

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 08 December 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 24th November 2015 (copy to follow).

4 Public Question Time

(See paragraph below)

- | | | |
|--|--|------------------|
| 5 | Tree Preservation Order No. 05 2015 - 45 Courtauld Road, BRAINTREE | 5 - 59 |
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| 6 | Planning Applications
To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined 'en bloc' without debate. | |
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| PART A | | |
| Planning Applications:- | | |
| 6a | Application No. 15 00934 OUT - Land North East of Station Road, EARLS COLNE | 60 - 94 |
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 | | |
| 6b | Application No. 15 00926 FUL - Rivenhall Oaks Golf Course, Forest Road, RIVENHALL | 95 - 111 |
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 | | |
| 6c | Application No. 15 01004 OUT - Land West of Boars Tye Road, SILVER END | 112 - 152 |
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 | | |
| PART B | | |
| Minor Planning Applications:- | | |
| 6d | Application No. 15 00941 FUL - The Poplars, Boars Tye Road, SILVER END | 153 - 156 |
|
 | | |
| 6e | Application No. 15 01243 FUL - 25 Francis Way, SILVER END | 157 - 159 |
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| 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. | |
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| 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. | |
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| <i>At the time of compiling this Agenda there were none.</i> | | |

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:

TO CONSIDER AN OBJECTION TO THE MAKING OF A TREE PRESERVATION ORDER		Agenda No: 5
No. 05/2015 45 Courtauld Road, Braintree		
Corporate Priority: A better place – Protecting our environment. Report presented by: Kieran McGrath – Tree and Landscape Officer. Report prepared by: Kieran McGrath – Tree and Landscape Officer.		
Background Papers: Tree Preservation Order 05/2015 – Appendix 1. Copy of TEMPO assessment – Appendix 2. Letter of objection from Mr Huseyin Mustafa dated 16 th September 2015, and letter of objection from B Clark dated 6 th September 2015 – Appendix 3. Copy of Section 211 Notification of Intent to do Tree Works in a Conservation Area – Appendix 4. Arboricultural Report by Essex Arb Consulting Ltd., dated 12 th April 2007 – Appendix 5. Photos of the trees – Appendix 6.		Public Report
Options: 1) To confirm the provisional Tree Preservation Order in the interests of amenity. 2) Not to confirm the provisional Tree Preservation Order and allow the owner to prune/fell the trees as they see fit.		Key Decision: No
Executive Summary: This report considers the objections raised by Mr Mustafa and B Clark to the making of Tree Preservation Order 05/2015. On the 20 th August 2015, a provisional Tree Preservation Order was placed on two mature pine trees in the garden of 45 Courtauld Road, Braintree, following a Conservation Area Notification of intent to fell them.		

Decision

That Tree Preservation Order No. 05/2015 at 45 Courtauld Road, Braintree is confirmed.

Purpose of Decision:

To ensure that the visual amenity provided is retained by securing protection for these two prominent trees.

Corporate Implications

Financial:	None
Legal:	None
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Environment and Climate Change:	If the Order is not confirmed there is a risk that the visual amenity of the area will be diminished and the trees' ability to contribute to climate change adaptation will be reduced/lost.
Consultation/Community Engagement:	None
Risks:	Compensation rights could arise if the Council subsequently refuses an application for tree work and the tree or a part of it then fails, or causes damage.
Officer Contact:	Kieran McGrath
Designation:	Tree & Landscape Officer
Ext. No.	2586
E-mail:	kiemc@braintree.gov.uk

Background

A Section 211 Notice informing the Council of the intent to carry out tree works in a conservation area was submitted on behalf of Mr Mustafa on the 9th July 2015, and validated on the 10th July 2015. This notification included various works at the side of the garden along Bocking End including removal of two Leylandii conifers at the rear boundary and removal of two mature pines. I visited the site to view the trees and spoke with Mr and Mrs Mustafa. It was felt that while all three mature pines had high amenity value two should be retained while one could be removed. No objections were raised to the other works contained within the Section 211 Notice. A provisional Order was made on the 20th August 2015 protecting the two pine trees. A copy of the provisional Order was also hand delivered to 40 Bocking End. Letters of objection (Appendix 3) were received on the 7th September from B Clark of 40 Bocking End, and on the 17th September from Mr Mustafa of 45 Courtauld Road.

Shaun Taylor and I visited the site and met with Mr and Mrs Mustafa on the 22nd October to evaluate the condition of the trees and discuss the matter further. Due to

the unresolved nature of the objections it was felt that this matter should come to the Planning Committee for a decision.

Comments

The pine trees are in good health and a prominent feature in the street-scene. Both trees are situated in the rear garden of 45 Courtauld Road and are visible from Courtauld Road, Bocking End and Bradford Street. The property itself and adjoining cart lodge are only seven years old, and were built in cognizance of the trees. A tree report by Essex Arb Consulting Ltd (Appendix 5) submitted for consideration at the time of the original planning application estimated the useful life expectation of these trees as 40+ years for T1 and 50+ years for T2. The third central pine that is not a part of this TPO was considered to have a remaining contribution of 30+ years. Of the three the central pine is the most mature and is starting to get thin in the crown. Removal of this tree will open up space and light in the garden as the applicant wishes. While T2 is to the south of the property, is it not as tall as the central tree and will not cast as much shade. Tree T1 is adjacent to the north- west corner of the house, so should not cast shade into the garden. T1 may cast shade onto the solar panels fixed to the roof of the cart lodge, however this tree was in place before the cart lodge was built, and so also before the solar panels were fitted.

The applicant has stated that it is difficult to obtain house insurance due to the proximity of these trees, particularly T1. As stated previously T1 was in place before the property was built, so as part of building regulations it should have sufficient foundations to cope with being so close to the tree.

Mr Mustafa, B Clark and B&M Tree Care have all raised concerns over the stability of T2. It is true that this tree leans, but in my opinion it does so because of the proximity to the central pine, not due to any movement in the root ball as stated by B&M Tree Care. I have inspected the base of the tree as well as the surrounding area and could find no evidence to suggest that this tree had moved in the ground at any point. It is more likely that this tree has grown up in competition with the larger central pine, so to take advantage of the available light it has grown away from the larger tree. This is not uncommon. There is no reason to think that just because a tree leans it will fall over, if it has grown in this manner since it were planted it should have sufficient anchorage in the root plate to compensate for the lean.

Mr Mustafa and the residents of 43 Courtauld Road have concerns over the stability of T1 as well as falling branches. Admittedly T1 is a tall tree, however this does not automatically mean it will fall over. I have inspected this tree from ground level and found no reason to suggest that it is a hazard. The base is sound, there is no evidence of fungal fruiting bodies on or near the tree, the crown is healthy with little deadwood, and there is no evidence of root heave in the surrounding area. Regrettably a branch has fallen from this tree previously, as well as from T2. Cladogenesis is the process by which trees drop branches for various reasons, such as if they are being shaded out and are no longer needed. It is considered the pines covered by the Order are healthy and in good condition. The removal of the central pine will allow the remaining trees to receive more water and nutrients from the soil, and T1 will receive additional light and less likely to need to drop branches.

Mr Mustafa and his neighbours also mentioned the case of a laburnum tree that was allowed to be removed from another property in Courtauld Road. Each conservation area notification is considered on its own merits. As this specific case has been

brought up in this objection I will very briefly relate my reasons for not preserving that tree. Laburnums are toxic. If swallowed, certain parts can cause serious illness in a small child. This tree was close to the front door of the property meaning that the risk of taking seeds was very high. The applicant has young children, and it was considered on this occasion that there was a risk. This particular tree also blocked the view of traffic entering Courtauld Road from Bocking Place, making the turn onto a busy road dangerous. The two notifications are different and cannot really be compared.

The pines are prominent trees with a strong amenity value that can be seen from various public areas in the locality (Appendix 6). They were *in situ* before the properties around them and are part of the historical landscape setting for this part of the conservation area; as such they are considered to be worthy of protection.

Recommendation

That Tree Preservation Order No.05/2015 45 Courtauld Road, Braintree is confirmed.

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

**Town and Country Planning Act 1990
TPO 05/2015/TPO**

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- 45 Courtauld Road,
Braintree

Citation

1. This Order may be cited as TPO 05/2015/TPO

Interpretation

2. (1) In this Order "the authority" means the Braintree District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 20th day of August 2015

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

.....
Authorised Signatory



SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Pine	Side of 45 Courtauld Road, Braintree, CM7 9BE
T2	Pine	Garden of 45 Courtauld Road, on boundary with 40 Bocking End, Braintree CM7 9AA

Trees specified by reference to an area (within a dotted black line on the map)

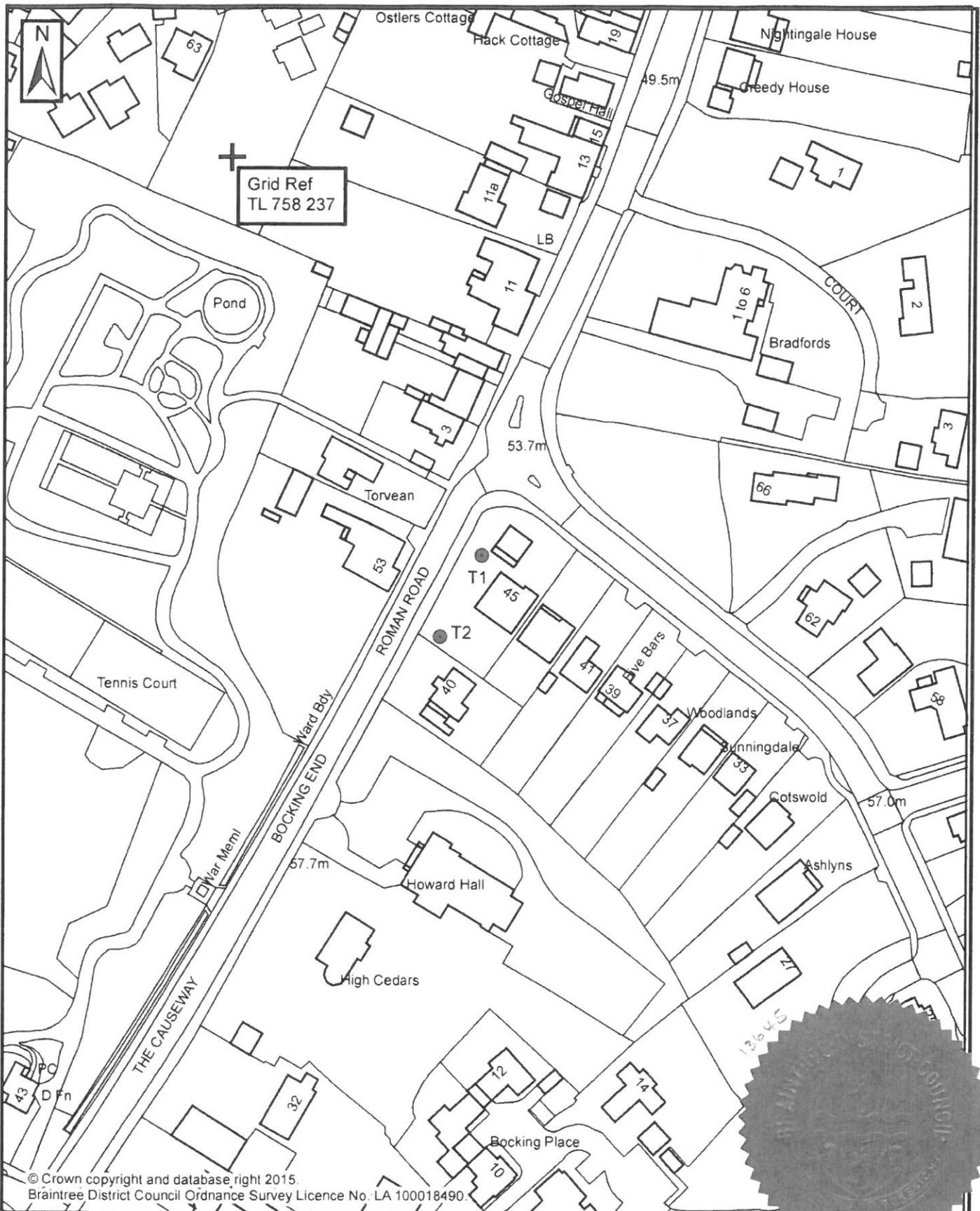
REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Groups of trees (within a broken black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Woodlands (within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	



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Planning Department

Date: AUGUST 2015

Ref: 116-4-866

Drawn: DF

Scale: 1:1250
TL 7523

TREE PRESERVATION ORDER 05/2015

45 COURTAULD ROAD
BRAINTREE

This is the map referred to in the
Braintree District Council Tree
Preservation Order No. 05/2015

.....
Authorised Signatory

Braintree
District Council

Tree Preservation Order Authorisation

Address: 45 Courtauld Road, Braintree, Essex, CM7 9BE

Ownership: Mr and Mrs Hussain

Suggested Consultees: 40 Bocking End, Braintree, Essex, CM7 9AA.

Notes on expediency: A Conservation Area notification has been submitted stating that these trees are to be felled.

Notes on amenity: These are two large pine trees with high amenity value that are clearly visible from the public highway.

Tree Number on Plan	Tree Species (Common only)	Written description of location
T1	Pine	Side of 45 Courtauld Road, Braintree, CM7 9BE
T2	Pine	Garden of 45 Courtauld Road, on boundary with 40 Bocking End, Braintree CM7 9AA


Is a 201 Directive required?

YES

Is a clear scale plan showing exact location of the tree attached?

