have introduced a wider range of elevational treatments to the dwellings there remains a need to ensure that proposals for the public realm are also developed to provide more interest in the street scene and improve legibility. Information on the public realm would include means of enclosure, road kerbs/edging, and street furniture. Officers have also advised the applicants that there is an expectation that a development of this size would include some form of public art. Similar sized developments have been required to produce a public art strategy. Examples of works commissioned by other developers have included items like bespoke railings, benches and street furniture, wayfaring signage, as well as art installations. This approach adds character to the development, can aid legibility and cultural well-being and is supported by Policy RLP 90 which states that 'The council seeks a high standard of layout and design in all developments' and that 'Buildings, open spaces, circulation spaces and other townscape and landscape areas shall be of a high standard of design and materials. This matter should be covered by condition.

With appropriate conditions it is considered that the proposal would provide an appropriate form of development given the context of the site and the character and appearance of the surrounding area.

Outline Application (Up to 148 dwellings)

The application is a hybrid application. There are no detailed plans in respect of Phase 2 of the development as all that is sought at this time is outline permission. All detailed matters for the second phase (access, appearance, landscaping, layout and scale) are reserved for future consideration. However the application has been submitted with an illustrative masterplan; and the Design and Access Statement (DAS) establishes some of the key parameters covering building heights & urban design, whilst confirming compliance with standards such as parking, amenity space. There is some concern that the DAS indicates that the Character Areas will be carried over into Phase Two of the development. There may be a need for a more varied approach in Phase Two and a condition is recommended to require that the range of materials and characteristics of character areas for Phase Two shall be submitted and agreed by the Council prior to the submission of the Reserved Matters applications for Phase Two of the development.

<u>Impact on Neighbouring Residential Amenities</u>

One of the Core Principles set out in the NPPF is that planning should '*always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants*'. This is supported by Policy RLP90 of the Local Plan Review which states that '*there shall be no undue or unacceptable impact on the amenity of any nearby residential properties'*.

The Essex Design Guide states that *"with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be*

acceptable". The housing layout within Phase One has been designed to comply with this standard.

It goes on to state that *"where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved".*

To the south of the site there are residential properties on Holly Walk. There are also houses on the western side of Forest Road, opposite the site as well as a small number of dwellings along Rectory Lane. It is not considered that the layout proposed in Phase One of the development would result in a significant loss of amenity for residents bordering the site. Properties on Forest Road will face onto the development but be separated by the intervening carriageway and highway verges. Along the southern boundary it is proposed there will be substantial areas of new Public Open Space, including SuDS features. Whilst there will be three storey blocks of flats the principal elevations will largely face east / west. During pre-application discussions Officers had expressed concerns about the relationship of the flats to 2 storey dwellings in Holly Walk but the application demonstrates that there is sufficient distance (in excess of 35m from the backs of dwellings on Holly Walk to the block of flats) separating the buildings and that sections through these areas show an acceptable relationship.

Whilst it is acknowledged that the proposal will have an effect upon the living conditions of local residents during construction, it is considered that such impacts would not be significant, or material grounds for withholding planning permission. Furthermore, as recommended by the Council's Environmental Services team, conditions should be imposed that control the hours of working and noise for site clearance and construction activities; dust management; and controls over piling. Such measures will ensure that the living conditions of the occupants of surrounding residential properties are protected during both the construction and occupational phases of the development.

Noise & Air Quality

The Council's Environmental Services (ES) Officer raised concerns regarding the information originally submitted with the application in respect of air and noise quality issues and further information was sought from the applicant in these respects.

The applicant has submitted additional reports concerning these issues. The additional Noise Impact Assessment Report concludes that there is a requirement to protect occupants of the proposed dwellings against environmental noise from the East Anglia mainline which passes to the south east of the site. The report recommends a number of actions to mitigate this, namely –

a) Sound attenuation of a small number of dwellings to achieve World Health Organisation (WHO) internal room noise levels will be required. This will comprise acoustic window and ventilation systems and acoustic air bricks.
b) The necessary sound attenuation to achieve WHO external noise levels of no greater than 55dB (A), Leq, 16hour shall be implemented comprising acoustic boundary fencing.
c) The substation shall be designed to ensure that noise emitted from this source is not readily audible within the boundary of any residential property. For this purpose it is recommended that the noise level is 10dB below the background noise level (LA90).

The Council's ES Officer has stated that it would be preferable if non-habitable rooms were located on the noisier facades of affected buildings.For Phase One of the development the submitted plans show that the majority of habitable rooms are already on the quieter façade and there would need to be a fundamental redesign of Block B to reduce this further. As the applicant has demonstrated that with the mitigation measures proposed that future residents will have acceptable living conditions this is not considered necessary.

For the outline element of the scheme - Phase 2 – it is recommended that a condition is applied to state that the Reserved Matters application be accompanied by an Acoustic Report which demonstrates that the proposed development has been designed to minimise future resident's exposure to noise and that this should include considering the internal arrangement of rooms in areas of the site identified as being vulnerable to noise from the railway.

The Council's ES Officer notes that the reports do not specifically assess noise from any proposed retail unit at the site as the actual design is not currently known. A condition is recommended that prior to the installation of any external equipment or plant to the proposed retail unit details shall be provided to the local planning authority for approval. A condition restricting delivery times to the retail unit is also recommended.

Air Quality – further information was requested from the applicant to consider what mitigation will be provided to mitigate potential air quality issues that could arise as a result of the development and increased traffic generation.

The additional information indicates that the development a moderate impact from the development on NO_2 levels at various points along the B1018. When considering committed developments such as Maltings Lane and Constance Close the impact is further increased.

The NO_2 concentration is predicted to be greater than the air quality objective of 40ǵg/m3 given within the Air Quality Regulations 2010. Monitoring will be required but if this concentration were exceeded the Council would need to declare an Air Quality Management Area for the area comprising the Chipping Hill to Easton Road stretch of B1018.

The applicants report recommends measures to reduce car use such as the promotion of car sharing and implementation of a travel plan.

As noted elsewhere within this report the applicant will be required to carry out off-site highway improvements to improve junction efficiency and highway capacity to try and mitigate for the increase in car numbers as a result of the development. The applicant will also be required to undertake a package of works and action to encourage residents to undertake short journeys by foot or cycle, or increase the use of public transport. This will include the provision of travel packs; the creation of a residential travel plan including monitoring; and the creation of new footpaths, footways and cycleways. This package of mitigation is considered appropriate and as a result Officers are satisfied that the application is acceptable.

Cut Throat Lane Level Crossing

Network Rail was consulted when the application was submitted given the proximity of the development to East Anglia Mainline. Their initial response stated that they objected to the application as they were concerned that the development would result in an increase in usage of Cut Throat Lane Level Crossing.

A bridleway crossing has in recent years been completed crossing the East Anglian mainline at Motts Lane. This crossing provides a connection to the Eastways Industrial Estate. The Cut Throat Lane crossing lies further to the south – approximately 300 metres from the site. The Cut Throat Lane crossing spans a single railway track which is part of the Braintree branch line. Network Rail advise that the current Level Crossing is considered compliant with safety standards with warning signs, miniature stop lights and audible warnings. Officers are advised that the only way to make the crossing safer would be to close the crossing and install a bridge over or subway under the railway line. Network Rail has an aspiration to close the crossing and install a bridge but there are currently no detailed plans to achieve this.

Following further assessment of the risk Network Rail has advised that whilst they forecast that a considerable increase in usage of Cut Throat Lane Level Crossing will occur as a result of the development and this will increase the potential of a fatality or serious injury occurring at the crossing.

Network Rail has stated that they will only seek a financial contribution from a developer where they consider the impacts to be ‘severe’. Having considered the existing situation and projections for increased use of the level crossing Network Rail have concluded that a financial contribution cannot be justified with reference to the CIL regulations.

Network Rail has requested that if planning permission is granted that a condition is attached to ensure that all residents are made aware of the nearby Level Crossing and ensure that all residents know how to use them safely. The Council will require that the applicant provide residents of the new houses with an information pack promoting more sustainable forms of

transport. The applicant shall include information regarding the crossing and safety.

Landscape and Ecology

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.

Policy RLP80 states that '*proposals or 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*.' Policy RLP84 states that '*planning permission will not be granted for development, which would have an adverse impact on protected species' and 'where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats'*.

The development will see the removal of some trees and hedging. To form the main access to Phase One of the development the southern line of the hawthorn hedge that forms the current avenue leading to the Golf Course will be removed and short sections of the northern line to accommodate access to private drives on the northern side of the road.

The development of Phase 2 of the development is also likely to involve the removal of three groups of trees within the existing golf course. These groups of mixed native trees provide interest and amenity to the golf course but have no wider landscape value and there would be no objection to their removal.

The relatively young woodland plantation running through the middle of the site is to be retained in part although this will be thinned in places to improve its amenity and ecological value, along with more extensive works to create rides and clearings as part of the Public Open Space proposal.

With these exceptions the Arboricultural Report concludes that with suitable tree protection measures the development would not adversely affect trees and hedges on and around the site. The Council's Landscape Officer accepts the conclusions of this report and raises no objection to the proposed development.

The development proposes to retain most of the existing areas of woodland plantation as well as proposing enhancements to the planting along the western boundary are proposed along with a new landscaping strip along the northern site boundary. Whilst this landscaping buffer is outside the red line of the application site it is on land that the applicants control and this planting can therefore be controlled by condition. This additional planting will help to soften the edges of the development.

An Outline Landscaping Scheme has been submitted in support of the application but a more detailed scheme will be required in respect of both phases of the development. This matter can be covered by condition. Officers are keen to see the works to the central tree belt and new planting undertaken early in the development process, so far as is practical, to allow planting and the Public Open Space to become well established. The landscaping scheme to be submitted will be required to set out a timetable for the landscaping work.

The hedge which borders one side of the golf course access is also to be retained but there will be a need to undertake a programme of works to manage its shape and height so that it becomes a positive feature within the development.

The application is supported by reports on the ecology of the site. The site itself is an area of arable farmland and part of a golf course including a tree belt almost extending for the whole length of the site south-north. Whilst much of the site is intensively managed and has limited ecological value there are habitats of value including field and golf course margins, hedgerows, trees (including the broad leaved plantation wood), ponds, and ditches.

The Phase 1 Ecology Survey identified that the site contained habitats which could be suitable for protected species so further surveys have been undertaken in respect of Badgers; Bats; Breeding Birds and Wintering Birds; Great Crested Newts; and Reptiles.

Badgers

There are no signs of badgers utilising the site during the survey and it is believed highly unlikely that badgers utilise the site. It is recommended that another badger survey is undertaken before construction takes place to ensure badgers have not moved onto site in between these times.

Bats

No bat roosts were observed on the proposed development site, although the trees on site are considered to have low potential for roosting bats. It is recommended that one particular tree on the boundary identified in the report should be re-inspected for roosting bats should a significant amount of time lapse between survey and development works affecting the trees.

Bat activity surveys indicate very low levels of foraging/commuting on site by a small number of bats, using the field boundary habitats, woodland edge, mature hedgerows and the pond in the centre of the site.

The proposed layout and in particular the Public Open Space will ensure that majority of features of potential value to bat species will be retained in either existing or modified form. Some of the modifications will be advantageous for bats – for example creating a diverse understorey in the woodland area running through the centre of the site. Subject to appropriate mitigation the

report concludes that the site can be developed without significant adverse effects to bats. Recommended mitigation includes; a lighting strategy (avoid illuminating woodland and habitats of value to bats) with potential enhancement through the provision of roosting places for bats and plantings/management to enhance foraging/commuting habitats.

Biodiversity Action Plan (BAP) Mammals

Further investigation of the site concluded that it provides a ‘generally poor habitat for BAP mammals. Some of those habitats which are of some value (hedgerows, woodland and scrub) will be retained. The proposals would also see enhancement of habitats for BAP mammals through the enrichment of woodland understorey following works to the central tree belt.

It is possible that European hedgehogs might be present on the site and as such mitigation should include raising of/or cut outs in fence panels to retain connectivity through the landscape and sensitive timing of any boundary clearance works to exclude the hibernation period (October – March), and staged clearance.

Reptiles

Survey work has revealed that good populations of common lizards and slow-worms exist on the site.

The report recommends that reptile exclusion fencing is erected around the site and that the site is trapped out for reptiles so they can be moved to an area of suitable habitat close to site, i.e. the area to the east of the allotments to ensure that none are killed or injured during construction.

The landscaping scheme for the site also provides an opportunity to enhance reptile habitats, for example the installation of log piles and reptile hibernacula.

Great Crested Newts

Whilst the pond on the site is assessed to provide a suitable habitat for Great Crested Newts (GCN) none were found when the pond was surveyed. GCN were found in a number of ponds in the surrounding area, including some of those on the golf course; however these are sufficiently removed from the site for there to be no significant adverse implications as a direct result of the proposed development.

The report also notes that two of the new SuDS basins are likely to be permanently wet and it is possible that these new bodies of water could provide additional habitats for GCN.

Breeding Birds

Detailed surveys of breeding birds present on or adjacent the site has been undertaken with 35 different species being recorded. Sites which have a breeding species range of 25-49 fall within the lowest category of ornithological interest (Local Importance). No nationally rare species were recorded breeding at the site.

Whilst the breeding bird population appears to be unexceptional, mitigation should still be pursued.

The report makes a number of recommendations, such as modified management of arable fields in the area. Officers consider that such a regime would not be reasonable given that the habitat being lost to development is common in the area and not of particularly high value.

The loss of potential food sources for yellowhammer and linnet will be mitigated by providing rough areas in the neighbouring golf course seeded with a conservation farmland-bird seed mix.

Again the retention of the woodland and the improvement of the understorey will enhance habitats for birds by providing suitable nesting sites for yellowhammer and linnets. The provision of bird boxes on the new buildings/mature trees can further support the site's capacity for nesting birds.

The management of the Public Open Space can also be used to create or enhance habitats which support birds – for example leaving some areas unmown to create habitat beneficial to reptiles and invertebrates which in turn create foraging opportunities to birds.

As is normal practice it is recommended that vegetation clearance will be undertaken outside of the breeding bird season. If this is not possible then a suitably qualified ecologist will check for active nests prior to work commencing to avoid disturbing or destroying the nests.