YES

Authorisation is given for making a new Tree Preservation Order at the above address.

Signed 
 Landscape Services Team Supervisor

Date 2.8.15

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/4/15	Surveyor: KM
Tree details TPO Ref (if applicable): Owner (if known):	
Tree/Group No: T1, T2 Species: PINE Location: GARDEN OF 45 COURTHOLD RD, BRAINTREE	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes ⑤ HEALTHY TREES IN GOOD CONDITION

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes ② MATURE TREES
--

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

- Highly suitable
Suitable
Suitable
Barely suitable
Probably unsuitable

Score & Notes ④ CLEARLY VISIBLE FROM BORING END.
--

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|---|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes
④ PART OF GROUP ALONG WITH OTHER PINES IN LOCAL VICINITY. |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|--|
| 5) Immediate threat to tree | Score & Notes
⑤ IMMEDIATE THREAT - CONSERVATION AREA NOTIFICATION TO FELL. |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total: ②⑦

Decision: TPO

45 Courtauld Road
Braintree, Essex
CM7 9BE

Development Management
Sustainable Development
Braintree District Council
Causeway House
Braintree, Essex
CM7 9HB

16th September 2015

Dear Kieran McGrath

Tree Preservation Order No. 05/2015/TPO

Please find enclosed my appeal for the decision to place Tree Preservation orders on two Pine trees at 45 Courtauld Road, CM7 9BE.

Should you have any queries, Please do not hesitate to contact me.

Yours Sincerely

A black rectangular box redacting the signature of Mr Huseyin Mustafa.

Mr Huseyin Mustafa

ENC.

Objection letter
Images
B&M Tree Care Division
Objection letter- 43 Courtauld Road
Insurance statement fact

This is an appeal against the decision to place a Tree Preservation Order on two Pine trees sited at 45 Courtauld Road, Braintree CM7 9BE. Your reference 05/2015/TPO, identified the trees as T1 and T2 on Site Plan reference 116-5-866.

The order was issued because "These are two large pine trees with high amenity value that are clearly visible from the public highway".

There are three Pine Trees at the property; two have been issued with a Tree Preservation Order, and one has been granted permission to be removed, due to the canopy cover and potential damage to the property from falling branches. This pine tree is more than 7 metres away from the house and is damaging the property.

I would request that there be no Tree Preservation Order for either of the other two pine trees for the following reasons.

Tree T1 used to have an 8ft Trampoline near it, but in the winter of 2014/2015, a very large branch broke off and damaged the Trampoline by tearing the mat and net, and bent the metal supports. If the branch had fallen in the opposite direction it would have damaged the car lodge or the house. This tree is located close to the house being just 6 metres away. It is even closer to the car lodge being just 4 metres away. It stands approximately 100ft tall. The roots have made the block paving area surrounding the house and car lodge a trip hazard, which I've had to fix on a number of occasions.

The proximity to our house and sheer height of the tree T1 means that it is very difficult to obtain house insurance. Our current insurance requires that any tree more than 5 metres tall should not be more than 7 metres from the house. If the pine was reduced in height to 5 metres, there would only be the trunk remaining as the canopy is so very high. We are concerned as to how we can ensure that our property is adequately protected from any falling branches in the future or strong winds which could cause the tree to fall.

In relation to Tree T2, my rear neighbour is very concerned about it as it is leaning towards his house and is afraid, when we have severe bad weather it could potentially fall onto their house. They have informed me that in previous years, they have had large branches fall onto their driveway. Had his car been parked near the tree when these branches fell, they would have caused significant damage. This tree is not as high as T1, but is nonetheless high for the size of our garden and is in close proximity to my neighbours property.

Both trees adversely affect the enjoyment of our garden. By 14:00pm, 60% of the garden is in shade due to the long large branches of these Pine Trees.

I have consulted a Tree Surgeon regarding these trees and they have informed me that Pine Trees are top heavy trees and that these trees have outgrown the site. If we were to cut the branches to reduce the height, we would be left with very tall unsightly stumps.

My wife and I are keen gardeners but are struggling to get anything to grow well due to the large size of these trees and lack of natural light it is allowing into the garden.

We are also concerned about the potential of falling branches from these trees, as at the height they currently stand, it is neither easy nor cheap to maintain them. If we were using our garden when a branch fell, it could injure us. We have experienced falling pine cones which are very painful. Again, this significantly affects our enjoyment of our property.

When we purchased the property, we did not think that the trees would cause us difficulties, but they are. Whilst we consider the pines to be attractive, they are not suited to our garden, and are more suited to an open area such as the Braintree and Bocking Public Gardens across the road. There are some fine specimens in that park. We do not feel that pines T1 and T2 do anything to enhance the amenity of the area apart from the fact that they can be seen from the road, but that is due to their excessive height.

We feel that the damage to our property already caused by the trees, the financial cost associated with that, the adverse impact on the enjoyment and general amenity of our property, the constant threat of damage to our house, our neighbour's property and the difficulties with insuring our home outweighs any perceived amenity value which the Council considers is applicable. If these issues had been known to the Council when we applied to remove the trees, it's decision would be different as they would have followed the same principle and guidelines as they had demonstrated for Pine tree they granted permission.

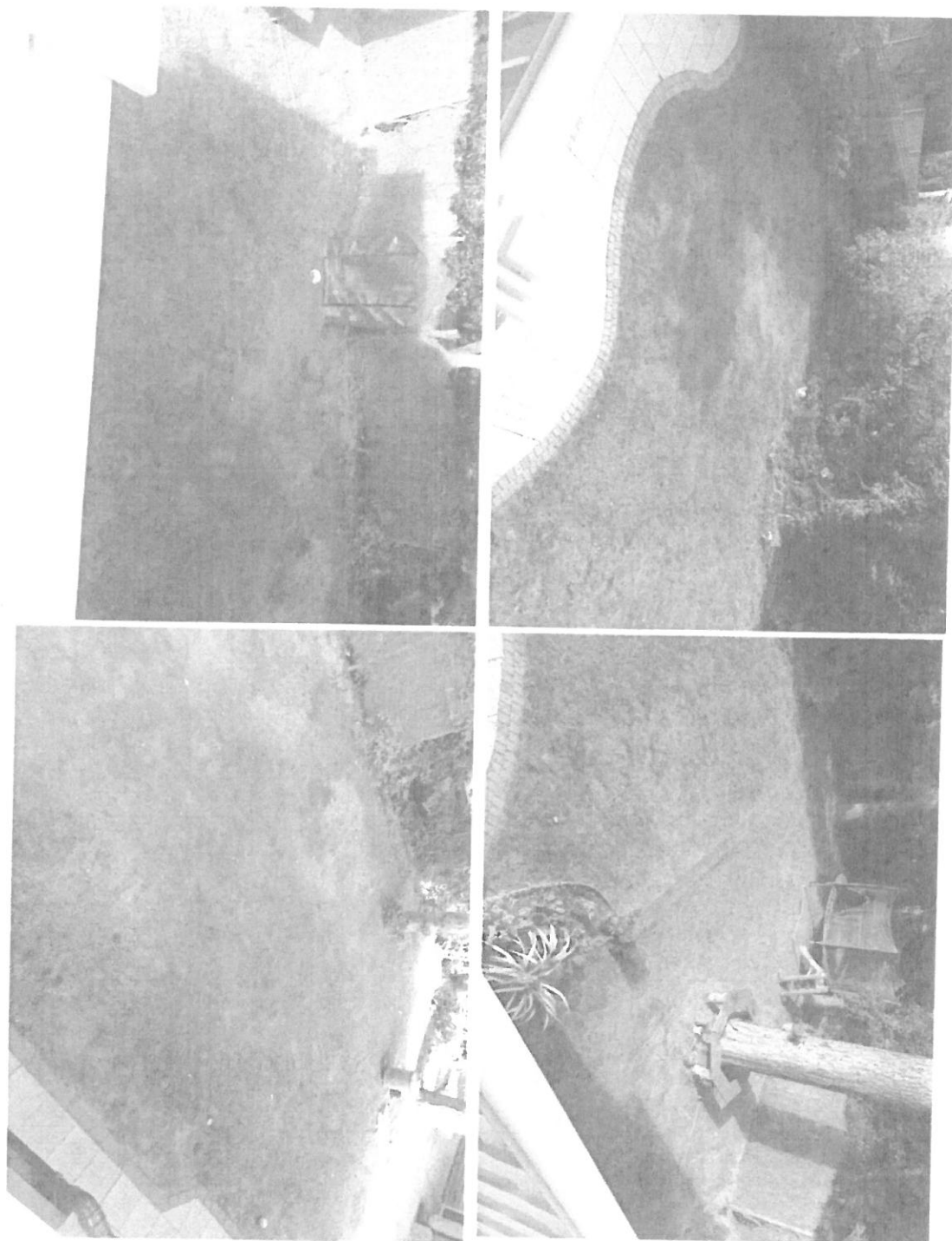
We would also point out that no member of the public has objected to the removal of the trees despite an application for their removal was advertised for 4 weeks.

The Council gave permission for the removal of a laburnum tree at no.25 Courtauld Road. This was right on the road and arguably had far more amenity value than our Pines trees. Yet due to the obstruction it caused to some road users and safety for the child at the property, it was given permission to be removed.

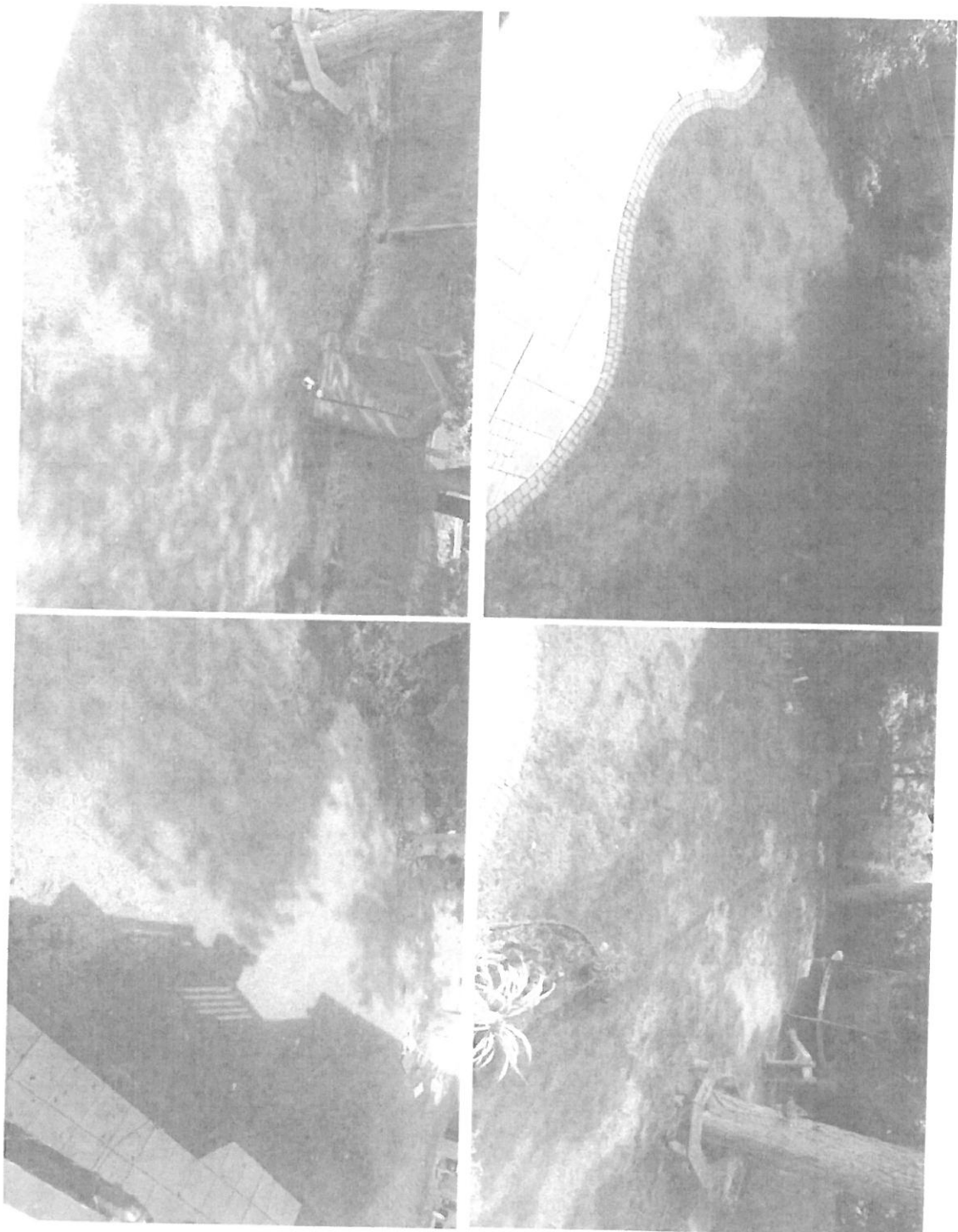
The current situation in our opinion will only worsen, its not a case of if the branch falls, but when it falls. The damage it will cause, and for all the reasons stated above, and for the safety to ourselves, neighbours, and in the interests of enjoying our property and protecting it, we request that the decision to place a Tree Preservation Order on these two Pine Trees removed.

Please see pictures attached for the shade caused by the trees throughout the day and to the solar panels. Also please find attached a letter from B&M Tree Care Division and neighbour No 43. outlining their concerns, and a document from my Home Insurance company stating the tree location requirement.