Wintering Birds

Whilst there will be some loss of habitat for wintering birds the main woodland block on site is to be retained along with the creation of new green open space which will help mitigate for the loss of habitat currently on site.

The provision of areas within the adjoining golf course sown with suitable seed mix will provide compensatory habitat for yellowhammer and linnet however this will not provide appropriate mitigation of impacts to all bird species.

The winter stubble on site provided a valuable habitat for yellowhammer and skylarks and its loss can only be mitigated through creation of winter stubble on other fields in the area.

Overall it is considered that key habitats are being maintained and in the case of the central woodland plantation enhanced by creating a more diverse understory, which will provide benefits to invertebrates, bats, birds and reptiles. Where appropriate, mitigation is proposed and can be secured through planning condition / S106 legal agreement to ensure that significant adverse impacts from the proposed development upon protected species will be suitably mitigated.

It is recommended that reasonable planning conditions are applied with respect to the preservation and enhancement of biodiversity to include-

- Wildlife Protection Plan to specify measures to manage the effects of site clearance and construction operations on the environment;
- Detailed landscape scheme, shaped by ecological requirements, in accordance with the principles of the landscape masterplan;
- Landscape and Ecology Management Plan based upon the detailed landscape scheme, to specify long term habitat management prescriptions;

Open Space and Sports Provision

Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The Council's Open Spaces SPD requires that a development of this size include provision for most Open Space typologies on-site and the Council's current standards would require the quantum of open space provision to be 3.97ha, or more.

The application proposes a total of 4.14 ha of land for use as Public Open space, including 1.47 ha of open space set within a woodland glade and wildflower meadow, running through the central part of the site; 0.54 ha for a equipped play area and surrounding parkland, near the northern site boundary; and 0.21 ha for allotments near the railway line in the southeast corner of the site. Further areas of amenity green space are located throughout the development including areas around the new drainage ponds / SuDS features.

The provision of equipped play facilities has been the subject of extensive discussions and this has led to the submission of revised plans. Raised earthworks will be used to construct a new bowl which will be the main play area serving the development. This imaginative approach will create a more interesting environment for formal and informal play. In addition further items of play and fitness equipment are proposed along the green belt running through the centre of the site to encourage wider use of the Public Open Space available. This work will form part of Phase One of the development.

In accordance with the Council's policies the Public Open Space will be managed through a Management Company that the developer will be required to establish through the S106 agreement.

It is noted that Rivenhall Parish Council have expressed concerns about the lack of impromptu space for games within the development however there is a substantial open area of open space proposed in the south eastern corner of the development and it is noted that there is further Public Open Space controlled by the District Council to the south of the site which could be used for such purposes.

Sport England objected to the application as it was not clear from the original application what provision the development would make to Outdoor Sports.

No formal playing pitches are proposed on-site and as a result the development will place additional pressure on existing facilities in the area which may already be operating at capacity, or require improvement to function effectively.

In their consultation response Sport England suggest that consideration should be given to the potential expansion and/or enhancement of an existing site for example the sports ground at Witham Sports Ground, Spinks Lane. They say that expanding and/or enhancing an existing site would offer potentially greater community benefits to both the residents of the proposed development and the existing community in Witham. This can also be preferable to on-site stand-alone single grass pitches, which are less attractive to football clubs and create greater maintenance liabilities.

Furthermore, the key infrastructure to support playing field use (parking, access, changing facilities) would already be in place, although there may be a need to improve the infrastructure if an existing playing field was expanded / enhanced. This approach is supported by research undertaken as part of the new Local Plan evidence base. This research conducted by the Council's external consultants has identified the need for improvements at the Rickstones Sports Ground along with a need for clubs to have access to better training facilities and Artificial Grass Pitches (AGP).

Officers discussed the provision of outdoor sports provision on-site during pre-application discussions. It was agreed that in this instance it would be preferable to enhance existing sports facilities within the town. To this effect the applicants have agreed to provide financial contributions of £323,000 towards improvements to existing facilities – specifically the majority of the money will help fund towards a new 3G AGP at Witham Sports Ground, Spinks Lane, with the balance being used to fund new portable goals and boundary fencing to support the increased level of use of the existing pitches at the Rickstones Sports Ground.

From this basis, it is considered that the proposal would provide adequate open space to meet the needs of future occupiers of the development.

Drainage and Flood Risk

Policy CS8 of the Core Strategy states that '*the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk'*. The proposed development is located within Flood Zone 1 (low probability risk).

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.

The Flood Risk Assessment accompanying the application sets out how the applicant intends to manage surface water run-off from the site.

The proposals have been reviewed by the ECC Flood and Water Management Team and they have confirmed that the proposal would provide appropriate measures to manage surface water through the implementation of a series of SuDS features. It is proposed that the development incorporate a range of features including porous paving; grassland swales; detention basins and wet ponds. Residual surface water runoff will be stored on-site within SuDS systems and discharged in a controlled manner which will mimic existing conditions. It is recommended that the conditions recommended by the ECC Flood and Water Management Team are applied.

Heritage/Archaeology

Policies RLP105 Archaeological Evaluation (ADM 69) and Policy RLP106 Archaeological Excavation and Monitoring are of relevance to this application. These policies state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

Based on records held by the Historic Environment Team at Essex County Council and the Desk Based Assessment of Archaeological potential submitted by the applicant as part of the application it is agreed that the development could potentially disturb archaeological deposits on the site. The applicant had intended to carry out further archaeological evaluation after planning permission was granted.

The Council's Historic Buildings Adviser has stated that the evaluation should take place before planning permission is granted in order that the true archaeological value of the site can be assessed prior to planning permission being granted. This would allow greater flexibility in the event that significant archaeological remains were discovered.

Following further discussion Officers have agreed that the agricultural areas within the Phase 1 development area, which contain the recorded cropmark features, should be evaluated prior to determination as these have a higher

potential significance. The applicant has agreed a Written Scheme of Investigation with the Council's Historic Environment Officer and understands that this scheme of investigation, including trial trenching, must be completed and submitted to the local planning authority before a final decision can be made on the planning application.

The remaining area of Phase 1 forms part of the golf-course where there is more likely to have been earlier disturbance through landscaping. It is recommended that this area is dealt with through a phased condition on the current application and a programme of trial trenching could be carried out post-determination.

Officers recommend that Members agree a Resolution to Grant Planning Permission, subject to the completion of the required archaeological evaluation of the agreed areas of interest within the area of Phase One of the development and receipt of confirmation from the Council's Historic Environment Adviser that they have no objection to the granting of full planning permission on Phase One of the development.

With regards Phase 2 of the development – the area where only outline permission is currently being sought – a condition is recommended that requires an agreed programme of archaeological evaluation to have been submitted as part of the Reserved Matters application.

With regards designated heritage assets the site is not near to a Conservation Area. There is one Grade II listed building – Rivenhall Old Rectory – within the immediate area surrounding the site. The property is located off Rectory Lane, over 200 metres from the site. There are no proposals to alter Rectory Lane and it is noted that the listed building stands within extensive grounds, and benefits from strong tree and hedgerow planting along its boundaries. It considered that the development of this allocated housing site would be sufficiently remote from the listed building and would not adversely affect the listed building's setting.

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, providing a range of dwelling types and therefore accords with Policy CS2. Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. RLP 7 and RLP 8 of the Local Plan Review require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

The mix of affordable housing proposed for Phase One has been the subject of extensive discussions between the applicant and Officers to ensure that

there is an appropriate affordable housing mix that will match and address housing need. Based on evidence from the Council's housing needs register, agreement has been reached with the developer over the mix of the affordable housing units.

The first phase of the development (the element that seeks full planning permission) will deliver the following mix of units - 9 x 1-bed, 2 person flats; 25 x 2-bed, 4 person flats; 2 x 3 bed, 5 person wheelchair accessible bungalows; 19 x 2-bed, 4 person houses; 7 x 3-bed, 5 person houses; and 5 x 4-bed, 6 person houses - a total of 67 affordable units.

In respect of the Phase Two of the scheme the developer has agreed there will also be 30% affordable housing provision and this will be secured through the S106 agreement – potentially up to 44 further Affordable Dwellings. The exact mix of the units to make up the affordable housing provision on Phase Two of the development will be agreed at the time that the reserved matters application(s) are submitted.

Planning Conditions & Obligations

Policy CS11 Infrastructure Services and Facilities of the Core Strategy states that the Council will work with partners, service delivery organisations and the development industry to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered in a timely, efficient and effective manner.

Paragraph 9.6 of the Core Strategy states that a list of key facilities and infrastructure that will be required to support development up to 2026 is set out in Table 2. The table includes site specific requirements for the North East Witham (in the Parish of Rivenhall) Growth Locations. This list is set out below, with a brief note in brackets after each item commenting on how the development addresses each one.

Critical

- Sewerage network capacity upgrade *(the Anglian Water consultation response does not require the applicant to contribute towards capacity upgrades)*
- Improvements to the Cypress Road/Braintree Road Junctions *(applicant to undertake works as reported in Access & Highway section of Report – to be covered by Conditions)*

Required

- Extension of GP surgery provision *(financial contribution towards capacity improvements are to be sought through S106 agreement)*
- Public Open Space, Play and Recreation Areas in line with the standards set out in the adopted Open Space SPD *(on-site provision and financial contribution towards off-site improvements)*

- Allotment provision in line with the standards set out in the adopted Open Space SPD *(suitable provision being made on-site)*

Desirable

- Quality Bus Partnership and Public Transport Improvements *(as set out within Highway considerations section of report)*
- Public Realm Improvements *(the proposed development will deliver new landscaping along parts of the northern and western site boundaries and a condition is recommended requiring further details of how the public realm will be treated across the application site);*
- Footpath and Cycleway provision, both on site and links to existing network *(as set out within Highway considerations section of report)*
- Neighbourhood Centre (may include religious, retail and leisure facilities) *(retail unit proposed as part of Phase One of the development, although delivery will be dependent on securing an operator)*
- Contribution to community centre *(financial contribution towards scheme at Maltings Lane which is intended to provide a facility which serve the whole town)*

Allotments

The submitted plans show an area on the south western side of the site is to be provided as an allotment site, the management of which will be clarified in due course. These will however be a dedicated facility, and the developer will be required to provide a site which is securely fenced and served by a water supply along with a central tool storage building for allotment holders, to negate the need for individual storage sheds. It is proposed that the allotments will be provided as part of Phase 2 of the development. Although closer to the railway line the allotments will still be set back from the line and largely screened. The site also enjoys a south facing slope.

The Town Council's preference would be for the allotment site to be delivered as part of Phase 1 of the development. This will not be practical as the allotment site will be accessed through Phase 2 of the development. It would not be reasonable or proportionate to require that access is created to the allotment site ahead of Phase 2 being developed. It is also noted that a development of 220 houses in itself would not necessitate the provision of allotments on site.

Community Centre

The Core Strategy lists a contribution from the development towards a Community Centre as being desirable. Members will also note that Sport England objected to the original submission as the development did not appear to be making any provision or enhancement for Indoor or Outdoor Sport.

As stated previously a financial contribution will be made to enhance existing outdoor sports facilities within the town but Sport England highlight the need to contribute towards Indoor Sports provision as the development will create additional demand for indoor sports facilities such as sports halls, swimming pools, health and fitness suites etc.

As a guide, Sport England's Sports Facilities Calculator (SFC) provides an indication of the likely demand that will be generated by a development for certain facility types. This has been used to calculate the demand that could be generated by this development. The SFC indicates that the proposed development would create demand which equates to:

Pools: 9.37 sq.m. of pool space costing £141,956
Halls: 0.24 courts costing £163,754
Artificial Grass Pitch: 0.03 pitches costing £23,555 for 3G or £20,760 for sand

Consequently contributions should be provided towards off-site provision and informed by the strategic priorities identified in the emerging sports facilities strategy e.g. any proposals for new, expanded or enhanced sports halls and swimming pools etc. Work on the new Local Plan evidence base will consider what the Council's priorities should be but this work is still being undertaken.

One approach could be to focus developer contributions towards maintaining /extending/enhancing existing facilities at the Witham Leisure Centre or the two secondary schools. There is a concern that relying on sports facilities at school sites can be problematic as it relies on the school management facilitating public access and even where school management supports public access this will not be possible for most of the day during term time.

The Council has secured land on the Maltings Lane development which is intended for use as a Community Hall / Facility and the intention is that this will also provide indoor sports facilities. A financial contribution of £175,000 has been agreed towards this project.

It is noted that there is currently a planning application being considered to extend the clubhouse at the adjoining Golf Course and it has been suggested that this enlarged facility, along with the existing club house facilities could provide facilities for use by the local community, however this type of facility will remain a private business and is not considered to be the type of Community Centre that the Core Strategy envisaged.

Healthcare

NHS Property Services have stated that the proposal is likely to have an impact on the delivery of primary healthcare provision within the area. They state that future residents are likely to access healthcare through four of the town's existing practices and that three of these existing practices (Fern House; Witham Health Centre; and Collingwood Road) have insufficient capacity to accommodate residents of the proposed development. As a result a developer contribution of £91,320 towards capital funding to increase

capacity within the three identified GP practices. Discussions continue with NHS England over how this financial contribution might be spent but this sum is included within the Heads of Terms that Members are being asked to approve.

It is noted that Rivenhall Parish Council have registered their concerns at the lack of medical facilities given that there is no GP Practice in Witham North or Rivenhall, however the NHS have only sought a financial contribution towards improvements to existing practices and without their support the District Council cannot require or deliver a new GP Practice.