9:00am



12:45pm



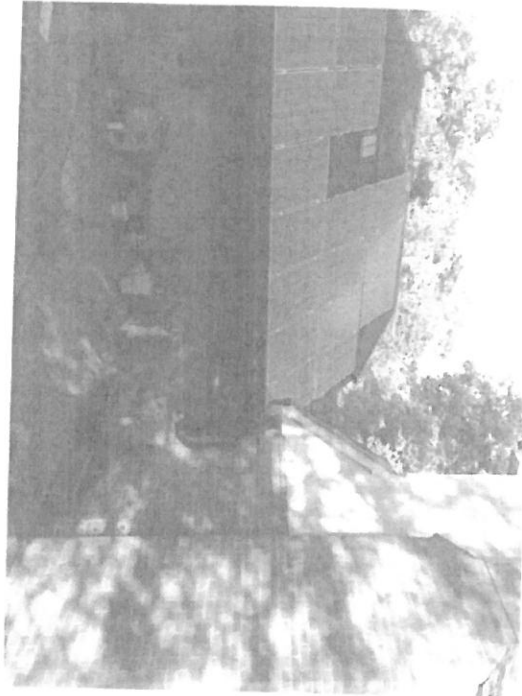
4:00pm



5:15pm



Solar Panels go into shade from about 1:00pm



B & M TREE CARE DIVISION

**PROFESSIONAL GARDEN WORK AND ALL ASPECTS OF
TREE SURGERY**

Dear Braintree tree officer

On the behalf of Mr Huseyin Mustafa and his family, I would like to appeal your decision to put a TPO on the large pines to the front, middle and rear boundary of 45 courtauld rd, firstly I would like to mention to pine to the rear boundary I have 2 second opinions on the tree in question and it has in previous high winds heaved its root ball hence it is a heavy forward leaning tree, my concern with the advice I have been given it is at risk of falling into the next door and the upstairs bedroom is in line with its drop zone I appeal that this pine should be removed from a safety point of view.

I would like to thank you for the permission to remove the 2nd large pine that's canopy is over hanging Mr Mustafa's balcony but would also like to point out that to remove this pine is going to cost £773 for 1 day spider lift hire which is the same to remove both trees and I feel it would be unfair for Mr Mustafa to pay this twice if at a later date we were granted permission as I'm certain they will re-apply again and again, this tree is massively too big for the space it is now in, I am also frustrated that when Mr Mustafa's property was built Braintree council did not make sure the correct reduction was made to the pines to control their height or property perimeter not close to them so on that basis, I would like you to reconsider also removing the large pine at the front as well as this is in too closer proximity to the house. Mr Mustafa's children regularly play in the garden and family use the rear walkway the height of the first limb is nearly the height of the house if 1 of the limbs was to strike any person due to summer branch drop or high winds I do not even have to express the damage it could cause on that basis I would like you to grant us permission to remove all 3 of the pines.

CALL GREG: 07564 678 500

**B&M Cleaning & Painting | Sculpins Farm |
Sculpins Lane | Wethersfield | CM7 4AY**

**City &
Guilds
NPTC**



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TPO objection

From: **Claire Lefort** [REDACTED]

Sent: 16 September 2015 07:55:32

To: Huseyin Mustafa [REDACTED]

Dear Huseyin

We understand that the Council has imposed a Tree Preservation Order (TPO) on two oversized pine trees in your garden. We strongly object to the TPO and make the following comments.

The two pines are excessive in size and tower above your property and our property. They are simply too big to be in such close proximity to our homes and are much more suited to an open area such as a park. We are very concerned about the potential dangers from falling branches from the trees and worse still, if the trees were to fall. We are sure that due to the extreme height of the tree closest to your car lodge, if that tree fell it would cause damage to our property, which causes us great concern. The weather for this winter is forecast to be severe and these trees could pose a real danger to our properties. We are also concerned about our safety as well in the event that a branch falls or the trees fall, because they are so high and large, they pose a significant danger to us if we happened to be in our front drive.

The sheer height of the trees means that they will not be easy to maintain and if the height was reduced to a height which could be considered more acceptable in a domestic garden, there would be little more than a stump left. The imposition of a TPO is likely to make the maintenance of the trees even more problematic due to the application process which needs to be undertaken.

Although the trees can be seen from the highway, I would not say that they have a significant impact on the amenity of the area as there are several other trees on both of our properties which have greater amenity value such as the two Limes at the front of our properties. There is also an abundance of trees in Courtauld Road and Bocking End which have a much more significant impact than the pines. It is only due to the excessive height of the pines that they can actually be seen. Also there are far better pines in the Bocking Public Gardens just opposite your house in Bocking End. We therefore do not feel that the loss of both trees would have an adverse affect on the street scene and amenity value of the area. We are aware of other properties in Courtauld Road where trees which front the highway and could be clearly seen and yet they have been removed either with or without permission. One example is the Laburnham tree which was recently removed at the front of 25 Courtauld Road. This was adjacent to the highway and could be clearly seen, and therefore could be considered to have amenity value. But due to the problems for the owners and road users, the Council gave permission for the tree to be remove. Perhaps also noting that there are several other trees in very close proximity to the Laburnham and therefore its loss would not be as significant if there were no trees nearby. A similar approach should have been given in this case with the pines.

We consider that the pines pose a real danger to our properties, and our personal safety, they are oversized to be in a domestic garden and far too close to our homes. These factors should outweigh

any perceived amenity value of the trees.

Kind regards

Claire and Andrew

43 Courtauld Road Braintree

Statement of Fact



Are there any trees or shrubs within 7 metres (22 feet) of the property which are more than 5 metres (16 feet) tall? No

Is the home self-contained with a separate lockable entrance under your sole control? Yes

Is the property to be insured free from flooding, in an area that is free from flooding and not in an area indicated as a flood risk area by the Environment Agency? Yes

Is the home within 400 metres of any cliff, riverbank, lake, seafront, quarry or other excavation? No

Is the property in a good state of repair and free from damage or defect in any way? Yes

Will the property be maintained in a good state of repair? Yes

Is the home a listed building? Not Listed

4. GENERAL DETAILS

* Refer to section 12. CLAIMS DETAILS

Occupancy status? Permanent Home

Has your home been extended, other than for a conservatory, which has resulted in more than 10% increase in the original floor area? No

Is the home occupied solely by you & your family as a permanent residence? Yes

How many people normally occupy your home? No. of adults/No. of children (under 18's) 3 / 2

Will any trade or business be carried out in this property or in the building of which it forms part? No

Is the business use restricted to clerical use only? No

Have you, or anyone usually living with you:

- ñ Suffered any loss, theft, damage, injury or liability in the last 5 years, whether or not the home was insured? No
- ñ Ever been convicted of or charged with (but not tried yet) with any offence other than driving offences (Convictions regarded as spent by virtue of the Rehabilitation of Offenders Act 1974 do not need to be disclosed) No
- ñ Ever had any financial or legal problems such as bankruptcy, liquidation or county court judgments? No
- ñ Ever had any previous insurance subjected to increased terms, conditions, withdrawn or refused? No

5. SECURITY

Is the home unoccupied on a daily basis during working hours? No

Do you require security discount? Yes

Is the property unoccupied during the night-time? No

Are approved locks fitted? Locks that conform to BS3621 or a good quality 5 lever mortise deadlock fitted to all external doors. Key operated locks fitted to all accessible windows, patio doors and French/double doors. Yes

What is the maximum number of consecutive days that the home is left unoccupied? 30

Is the home fitted with an alarm system? No

Is the home fitted with an approved smoke detector? Yes

Type of alarm? N/A

Are you a member of an accredited neighbourhood watch scheme? No

Do you have a safe installed? No

Do the premises have exterior lighting? Yes

Is the alarm under an annual maintenance contract? N/A

Are the security devices activated at night or when the property is unoccupied? Yes

6. BUILDINGS INSURANCE

Does the buildings sum insured represent the full cost of rebuilding as new the home to be insured? Yes

Buildings sum insured £500000

Voluntary excess £0

Type of cover Accidental Damage

How many claim free years have you earned for Buildings? 9

Name and address of the Building Society or Mortgage Lending Institution which has a financial interest in the home:

Name Woolwich plc

Name

Address

Address

Postcode Mortgagor

Postcode

Reference no.

Reference no.

Interest type Mortgagor

Interest type

7. CONTENTS INSURANCE (excluding items to be insured under section 8)

** Valuables: Any article composed of precious metals or incorporating precious stones, jewellery, furs watches, works of art, antiques, curious, collections of stamps or coins or medals.

Contents sum insured £60000

Valuables sum insured ** £4500

Is the amount sufficient to cover the full replacement cost of all the contents in the home? Yes

What is the value of the most expensive valuable** item or set of valuable** items in the home? £700

Type of cover Accidental Damage

Voluntary excess £0

How many claim free years have you earned for Contents? 9

Previous insurer (contents) Unknown

Previous policy number 0

Expiry date 23/02/2015

Braintree District Council
Causeway House
Braintree
Essex
CM7 9HB

40 Bocking End
Braintree
Essex
CM7 9AA

6 September 2015

Dear Sir or Madam

Tree preservation order number 05/2015/TP0

I have been informed that consent has been granted for removal of one of three pine trees in the garden of 45 Courtauld Road. I am concerned that when the centre tree is felled, the one in close proximity to my property will be more susceptible to damage during inclement weather. Indeed, the consequences of a lightning strike could be catastrophic. I have always felt vulnerable in this respect. Incidentally, earlier this year, a branch fell from the tree. This would undoubtedly have injured a person or damaged a vehicle in its path. I am also concerned about the implications of the tree's roots upon my parking area. The tarmac is raised in this respect. In view of these issues, I would be grateful if further consideration could be given to my neighbour's request for the removal of this tree.

Thank you.

Yours faithfully



B CLARK

7. Identification Of Tree(s) And Description Of Works continued ...

1. If the crown reduce trees by 2 metres
AND ~~PROTECT~~ ~~REMOVE~~ ALL TREES OVER
HANGING ROAD LEAVING 10 BRANCHES
COULD OFFICE AND REMOVAL OF
2 LEMLAND 1 TO LEFT OF REAR
BOUNDARY

8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

- 1. Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall:
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert. ☐ Yes ☐ No
- 2. Alleged damage to property** - e.g. subsidence or damage to drains or drives:
If YES, you are required to provide for: ☐ Yes ☐ No

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes ☐ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.



9. Authority Employee / Member

With respect to the Authority, I am:
(a) a member of staff ☐ (c) related to a member of staff ☐
(b) an elected member ☐ (d) related to an elected member ☐
If Yes, please provide details of the name, relationship and role

Do any of these statements apply to you?
☐ Yes ☐ No

10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8) ☒

For all trees

- (see Question 7) ☒
- Clear identification of the trees concerned ☒
- A full and clear specification of the works to be carried out ☒

For works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works? ☐
- provided evidence in support of the stated reasons? In particular:
 - If your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert ☐
 - If you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist ☐
 - in respect of other structural damage - written technical evidence ☐
- Included all other information listed in Question 8? ☐

11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) signing them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

24/6/15 (This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers
Country code: National number: Extension number:
Country code: Mobile number (optional):
Country code: Fax number (optional):
Email address (optional):

13. Agent Contact Details

Telephone numbers
Country code: National number: Extension number:
Country code: Mobile number (optional):
Country code: Fax number (optional):
Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner. (Please see guidance notes)

COPY

2007/ 0722 /FUL



ARBORICULTURAL REPORT

43 COURTAULD ROAD
BRAINTREE
ESSEX

12th April 2007



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Summary

The purpose of this report is to provide Arboricultural advice in relation to the trees shown on the plan, in accordance with BS5837 2005 'Trees in Relation to Construction'.

1 INTRODUCTION

1.1 Brief :

This report has been prepared at the request of Mark Brand to assess the trees in accordance with BS 5837 2005, with a view of undertaking development on the site.

- 1.2 Qualifications and experience: I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture and list the details in Appendix 1.

- 1.3 Documents and information provided:

An ordinance survey map depicting the site boundaries scale 1:1250.

A map showing the areas covered by TPO 34/71, of which the site is part of.

- 1.4 Relevant background information:

None

- 1.5 Scope of this report:

This report is only concerned with the trees contained within the site boundaries. Any tree or shrub not included is considered to be of little significance that has no prominent amenity value or could be replaced within a planting scheme.

2 SITE VISIT AND OBSERVATIONS / COLLECTION OF DATA

2.1 Site visit:

A site visit was carried out on 29th March 2007. All my observations were from ground level, all dimensions are estimated unless otherwise indicated. The weather at the time of inspection was overcast, dry with average visibility.

2.2 Brief site description:

The site is set within the conservation area of the town of Braintree, and currently has a detached dwelling and with a separate garage. Established and dense vegetation provide screening from the roads which run parallel with the north and west boundaries. On the western boundary the site rises above the pavement by approximately 1m. Within the site there are some large prominent trees that contribute to the street scene as well as being a prominent feature on the sky line.

3 APPRAISAL

Photo's to accompany these comments can be found in Appendix 2

3.1 Existing Tree Cover

The majority of the trees would appear to be in good health with little or no Arboricultural work required. Some arboricultural works in the form of partial crown reductions and crown lifting, especially over the road are advised to prevent future damage to high sided vehicles that could result in a claim against the owner of the property. To the front of the property facing onto Courtauld Road there is a thick vegetation screen consisting mostly of Laurel, which does not appear to have had any prior management. This band of vegetation continues along the western boundary and consists of individual tree specimens rather than shrub type species. These two areas are the main focus of significant vegetation on the site.

3.2 Trees Fronting Courtauld Road

Two Lime trees are the main focus of the vegetation along this boundary, with hawthorn and laurel forming a hedging facade for the property. Running parallel to the side of the Lime trees are power lines that are beginning to be encroached upon by the crowns of the trees. Rather than leaving them to become a problem to the electrical service it would be prudent to consider reducing them back from the lines. The Electricity company have the right to clear their lines to provide clearance of 2m, that can leave the tree looking unbalanced and create future management liabilities. Around the base of the Lime trees is a thick mass of epicormic growth, although naturally occurring on such species it can hide any fungal presence or defect in the stem. It is suggested that this is cleared away so that a more detailed inspection can be undertaken. Although the Laurel that is present provides screening to the property, it would appear to be a dominating feature that utilises a lot of space that could equally be afforded by developing a new hedge line along the boundary with a more varied mix of native species as found in a native hedgerow as found in G1. This would offer amenity value and habitat for wildlife, as well as providing in time an impenetrable barrier to the property that will have security benefits. Toward the junction with Roman Road there is a stretch of Beech hedging that is establishing on the boundary edge, that would benefit from being reduced to encourage it to thicken up and could be incorporated into a newly planted hedge along the boundary.

3.3 Trees Fronting Roman Road

The trees along this boundary offer amenity value and add to the character of the area. The Evergreen Oak (T16) in particular is a prominent feature that protrudes over the highway, to a point where it has been struck by high sided vehicles. This needs to be addressed as it could lead to damage being sustained to a vehicle which could result in legal action being taken against the owner of the tree. Also the wounding on the tree could provide an entry point to pathogenic fungi that could cause a decline in the trees health and vitality. This could be alleviated by raising the crown over the road by 5m. As the species on this boundary are growing on an incline, there could be future issues with anchorage if the trees are not managed correctly due to wind throw possibilities associated with the lack of rooting zone on the western side of the trees. However, by managing the crown size of the trees will assist in reducing the risk of wind throw, and maintain the trees in accordance to their environment. Set back from the boundary there are some Pine trees that are large and a principal aspect within the landscape, with a couple of specimens that are less prominent and some what suppressed by the larger trees. Some dead wooding and thinning of

specimens would be advantageous to allow the development of some of the younger specimens and provide space for considerate replanting of lower storey vegetation, as well as providing specimens that will replace the larger trees when their safe useful life expectancy (SULE) is diminished. Taking these points into account will help to ensure a continued tree cover within the landscape for future generations.

3.4 Trees Along Rear Boundary

The only specimens of consequence on this boundary are the conifers, that if not managed have the potential to cause problems to the nearby neighbouring property. These specimens along with the shrub specimens along this boundary offer an element of screening that could be an advantageous factor for any proposed development on the site. If managed on a regular basis this will mitigate any potential problems they could have, and prove to be an integral part of any landscaping.

3.5 Future Landscaping Considerations

Because of the dense crown cover afforded by the specimens along the western boundary, and the acidic nature of the soil that arises from the needle casts of the pine trees, consideration into the use and planting of the garden area will need to be careful coordinated. The area covered by the coniferous species is quite large and excessive needle drop will likely become a problem of any amenity space situated underneath these trees. Lawn area may be hard to establish because of this fact, and due to shade and competition from the established trees already present. A woodland style garden or decked area may serve as a better use of garden space for this site.

4 CONCLUSIONS

- 4.1 The trees on site are generally in a healthy condition, apart from those mentioned in the survey that are either dead or suppressed to such a degree that their future development would be hindered by better specimens.
- 4.2 The site contains some trees that are a prominent feature in the local landscape and should be retained and adequately protected if the site was to be developed.
- 4.3 Consideration needs to be given to the trees and how a development layout might affect them or be affected by the trees, for example leaf litter and establishment of a garden area may be a problem under the canopy of the larger specimens.
- 4.4 Some remedial tree surgery work has been suggested to reduce the risk of damage to vehicles or power lines, and to manage the tree in accordance to their location..

5 OTHER CONSIDERATIONS

5.1 Trees subject to statutory controls:

As these trees are covered by a tree preservation order it will be necessary to consult the local authority before any works other than certain exemptions can be carried out. The works specified within the report are necessary for reasonable management and should be acceptable to the local authority. However, tree owners should appreciate that they may take an alternative point of view and have the option to refuse consent.

Andrew Day HND Arb
For Essex Arboriculture.

Appendix 1

Brief qualifications and experience of Andrew Day

My name is Andrew Day. I hold a Higher National Diploma in Arboriculture. I have been working in the field of arboriculture for approximately 10 years, spending time as a contracting arborist undertaking all aspects of practical arboriculture both in the UK and Europe. I have also worked within local government as a tree officer working for a variety of local authorities. I have a broad experience of both the practical and theoretical aspects of arboriculture having worked within the public and private sector. I am currently a consulting arborist for Essex Arboriculture.

1. Qualifications: Higher National Diploma in Arboriculture (1996)

NPTC (National proficiency training council) units 20,21
and 22

2. Practical experience:

I worked for a private Arboriculture company for three years undertaking many practical aspects of Arboriculture. Prior to joining Essex Arboriculture I worked as a local authority tree officer for five years, my duties included consulting on planning matters with regard to trees, advice to the general public, managing the councils tree stock and liaising with other professionals on Arboricultural related issues.

Appendix 2

SITE PHOTOGRAPHS



Looking at site from Courtauld Road



Looking at site from Roman Road



Looking at the site from the junction with
Courtauld Rd, Roman Rd and Bradford Street



Looking at the trees on the western boundary
from within the rear garden of the site

APPENDIX 3
Tree Schedule and Explanatory Notes

Tree Num.	Species	Height m	Stem diameter cm	Branch Spread M	Height of Crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contributing years	Cat grading
T1	Lime (Tillia Spp)	10	Multi 40	N 2.7 E 4 S 5 W 4	2	SM	Good	Good	Clear from adjacent power lines	100+	B
T2	Lime (Tillia Spp)	18	63	N 3 E 5.9 S 4.0 W 5.1	5.3	SM	Good	Good	Remove epicormic growth Deadwood Crown lift over road 5.1m	50+	A
T3	Acacia (Robinia Spp)	10	19	N 1.7 E 2.8 S 2.7 W 1.8	4	SM	Good	Good.	Due to growth focused high up on main stem, could be subject to wind throw	80+	C
T4	Ironwood (Parrotia Spp)	10	Multi 40	N 3.1 E 3.0 S 2.7 W 1.6	2	SM	Fair Suppressed by adjacent vegetation	Good. Apart from southern stem which has large wounds	Remove southern stem	50+	C

Timber Grove, Rayleigh, Essex

APPENDIX 3
Tree Schedule and Explanatory Notes

Tree Num.	Species	Height m	Stem diameter cm	Branch Spread M	Height of Crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contributing years	Cat grading
T5	Maple (Acer Spp)	10	Multi 58	N 6.7 E 4.8 S 2.0 W 7.1	3	SM	Good	Fair Old coppice stains on stem – indicative of phytophthora	Crown reduce by 50% and monitor	50+	C
T6	Horse Chestnut (Aesculus Spp)	10	Multi 80	N 3.1 E 3.9 S 4.5 W 7.2	3	SM	Good	Good Some included bark at branch unions	Monitor. Growing on the side of a bank. Could be liable to wind throw	50+	B
T7	Sycamore (Acer Spp)	10	Multi 80	N 4.5 E 4.7 S 3.6 W 6.8	4	SM	Good	Good.	Sever ivy. Deadwood. Monitor	80+	B
T8	Pine (Pinus Spp)	20	62	N 2.3 E 4.5 S 4.1 W 4.4	8	M	Good	Good.	Deadwood	40+	A
T9	Holly (Ilex Spp)	8	Multi 40	N 3.0 E 3.0 S 3.0 W 2.4	To ground	SM	Good	Good.	Crown lift to 2m	80+	C
T10	Lime (Tillia Spp)	10	38.3	N 3.0 E 3.9 S 3.9 W 5.6	1	SM	Good	Good.	Crown lift to 2m	100+	B

Timber Grove, Rayleigh, Essex

APPENDIX 3
Tree Schedule and Explanatory Notes

Tree Num.	Species	Height m	Stem diameter cm	Branch Spread M	Height of Crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contributing years	Cat grading
T11	Pine (Pinus Spp)	12	44.5	N 2 E 2 S 2 W 2	4	SM	Poor	Poor.	Dead. Remove.	0	R
T12	Pine (Pinus Spp)	12	30	N 2.0 E 5.1 S 3.2 W 4.0	8	SM	Poor	Good	Liable to wind throw	50+	R
T13	Pine (Pinus Spp)	12	26.5	N 3.0 E 4.1 S 2.8 W 2.0	6	SM	Fair	Good	Liable to wind throw	50+	R
T14	Holly (Ilex Spp)	8	Multi 30	N 2.3 E 3.0 S 2.7 W 2.5	To ground	SM	Good	Good	N/AI	80+	C
T15	Portugal Laurel (Prunus Spp)	5	30	N 2.8 E 3.6 S 2.9 W 2.1	1.5	SM	Fair	Fair Leaning. Old wind thrown tree	Remove	20+	R

Timber Grove, Rayleigh, Essex

APPENDIX 3
Tree Schedule and Explanatory Notes

Tree Num.	Species	Height m	Stem diameter cm	Branch Spread M	Height of Crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contributing years	Cat grading
T16	Evergreen Oak (Quercus Spp)	10	54.5	N 5.0 E 5.0 S 6.0 W 7.6	4	SM	Good	Good	Crown lift to 5.1m over road. Monitor	100+	A
T17	Horse chestnut Aesculus Spp)	10	33.8	N 3.3 E 2.4 S 2.0 W 4.4	3	SM	Fair	Fair Canker at approx. 1m on eastern side of stem	Remove as unlikely to form into good specimen. Canker could affect structural integrity	30+	R
T18	Pine (Pinus Spp)	20	77	N 4.7 E 8.6 S 4.4 W 6.1	6	M	Good	Good.	Crown lift to 10m to balance crown and minimise risk of helical cracking due to lever effect of over extended laterals on eastern side	30+	A
T19	Pine (Pinus Spp)	12	39.34.0	N 2.1 E 2.0 S 6.0 W 4.0	6	SM	Fair	Good	Remove. Being suppressed by T20 which is a better specimen	30+	R

Timber Grove, Rayleigh, Essex

APPENDIX 3
Tree Schedule and Explanatory Notes

T20	Evergreen Oak (Quercus Spp)	8	30.5	N 4.5 E 66 S 3.2 W 2.0	2	SM	Good	Good	Monitor. Included bark at leader union at approx 1.5m	100+	C
T21	Sycamore (Acer Spp)	8	20	N 4.0 E 0 S 6 W 5	5	SM	Fair	Fair Leaning over road and growing on a bank	Reduce to 2m and manage as pollard.	50+	C
T22	Sycamore (Acer Spp)	8	24	N 1.0 E 2.0 S 6.0 W 5.0	5	SM	Poor	Fair	Suppressed by adjacent vegetation. Fell	30+	R
T23	Pine (Pinus Spp)	15	50	N 4.0 E 5.7 S 4.0 W 3.7	8	SM	Good One side crown	Good	Deadwood	50+	B
T24	Purple Leaf Plum (Prunus Spp)	8	33.5	N 3.4 E 5.2 S 2.5 W 1.8	1.5	SM	Fair Leans eastward	Good	Crown lift to 2m	20+	C
T25	Conifer (Cupressaceae Spp)	8	20	N 1.9 E 1.9 S 1.9 W 1.9	To ground	SM	Good	Good	N/A	30+	C

Timber Grove, Rayleigh, Essex

APPENDIX 3
Tree Schedule and Explanatory Notes

Tree Num.	Species	Height m	Stem diameter cm	Branch Spread m	Height of Crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contributing years	Cat grading
G1	Holly (Ilex Spp) Hawthorn (Crataegus Spp)	5	Ave 10	N/A	To Ground	SM	Good	Good	Provides screening to property. Keep clear of Highway	20+	B
G2	Laurel Lauraceae Spp) Yew Taxus Spp)	5	Ave 15	N/A	To ground	SM	Good	Good	Provides screening to property. Keep clear of Highway	30+	B
G3	Beech (Fagus Spp)	8	Ave 5	N/A	2	SM	Good.	Good	Reduce to 2m to form hedge	50+	B
G4	Conifer Cupressaceae Spp)	8	10	N/A	T ground	SM	Good	Good	Reduce conifers to 5m	30+	C

Timber Grove, Rayleigh, Essex

Tree Survey Explanatory Notes

- Mathematical abbreviations: > = Greater than; < = Less than.
- Measurements/estimates: All dimensions are estimates unless otherwise indicated. Measurements taken with a tape or clinometer are indicated with a '*'. Less reliable estimated dimensions are indicated with a '?'.
 - Species: The species identification is based on visual observations and the common English name of what the tree appeared to be is listed first, with the botanical name after in brackets. In some instances, it may be difficult to quickly and accurately identify a particular tree without further detailed investigations. Where there is some doubt of the precise species of tree, it is indicated it with a '?' after the name in order to avoid delay in the production of the report. The botanical name is followed by the abbreviation sp if only the genus is known. The species listed for groups and hedges represent the main component and there may be other minor species not listed.
 - Height: Height is estimate height to the nearest metre.
 - Spread: The maximum crown spread is visually estimate to the nearest metre from the centre of the trunk to the tips of the live lateral branches. If it is impractical to measure a crown spread area i.e in relation to a group, this will be noted as 'N/A' (not applicable).
 - Diameter: These figures relate to 1.3m above ground level and are recorded in centimetres. If appropriate, diameter is measure with a diameter tape. 'M' indicates trees or shrubs with multiple stems.
 - Maturity: Maturity is assessed as mature (last one third of life expectancy), maturing (one third to two thirds life expectancy) and young (less than one third life expectancy).
 - Vigour: Low = low vigour and declining growth; Average = average vigour and growth; High = high vigour and strong growth.
 - Estimated Age: Age is estimated from visual indicators and it should only be taken as a provisional guide. Age estimates often need to be modified based on further information such as historical records or local knowledge.
 - Distance to Structures: This is estimated to the nearest metre and intended it as an indication rather than a precise measurement.
 - If no work is required this will be symbolised as 'N/A'.
 - Water demand information is in accordance with the guidance of the NHBC guidelines, chapter 4.2.
 - Cat grading relates to the category a tree is classed as in terms of the classifications outlined in BS 5837 'Trees in relation to construction'. These are as follows:

A (Green)	- Those of high quality and Value
B (Blue)	- Those of moderate quality and value
C (Grey)	- Those of low quality and value
R (Red)	- Those in such condition any existing value would be lost within 10yrs and removed in accordance with good Arboricultural management.