Whilst some matters concerning planning obligations have been covered above; the following summary comprises the complete list of heads of terms that will be included within the S106 agreement:

- **Affordable Housing** - 30% provision on-site provision proposed for both Phase One & Two of the development. The mix & tenure for Phase One agreed to meet housing needs, ranging from 1-bed flats to 4-bed houses – all to Lifetime Homes standards;
- **Allotments** - 0.21ha land to be cultivated, fenced with water supply and communal storage building. To be managed through the Management Company created to manage Open Space on the site, unless an alternative suitable body agrees to manage them (to be confirmed), in which case a financial contribution towards maintenance and establishing alternative means of governance;
- **Community/Indoor Sports Hall** - £175,000 financial contribution towards provision of new facility on Council owned land at Maltings Lane development;
- **Ecological Mitigation** – provision of compensatory habitats off-site to mitigate the loss of habitats within the development site
- **Education** - Financial contribution towards Primary School provision. The contribution will be calculated dependent on the number of dwellings and how many have 2 or more bedrooms. For the first phase of the development the contribution will be approximately £748,758 and for the second phase the payment will be in the region of £498,443;
- **Health Facilities** - £91,320 towards capacity improvements in GP provision;
- **Highways** - New footway / cycle path linking the application site and Motts Lane to facilitate improved links to Employment Areas; Railway Station/Town Centre; Application to divert Public Right of Way; signage for John Ray Walk / Public Right of Way; Provision / contribution towards the provision of additional bicycle parking outside Witham railway station (on the Albert Road side)
- **Public Open Space** – 3.93 ha (4.14 hectares incl. allotments) to be landscaped/serviced as required with play equipment, on-going maintenance by Management Company
- **Outdoor Sports Provision** – Financial contribution of £323,000 towards provision of new 3G AGP at Witham Sports Ground and improvements to the Rickstones Sports Ground;
- **Phasing Plan** – to establish how the development will be built out;

- **Town Centre Improvements** - £18,500 financial contribution towards new town centre signage and cycle parking.
- **Residential Travel Plan** – to include the provision of a Travel Plan co-ordinator to give advice to residents to encourage trip reduction and modal shift to reduce reliance on the private car. Implementation of the plan to be monitored, at the developer's expense, by Essex County Council.

The Town Council have stated that would like to be involved in the S106 negotiations; however this is not normal practice as they could not be party to the agreement. Officers have negotiated the heads of terms over numerous meetings with the developer, taking account of the list of the Infrastructure Requirements set out in the Core Strategy and the responses of consultees. This report sets out the heads of terms and allows interested parties the opportunity to comment further prior to the determination of the application.

It should also be noted that it has been possible and more appropriate to secure some of the required obligations by condition and therefore such matters are not listed above within the heads of terms. These items include off-site highway improvements; improvements to bus stops; provision of Travel Information Packs and bus stop improvements.

Other Issues

Essex Police has objected to the application, in part due to their concern that insufficient consideration has been given to safety and security of homes or businesses. The layout of the development has been carefully considered and has sought to minimise the risk of crime by ensuring good natural surveillance. They suggest that safety and security can be dealt with by conditions on the developers achieving Secured by Design certification (SBD) on all the development however the Government has sought to reduce the imposition of standards by local planning authorities, with Government relying on the Building Regulations to control design and construction standards. Such a condition is therefore not considered appropriate.

There is a gas pipeline which crosses the site and the Council consulted National Grid when the application was submitted in June. Prior to submission of the application the applicant's engineers discussed the proposals with National Grid engineers and Officers are advised that the layout has been formulated to comply with National Grid guidelines.

The Council received an initial response from National Grid requesting an additional 28 days to assess the application. Despite multiple attempts to contact National Grid no further written advice has been received. Officers have notified National Grid that the application cannot be delayed indefinitely and that as no further response has been received it is assumed that National Grid have no objection to the application.

Conclusion

The site is identified in the adopted Core Strategy as a growth location therefore the proposal is acceptable in principle.

It has been demonstrated that the first phase of the development for 222 dwellings has been designed in an acceptable manner complying with relevant standards for parking, highways and amenity. In respect of Phase Two – the outline element of the application – Officers are satisfied that in principle up to 148 further dwellings could be developed, subject to applications for Reserved Matters being made to approve appearance, means of access, landscaping, layout, and scale.

As well as delivering up to 370 dwellings, 30% of the dwellings will be provided as affordable housing dwellings which accords with Core Strategy policy.

With the imposition of suitable planning conditions and through the S106 legal agreement, the proposal would protect identified protected species and enhance biodiversity.

The application proposes a package of measures off-site to improve pedestrian and cycle links to the site, in addition to cycle and footway provision within the development site. Further measures to encourage sustainable transport connections to and from the site would also be secured, such as additional cycle parking at the train station and improvements to bus stops. 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 the Highway Authority has raised no objection, subject to a package of off-site highway works to improve junction capacity at key points along the B1018 which will help mitigate the impacts of this development.

Further financial contributions have been agreed whereby the applicant will contribute towards improvements in primary school and healthcare capacity and improvements to community facilities within the town.

On this basis Members are asked to grant a resolution to approve the application, subject to confirmation that the proposed development would be acceptable with reference to its impact on the historic environment (archaeology) and completion of the Section 106 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 Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- Affordable Housing;

- Allotments;
- Community/Indoor Sports Hall;
- Cycling;
- Ecological Mitigation;
- Education;
- Health Facilities;
- Highway Related Improvements & Requirements;
- Public Open Space;
- Railway Station cycle parking improvements;
- Outdoor Sports Provision;
- Town Centre Improvements;
- Phasing Plan;
- Residential Travel Plan;
- Retail floorspace

Officers recommend that Members agree a Resolution to Grant Planning Permission, subject to the completion of the required archaeological evaluation of the agreed areas of interest within the area of Phase One of the development and receipt of confirmation from the Council's Historic Environment Adviser that they have no objection to the granting of full planning permission on Phase One of the development.

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the terms set out above and the conditions and reasons set out below.

Alternatively, in the event that a suitable planning obligation is not agreed within 6 calendar months of the resolution to approve the application by the Planning Committee, the Development Manager may use her delegated authority to refuse the application.

<u>RECOMMENDATIONS – For Application No. 15/00799/OUT (Outline Element - Phase 2)</u>

1 Approval of the details of the:-

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

(hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

Reason

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

2 Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins within and the development shall be carried out as approved.

Reason

In order to comply with Section 92 of the Town and Country Planning Act 1990 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3 Prior to submission of the first application for Reserved Matters pursuant to this planning permission and prior to the commencement of any development or preliminary groundworks a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved by the local planning authority.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

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

4 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 148 dwellings, car parking, public open space, landscaping, surface water attenuation, drainage, allotments, and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

5 Prior to submission of the first application for Reserved Matters pursuant to this planning permission an updated Noise Report shall be produced by a suitably qualified acoustician assessing the potential for noise disturbance for the occupiers of the proposed dwellings within this development. The report shall include a mitigation strategy detailing any measures that will be required for protecting the proposed dwellings and amenity spaces from noise from the railway line. The report shall be submitted by the applicant, and approved by the planning authority prior to submission of the first application for Reserved Matters pursuant to this planning permission.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

6 No development shall take place, including any ground works or site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall provide for the following all clear of the highway:

a. the parking of vehicles of site operatives and visitors
b. loading and unloading of plant and materials
c. safe access to/from the site, including the routeing of construction traffic
d. storage of plant and materials used in constructing the development
e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
f. wheel and underbody washing facilities
g. measures to control the emission of dust and dirt during construction
h. a scheme for recycling/disposing of waste resulting from demolition and construction works
i. a scheme to control noise and vibration during the construction phase, including details of any piling operations
j. details of how the approved Plan will be implemented and adhered to

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to the commencement of development because they relate to measures that need to be in place at commencement.

7 Prior to the commencement of development, a wildlife protection plan

shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats. The plan shall include:

a) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
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 slow-worms away from these areas will be implemented to mitigate injury or destruction. The plan will identify the receptor site. The capture and translocation of animals will be undertaken following best practise guidelines
d) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
e) a 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 Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority

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.

8 No development shall commence until a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, has been submitted to and approved in writing by the local planning authority. The LEMP shall include the extent and location of proposed works; aftercare and long term management; the personnel responsible

for the work; the timing of the works; and monitoring.

The LEMP shall include for the provision of nest/roost sites for bats and birds and to enhance reptile habitats, through features such as log piles and reptile hibernacula.

The development shall be implemented in accordance with the approved details and thereafter so maintained.

Reason

To protect and enhance the ecological value of the site. It is necessary for these details to be agreed prior to commencement of development as failure to do so could result in the loss of potentially valuable habitats.

9 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMD and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, 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 their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

10 Prior to occupation of any dwelling forming part of the development hereby granted outline planning permission a further traffic assessment of the junction of Chipping Hill with the B1018 shall be carried out to

determine the requirement for additional mitigation works at the junction. The details of such assessment shall be agreed with the Local Planning Authority prior to the assessment being undertaken. The assessment shall include recommendations regarding further mitigation works and a timetable for the implementation of the works. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation and the agreed works shall be carried out in accordance with the agreed works and time.

Reason

To allow the Local Planning Authority to thoroughly assess the potential impact of the proposed development on this junction and to allow consideration of the impacts of other off-site highway improvements which the applicant will be completing and if necessary to carry out appropriate works at the junction to mitigate for the impact of the development.

11 Prior to submission of the first application for Reserved Matters pursuant to this planning permission an updated survey of the application site will have been carried out by a suitably qualified and experienced ecologist to investigate the potential presence on the application site of badgers or bats, as specified in the Extended Phase One Habitat Survey (SES, June 2015) and Phase 2 Ecological Surveys and Assessments (SES, June 2015).

Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval as part of the first application for Reserved Matters pursuant to this planning permission.

Reason

To allow adequate consideration of protected species which might be present on the site when assessing detailed proposals for the development and to allow potential impacts resulting from development to be taken into account and mitigated.

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

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

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority.

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

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

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

Reason

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

13 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

14 There shall be no vehicular movements relating to the construction of the development to, from or within the site outside the following times:-

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

Reason

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

15 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, Bank Holidays and Public Holidays - no work

Reason

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

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

Reason

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

17 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, which shall have been previously been submitted to and approved in writing by the Local Planning Authority. The Residents Travel Information Pack shall include

i) six one day travel vouchers for use with the relevant local public transport operator,

ii) details of the nearby Level Crossing at Cut Throat Lane and include information on how to use Level Crossings safely.

Such Packs are to be provided to the first occupiers of each new residential unit on the development site.

Reason

In the interests of fostering sustainable travel patterns and reducing reliance on motor vehicles.

18 The Reserved Matters application for Layout shall include a site-wide design guide for all areas of public realm and character areas, including the incorporation of public art, shall be submitted to and approved in writing by the local planning authority prior to the approval of any reserved matters. All reserved matters submissions shall accord with the approved site wide guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

Reason

In the interests of good design and ensuring a high quality and characterful development and promoting social and cultural well-being.

19 The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy reference F282-003 Rev A, dated June 2015.

The scheme shall include:

1. Run off Rates for all storms up to 1 in 100 inclusive of climate change limited to a maximum of 12.3l/s for Phase 1 west and 7l/s for Phase 1 East.
2. Attenuation storage that contains the 1 in 100 year event inclusive of climate change and urban creep.
3. An appropriate level of treatment for all runoff leaving the site in line with table 3.3 of the CIRA SuDS Manual.
4. Appropriate mitigation against any high ground water levels found on the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

20 The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run-off rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

21 Prior to first occupation of the development the applicant must submit 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. The development shall be carried out and managed in accordance with the approved details 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 drainage system to function as intended and to ensure mitigation against flood risk.

22 The applicant must maintain yearly Maintenance Logs for maintenance of the approved surface water drainage scheme which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

INFORMATION TO APPLICANT

1 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

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 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. A professional archaeological contractor should undertake any fieldwork. Any financial

implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

5 You are advised that the reserved matters application should include the proposed landscaping scheme. There will be a fee for the application.

6 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)

7 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.

8 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

RECOMMENDATIONS – For Application No. 15/00800/FUL (Detailed Element - Phase 1)

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons:-

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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, with the exception of the following elements are specifically excluded:-

- Proposed verge and eaves details
- Bay window on house type Osbourne B
- The fenestration on ground floor bay windows on house type Langham A & B
- The fenestration on the Side[Front] elevation and the Front [Side] elevation
- Bay window on house type Laurel

For each element listed above details shall be submitted to and approved in writing prior to the commencement of construction of the dwellings hereby approved. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

For the avoidance of doubt and in the interests of proper planning and to ensure that there is appropriate detailing of the proposed dwellings which would be consistent with the Essex Design Guide and in order to ensure a high standard of design and promote local distinctiveness.

3 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the 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.

Reason

To enable full investigation and recording of this site of archaeological importance. This must be completed prior to the commencement of the development as failure to do so would mean that archaeological deposits which might be present on the site could be damaged or lost.

4 There shall be no vehicular movements to, from or within the site relating to the construction of the development outside the following times:-

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

Reason

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

5 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, Bank Holidays and Public Holidays - no work

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

6 No development shall take place, including any ground works or site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall provide for the following all clear of the highway:

a. the parking of vehicles of site operatives and visitors
b. loading and unloading of plant and materials
c. safe access to/from the site, including the routeing of construction traffic
d. storage of plant and materials used in constructing the development
e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
f. wheel and underbody washing facilities
g. measures to control the emission of dust and dirt during construction
h. a scheme for recycling/disposing of waste resulting from demolition and construction works
i. a scheme to control noise and vibration during the construction phase, including details of any piling operations
j. details of how the approved Plan will be implemented and adhered to

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

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

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

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

8 Prior to installation details of any external refrigeration, ventilation or air handling equipment to be installed at the commercial/retail unit proposed in Apartment Block A shall be submitted to and agreed in writing with the Local Planning Authority. Details of the any proposed external refrigeration, ventilation or air handling equipment shall include means of minimising the transmission of structure borne sound.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

9 The development shall be carried out in accordance with all the recommendations specified within the Noise Impact Assessment Report produced by Ardent Consulting Engineers (Reference No F282-06a, dated September 2015), unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

10 Prior to first occupation of the development hereby approved raised height kerbs shall be constructed for potential future use as bus stops. Details of the raised height kerbs, including their location, shall be submitted and approved in writing by the local planning authority.

The location of the potential bus stops shall be clearly marked on site during construction of the internal roads to ensure visibility for prospective purchasers.

Reason

To ensure the installation of public transport infrastructure, which will assist in the potential future delivery of bus services within the development, and to ensure that future residents are aware of the locations of possible future bus stops.

11 Prior to occupation of the development the bus stop on Forest Road, opposite Lime Close shall be upgraded, these upgrades shall include but not be limited to a new shelter, raised kerbs and telematics. Details of these upgrades shall have been submitted to and agreed in writing with the Local Planning Authority and provided thereafter only in accordance with the details approved.

Reason

In the interests of sustainable development and to promote the use of public transport.

12 Prior to occupation of the 100th dwelling the provision of the junction alterations and associated works at the Junction of Cypress Road with

Braintree Road shall be implemented as shown in principle on drawing F282-035 dated June 2015, and in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason
To help mitigate the impact of the development on the local road network.

13 Prior to occupation of the 100th dwelling the provision of the roundabout alterations and associated works at the Morrison's roundabout shall be implemented as shown in principle on drawing F282-047 dated October 2015, and in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason
To help mitigate the impact of the development on the local road network.

14 Prior to occupation of the 100th dwelling, pre-signals shall be installed on the Chipping Hill Arm of the Chipping Hill / Braintree Road roundabout, and in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason
To help mitigate the impact of the development on the local road network.

15 Prior to occupation of the development the footway improvements and associated works shall be implemented as shown in principle on drawing F282-034 dated June 2015, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to their provision. The footway shall run from the site access, North West along Forest Road to the junction with Rickstones Road.

Reason
In the interests of fostering sustainable travel patterns and the safety of pedestrians.

16 Prior to occupation of the 100th dwelling, a new 3.5 metre wide footway/cycleway linking from the southern corner of the development site to Motts Lane shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to its provision.

Reason
In the interests of fostering sustainable travel patterns and providing a stretch of dedicated cycle way which will allow cyclists to cycle from the site towards the town centre without having to cycle on roads with motor vehicles.

17 Prior to the commencement of the development hereby permitted arrangements shall have been agreed in writing with the Local Planning

Authority for safeguarding, diverting or extinguishing any public rights of way across the site including the provision and maintenance of temporary fencing and signposting where appropriate.

Reason

In the interests of maintaining public rights of way which help promote sustainable travel patterns and to ensure the safety of pedestrians and cyclists.

18 Prior to occupation of the 200th dwelling the provision of the cyclepath / footway shall be implemented as shown in principle on drawing BW149 - PL-01 Rev A dated June 2015, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

Reason

In the interests of fostering sustainable travel patterns and the safety of pedestrians and cyclists.

19 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, which shall have been previously been submitted to and approved in writing by the Local Planning Authority. The Residents Travel Information Pack shall include

i) six one day travel vouchers for use with the relevant local public transport operator,

ii) details of the nearby Level Crossing at Cut Throat Lane and include information on how to use Level Crossings safely.

Such Packs are to be provided to the first occupiers of each new residential unit on the development site.

Reason

In the interests of fostering sustainable travel patterns and reducing reliance on motor vehicles.

20 The internal roads and footways within the development shall be constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Such details shall accord with the construction type required for adoption by the Highway Authority.

Reason

In the interests of highway safety and to ensure suitable access arrangements to serve the new development.

21 Prior to commencement of the works to construct the new footway on the western side of Forest Road an Arboricultural Impact Assessment for the proposed works shall be submitted to the local planning authority for

approval. The statement shall include:

- A further survey of the condition of the trees identified as being covered by ivy in the original report carried out on 24th September 2015. The reassessment shall be carried out following removal of the ivy from the trees and specify any additional recommended tree works.
- An updated Tree Protection Plan including details of Ground Protection to reflect any change in circumstances
- Details of the suitably qualified Project Arboricultural Consultant who will be appointed to monitor the footway construction, 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 their monitoring and supervision of the site.

The works shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of the works to construct the new footway.

The footway shall have been completed prior to occupation of the development.

Reason

To ensure the protection and retention of healthy and viable existing trees within the verge adjacent to the route of the proposed footway.

22 Prior to commencement of works to construct the new footway on the western side of Forest Road, including site clearance, a site meeting between the site manager, the Project Arboricultural Consultant and the Local Planning Authority will be held on-site to discuss the agreed tree protection measures and the programme of works.

Reason

To ensure the protection and retention of existing trees within the verge adjacent to the route of the proposed footway.

23 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMD and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant

who will be responsible for monitoring the implementation of the approved DTPP, 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 their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

24 The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy reference F282-003 Rev A, dated June 2015.

The scheme shall include:

1. Run off Rates for all storms up to 1 in 100 inclusive of climate change limited to a maximum of 12.3l/s for Phase 1 west and 7l/s for Phase 1 East.
2. Attenuation storage that contains the 1 in 100 year event inclusive of climate change and urban creep.
3. An appropriate level of treatment for all runoff leaving the site in line with table 3.3 of the CIRA SuDS Manual.
4. Appropriate mitigation against any high ground water levels found on the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

25 The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run-off rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

26 Prior to commencement of the development the applicant must submit 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. The development shall be carried out and managed in accordance with the approved details 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 drainage system to function as intended and to ensure mitigation against flood risk.

27 The applicant must maintain yearly Maintenance Logs for maintenance of the approved surface water drainage scheme which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

28 There shall be no deliveries to or from the retail premises hereby granted permission outside the following times:-

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

Reason

To protect the amenities of the occupiers of neighbouring residential properties hereby permitted.

29 The retail unit hereby permitted shall not be open for business outside the following hours:-
Monday to Friday - 0700 hours - 2200 hours
Saturdays - 0700 hours - 2200 hours
Sundays and Public Holidays 0700 hours - 2200 hours

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason

The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

31 Prior to the commencement of development, a wildlife protection plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats. The plan shall include:

a) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
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 slow-worms away from these areas will be implemented to mitigate injury or destruction. The plan will identify the receptor site. The capture and translocation of animals will be undertaken following best practise guidelines
d) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
e) a 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 Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority

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.

32 No development shall be commenced until a survey of the application site has 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 or bats, as specified in the Extended Phase One Habitat Survey (SES, June 2015) and Phase 2 Ecological Surveys and Assessments (SES, June 2015).

Details of the methodology, findings 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 timings for the works referred to in a) 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 into account and mitigated. 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.

33 No development shall commence until a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, has been submitted to and approved in writing by the local planning authority. The LEMP shall include the extent and location of proposed works; aftercare and long term management; the personnel responsible for the work; the timing of the works; and monitoring.

The LEMP shall include for the provision of nest/roost sites for bats and birds and to enhance reptile habitats, through features such as log piles and reptile hibernacula.

The development shall be implemented in accordance with the approved details and thereafter so maintained.

Reason

In the interests of protecting and enhancing biodiversity.

34 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. The landscaping scheme should be in accordance with the general principles established in the Outline Landscape proposals (as shown on drawing PR043/01) and the Design and Access Statement.

The scheme of landscaping shall include a scheme of phasing of landscaping has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

All areas of hardstanding shall be constructed using porous materials laid

on a permeable base unless otherwise agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase.

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

Reason

To ensure a satisfactory landscaped setting for the development, the retention of existing important landscape features and to enhance the appearance of the development and in the interests of amenity and privacy.

35 Prior to commencement of construction of the dwellings hereby approved a detailed programme of works for both the central woodland belt and the retained hedge on the southern side of the current access road leading to the golf course shall have been submitted to and approved in writing by the local planning authority. The programme shall include a timetable setting out the timing of the works.

A suitably qualified Project Arboricultural Consultant shall be appointed to monitor the works to the woodland belt and the retained hedge on the southern side of the current access road to the golf course. The programme of works shall include details of how monitoring of the site will be undertaken (frequency of visits; key works which will need to be monitored, etc.) and how the monitoring and supervision of the site will be recorded.

The works shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority in accordance with the agreed site monitoring arrangements.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of the works to construct the new footway.

Reason

To ensure a satisfactory landscaped setting for the development, the retention of existing important landscape features and to enhance the appearance of the development and in the interests of amenity. It is important that the work commences at an early stage in the development to allow the works to be undertaken and become established.

36 Prior to occupation of any of the dwellings hereby approved additional

construction drawings that show details of the proposed new Play Fort at appropriate scales shall have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and completed prior to occupation of the 200th dwelling and shall be permanently maintained as such.

Reason

To ensure adequate provision of amenity/open space to serve and to ensure that it is constructed in an appropriate manner that will enhance the development.

37 All planting of new trees shall be in accordance with the details set out in Approved Plan PR043 Drawing No.3 - Tree Pit Details - Dated May 2015

Reason

To ensure that the tree planting is carried out in a manner which will allow the trees to become established and provide amenity value and to reduce the risk of future management problems.

38 The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and shall not be used for living accommodation.

Reason

To ensure that the garages remain available for use for the parking of cars and to ensure that the level of car parking available to future residents will comply with the Council's current car parking standards.

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

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

40 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure that an appropriate palette of materials is used which will help produce a high quality development, consistent with the Council's Planning policies.

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

Reason
In the interests of visual amenity.

42 Prior to installation of any meter cupboards on the dwellings details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason
In the interests of visual amenity.

43 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason
In the interests of visual amenity.

44 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason
In the interests of visual amenity.

45 All windows and doors in masonry walls shall be inset at least 70mm, fitted with sub-cills and permanently maintained as such.

Reason
In the interests of visual amenity.

46 Development shall not be commenced until detailed plans showing cross sections of the site indicating existing and proposed ground levels, both inside and immediately adjoining the site and the slab levels of the dwelling(s) has been submitted to and approved in writing by the local planning approval.

Reason
To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. This information is required prior to the commencement of

development as this needs to be agreed prior to levels potentially being altered within the application site.

47 Prior to their installation details of all gates / fences / railings /walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / railings / walls as approved shall be provided prior to the occupation of the buildings hereby approved and shall be permanently maintained as such.

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

48 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason
To ensure adequate parking space is provided.

49 All single garages should have a minimum internal measurement of 6m x 3m. Any garage erected with its vehicular door(s) facing the highway shall not be set back more than 1.5m from the highway boundary, unless a full 6m parking space is provided in front of the garage.

Reason
To encourage the use of garages for their intended purpose and also to enable vehicles using the garage to stand clear of the highway whilst the doors are being opened / closed and prevent vehicles parking and overhanging the highway.

50 Prior to the occupation of the development the bicycle parking facilities shown within the approved plans shall be provided and retained at all times.

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

51 No part of any building shall over hang the public highway.

Reason
In the interests of highway safety.

52 Plans specifying how all areas of public realm will be treated, including the incorporation of public art, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwellings hereby approved.

The plans shall include, but not be limited to, details of road kerbs/edging,

street furniture, walls and railings.

The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

Reason

In the interests of good design and ensuring a high quality and characterful development and promoting social and cultural well-being.

53 Prior to construction of Apartment Block 1, if Option 1 is to be constructed, additional drawings that show details of the proposed shopfront, including fascia and signage, shall have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

54 Prior to construction of Apartment Block A, if Option 2 is to be constructed, additional drawings that show details of proposed hard and soft landscaping around the block shall have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality and to ensure suitable parking and amenity provision.

55 All glazing bars shall be on the outside face of the window pane, unless otherwise agreed in writing with the local planning authority.

Reason

To ensure appropriate detailing, for reasons of visual amenity and so that the development does not prejudice the appearance of the locality.

56 Prior to occupation of the 200th dwelling the provision of the Adventure Playground, Play Equipment, Outdoor Exercise Equipment, street furniture and associated works shall be implemented as shown on plan PR043, Drawing 02 Rev D dated 2015. Any marketing material prepared for prospective occupants shall indicate the location of such facilities / equipment.

Reason

To ensure that the Public Open Space within the application site will be provided in an appropriate manner and that this delivered at an appropriate stage in the development.

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

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 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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 or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

5 Your attention is drawn to Condition 39 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

6 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. A professional archaeological contractor should undertake any fieldwork. Any financial

implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

7 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)

8 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.

9 All trees and planting within the highway will be subject to a commuted sum or license.

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

11 Your attention is drawn to the contents of the letter from Network Rail dated 16th October 2015 - a copy of which can be viewed on the Council's website - www.braintree.gov.uk

12 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

13 The applicant is advised that the Local Planning Authority's expectations is that the programme of works to the central tree belt and the retained hedge, which is the subject of Condition no.35, shall be commenced at an early stage in the development in order that these works can become established and enhance the appearance and amenity value of these important landscape features.

14 In discharging Condition No.2 the applicants attention is drawn to the comments of the Council's Urban Design Adviser in their letter dated 8th October 2015.

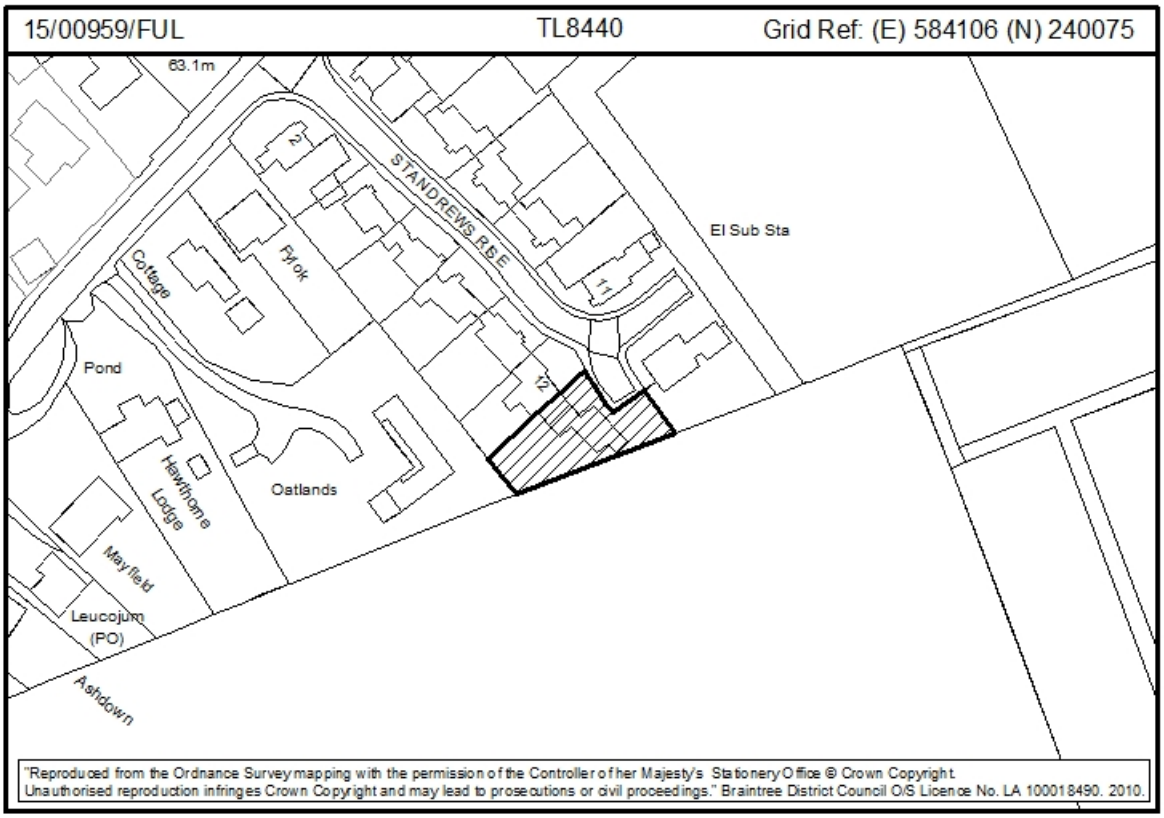
TESSA LAMBERT – DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO:	15/00959/FUL	DATE VALID:	22.07.15
APPLICANT:	Mr And Mrs D Ablitt 14 St Andrews Rise, Bulmer, Essex, CO10 7TH,		
AGENT:	Mark Swift Design Ltd Mr Mark Swift, 40 Springfield Road, Sudbury, Suffolk, CO10 1PH		
DESCRIPTION:	Erection of first floor rear extension and first floor side extension over existing garage		
LOCATION:	14 St Andrews Rise, Bulmer, Essex, CO10 7TH		

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



SITE HISTORY

04/00581/FUL	Erection of single storey front, side and rear extensions and associated internal alterations and conversion of part of existing garage to study	Granted	24.05.04

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
RLP90 Layout and Design of Development

INTRODUCTION

This application is brought before the Planning Committee due to a supporting representation from Bulmer Parish Council contrary to the Officer's recommendation for refusal.