APPENDIX 4

SITE SPECIFIC INFORMATION

Protective Fencing Method Statement

Root Protection Area table

Hand Digging Method Statement

Pie Chart depicting site data

Notices for Protective Fencing

PROTECTIVE METHOD STATEMENT

1 PROJECT 43 COURTAULD ROAD, BRAINTREE, ESSEX

1.1 BRIEF

Provide protective fencing specification for the trees to be retained on site in accordance with BS5837 2005.

2 PROTECTIVE FENCING

Before work continues on site, a qualified arborist shall have assessed the trees and the parameters for the protection zone of tree(s) where required. This will be included within the method statement and agreed in writing by the Local Authority

2.1

A clearly presented plan showing all of the trees to be retained systematically numbered will be made prior to works and a construction exclusion zone will be formulated taking into account the trees root protection area (RPA), and other criteria set out in accordance with industry best practice BS5837. This will be shown on the accompanying plan.

2.2

Protective fencing shall be in accordance with industry best practice BS5837, unless agreed in writing by the local authority to any changes that may need to be made with regard to space constraints on site or material of fencing used. Informatives will be placed on the fencing to reiterate the reason for its presence.

2.3

Within the exclusion zone the following activities will be prohibited, unless specific permission is granted by the local authority in writing:

No storage of chemicals or other substances likely to leach and cause harm to the trees to be stored.

No storage of heavy plant or materials likely to cause soil compaction.

No ground disturbance works

No activities that could indirectly affect protected trees such as bonfires etc.

43 Courtauld Road, Braintree, Essex

2.4

If accidental spillage of chemicals or other damage to the trees takes place the local authority is to be notified as soon as possible, an arborist consulted as to the best actions to take to mitigate any damage that may have occurred as a result of the accident.

2.2

The protected area is not to be breached at anytime unless permission has been granted by the local authority and a qualified arborist has been consulted and supervises any work activities that need to take place.

2.3

Should the line of fencing need to be altered in any way or replaced then written permission is sought from the local authority, and a qualified arborist should be consulted.

Table 1.

Area of root protection required in accordance with BS5837 2005

Tree	Root protection Area (m2)	Circle Radius (m)	Square Sides (m)
T1	50.26	4	7.08
T2	179.55	7.56	13.39
T3	16.33	2.28	4.04
T4	50.26	4	7.08
T5	152.18	6.96	12.33
T6	201.06	8	14.17
T7	201.06	8	14.17
T8	173.89	7.44	13.18
T9	66.36	4.596	8.14
T10	89.58	5.34	9.46
T11	40.71	3.6	6.38
T12	31.76	3.18	5.63
T13	66.36	4.596	8.14
T14	28.27	3	5.31
T15	40.71	3.6	6.38
T16	134.37	6.54	11.59
T17	51.68	4.056	7.18
T18	268.22	9.24	16.37
T19	69.87	4.716	8.35
T20	42.08	3.66	6.48
T21	18.09	2.4	4.25
T22	26.05	2.88	5.10
T23	113.09	6	10.63
T24	50.76	4.02	7.12
T25	18.09	2.4	4.25

HAND DIG METHOD STATEMENT

1 PROJECT

43 Courtauld Road, Braintree, Essex

2 HAND DIG METHOD

2.1

The area to be excavated will be inspected by a professional arborist to assess the likely proximity of root activity and concentration prior to the commencement of any works. All relevant authorized personnel to be informed and required permissions gained before work commences.

2.2

A method of excavation will be agreed and undertaken by a suitably qualified person, in the presence of a qualified arborist. If possible an air pick shall be used to minimise damage to any roots that may be present.

2.3

During excavation great care will be taken to minimize damage to retained roots, including the bark around the roots.

2.4

All roots greater than 25mm diameter should be retained and worked around. Where clumps of smaller roots (including fibrous roots) are found these are to be retained.

2.5

Roots with a diameter in excess of 25mm must not be severed without permission from an Arboriculturist.

43 Courtauld Road, Braintree, Essex

2.6

If roots are encountered, the Arboriculturist must conduct the root pruning and inform the relevant person to suggest mitigation works to the tree(s) if required. If severance is unavoidable roots must be cut back using a sharp tool, leaving the smallest wound possible.

2.7

If there is a possibility of infection being passed from one specimen to another, tools will be sterilized in an appropriate method to reduce the risk of cross contamination.

2.8

When backfilling an inert granular material mixed with top soil or sharp sand (not builder's sand) is to be used around the retained roots. Unless an alternative backfill substrate has been agreed with in writing by the appropriate authorized personnel.

2.9

If roots are to be left exposed for a period of longer than 1 hour (dependent on weather conditions), then a covering of dampened Hessian or similar material is to be used to cover the exposed roots. Any changes to this practice are to be authorized by a qualified arborist.

3.0

All levels are to be returned to the original plane after any excavation, unless specific design and relevant permission has been authorized.

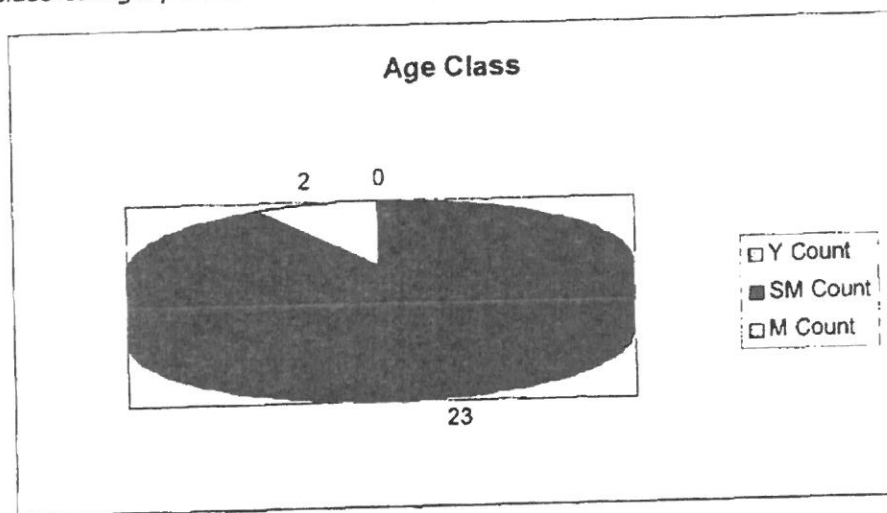
3.1

A qualified Arboriculturist is to be on site to supervise during any operations within the protection zone.

43 COURTAULD ROAD, BRAINTREE, ESSEX SITE SPECIFIC INFORMATION.

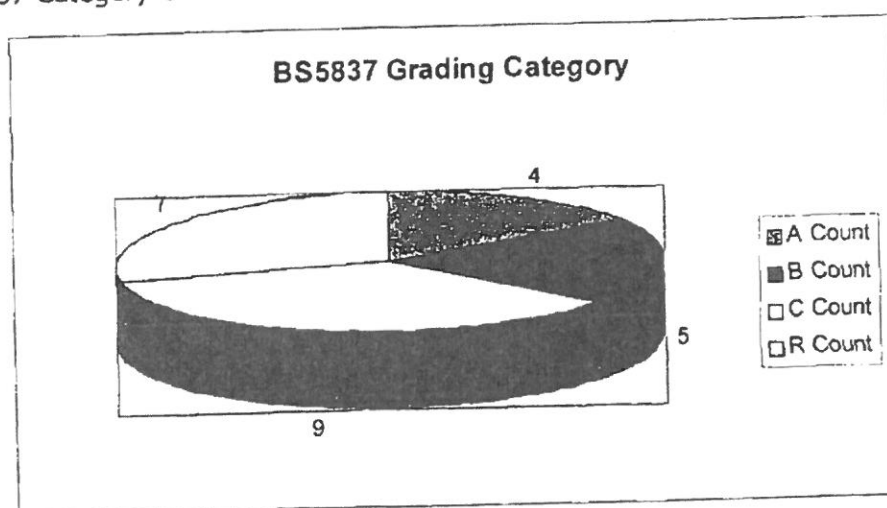
Age Class:

This is a graphical representation (using a pie chart) of the data values for the Age Class category from the tree survey table.



BS Category Class:

This is a graphical representation (using a pie chart) of the data values for the BS5837 Category Class Column from the tree survey table.





TREE PROTECTION ZONE

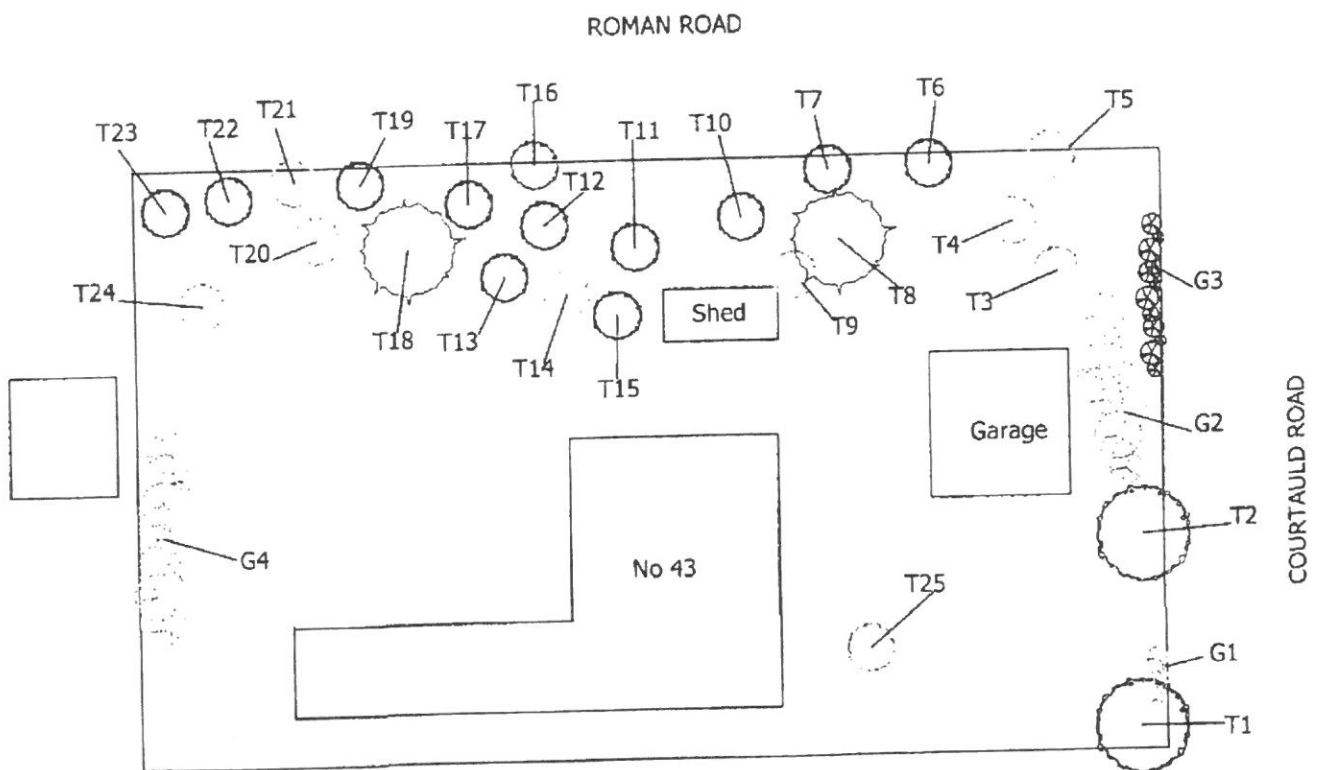
**DO NOT CROSS WITHOUT
PERMISSION**

**BREACHING THIS BARRIER
CAN RESULT IN THE
FOLLOWING:**

SHUT DOWN OF THE JOB

FINANCIAL IMPLICATIONS

CRIMINAL PROCEEDINGS



SITE PLAN OF 43 COURTAULD ROAD
BRAINTREE, ESSEX
(not to scale)

LIMITATIONS AND QUALIFICATIONS

Unless specifically mentioned the report will only be concerned with ground inspections. No below ground inspections will be carried out without prior confirmation from the client that such works should be undertaken.

The validity, accuracy and findings of this report will be directly related to the accuracy of the information made available during the inspection process. No checking of independent data will be undertaken, Essex Arboriculture will not be responsible for the recommendations within this report where essential data are not made available, or are inaccurate.