SITE DESCRIPTION

The site comprises a link-detached dwelling that is located within the cul-de-sac of St Andrews Rise in Bulmer. It is located at the end of the cul-de-sac adjacent to arable land to the South.

PROPOSAL

The proposal comprises the erection a first floor extension over the existing double garage. It also proposes a first floor rear gable addition that is to be located over an existing single storey rear extension. The application initially included a balcony at the rear of the extension, however following discussions with the agent this was removed in favour of a Juliet balcony.

CONSULTATIONS

Bulmer Parish Council

Support the application for the following reasons:

- Neighbours at the right and rear do not object
- The front elevation is virtually unaltered (apart from garage door being replaced with window)
    - The front elevation is an improvement
- Parking spaces would not be lost

REPRESENTATIONS

A site notice was displayed at the front of the property and one letter of support has been received:

- Work to a high standard
- Will not exceed the existing building line

REPORT

Principle of Development

The site is located within Bulmer Village Envelope and as such the principle of development can be established in accordance with RLP3 of the Braintree District Local Plan Review 2005, subject to other material planning considerations and compliance with other relevant planning policies. This is explored further below.

Design, Appearance and Layout

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

Policy CS9 (Built and Historic Environment) of the Council's Core Strategy and Policy RLP 90 specifies criteria regarding the layout and design of development. It states that planning permission will only be granted where the following criteria are met:

- The scale, density, height and massing of buildings should reflect or enhance local distinctiveness;
- Designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic

and landscape importance, particularly within Conservation Areas;
- The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.

Policy RLP17 (Extensions and Alterations to Dwellings in Towns and Villages) echoes the above, stipulating that:

- There should 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 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
- There should be no material impact on the identity of the street scene, scale and character of the area

St Andrews Rise is typified by link-detached dwellings (houses that are detached but connected via garages) that are uniform in their character. Some of the dwellings are attached via a single garage and some are attached via a double garage. The application dwelling is located at the end of a line of link-detached dwellings, comprising a double garage link with 12 St Andrews Rise.

The main proposal is to extend over the garages at first floor. The existing garages measure 6m in width from the existing house. The proposal is to extend over the garages by 5.4m in width. The extension would therefore not project across the entire length of the garages, but instead fall short of the end boundary (where number 12 St Andrews Rise is located). It is understood this is so that maintenance of the neighbouring wall can be undertaken when required. The car space in the double garage nearest to the dwelling is to be converted into a study and the remainder would be retained as a single garage space.

The first floor garage extension has been designed to include a two storey glazed box bay window that would extend vertically into a pitched roof dormer window. It also includes a similar box bay window with a pitched roof dormer on the furthest side (above the garage to be retained). Due to the width of the extension, the second window would not sit in the middle of the garage, but to one side of it. The materials in this instance are proposed to be a natural slate for the roof, and a weather-boarded finish on the external elevation.

The gaps between dwellings are a feature of the street scene and it is considered the extension, by virtually filling the gap between number 14 and its neighbour, would have a negative impact on the street scene and the wider character of the area. In addition, the detailed design of the extension, with a box bay window sitting awkwardly above the retained garage door, would unbalance the proportions of the host dwelling, to the detriment of its form and appearance. Finally, it is considered the extension due to its choice in

materials, and design of box windows, would represent an incongruous feature in the street scene that would be totally out of character with the existing uniform appearance of the area. The use of a weather-boarded finish would draw further attention to the extension exacerbating its poor relationship with the host property.

Overall, it is therefore considered that the first floor garage extension, for the above reasons, would have a detrimental impact on the character and appearance of the area, contrary to National and Local policies. It is therefore recommended that the application should be refused.

It should be noted that the proposed first floor rear gable would represent a more traditional form of development, and would have limited visibility in the wider street scene. It is therefore considered this individual element on its own merits would not have a detrimental impact on the character of the area.

Impact on Neighbour Amenity

Policy RLP 90 states that there should be no undue or unacceptable impact upon neighbouring residential amenity.

Due to the siting of the dwelling the only neighbouring property which would be materially affected by the extension is number 12 St Andrews Avenue. On the South elevation of number 12, which adjoins the garage application site, there is no fenestration. The extension would sit on the existing footprint of the garage, and would not project beyond the rear of number 12. It is therefore considered that with the balcony removed, the proposal would not have a detrimental impact on the amenity of number 12 St Andrews Avenue or any other near-by property.

Highway Issues

Policy RLP56 (Vehicle Parking) states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. Under the current parking standards two parking spaces are required for each 2 or more bedroomed dwelling, at a size of 5.5 by 2.9m. For garages to count as parking spaces, their internal measurements have to be 7m by 3m.

The application dwelling has two parking spaces in front of both garages. These spaces would not meet the size standards currently sought in new development, but given that the space is to remain there is not considered to be a basis for refusal on the grounds of the adequacy of off-street parking provision.

CONCLUSION

Overall, it is considered that the first floor garage extension would represent an uncharacteristic and unbalanced addition that would have a detrimental impact on the character and appearance of the area, contrary to National and

Local policies. It is therefore recommended that the application should be refused.

RECOMMENDATION

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

1 The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. Paragraph 64 of the NPPF stipulates that permission should be refused where the design fails to improve the character and quality of an area.

Policy RLP 90 of the adopted Local Plan specifies criteria regarding the layout and design of new development. It states that planning permission will only be granted where: the scale, density, height and massing of buildings reflects or enhances local distinctiveness and the overall elevational design of buildings and developments is in harmony with the character and appearance of the surrounding area.

Policy RLP17 of the Local Plan concerns extensions and alterations to dwellings in Towns and Villages. It requires; that there should 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 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.

The gaps between dwellings above linked garages are a feature of St Andrews Rise and an important part of the pattern of development within the street scene. The proposed first floor extension would result in the loss of this visual break, to the detriment of the character of the street scene. In addition, the detailed design of the extension, with a first floor dormer sitting awkwardly above the retained garage door, would unbalance the proportions of the host dwelling, to the detriment of its form and character. The use of a weather-boarded finish to the extension would exacerbate this poor relationship with the host dwelling. In these respects the proposal fails to meet the requirements of the national and local plan policies referred to above.

SUBMITTED PLANS

Location Plan	
Existing Plans	Plan Ref: 06-15-01
Proposed Plans	Plan Ref: 06-15-02

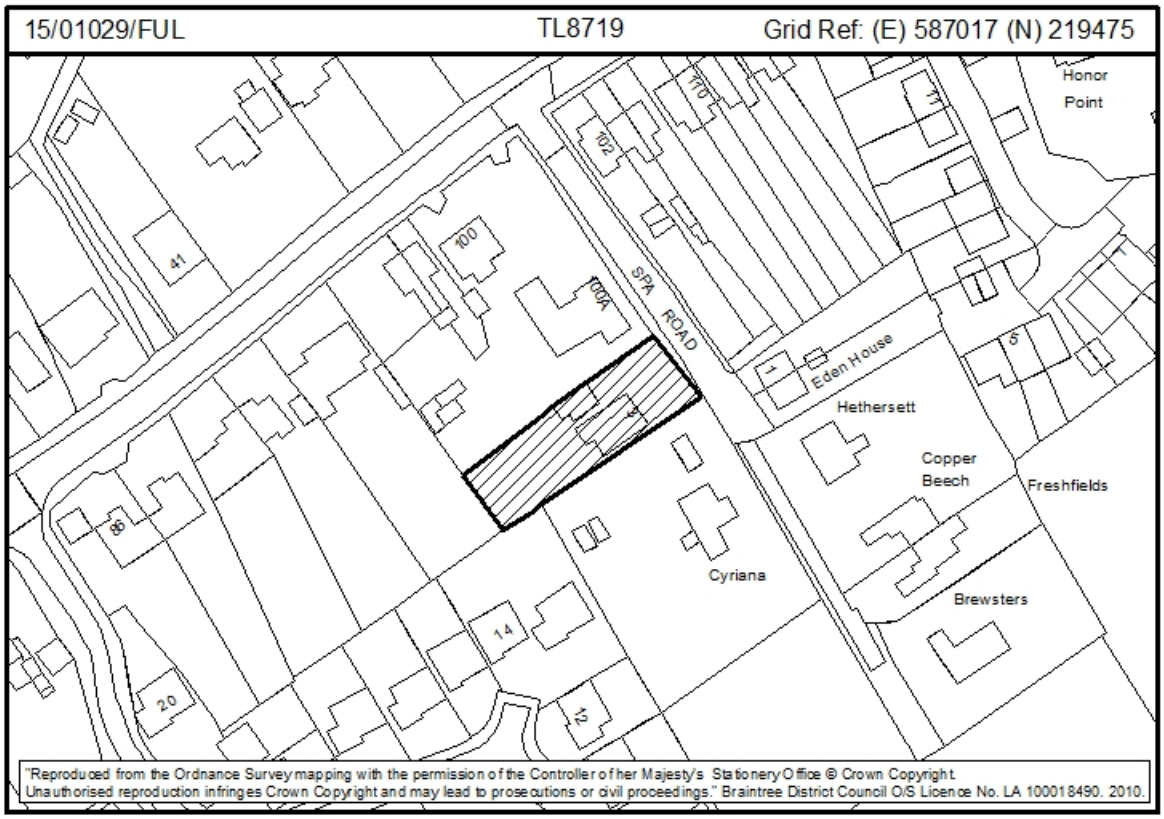
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO:	15/01029/FUL	DATE VALID:	06.08.15
APPLICANT:	Mr & Mrs A Falco Ashwood, 3 Spa Road, Feering, Essex, CO5 9PZ		
AGENT:	Neil Jennings Architect Mr N Jennings, Bridgefoot Studios, Maldon Road, Kelvedon, Essex, CO5 9BE		
DESCRIPTION:	Demolish existing garage and replace with single and two storey side extension and erection of new garage in front garden		
LOCATION:	Ashwood, 3 Spa Road, Feering, Essex, CO5 9PZ		

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



SITE HISTORY

04/00741/FUL	Erection of extension over existing double garage	Refused	14.07.04
81/01207/P	Erection of two dwellings	Granted	24.11.81
81/01207/1	Erection of single dwelling-house and detached garage	Granted	08.02.84
87/00977/P	Erection of 2 no. residential units	Refused	21.07.87
87/01862/P	Erection of two dwellings together with garages	Withdrawn	14.06.88
14/01222/FUL	Erection of extension and conversion of existing garage and new detached garage	Granted	12.11.14
15/00456/FUL	Demolish existing garage and replace with single and two storey side extension and erection of new garage in front garden	Refused	18.05.15

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
RLP90 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Planning Committee, as Feering Parish Council has raised an objection, which is contrary to Officer Recommendation.

SITE DESCRIPTION

Ashwood is a two storey dwelling-house located within the development boundary of Feering. The site is situated down an unmade, unadopted road, where there is a sprawl of dwelling-houses with wide open frontages. Well maintained hedging separates the application site from the neighbouring dwellings.

Planning permission was granted in 2014 under reference no. 14/01222/FUL, for the erection of the detached garage shown on the submitted plans.

Planning permission was refused for a similar proposal earlier this year (15/00456/FUL), as officers found “the proposed extension is overly complicated and negatively affects the simple symmetry and form of the host dwelling by having too many elements which visually compete with the host dwelling.”

PROPOSAL

The application proposes to demolish the existing side garage, and replace it with a part single, part two storey side extension. The proposed extension would be set back from the front building line by approximately 5.2 metres, and measure 6.3 metres in width, and 7.3 metres in depth. The two storey element, which would have a lower ridge than the main dwelling-house, would be set back from the single storey extension, and have a double hipped roof.

REPRESENTATIONS

Parish Council: Object to the proposed garage, and the closeness of the proposed extension to the boundary.

REPORT

Principle of Development

The site is situated within the Town Development Boundary, where according to Braintree District Local Plan policies RLP3 and RLP17, the principle of development is acceptable where it incorporates appropriate design and materials, does not result in an unacceptable impact on neighbouring residential amenities and where it can satisfy highway criteria.

Design, Appearance and Layout

Policy RLP90 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 reason for refusal of the previous planning application was due to the design, which planning officers found to be overly complicated, and spoiled the sense of symmetry that the otherwise simple dwelling possesses.
The revised scheme amends the proposed extension, reducing the depth of the extension, and removing a separate single storey side extension.

The proposed extension as a result would be subordinate in size to the main dwelling, and use matching materials. From a design perspective, the revised scheme is a clear improvement on the previously refused scheme. The eaves of the single storey extension would be lower than before, making the extension appear less bulky. The lean-to side extension has been removed from the plans resulting in, from the front elevation at least, a far less complicated form of development with fewer roof forms.