This report will remain valid for one year from the date of inspection, but will become invalid if any tree works not recommended within the report are undertaken, soil levels around the trees are altered in any way and if any building works which were not disclosed during the inspection are undertaken.

If any of the above occurs then it is strongly recommended that a new tree inspection is carried out.

It will be appreciated, and deemed to be accepted by the client that the formulation of the recommendations for the management of the trees will be guided by the following:

1. The need to avoid reasonable foreseeable damage
2. The arboricultural considerations – Tree safety, good Arboricultural practise and aesthetics.

The client is deemed to have accepted the limitation placed on the recommendations by the sources quoted in the attached report. Where sources are limited by time constraints, or the client, this may lead to an incomplete quantification of the risk.



Taken from Bocking End looking towards Bradford Street. T1 to the left, T2 to the right.



Taken from Bradford Street looking towards Bocking End. T1 with central pine (to be felled) to the rear.

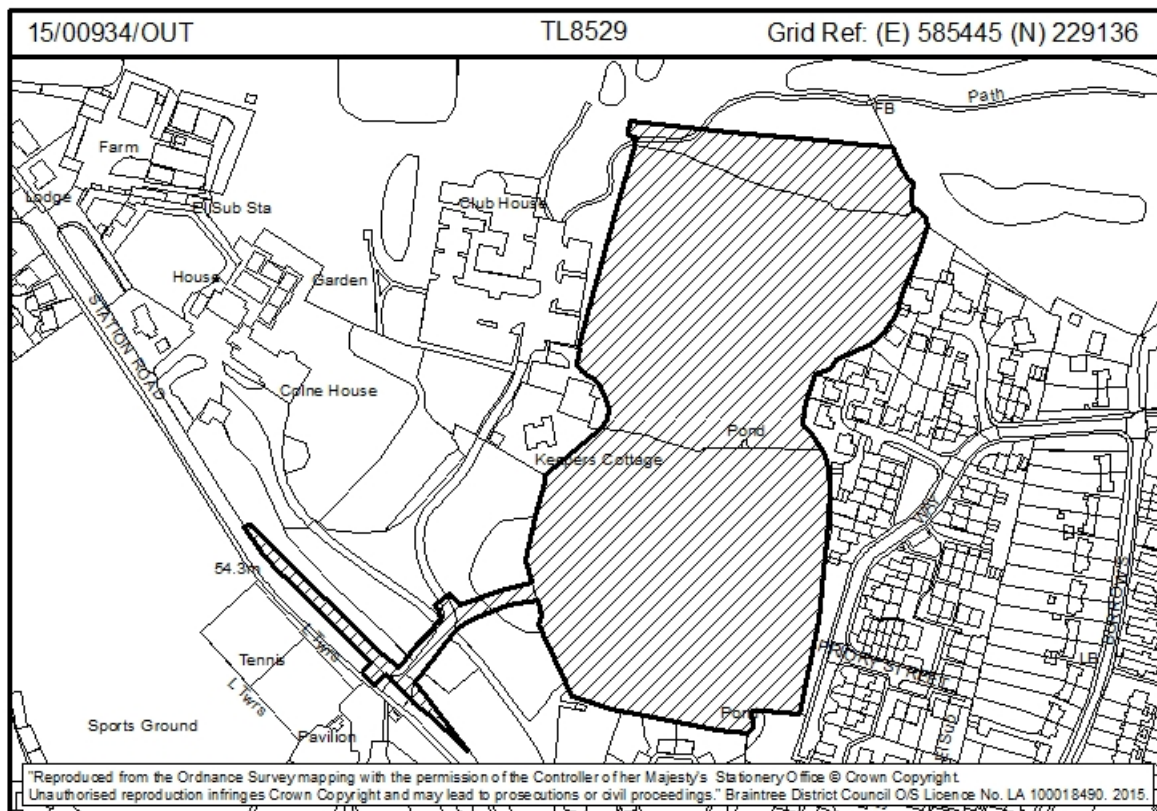
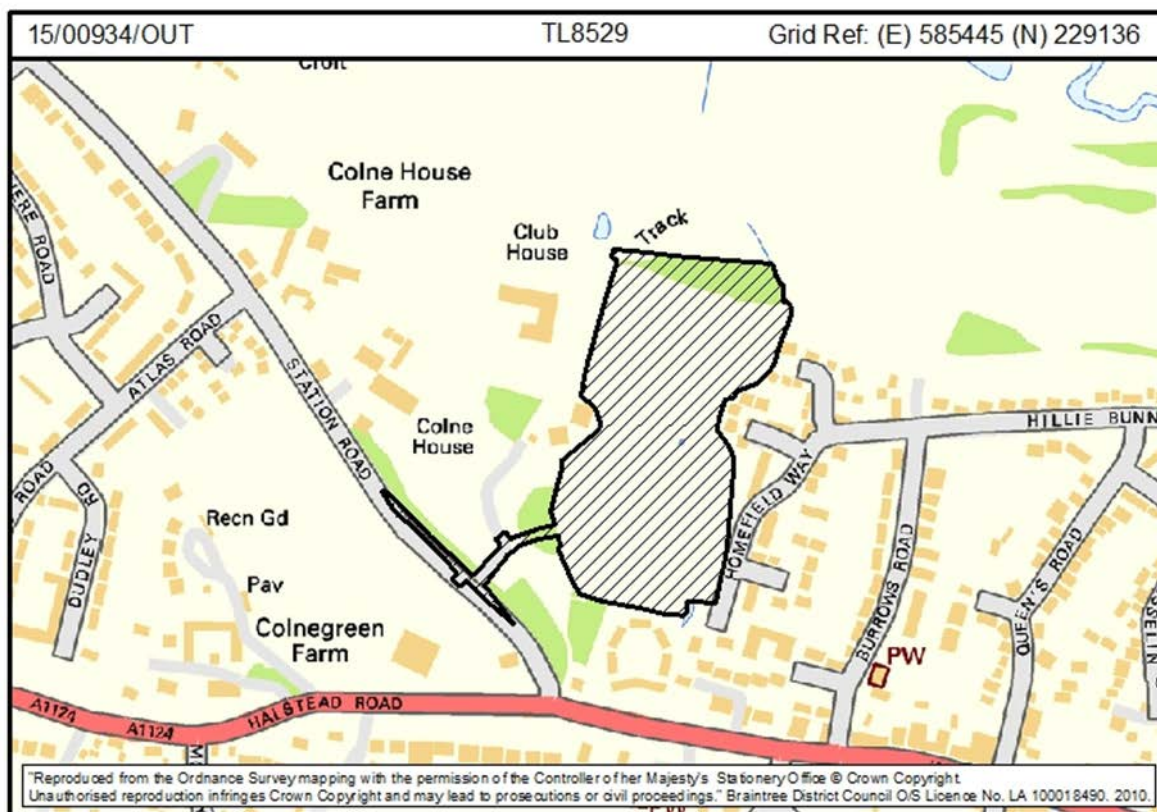


Taken from Courtauld Road. T1 to the left of lime in centre of the picture, central pine to be removed showing over house on left.

PART A

APPLICATION NO:	15/00934/OUT	DATE VALID:	23.07.15
APPLICANT:	Mr R Long Dyke Row Cottage, Newborough, Hexham, Northumberland, NE47 5BE		
AGENT:	Mr A Hodgson Savills (UK) Ltd, Unex House, 132-134 Hills Road, Cambridge, CB2 8PA		
DESCRIPTION:	Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements		
LOCATION:	Land North East Of, Station Road, Earls Colne, 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

87/00051/OUT	Proposed development of low density houses	Refused then dismissed on appeal	28.10.87
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
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
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
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
RLP90	Layout and Design of Development
RLP91	Site Appraisal

RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

SITE ALLOCATION AND DEVELOPMENT MANAGEMENT POLICIES PLAN

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Development Boundaries
ADM3	Housing Allocations
ADM8	Housing and Density
ADM46	Cycle/Pedestrian Network
ADM47	Parking Provision
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM59	External Lighting
ADM60	Layout and Design of Development
ADM63	Preservation and Enhancement of Conservation Areas and Demolition within Conservation Areas
ADM66	Alterations and Extensions and Changes of Use to Listed Buildings or Structures and their Settings
ADM69	Archaeological Evaluation, Excavation and Recording
ADM75a	Formal and Informal Recreation and Allotment Allocations

SUPPLEMENTARY PLANNING GUIDANCE

Affordable Housing SPD
Earls Colne Village Design Statement
Open Spaces SPD & related Open Spaces Action Plan
Parking Standards – Design and Good Practice (Essex County Council), 2009
Essex Design Guide, 2005

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest.

Representations have been received (17 letters from members of the public) objecting to the application, contrary to the Officer's recommendation to approve the application.

Earls Colne Parish Council has not objected to the principle of the development however they raised a number of specific concerns regarding significant elements of the application.

SITE DESCRIPTION

The application site consists of 4.45 hectares on the eastern side of Station Road. The majority of the site comprises two fields kept as roughly mown grass and which are largely divided by a solid hedge through the centre of the site.

The application site is on the northern side of the village and is adjacent to Station Road which runs northwest from the junction of the High Street and Halstead Road to the village boundary at the River Colne.

The land historically formed part of the grounds of Colne House to the west. The original access to Colne House was via a driveway which runs through the application site to the south east, however in the late 20th century another access was formed from Station Road to serve Colne House and the golf club.

The application site is bounded by the Colne Valley Golf Course to the north with the clubhouse and car park adjoining the application site to the North West. The golf club has a modern purpose built single storey clubhouse and staff quarters constructed in light coloured brick with slate roofs.

There is a solid tree belt which straddles the northern boundary with trees standing both within the application site and on the golf course land immediately adjoining the site.

Further west are the attractive grounds of Colne House. Colne House and the golf course are currently served by a tarmac access road. Colne House is now a nursing home. This Grade II listed building was once a large mansion built in the pale fawn bricks and a slate roof. Within the grounds of Colne House a number of small retirement bungalows have been constructed in a similar style to the main house. There are also a number of outbuildings which have also been converted into apartments for residents.

To the south of the application site is a mews of ten bungalows in Tillwicks Close. These properties back onto the site and are accessed from the Halstead Road. South Lodge, a single storey Grade II listed building also stands to the south of the site, next to the historic driveway which served Colne House. Whilst the southern end of Station Road is characterized by trees and hedges enclosing the road, to the north of the access to the site, on the west side of the road is a ribbon of development, consisting of a mixture of bungalows and detached houses in various styles, using brick, render and tiled roofs.

On the eastern side of the application site is Homefield Way which was built in the late 1980s. This development contains a mix of terraced houses with

semi-detached and detached houses and bungalows. The housing is largely red brick with the upper half rendered and some pargetting. Along this boundary there is some vegetation although this is not as strong or consistent as that on the other site boundaries.

The Conservation Area covers this part of Station Road, along with the grounds of Colne House, however the only parts of the application site that fall within the Conservation Area are the road frontage with Station Road and the access road up to the first belt of trees to the north east of the site access.

NOTATION

The application site is located outside the Earls Colne village development envelope, as designated in the Braintree District Local Plan Review, 2005.

The application site was included in the Pre Submission Site Allocation and Development Management Policy Plan (SADMP) for residential development of 10 or more dwellings.

The Earls Colne proposals map within the Site Allocations and Development Management Policies Plan (SADMP) shows the application site was allocated for residential development, structural landscaping belts along the northern and eastern site boundaries and hedgerow belt through the middle of the site. An area of informal recreation was also shown at the southern end of the site.

PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved, with the exception of access, for the erection of up to 56 no. dwellings along with the creation of new Public Open Space, landscaping, access road and highway improvements.

The application states that vehicular, pedestrian and cycle access to the application site will be taken from Station Road at the location of the existing access point currently used as a vehicular access to Colne Valley Golf Club and the Colne House Residential Care Home.

The applicant has submitted an 'Indicative Site Masterplan' and 'Indicative Site Landscape Masterplan' but these documents are for illustrative purposes only.

The application is also supported by a suite of supporting documents including:

Archaeology Desk Based Assessment; Design & Access Statement; Flood Risk Assessment; Heritage Statement; Phase One Ecological Assessment and Phase Two Protected Species Surveys; Planning Statement; Transport Assessment; Travel Plan; Tree Schedule; and Utilities Plans.

CONSULTATIONS

Anglian Water – No objection to application – the sewage treatment works and sewer network have sufficient capacity to accommodate the flows from the proposed development

BDC Environmental Services – No objection subject to conditions to control construction activity.

Earls Colne Parish Council – No objection to the principle of development but ask that the following comments are noted prior to determination of the application.

1. Highways – consider that the current access arrangements are unsafe. There is restricted visibility and trees should be removed to ensure adequate visibility is achieved and maintained. Also request that the speed limit is reduced to 30mph passing the site, from the current 40mph
2. The Parish Council are disappointed that the size of the Public Open Space that the applicant is offering has reduced from the 2.7ha that was originally suggested and that was shown in the Site Allocations and Development Management Policies Plan (SADMP).
3. The Parish Council object to the removal of trees at the northern end of the site to accommodate SuDS.
4. The Parish Council would like to be consulted on the form of the affordable housing that is to be provided and they request that people with a local connection to the area are given priority to the new affordable housing units.

Essex County Council Education – No objection to application. There is sufficient capacity at the Earls Colne Primary School and Ramsay Academy, Halstead to meet the demand generated by the development.

Essex Police – No response to consultation

Highway Authority – No objection subject to conditions controlling construction activity; visibility splays; construction of new footway along Station Road; installation of new pram crossing on Station Road and provision of Travel Information Packs.