From the side elevation, the double hipped roof would be more prominent; however on balance it is considered preferable as it reduces the overall height of the ridge.

The plans also show the proposed erection of a garage. A garage for the same footprint was approved planning permission in 2014, under reference number 14/01222/FUL. This planning application seeks to amend the shape of the approved garage; it would consist of a more conventionally proportioned garage, with room inside for two vehicular parking spaces (ECC parking standard compliant). The ridge of the garage would be lower than that approved.

In conclusion, it is considered that the revised proposed extension and the amendment to the approved garage subject of this application address the previous reason for refusal, and so the application is considered acceptable in terms of design and appearance.

Impact on Neighbour Amenity

There shall be no unacceptable or undue impact on neighbouring residential amenities, according to policy RLP90.

A letter of representation was received from the neighbouring dwelling, no. 100A Feering Hill. Their representation covered numerous points, the following of which are considered to be material planning considerations: the side extension would be too close to the boundary fence; the side extension would cause loss of light; the development would result in the loss of hedging; and the noise generated as a result of vehicles turning on gravel as the garage door would face away from the road.

When the previous application was determined, the case officer found that the extension would not result in a detrimental impact on neighbouring residential amenities.

The extension would be sited further from the boundary shared with the neighbouring dwelling than the existing garage. Whilst the overall height

would add a certain amount of bulk, as it would be contained relatively close to the existing dwelling-house, it is not considered it would result in an overbearing form of development. For the same reason, and given the two storey extension would be lower in height than the existing dwelling, it is considered that ay loss of light would be minimal, and would not justify refusal of the planning application.

It is noted that on the application form it mentions hedging on site will remain, however it must be ensured that any form of development approved remains acceptable should the hedging be removed. The hedging that exists between the application site and the neighbouring dwelling acts as a natural screen. It is considered that should the hedge be removed in the future, it would not result in the proposal being considered unacceptable.

The orientation of the garage has already been approved; whilst the unmade surface has the potential to create a noise nuisance, especially if it is used during unsociable hours, its retention does not require planning permission and the orientation of the garage has already been approved. Therefore, no objection can be made on this basis.

In conclusion, it is considered that the proposed extension would not have an unacceptable or undue impact on neighbouring residential amenities.

Highway Issues

The proposed garage would have two parking spaces of ECC parking standard compliant sizes.

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: 1407/02	Version: A
Proposed Plans	Plan Ref: 1407/03	Version: D
Location Plan	Plan Ref: 1407/01	

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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

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

Reason

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

3 The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.

Reason

To conform with the pattern of the existing development in the locality.

4 Development shall not be commenced until details of a native species hedge to be planted on the north-eastern boundary has been submitted to and approved in writing by the local planning authority.

The hedge planting shall be carried out in the first planting season after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

Reason

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

5 The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ashwood, Feering. 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 dwelling unit.

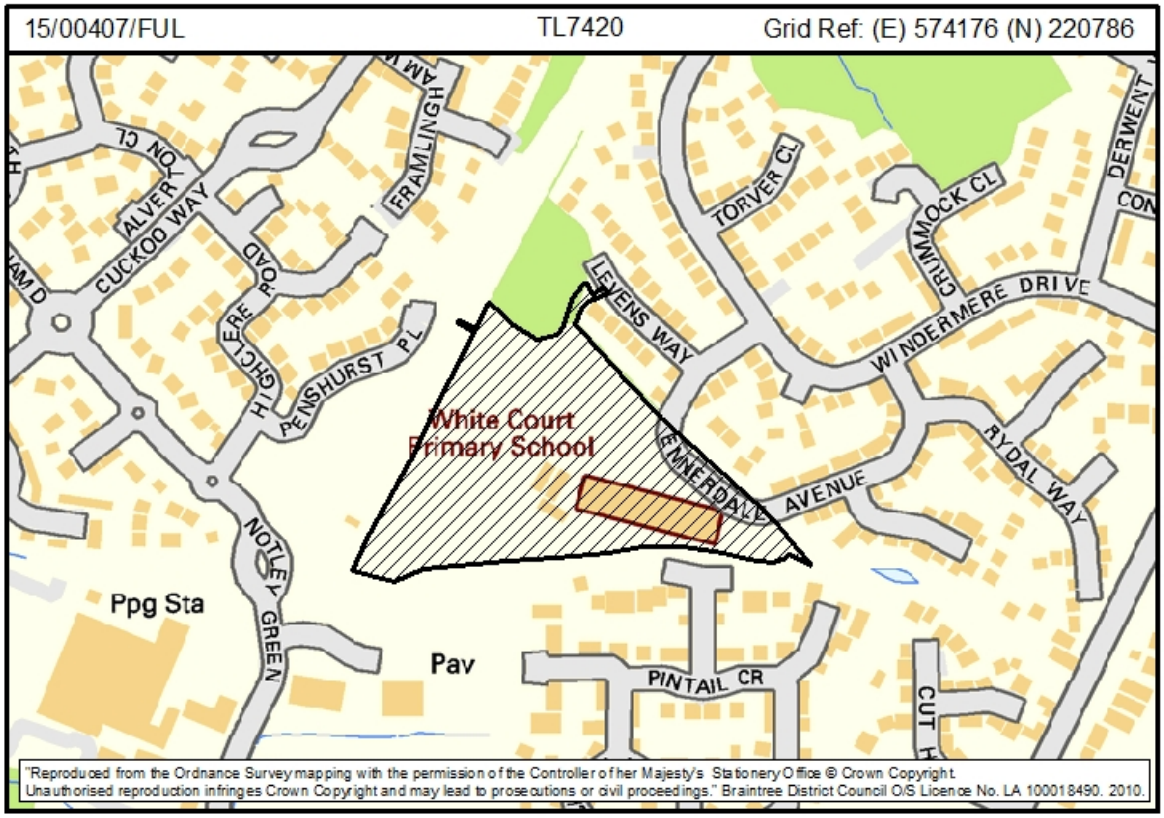
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO:	15/00407/FUL	DATE VALID:	26.06.15
APPLICANT:	White Court Primary School Ennerdale Avenue, Great Notley, Braintree, Essex, CM77 7UE		
DESCRIPTION:	Creation of an additional entrance onto footpath 16 to connect to the school playground.		
LOCATION:	White Court Primary School, Ennerdale Avenue, Great Notley, Essex, CM77 7UE		

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



SITE HISTORY

01/00021/ECC	Proposed variation of condition 2 (time limit) attached to application CC/BTE/133/98 to allow retention of 6 relocatable classrooms	Deemed Permitted	21.02.01
04/00302/FUL	Proposed extension to playground	Granted	08.04.04
88/00866/	Erection of relocatable classroom	Deemed Permitted	30.06.90
88/00866/P	Erection Of Relocatable Classroom	Deemed Permitted	26.07.88
89/00158/P	Erection Of Extension	Deemed Permitted	21.03.89
89/00481/P	Erection Of Pavilion For Changing Room And Assembly Hall	Withdrawn	13.04.89
90/01795/PFBS	Proposed Relocatable Classrooms	Deemed Permitted	03.01.90
94/00056/ECC	Renewal of assembly hall roof and creation of activity space	Deemed Permitted	02.03.94
94/00195/FUL	Provision of footpath link to Ennerdale Avenue	Granted	18.03.94
94/00654/ECC	Temporary Classroom	No Objections Raised	13.07.94
94/01532/ECC	Provision of new RL4T classroom with toilets	Deemed Permitted	26.01.95
95/00478/ECC	Provision of 1 No RL4T classroom with toilet	Deemed Permitted	23.05.95
96/00205/ECC	Provision of 2 No RL4T classrooms and toilets	Deemed Permitted	25.03.96
96/01483/ECC	Provision of 1 no. RL4T classroom and toilets and repositioning of 1 no. RL4T classroom	Deemed Permitted	04.02.97
97/00257/ECC	Proposed 4 six classbase, hall and nursery extension with associated external works	Deemed Permitted	25.04.97
97/00734/ECC	Temporary car park	Deemed Permitted	05.08.97
98/01688/ECC	Continued use of 6 no. RL4T relocatable classroom units	Deemed Permitted	23.12.98
06/00053/ECC	Retention of six relocatable classroom units until	Deemed Permitted	09.02.06

	December 31st 2010 without complying with Condition 2 (Time Limit) attached to planning permission CC/BTE/129/00		
75/00659/P	Proposed primary school and caretaker's house		
76/00300/P	Proposed erection of primary school, caretaker's house & day centre for mentally disordered	Granted	
80/00925/P	Primary school & playing field	Granted	
85/00181/P	Provision of an RL3 relocatable classroom unit, transferred from another school site.		
85/01489/P	Provision of one relocatable classroom	Granted	
86/00915/P	Provision of two relocatable classrooms and toilets.	Granted	
07/00016/ECC	Erection of canopies to covered play areas	Deemed Permitted	13.02.07
10/01269/ECC	Construction of single storey extension to north elevation of the school, a single storey extension to west elevation, internal remodelling works, associated external works, reduction in car parking spaces from 23 to 19 including one parking space for the disabled and the renewal of planning permission for three double temporary classbases until 31 August 2012 and three double temporary classbases until 31 August 2015	Deemed Permitted	26.11.10
12/00067/FUL	Retention of one temporary class base for a temporary period until 31 August 2017	Granted	17.02.12
15/00274/ECC	Consultation on Essex County Council application CC/BTE/17/15 - Continuation of use of 2 temporary classbases, comprising a total of three	No Objections Raised	13.03.15

classrooms, for a temporary period until 31st August 2020, without compliance with Condition 2 (Application Details) attached to planning permission CC/BTE/95/10

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP80 Landscape Features and Habitats
RLP90 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought before the Planning Committee as it is of significant public interest.

A large number of letters of representation have been received, both supporting and objecting to the proposal.

13 letters of objection have been received, including one from Councillor Cunningham.

23 letters of support have been received, including one from Essex County Councillor Walters and another from the Great Notley Parish Council.

SITE DESCRIPTION

The application site is the White Court Primary School, whose main entrance is on the south-western side of Ennerdale Avenue, Great Notley.

The site adjoins the rear boundaries of residential properties fronting Levens Way and the open land and footpaths separating it from dwellings in Penshurst Place and other roads to the west and north-west. To the south and south-west of the Primary School site are the dwellings in Brancaster

Drive and Thorington Close and the hub of community services centred around the Great Notley Village Hall and the Oaklands Inn public-house.

The site has a fairly open frontage to Ennerdale Avenue, albeit fenced, with some trees in front of the school, and incorporating the only pedestrian access into the site, along with the entrance into the staff car-park towards the northern end of the frontage. The other boundaries are all enclosed by steel weldmesh fencing and are marked by hedgerows, meaning that these boundaries are fairly well-screened and give the site a fairly secluded character.

PROPOSAL

The application seeks to:

- create a new and second pedestrian entrance into the school site - 2.4m wide - by the formation of an access in the north-western boundary to be achieved by the removal of a section of hedgerow running along this boundary;
- the erection of a pair of 2m high bow-topped steel railing-style gates set-back between 1.5m and 3.5m from the site's north-western boundary;
- the construction of a new footpath of about 54m in length, linking the new entrance to the existing school playground - crossing this north end of the school playing field;
- the construction of a new footpath of about 13 to 14m in length, crossing the grassed area of public open space that separates the school site from public footpath 16 - thereby providing a link into the public footpath network.

The footpaths would be constructed of crushed concrete, with a tarmacadam surface. The School has indicated that the times during which it would wish to have use of the new access are 8.30 – 9.30 each morning and 2.45 – 4.30 each afternoon (weekdays).

The School was originally built in the 1980s, serving a significantly smaller catchment than today. There were about 280 pupils then and this has grown to over 600 now, following the growth in the residential areas around.

The School is, however, still served by the original entrance from Ennerdale Avenue - which is unchanged from original.

This entrance is now unable to cope satisfactorily and safely with the more than doubled number of pupils, together with their parents and carers, many with push-chairs, at the start and end of the school-day. Very significant congestion results on the footpath in front of the School and this typically spills onto the highway.

The School, therefore, sees a need to create a separate pedestrian entrance to ease the pressure on the existing Ennerdale Avenue entrance and to improve the safety of pupils.

It has also indicated that it sees the creation of a new pedestrian access as being beneficial in the following other respects:

- it would encourage more parents to walk their children to school by giving them a safer route;
- it would provide another exit off the school premises in the event of a fire (as recommended by a recent visit by the Fire Officer);
- it would in future give Year 6 children the opportunity to cycle to school;
- it would have low impact on residents as the new entrance would not be visible from local roads, which will discourage parents from "dropping and running", and the nearest road (Penshurst Place) is a very narrow cul-de-sac with only limited opportunities for turning which will discourage cars dropping-off and picking-up from parking here;
- easily accessible from nearby Tesco car-park;
- safer entrance into school for pupils using the Ennerdale Avenue entrance, due to the pavements being less crowded, including by wheelchair and parents with pushchairs;
- there would be major improvements in amenity for residents in Levens Way and Ennerdale Avenue, where there would be significantly fewer people using the public footways;
- there is a wide open area on the approach to the new entrance , which is able to cope with a high number of pedestrians;
- access into the school would be gained through the playground, so the children would be highly visible and can be supervised safely.

In proposing the new entrance, the School has indicated that it has considered 2 other options for the new entrance but has reached the conclusion that the entrance proposed is the one that is least intrusive and would be most beneficial for the reasons stated above.

In reaching its conclusion on where the most suitable access point would be the School undertook a cost-benefit analysis by which it appraised all 3 options for a new entrance.

The other 2 locations considered for a possible new entrance were:

- a position off the public-footpath that runs along the southern boundary of the school site opposite the two car-parks adjacent to the Oaklands Inn public house and village hall; and

- an alternative position on the southern boundary approximately 87m east of the location above;

Each alternative location was discounted by the School, primarily because of limitations in the approaches to these two potential access points and

because surveillance and supervision of the children as they arrive and depart would not be as easy as with the chosen access point. As to the character of the approaches to the alternative access points, both would be reached by means of the relatively restricted and somewhat secluded public footway on this side of the school, which contrasts with the open approach to the access point that has been chosen.

The creation of access points on this southern side of the school would also be more complicated as it would involve bridging the ditch/watercourse that runs down this entire boundary.