Historic Buildings Adviser – No objection as the proposed development is not considered to adversely affect the setting of nearby listed buildings or the Conservation Area.

Historic Environment Adviser – No objection subject to a condition requiring archaeological evaluation prior to submission of the Reserved Matters applications.

Lead Local Flood Authority (Essex County Council) – No objection, following the receipt of additional information from the applicant. A number of conditions are recommended regarding Surface Water Drainage.

Natural England – Advise that local planning authorities should refer to their standing advice in respect of protected species.

NHS – No objection. The Pump House Surgery in the village is advised to have sufficient capacity to meet demand arising from a development of this size so no financial contribution is sought.

REPRESENTATIONS

17 letters of objection have been received. The main reasons for objecting to the application are listed below –

- The fields are in constant use for recreational use including somewhere for children to play and for people to walk their dogs. The retained area of Public Open Space is too small for dog walkers and will be too close to elderly residents to be suitable for recreational use by children to play on without causing nuisance
- Highway safety – access onto Station Road is not safe; will increase the number of motorists and pedestrians using the Station Road/Halstead Road junction which could increase the risk of accidents and also at the junction on A120
- Object to the village boundaries being suddenly moved resulting in over development and village being over populated. Development is contrary to the Earls Colne Village Design Statement (2007) which stated development of Greenfield sites should be resisted
- Increase pressure on the utilities, policing, GPs, parking and schools which are already under pressure
- Earls Colne has already had a large development built within the village within the last decade. Unlike that development this scheme offers inadequate infrastructure improvements for the village
- Potential adverse impacts on badgers and other local wildlife
- Development would have a detrimental impact on the current village residents
- Development of the Green Belt should be resisted and is premature until a new Local Plan is in place
- Development will be visible across the Colne Valley
- Insufficient structural landscaping and Public Open Space
- Too many houses will be crammed on the site and will be too close to neighbouring residential areas
- Increase risk of flooding and specifically what the implications are for an existing drainage ditch next to the site
- Loss of conifer trees will expose the site and the golf course
- The number of dwellings has increased from 48 dwellings when the site was being allocated in the Site Allocations and Development Management Policies Plan but the application is for up to 56

- New dwellings would suffer noise from functions at the Golf Course
- The development will cause an increase in anti-social behaviour
- Access to South Lodge will become even harder with increase in traffic
- Removal of conifers to create SuDS feature will expose the site from across the valley
- Development should be concentrated in just one field – some residents state this should be the northern field whilst one says it should all be in the southern field
- There is no demand for these new houses
- New housing should be on brownfield sites
- The Council has previously refused a planning application for houses on this site

One further letter has been received expressing concern that the NHS consultation response indicated that residents from the new development would be served by the Silver End GP surgery. (This was an error by the author of the NHS letter. They have subsequently revised their advice stating that future residents will use the Pump House surgery in Earls Colne).

REPORT

Principle of Development

Whilst the NPPF sets out the presumption in favour of sustainable development, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making.

The application site is outside the Earls Colne village development envelope in the adopted Development Plan (the Braintree District Local Plan Review 2005 & Core Strategy 2011).

However the site is identified for a residential development of 10 or more dwellings and a substantial new area of Informal Open Space in the Site Allocations and Development Management Plan (SADMP). The site reference in the ADMP is EAR3H. Whilst it is noted the Earls Colne Village Design Statement identifies the site as being 'Outlying Countryside' however this document predates the District Council identifying the site for allocation in the SADMP for housing development.

As Members will be aware in September 2014 the Council agreed that the SADMP as amended by Further Changes be adopted for use within development management decision making. The Council's view is that the document should be given appropriate weight in all matters under consideration and that these are material considerations for the Council. In light of the designation in the SADMP and the Council's Interim Planning Policy Statement, Officers have no objection to the principle of the application site coming forward for development. Members will however note that

because the SADMP does not form part of the adopted Development Plan the application has been advertised as a departure from the current Development Plan.

Residential development of the portion not covered by the informal recreation designation would be acceptable in principle, subject to the other policies in the Plan. For ease of reference a copy of the inset map from the SADMP has been appended to this Committee Report.

The site allocation in the SADMP included an area of informal open space to the south of the area allocated for residential development. The area was designated as informal open space in part due to the Parish Council's desire to secure an area of publicly accessible open space for local residents but also to ensure that the development preserves the parkland setting of the Grade II listed Colne House that is situated to the west of the site.

The SADMP also indicated substantial areas of structural landscaping – on the northern and eastern site boundaries and dissecting the site to protect the existing hedgerow that divides the two fields.

The submitted application includes an Indicative Site Masterplan. Whilst this is an outline planning application with all matters reserved, except access, the Indicative Site Masterplan has been submitted to demonstrate what the future development may look like and to confirm the likely scale and density of the proposed scheme.

The application does propose a higher number of dwellings on the site than the number originally envisaged when the site was being promoted through the SADMP, although it should be noted that the Council did not specify a maximum number of dwellings. Since those draft allocations were made it has become apparent that the SADMP would be likely to be found unsound had it proceeded due to insufficient land being identified to meet future housing supply. As a result, if a higher number of units can be shown to be acceptable in planning terms (design, highways access, etc.) there is no policy objection to a larger number of units which will help increase future housing supply.

Objectors to the proposal have questioned why the Indicative Site Masterplan that has been submitted varies significantly from the site allocation in the SADMP. Reference is made to the reduction in the amount of Public Open Space being offered and the reduction in the areas of structural landscaping.

Officers are aware that the land is well used by local residents for recreational purposes, most notably dog walking, and there are well worn circuits around the outskirts of the fields. Although it is understood that the applicants have historically allowed its use by local residents there are no formal public rights of way within the application site.

The area of land being offered as Public Open Space is lower than the amount that was indicated in the SADMP allocation, however it remains well

in excess of the level of provision that a development of this size would usually be required to provide.

Policy CS10 of the Core Strategy and the Open Spaces SPD combined specify that a development of 56 dwellings should, as a minimum of 0.29ha Public Open Space on-site. (This figure is calculated using the standards in the Core Strategy which requires a total of 2.2ha per thousand head of population, consisting of amenity greenspaces 0.8ha; Provision for children and young people 0.2ha; Parks and Gardens 1.2ha. 56 dwellings would be expected to have a population of 132 new residents with average occupancy of 2.36 people per dwelling).

Although the area proposed for residential development has pushed further south, into the area intended to be Public Open Space in the SADMP, the applicant states that the Parish Council will still be offered approximately 2 acre (0.8ha) block for use as Public Open Space. This area is in addition to the other areas of informal and incidental open space that would be found around the future houses, as indicated on the indicative Master Plan. Officers consider that the proposal, in respect of Open Space, is acceptable in principle.

Reference is also made in representations to a previous proposal for residential development in this location being refused and dismissed at appeal. In 1987 a Planning Inspector dismissed an appeal on two main grounds - (i) the application of County and District Planning Policies which concentrated new development in selected towns and the application of development restraint in rural areas; (ii) the effect of the development on the character and appearance of the area.

On the first point national and local planning policies have substantially changed in the past 28 years. The Core Strategy (2011) identifies Earls Colne as a Key Service Village and the SADMP identified the site as being suitable for residential development.

On the second point the Inspector was concerned about the adverse impact the development would have on the character of the village. The Inspector considered that the 1987 proposal represented a noticeable and unjustified intrusion into the countryside. However the character of the surrounding area has changed significantly in the intervening period with the construction of the golf course and club house; developments within the grounds of Colne House and Colne House Farm and the residential developments at Atlas Road and Homefield Way. Officers consider that the planning policy and countryside 'landscape' have changed significantly since the 1987 planning application / appeal and that the appeal decision has little bearing on the assessment of this application.

Having considered all these factors Officers conclude that there is no objection to the principle of developing the application site, subject to consideration of other relevant matters including amenity, design, environmental and highway criteria.

Design, Appearance and Layout

The application seeks outline planning permission for up to 56 dwellings with all matters reserved except access. Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. Besides access to the site from Station Road all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters so at this stage detailed assessment of the design, appearance and layout is limited.

The site is a sensitive one, being located on the edge of the village and being situated on a north facing slope of the river valley. It is also adjacent to the Earls Colne Conservation Area and Grade II listed Colne House. Core Strategy policy CS9 Built and Historic Environment states that, *“The Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to:*

- *Respect and respond to the local context, especially in the District’s historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity...”*

Local Plan Review Policy RLP95 Preservation and Enhancement of Conservation Areas states, *“The Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that: (a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;”* Policy RLP100 similarly states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

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

A Landscape Capacity Analysis for Earls Colne has recently been produced to provide evidential support to the new Local Plan. This report identifies the site as being within parcel 3a *Colne House* which has a *medium to high landscape capacity* to accept new development.

A number of representations have referred to concerns that the development will appear prominent in distant views across the river valley. Officers have investigated these concerns but consider them to be unfounded. The site is well screened by existing mature vegetation. It is proposed that some trees are removed from within the tree belt on the northern boundary to provide one of the SuDS features. These trees effectively screen the site from the north. The final design and location of the SuDS feature will need to be determined but based on information within the application Officers are satisfied that the effectiveness of the screening need not be compromised.

An indicative site Masterplan has been submitted with the planning application. The layout shown has 56 dwellings – 50 houses and a block of 6 flats. The applicant advises that the density of the development shown is approximately 28 units per/ha (net). The mix of housing will be decided at Reserved Matters stage but it is noted that the Affordable Housing provision is likely to include a significant proportion of 1 and 2 bed dwellings to reflect local housing need.

Although Officers note some design issues with the indicative layout it does provide sufficient detail to be satisfied that in principle this number of dwellings can be accommodated on the site in an acceptable manner. Detailed design matters will be addressed at Reserved Matters stage.

It is noted that the Design and Access Statement indicates that the applicant envisages a predominantly two storey development but they suggest some two and a half storey development could be included. However the Landscape Capacity Analysis recommends that *'Development to be in scale with adjacent parts of the settlement, to ensure it is imperceptible in views from Colne Engaine and the valley slopes to the north'*. Officers consider that the site contain dwellings with no more than two storeys.

Impact on Neighbour Amenity

A number of the properties on Homefield Way stand close to the boundary with the application site, particularly on the northern part of the site. Whilst the properties bordering the southern part of the site are generally well screened by established vegetation, the properties bordering the northern field have a relatively open outlook. The allocation in the SADMP had proposed an area of structural landscaping in this area. The Indicative Site Masterplan does however indicate that an area of Open Space will contain one of the SuDS features. Such an arrangement, located to the north of the central hedge, will distance new development from existing residents. Further to the north the housing layout is tighter with the front elevations of houses shown to be approximately 15m from the site boundary and 25m to the rear elevation of Homefield Way properties. At Reserved Matters stage detailed consideration of the layout and landscaping scheme along this boundary will be required and some revisions to the Indicative layout are likely to be required. However it is not considered that the outline planning permission should be withheld as the principle of development is acceptable and concerns regarding neighbour amenity can be addressed as part of the Reserved Matters application(s).

In representations submitted to the Council concerns have been raised about the potential for future residents of the development to suffer nuisance from events held at the Golf Club adjoining the site. The Council's Environmental Services Officer has advised that the Council has only received 1 complaint about these premises in the last 10 years and that was in relation to fireworks. Although the new dwellings would be closer to the club house the imposition of conditions in relation to noise are not considered necessary and the Environmental Services team would deal with any issues that arose in the future under the Environmental Protection Act.

Highway Issues

Access to the proposed developed is to be taken off Station Road with the existing access serving the Golf Club and Colne House Residential Care Home upgraded to provide a 6.0m wide carriageway with a footway on the north-east side, linking to Station Road. The upgraded junction will be a simple priority junction.

The Parish Council have stated that they do not agree that the proposed access arrangements onto Station Road are suitable with poor visibility, particularly to the right. They advocate the removal of trees within this area to ensure adequate visibility is created and retained. The applicant has been required to submit a further plan which demonstrates the extent of the tree and vegetation removal required to achieve the visibility splays required. The impact of this is discussed later in the report as part of the assessment of ecological and arboricultural implications of the development.

The Highway Authority has raised no objection to the application, subject to conditions concerning visibility splays on Station Road (120m to the north-west and 107m to the south-east); the installation of a pram crossing on Station Road; the creation of a new 2m wide footway from the site access running south east to join with the footway on the corner of Halstead Road; controls during construction; and the provision of travel information packs.

Officers have considered the impact that the recommended new footway would have along Station Road. At present traveling along this stretch of Station Road has the character of a tree lined country lane and contributes towards the countryside setting of the village and Conservation Area. The new footway would result in a much more suburban feel to the character and ambience of the road with footways on both sides of the carriageway along a long stretch up to Halstead Road. Officers would instead favour a design that encourages pedestrians to safely cross the road and use the existing footway on the other side of Station Road. This will allow future residents safe pedestrian access towards Halstead Road whilst respecting the Conservation Area designation.

The Parish Council also request in their consultation response that the speed limit passing the site is reduced from 40mph to 30mph. This is a matter for the Highway Authority however members will recall that similar requests were

made regarding the A131 in connection with the recent Oak Road application. Essex County Council Highway Officers explained to Planning Committee on that occasion that a reduction in speed limits is unlikely to be supported if the characteristics of the road remain unchanged. Even if the speed limit were reduced Highway Officers stated that driver speeds are unlikely to reduce unless the nature of the road changes. As the road here would remain tree lined, with housing set back a long distance from the highway, the character of the road would be largely unchanged. The Highway Authority has instead required that the site access is designed to be used safely with regard to existing traffic speeds.