The new access chosen has, therefore, been carefully considered and appraised by the School against other possibilities before the application was submitted.

CONSULTATIONS

ECC (Highway Authority): No comments.

ECC Rights of Way: No response.

ECC Fire & Rescue Service: Supports the application. Proposal would reduce the fire risk at the School by providing an alternative route for evacuation

Sport England: No objections.

BDC Asset Management: No objections. (Nb. the new footpath link is over Council-owned land)

BDC Environmental Health: No objections. If planning permission is granted it is recommended that hours for construction of the pathway and gates be limited to Monday to Friday 08:00 to 18.00 hrs and Saturdays 08:00 to 13:00 hrs, to avoid disturbance to residents.

BDC Landscape Services: No objections in principle - but points out that some loss of amenity and wildlife habitat will result from the loss of hedgerow and some additional maintenance will be required of the Council to keep the entrance clear of overgrowing vegetation.

Nb. Since the School will be required to enter into a legal agreement with the Council as landowner this will require the School's maintenance of the hedge in the vicinity of the new access. There will, therefore, be no additional maintenance required of the Council.

Great Notley Parish Council: No objections. However it wishes the following comments to be noted -

"The Parish Council acknowledges that within the Parish there are views for and against the proposal for a new school entrance. It is noted and

recognised that the existing arrangements cause difficulties for pedestrians and that it is desirable for the School to have another entrance. The Parish Council could find no compelling reason to object to the application."

REPRESENTATIONS

36 letters of representation have been received.

13 of the letters - including 2 from the same resident and 1 from a District Councillor object to the application, whilst the other 23 letters - including that from the Great Notley Parish Council and a County Councillor support the application.

Grounds of objection include:

- insufficiently detailed plans;
- increased traffic, footfall and parking at the start and end of the school day in Penshurst Place (which is a shared access road for more traffic movements over and above those generated by residents) and possibly also in other streets nearby, none of which is suitable to take more traffic and parking;
- increased safety risk to children living in Penshurst Place;
- the strip between the kerb-edge in Penshurst Place and the boundary to the shared part of the highway is privately owned and is, therefore, not available for vehicles not associated with the dwelling which owns it;
- the applicant's reference to the availability of the Tesco car-park for overflow parking is inappropriate as it is a private car-park for shoppers;
- increased fire-safety risk to residents in Penshurst Drive due to increased traffic and parking by vehicles dropping-off and picking-up children;
- difficulties of access for vehicles reaching properties in Penshurst Place;
- potential for missed refuse collections and other delivery/collections from larger vehicles due to access problems caused by vehicles parking in Penshurst Place to drop-off and pick-up children;
- due to the difficulties in turning in Penshurst Drive, with the likelihood of vehicles having to wait whilst others turn, there will likely be an increase in vehicles using private driveways to turn as a result of vehicles using Penshurst Drive to drop-off and pick-up children;
- the new access will significantly impact on the hedgerow in which it would be formed and would not be in keeping with the appearance of this part of Great Notley village, in particular from the paths and cycle-ways in this area;
- loss of wildlife habitat;
- the applicant has not been clear regarding the impact on the existing hedgerow, trees, wildlife and changes to public use of the open area through which the new pathway link to footpath 16 will cut;

- additional local flooding;
- the design of the gates is not in keeping with the local environment and area, being more suitable to an industrial location, and will result in the school being more visible from cycle-path16;
- risk to pupils, cyclists and pedestrians as a result of people gathering at the junction of the new footpath and footway/cycle-way 16.

The letter from the objecting Member re-iterates the points made by residents who have objected on parking grounds and loss of hedgerow (spoiling the view for residents in Penshurst Place). He suggests that the Planning Committee either refuse the application (in favour of a more sensible alternative entrance from the corner of the school playground onto the cut-through the footpath that links through to Levens Way) and/or recommends to the Highway Authority and Parking Partnership that preventative measures to deter parking and dropping off in adjacent streets for the period of school dropping-off and picking-up times.

Representations supporting the proposal make the following points:

- proposal will reduce the amount of car-traffic generated overall and in particular in in the vicinity of the Ennerdale Avenue entrance School, to the benefit of the safety of the children, visitors and local people;
- constant flow of traffic in Windermere Avenue at the start and end of the school-day will be reduced, to the benefit of road safety there;
- over the years the amount of traffic generated by the school has greatly increased and has created a very hazardous situation where there is a real risk of a serious accident happening;
- fewer “road-rage” incidents in the vicinity of the school;
- will increase the number of pupils walking and cycling to the School - which is a health benefit and will reduce the numbers being delivered to the School by car;
- shorter walk to school, especially for those living on the western side of the site;
- proposal will reduce pollution - to the benefit of the environment - by reducing the amount of car-traffic generated;
- proposal will improve access for the school bus and emergency vehicles by reducing the amount of parking in Ennerdale Avenue;
- school will be more “green” - which is entirely consistent with the ethos of the Great Notley estate, which has been designed to make walking and cycling easier and safer;
- the school is now far too big to have just one entrance;
- a neighbouring school experiencing similar problems has had a second access installed which has been a great benefit;
- unlikely to increase parking in nearby streets on this side of the site as traffic overall is likely to reduce and, in any event, even if some parking was to arise, this is unlikely to be significant and could be addressed by means of the introduction of a time-limited residents parking scheme;

- objectors are distant from the site and will not see the entrance as it will be hidden from view by the high hedgerow that stands between them and the access;
- improvements in fire-safety and possibilities for safe evacuation of the site in the event of a fire;
- the alternative access points considered by the school are dark and would require the use of torches later in the day in the winter half of the year.

The Essex County Councillor who supports the application reiterates the points made by residents that the proposal will result in greatly improved road safety at the school and will allow improved evacuation of the site in the event of a fire. Regarding the objections of residents on parking grounds on streets to the west of the site he states that in his opinion the proposal would cause minimum inconvenience as children will be met at the new school gate and parents will not need to walk all the way to the existing school entrance.

REPORT

Principle

The School's case for a second access is summarised above under "Proposal".

Officers have also inspected the site on several occasions, including at the end of the school-day, to witness the extent of the traffic and pedestrian congestion alleged by the School and local people.

Based on what is stated within the application and what has been witnessed "on the ground", the congestion and traffic problems alleged are not in doubt. In turn, it is understandable that the School wishes to create a second access, which they see as a means to achieving a significant reduction in the amount of congestion in the vicinity of the main Ennerdale Avenue entrance.

To some extent the problems arising are inherent in the School's location in the middle of the residential area that it serves. Many schools are similarly located and problems of this nature are not uncommon.

However, in this case, the school-roll has been more than doubled since it was first built, there have been significant extensions to the original buildings on the site and the amount of traffic generated and the numbers of pedestrians attending the site have greatly increased to a point far beyond what would have been anticipated originally.

The view of Officers is that the attendant highway and pedestrian safety issues arising at the start and end of the school-day have reached a critical point, such that action to improve matters is justified.

Proposed Siting of the Access

The school site is basically triangular in shape and it is only its north-western and southern boundaries that offer any potential for the creation of a second access point.

As set out above, the School has undertaken a cost- benefit analysis that appraises three possible new access points one against another.

Two of the alternatives would be off the site's southern boundary - which is bound by a heavily treed ditch/water-course and a public footpath. It would, therefore, be necessary to form a bridge across the ditch/watercourse. Not only would this make the provision of a new access into the site more complicated, both would also involve the removal of a significant number of trees and other vegetation and a greater loss of screening and wildlife habitat, resulting in a greater impact on local ecology than would arise at the location on the north-western boundary that has been chosen.

The School also points out that access to both possible access points on this southern boundary are very much more constrained than that on the north-western boundary which would enjoy a wide open approach that has the capacity to accommodate far more people and is widely visible, so will feel safer to use too.

The proposed access point is located on the north-western boundary of the School, a roughly straight-line boundary of about 170m in length. It is marked by a 1.8m high steel weldmesh fence backed by a line of dense hedgerow of up to about 8m in height and of some considerable thickness.

In functional terms, the School views this access point as the best location on this boundary because:

i.) the approach to the access from the surrounding area would be wide and relatively unrestricted so there is ample capacity for those arriving and departing;

ii.) there is easy surveillance of the whole area;

iii.) an access at this point would allow short and easy linkage to the school playground - and thence into and out of the school - offering easy supervision of the children as they do so;

iv.) the access would be inconspicuous from residential properties around.

The approach to the access would, indeed, be wide and fairly unrestricted, especially so from the south-west, and there is ample space for both pedestrians and cyclists.

Surveillance of the area is also good, especially so from a south-westerly direction coming down from “The Oaklands Inn” pub, the Village Hall and the Tesco store. This is undoubtedly a benefit for all - but especially so in terms of the safety of the children arriving and leaving.

It is also the case that the access would be relatively inconspicuous as the gates would be set back significantly into the school-site. It would not be easily seen from neighbouring properties in Penshurst Place and Levens Way, if at all.

The view of officers is that the proposed location of the access and footpath has much to commend it and is acceptable.

Highway Impact

The Highway Authority raises no objections to the proposal.

A critical issue for objecting residents is the potential for the new access to attract more cars to this western side of the site to drop-off and pick-up children, resulting in cars being parked in neighbouring roads - principally Highclere Road and Penshurst Place - at the start and end of the school-day.

Nonetheless, the installation of a second pedestrian access that links into the public footpath/cycle-path network on this side of the site is hoped to encourage more children and families to walk or cycle, potentially reducing the number of children being driven to and from school.

However, even if there is overall a reduction in the amount of parking in the vicinity, some parking of cars in Highclere Road and Penshurst Place as a result of the new access cannot be excluded.

Nevertheless, their number is unlikely to be high and, given that this would be limited to two relatively short periods at the start and end of the school-day, the Highway Authority takes the view that there is unlikely to be a traffic or highway safety issue that would either warrant rejection of the proposal on highway grounds or justify the introduction of parking controls to prevent such parking from taking place. Such parking controls would only be justifiable if the parking was to amount to a highway hazard. Parking controls would not be justifiable on amenity grounds.

It is also a fact that Penshurst Place is a fairly narrow shared-surface road that does not easily lend itself to on-street parking and turning facilities are not easy either. The likelihood of parking taking place here is considered fairly low, even if it cannot be excluded as a possibility. It is considered more likely that parking would take place instead on Highclere Road.

It should also be noted that the introduction of parking controls is something that is subject to its own procedures under the Highways Acts, distinct from planning controls. It is not, therefore, possible to apply a planning condition that requires the introduction of parking restrictions.

It, therefore, follows that the proposed new access falls to be considered on its own merits, regardless of the case or not to introduce formal parking controls on neighbouring streets.

Residential Amenity

Visual Amenity

The new access would be inconspicuously sited and distant from residential properties, the nearest of which lies in Penshurst Place at a distance of about 37m.

It would not, however, be easily visible from any of these houses because south-easterly views from these properties are almost totally screened by the existing substantial and dense hedgerow that runs along the boundary of Penshurst Drive within the open land that separates these houses from the school site.

There would, therefore, be no material impact on the level of visual amenity enjoyed by these residents.

Noise Impact

No doubt, the new access point will bring in more pedestrians and children at the start and end of the school day. Such additional noise and activity as will result will not, however, be significant. It will in any event be confined to two short periods of an hour or so at the start and end of the school-day, at times of the day that are not noise-sensitive.

It should also be noted that the area where the access will be formed is a publicly accessible amenity area that contains public footpaths and cycle-ways and has the potential to be fairly noisy in its own right. The formation of a second access for the school here would not add materially to what can already occur.

Other Impacts

The main residential amenity issue arising - as seen by residents - arises from the possibility that cars picking-up and dropping-off children might park in neighbouring roads on this side of the school site, principally Penshurst Place and Highclere Road.

This potential certainly cannot be ruled out but it should be recognised that the potential for additional on-street parking would be limited to two fairly short spells during each weekday and is not considered to represent a scale of impact that would justify a refusal on amenity grounds. Moreover, these limited amenity impacts need to be weighed against the wider benefits of the school being provided with a second access in terms of there being less

congestion in Ennerdale Avenue and improved safety there for traffic, pedestrians and children.

Design/Visual Impact

The new access would be 2.4m wide and would breach the existing hedge.

However - the gates would be set-back into the site by between 1.5metres and 3.5 metres.

The combination of the set-back of the gates into the site and the 6 to 7m width of the hedge, which is also a substantial height - up to about 8m, means that the new entrance will not be easily seen and will continue to be afforded screening by the hedge, especially so from the main south-westerly approach to it.

The gates would be 2m high and would be constructed from bow-top metal railings - to match the railings and gates enclosing neighbouring public play-ground to the south. The two flanks of the footpath within the school site leading up to the new gates would be enclosed by 2m high weldmesh fencing to match the fencing along the rest of this boundary to the school.

The new footpath linking the entrance to Footpath 16 and cutting across the greensward (owned by the Council) would be finished in tarmacadam. This is consistent with the finish to other footpaths in the vicinity and is entirely acceptable. There is already a short length of footpath a few metres to the north-east of that proposed, cutting across the greensward and linking public footpath 16 with the children's play area at the north-western tip of the school site.

The design and visual impact of the proposal are, therefore, considered to be acceptable.

Ecology

Some loss of amenity and habitat will result from the breach of the hedgerow by the access.

However, the hedgerow is a substantial feature of some considerable length that encloses the north-western boundary of the school and beyond. There are also numerous other significant hedgerows nearby and the loss of this relatively short length of hedge is not considered to have a significant impact in habitat terms.

Summary/Conclusion

This is a fairly minor proposal that will provide the school with a much needed second access that will ease pressure and improve pedestrian and highway safety in the vicinity of the School's main entrance in Ennerdale Avenue. The proposal has attracted significant representation both for and against, but on

balance it is considered acceptable subject to suitable safeguards to restrict the times during which it can be used.

Officers take the view that the impact on visual amenity, residential amenity and local ecology would all be within acceptable tolerances, measured against the benefits in safety that will result for the school and those attending the site. The Highway Authority raises no highway objections either.

It is, accordingly, recommended that planning permission be 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

Fencing Layout/Details	Plan Ref: Bow Top Gates Technical Data
Fencing Layout/Details	Plan Ref: Bow Top Technical Data
Location Plan	Plan Ref: Lo504 Rec'd 16.10.15
Additional Plan	Plan Ref: Position of Gates Rec'd 01.07.15

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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

2 The proposed footpath link to public footpath 16 shall be constructed in accordance with the specification stated within the application and shall be made available for use prior to the new access hereby permitted first being brought into use.

Reason
To ensure suitable pedestrian access to the new access in the school boundary hereby permitted.

3 The new school access hereby permitted shall only be open for use by pupils and the public for the period between 08.30 and 09.30 and 14.45 and 16.30 on weekdays. Outside these times the access gates shall be closed and locked and shall not be available for access by pupils or the public, neither shall it be open for access at any time that the school is not in session for pupils.

Reason
To protect the amenity of occupiers of nearby residential properties.

4 No lighting of any nature shall be installed in or around the new school access hereby permitted unless previously agreed in writing by the Local Planning Authority.

Reason
To protect the amenity of occupies of nearby residential properties.

5 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.

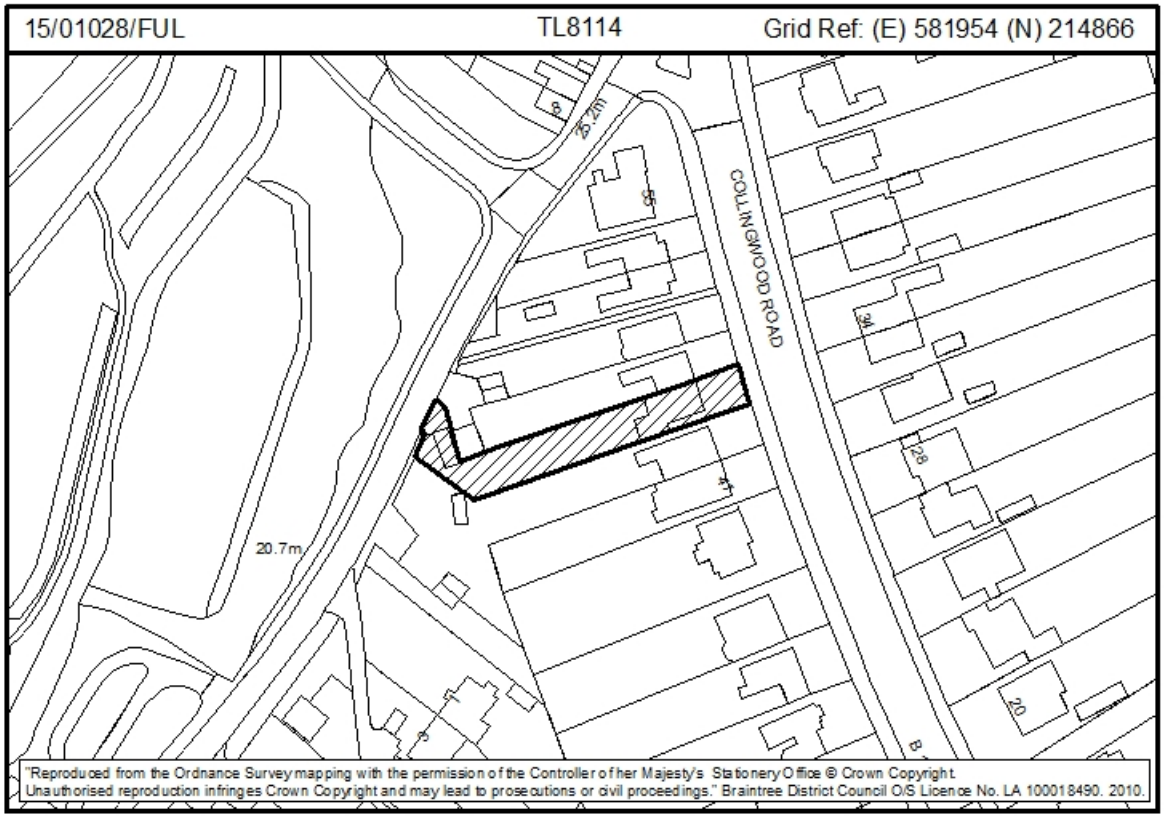
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5h

PART B

APPLICATION NO:	15/01028/FUL	DATE VALID:	06.08.15
APPLICANT:	Mrs Catherine Abbott 45 Collingwood Road, Witham, Essex, CM8 2DZ		
DESCRIPTION:	Proposed dropped kerb and access over footway to front of property		
LOCATION:	45 Collingwood Road, Witham, Essex, CM8 2DZ		

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



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
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Committee due to the applicant being related to an elected member.

SITE DESCRIPTION

45 Collingwood Road is a Victorian dwelling-house located in the Conservation Area in Witham. Neighbouring dwellings have access ways with gates on the highway, some with dropped kerbs.

CONSULTATIONS

Highways Authority (ECC) – No Objection subject to conditions

Historic Buildings Advisor – Recommends Approval

Parish Council - No Objections

Neighbour Representations - None Received.

REPORT

Principle of Development

The application is for the provision of a vehicular access to the dwelling from Collingwood Road. This involves the provision of a dropped kerb and the creation of a 2 .6m gated access leading onto an existing hardstanding in the front garden. New vehicle accesses to dwellings only need planning permission when provided, as in the case, from a classified road. The site is situated within the Town Development Boundary, where according to Braintree District Local Plan policies RLP3 and RLP17, the principle of development is acceptable where it incorporates appropriate design and materials, does not result in an unacceptable impact on neighbouring residential amenities and where it can satisfy highway criteria.

Impact on Conservation Area

Policy RLP95 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 Conservation Officer recommends approval of the application on the basis dwellings in the road have a variety of front garden treatments, most of which accommodate off street parking.

Highway Considerations

The Highways Officer raises no objection to the application, on the basis certain conditions are implemented onto the permission. These relate to pedestrian visibility splays, no unbound materials being used, gates being set back, the discharge of surface water, and the size of the parking spaces.

The condition relating to gates being set back 6m from the highway is not practicable given the limited depth of the front garden (approximately 7.5m). It is noted also that most dwellings on Collingwood Road have gates on the highway, and were an access to exist their provision would generally not require permission. A condition is, however, recommended to require that the gates open inwards to prevent any compromise to pedestrian movement.

Other Issues

None.

CONCLUSION

In conclusion, it is considered that the application is acceptable according to the aforementioned planning policies, and is recommended for approval.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Location Plan
Block Plan

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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

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

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

3 Prior to the first use of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

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

4 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

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

5 Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason

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

6 The vehicular hardstanding shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

In accordance with the Council's adopted Car Parking Standards.

7 Any gates to be provided to the vehicle access shall be designed so as not to open outwards over the footway and shall accord with details (indicating their height, design and use of materials) that have been submitted and approved in writing by the Local Planning Authority prior to their installation.

Reason

To ensure that the gates do not compromise the safe movement of pedestrians and that their design respects the character and appearance of the Conservation Area.

TESSA LAMBERT
DEVELOPMENT MANAGER

Planning Committee
10th November 2015

Braintree District Council

Monthly Report on Planning and Enforcement Appeal Decisions Received - September 2015	**Agenda No: 6**
Corporate Priority: **Report presented by:** **Report prepared by:** Liz Williamson – Validation/Appeals Co-ordinator	
Background Papers: Appeal decisions summary	**Public Report**
Options: Information only	**Key Decision: No**
Executive Summary: This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.	
Decision: That the report be noted.	
Purpose of Decision: To note a report on appeal decisions.	

Corporate Implications	
Financial:	N/A
Legal:	N/A
Safeguarding:	N/A
Equalities/Diversity	N/A
Customer Impact:	N/A
Environment and Climate Change:	N/A
Consultation/Community Engagement:	N/A
Risks:	N/A
Officer Contact:	Liz Williamson
Designation:	Validation/Appeals Co-ordinator
Ext. No.	2506
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PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal decision received during the month of September 2015.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	**Application No/Location**	14/00988/FUL – Boulders, Nether Hill, Gestingthorpe
	Proposal	Erection of dwelling
	Council Decision	Refused under delegated authority (19.09.14) – CS5, 8 & 9 and RLP 2, 16, 56, 69, 70, 74, 76, 77, 80, 90, 138
	Appeal Decision	Dismissed
	Main Issue(s)	1. Whether or not the proposal would be in a sustainable location in terms of its accessibility to facilities including community facilities and other services; and 2. The effect of the proposal on the character and appearance of the area
	Inspector's Conclusion	The Inspector began by describing the site as on the edge of the village of Gestingthorpe and adjoining open countryside. It is situated at the end of a row of houses and is said to have previously had a house on it which was demolished some time ago. The Village envelope as defined in the Braintree District Local Plan Review (2005) extends part way along Nether Hill to include the first few dwellings. Although The Council intends to extend the boundary of the village envelope up to "Boulders", the site currently remains outside the village envelope. He continues by saying that Policy CS5 and Policy RLP2 restrict development outside of village envelopes but while there is no evidence that those policies are necessarily out of date on the basis of housing land supply, they are not entirely consistent with the National Planning Policy framework which allows for some housing in rural areas where it will enhance or maintain the vitality of rural communities. Although there is a row of houses along one side of Nether Hill, the road has a rural character because it extends into the open countryside and adjoins open farm land. The site is at the far end of the row of houses and is covered in vegetation. For these reasons its current appearance is very much as part of the rural area. The Inspector continues by describing the houses along the

		road as a varied mix of modern and historic design. Adjacent to the site is a pair of semi-detached houses which appear to date from the 19th Century. They have both been extended but retain the modesty of their original scale. The proposal would be much bulkier than those houses in terms of its width and depth. Its roof span would be significantly greater and it would extend substantially to the rear of the adjacent dwellings. It would also occupy a large proportion of the site in contrast to the generally more spacious nature of the other properties along the road. It would thus have a more intensive urban appearance than its neighbours which would be out of keeping with the rural setting. The Inspector makes reference to a previous application for a dwelling for the same design, on the appeal site which was refused, but not on the grounds of character and appearance. The previous decision was made in 2007 before the publication of the NPPF. Given the length of time that has elapsed since that decision, it does not necessarily mean that the decision should be the same now taking into account current planning policies. However, for the reasons give, the Inspector concludes that the proposal would unacceptably harm the character and appearance of the area. It would not meet the environmental dimension to sustainable development as set out in paragraph 7 of the Framework.

2.	**Application No/Location**	14/00994/FUL – Water Tower, Halstead Road, High Garrett
	Proposal	Change of use of disused water tower into a residential dwelling; Erection of ground floor extension, first floor extension; additional floor to be added and associated landscaping
	Council Decision	Refused under delegated authority (10.11.2014) - CS5, 7, 8, 9, 10 & 11 RLP2, 9, 38, 56, 65, 80, 84, 90 and 138
	Appeal Decision	Dismissed
	Main Issue(s)	The effect of the proposed development on the character and appearance of the area, set against the background of the extant planning permission (reference 13/00173/FUL)
	Inspector's Conclusion	The Inspector began his report by stating that the existing water tower is a relatively unchanged surviving remnant of the former WW2 use of this area. It is therefore important to the local history of the surrounding countryside and its height and position next to the road at the entrance to the Three Counties Crematorium makes it a prominent feature. The previous consent establishes the principle of conserving this structure by means of alterations and extension to form a single dwelling. The proposed scheme provides for a single storey addition to the side and rear which includes a small second storey element and is set back from the front of the building. The fenestration reflects the internal arrangements

		proposed rather than taking account of the existing position and arrangement of windows. The proposal is for the existing roof access on the third floor to be converted into a small balcony and also a full height exterior stairwell is added rather than the staircase being inside the existing building and an additional fourth floor is proposed. The previously approved scheme was granted planning permission on the basis that the alterations and extensions proposed did not have an adverse effect on the rural character or appearance of the area. The Inspector notes that the appellants scheme is not without merit as an example of contemporary architecture, however, mainly due to the addition of a fourth floor but also in relation to the external stair well and the random appearance of fenestration, the Inspector considers the changes proposed would unacceptably erode the present character of the water tower and result in a development of a contemporary appearance out of context with the predominantly traditional countryside setting. The significance of this non-designated heritage asset derives from its WW2 history. The appeal proposal would unduly compromise its architectural origins and significance. The Inspector concludes by saying the degree of addition and change to the building proposed would not represent a sympathetic re-use of this building required under Policy CS9 of the Core Strategy, but instead introduce an incongruous urban development which would have a harmful impact on the rural landscape also contrary to Policy RLP38 of the Local Plan Review. Moreover, the proposal would be contrary to Policy RLP 90 which requires that the design of development be sensitive to the need to conserve local features of historic landscape importance.

3.	**Application No/Location**	15/00424/FUL – 71 Derwent Way, Great Notley
	Proposal	Replacement of damaged wall with wood panel fencing (slot in concrete post type) extending around side of house to enclose existing border
	Council Decision	Refused under delegated authority (14.05.15) – CS9, RLP90
	Appeal Decision	Dismissed
	Main Issue(s)	The effect of the development on the character and appearance of the area
	Inspector's Conclusion	The Inspector began by stating that the appeal property occupies a corner position within Derwent Way and this house presents a side elevation to the highway. Beyond that side elevation there is a soft landscaped margin, which appears to form part of this estate's purposefully planned landscaping and is No 71's side garden. The appeal development would involve the installation of a

		timber fence, which would enclose the majority of the side garden and have splays at its northern and southern ends. This fence would replace the brick wall that marks the north western boundary to No 71s rear garden and would be comparable in height to the existing wall. The Inspector continues by saying that the loss of the majority of the soft landscaped area would unacceptably reduce the sense of openness that No 71s side garden contributes to Derwent Way's streetscene, for the most part boundaries are marked by walls that are similar in style to the existing structure at No. 71. The Inspector is not persuaded that the introduction of a fence at this point would be an appropriate addition to the streetscene. The Inspector concludes his report by stating that in combination the enclosure of the majority of No 71's side garden and the introduction of a fence would unacceptably harm the character and appearance of Derwent Way at this point. The appellant has indicated that he would be agreeable to the proposed enclosure taking the form of a brick wall as an alternative to the intended fence. However, such a change in materials would not address the harmful loss in openness to the streetscene that the Inspector has identified. Such an alteration would also materially change the nature of the appeal development and under the Household Appeal procedure the Council would not have the opportunity to comment on it. Therefore the Inspector has based his decision on the substitution of a wall for the originally proposed fence.