Concerns have been expressed within the representations received from residents about the potential adverse impact that the development would have on the junction of the A120/B1024 Colne Road junction, north of Coggeshall. The junction is in excess of 5km from the application site. Reference is made to Highways England objecting to increases in vehicles using what is considered a sub-standard junction.

Highways England have not been formally consulted on this application, however as the issue has been raised by residents Officers have discussed this with Highways England. They have agreed that there is no need to formally consult them given the scale of the development and its location. When considering journeys to work it is considered likely that residents traveling by car from the site will be going in several directions and a small proportion of those are likely to reach the A120. As such it is extremely unlikely that the numbers of vehicles reaching the A120 will be anything more than single figures and therefore their impact upon the junction would not be significant or warrant refusal of the application.

There are two existing informal paths leading into the site from Homefield Way and these appear to be well used. As the development will provide an area of Public Open Space for use by all residents these should be preserved and enhanced to ensure local residents enjoy easy access but also to improve the permeability of the site for new residents of the proposed development. The applicant proposes to retain the existing pedestrian access from Homefield Way as part of this planning application but ideally the links should be formalised. This will involve crossing a grass verge on Homefield Way which is owned by Greenfields Community Housing. In similar situations Greenfields CH have agreed to allow developers access to provide new pedestrian links. It is recommended that the S106 legal agreement require that the applicant use their best endeavours to provide new formalised pedestrian links onto Homefield Way.

Trees & Ecology

Planning policies seek to retain quality trees and hedgerows and those which have amenity value. In 2012 the Council created a Tree Preservation Order covering a significant number of trees on the site. The Earls Colne Village Design Statement recommends that '*Conservation of the trees and*

hedgerows along this stretch of road should be encouraged and well managed’.

The proposed development will require the removal or reduction of a number of trees and vegetation around the site, most noticeably around the access onto Station Road. The Arboricultural assessment specifies the loss of tree and vegetation cover on the western side of the visibility splay however the Council's Landscape Officer notes that the limes being removed at this section are always going to be cut back because of their proximity to the power lines so the reality is that they will never be more than an informal hedge. The loss can however be replaced over time by other vegetation further back in the depth of the boundary, so the impact on the local character of the lane is probably less in the long term.

There will be the loss of a number of fairly significant lime trees immediately to the east of the existing driveway but there are other younger trees further east and the Council can require the planting of some new ones on the inside of the boundary to maintain this type of planting as a characteristic feature of the old parkland setting for the listed building.

At the northern end of the site the Arboricultural report states that the dense area of young plantation has not been managed and as a result a number of specimens are being heavily suppressed, failing or have died. For the long term success of this area, it needs to be thinned out and managed appropriately.

It is recommended that conditions are applied which will require the submission of further detailed plans at Reserved Matters stage which will cover new tree planting, as part of the landscaping scheme, as well as detailing the design and location of the SuDS feature at the northern end of the site and its arboricultural implications.

A preliminary ecological survey was undertaken to assess the site and to guard against harming any protected species. The initial survey identified a number of habitats which might support protected species including ponds, on and adjacent the site which might support Great Crested Newts; trees with potential for roosting bats; meadows, and rough grassland, and scattered scrub and ruderal species provide potentially suitable habitat for reptiles; hedges and shrub which could support nesting birds; and finally potential signs of Badger activity.

Following this preliminary survey more detailed site investigations were undertaken to assess the presence or absence of protected species.

A reptile survey has been undertaken which identified a small number of juvenile Grass Snakes along the eastern flanks of the site. Grass snakes are a protected species in the UK. Grass Snakes are typically associated with wetland habitats, where they prey largely on amphibians, whilst on land they will often be found around hedgerow and the edges of woodland. The report states that as no adults were surveyed that there is likely to be breeding within

this hedgerow belt or adjoining gardens, followed by the young snakes hibernating in broadly the same location. The report suggests that the lack of adult snakes indicates that they largely inhabit adjacent land, such as the golf course to the north of the survey site where there are large ponds which would provide adult Grass Snakes with their preferred habitat. However, at least one female is using the hedgerow belt or adjacent gardens (e.g. in compost heaps) for egg laying.

The creation of a new wet SuDS feature would potentially create a new habitat for grass snakes. Subject to suitable design the Council's Landscape Officer is satisfied that the development can provide suitable mitigation. A condition will be required to ensure that the site is checked for grass snakes prior to commencement of the development and that a reptile barrier is constructed to keep them out during the construction period to prevent them re-entering and potentially being harmed.

A badger survey has identified a small subsidiary sett within the application site and when surveyed in August 2015 part of the sett showed potential signs of usage by Badgers.

The sett is located within an area which is shown to be retained as Public Open Space and therefore it would not be directly affected by the construction of the proposed dwellings, although a licence from Natural England may be required to permit disturbance to any Badgers occupying the sett during the construction phase. The applicant will be required to undertake further survey work prior to development commencing to ensure that adequate provision is made for badgers and that appropriate licences are obtained from Natural England if required.

Officers are satisfied that the Indicative Site Masterplan shows that the site can be developed in a manner which could be acceptable, with wildlife corridors being retained along the eastern side of the site and so far as is practicable within the central hedgerow belt, with the access road being limited to the width of the carriageway and adjoining footway.

The site contains habitats suitable for bat roosts with a mature oak tree in the north-east corner of the site being identified as potentially containing a roost. The applicant's ecologist has stated that the tree will not be directly affected by the proposed residential development but recommend further investigation if any tree works are required to facilitate construction work.

Street lighting within the proposed development could have an adverse impact on the bat population so a condition is recommended requiring submission of a lighting strategy at Reserved Matters stage to demonstrate that lighting will be appropriately designed. The advice contained within the bat roost report is valid for two years. A condition is recommended requiring an updated assessment if the proposed work has not been undertaken within two years. Conditions are also required to ensure that protected species are not on site before construction commences.

Surface Water Drainage

The site is currently greenfield so the introduction of built development will affect the flows of surface water runoff from the site. The site is within the River Colne valley and slopes down northwards with levels falling from approximately 55 m AOD in the south to approximately 43 m AOD on the northern boundary. The difference in levels across the site and the location of the open space upslope of the built development will influence how surface water is handled within the site.

The applicant has submitted information indicating in principle how the surface water from the development could be dealt with.

It is proposed that the majority of the proposed dwellings will be managed at source with soakaways to the front and/or rear of the units as dictated by detailed design and approvals; all private driveways will be finished with permeable / porous surfacing; the south eastern residential plots will drain to a shallow infiltration basin in the open space to the north of the retained hedge which crosses the site from west-east (NB – this feature is not shown on the Indicative Site Masterplan although there is an area of public open space shown in this area); highway runoff will be managed within a 600 mm deep grassed infiltration basin (with 1 in 4 side slopes) within the wooded area in the north of the site.

As this is an outline application a detailed surface water drainage strategy will be developed at the detailed design stage. The LLFA have recommended that the detailed surface water strategy should be submitted and approved prior to commencement of development, however in this instance it is considered appropriate that this information is submitted at Reserved Matters stage so that the Council can be satisfied that the design and layout of the development can incorporate the required attenuation measures and that the attenuation basin in the wooded area at the northern end of the site is fully designed so the Council can be satisfied about its potential impact on the retained trees.

A number of representations from local residents have raised concerns about a ditch along the eastern site boundary. The ditch runs parallel to the boundaries of the properties on Homefield Way. The ditch is outside the application site and within land that is owned by the District Council. This is a legacy of the way that the Homefield Way estate was developed. The applicant's Surface Water Drainage Strategy does not utilise the ditch along the eastern site boundary and they are proposing their own mitigation to deal with surface water run-off from the proposed development. This information has been assessed by the Essex County Council Officers and they have raised no objection to the approach outlined.

Planning Obligations / Section 106 Agreement

Affordable Housing

The Council's Housing Research & Development Officer confirms that there is a strong housing need in Earls Colne and the surrounding villages. In accordance with Policy CS2 of the adopted Core Strategy this proposed development would be required to provide 40% affordable housing on-site. This is an outline application for up to 56 dwellings, so the affordable housing provision could be up to 23 units, although the actual number and mix would be dependent on the number of units that are agreed at Reserved Matters stage.

The comments of Earls Colne Parish Council are noted regarding the provision of Affordable Housing. The Parish Council request that local residents, or those with connections to the local community, are given priority when the new affordable housing is allocated.

As members will be aware when granting planning permission for an 'exception site' the District Council will require through the S106 legal agreement that priority is given to housing people in housing need who have a local connection to the area. An 'exception site' is one that would not usually secure planning permission for housing, such as agricultural land next to but not within a local settlement area. Under the rural exception sites scheme planning permission may be granted on the basis that that land is being made available to build affordable homes for local people.

This site however is one that the Council intended to allocate for residential development through the SADMP and as such it is not considered an exception site. With the exclusion of rural exception schemes, lettings are normally subject to the council's allocation policy. There are however circumstances where it is felt to be appropriate for a local lettings policy that can be applied for first lets. This is normally negotiated with the partner housing association who will take ownership of the homes. The policy provides preference to be given at first let only to people with a local connection in the highest levels of housing need.

As this is an outline planning application where the Registered Provider is unknown it would be premature to specify a local lettings policy in the S106. At Reserved Matters stage Officers will work towards agreeing a local lettings policy for first lettings with the housing association when this is known.

The Parish Council has also asked that they are consulted about the mix of affordable housing provided as part of the development. The type and form of the affordable housing will be a matter that is agreed at Reserved Matters stage and the Parish Council will be consulted when such an application is submitted. Whilst Planning Officers would encourage applicants to engage with the local community prior to submission of an application it is important to stress that the applicant / developer will be required to provide a mix of affordable housing that has been agreed with Officers. The mix of units will

vary but will be based on the need for housing based on the housing register at that time.

Open Space

The land within the ownership of the applicants, on the western and eastern side of the site access road, has been excluded from the application site. These areas are within the Conservation Area and the applicant states that they will be retained in their current form.

There have been discussions between the applicant and the Parish Council prior to the submission of the planning application regarding the Management of the Public Open Space. The Parish Council indicated that they would be willing to manage the area of open space to the south of the site but would not want to take responsibility for the additional areas of land within the Conservation Area and the eastern boundary which contains multiple trees. Similarly the Parish Council did not want to be responsible for other areas of incidental open space. This incidental open space will be the responsibility of a management company to be formed by the applicant.

A plan has been provided identifying the area that the applicant proposes to transfer to the Parish Council. The precise configuration, management and maintenance schedule for all areas of on site open space will need to be agreed between the District Council, the Parish Council and the applicant at Reserved Matters stage. This should form a requirement of the Section 106 legal agreement.

Travel Packs

The developer will be required to provide the occupants of each new dwelling with a travel pack containing information about bus travel, train travel, cycling, walking, taxi travel, car sharing, and community transport as is appropriate to this particular site. The aim is to promote the use of sustainable transport, and will contain a minimum of six one day travel vouchers for use with the relevant local operators.

Other Matters

Archaeology

The application includes a Desk Based Assessment of the sites potential archaeological value. The Council's Historic Environment Adviser states that the development could potentially disturb or destroy any preserved below ground archaeological remains. There is a need to assess whether there are archaeological remains through a programme of fieldwork. This evaluation needs to be undertaken prior to the submission of the reserved matters application so that the investigation can be completed and if necessary influence the layout of the proposed development.

Education & Healthcare

A number of representations refer to the villages Primary School and GP Surgery already being under pressure and these new dwellings will place a further strain on these services. The Education Authority has stated that they anticipate a surplus of 68 places at the village primary school by 2019-20 which would more than accommodate demand generated by a development of this size. The village is also within the priority admission area for the Ramsay Academy in Halstead which also has a surplus of spaces.

Similarly the NHS has advised that they assess that there is adequate capacity at the existing Pump House surgery on the Foundry estate in the village.

CONCLUSION

The Council have previously proposed that residential development be allocated through the plan process at this site. The Council has had to suspend work on the SADMP and commence work on a new Local Plan but the applicant wants to bring the site forward for development without further delay.

Whilst the Indicative Masterplan Layout provided in support of the applicant does vary from the allocation that was proposed in the SADMP Officers recommend approval of this outline application. The applicant still proposes to retain / transfer a significant area of land for use as Public Open Space and it is considered that the remainder of the site could accommodate up to 56 dwellings in a manner which would comply with relevant planning policies.

RECOMMENDATION

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

- Affordable Housing (40% of units provided on-site)
- Pedestrian links to Homefield Way (applicant to use their best endeavours)
- Provision of On-Site Public Open Space and suitable management arrangements for the On-Site Public Open Space, including payment of financial contribution towards its maintenance
- Travel Packs

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

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

1 Details of the:-

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

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

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

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

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 as amended and to ensure that the submission of reserved matters takes place in acceptable timescale.

- 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 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 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 56 dwellings, parking, public open space, landscaping, surface water water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

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

The first application for Reserved Matters that seeks approval of

appearance, layout or scale of the building(s) as detailed within Condition 1 shall be accompanied by a report on the archaeological trial trenching that has been undertaken in accordance with the approved written scheme of archaeological investigation. The report shall include a mitigation strategy detailing an excavation/preservation strategy to guide the development of the proposed phase.

No development or preliminary groundworks of any kind shall take place within the areas identified for mitigation until the applicant has secured and undertaken a programme of archaeological work in accordance with the mitigation strategy which has been submitted by the applicant and approved by the local planning authority.

A post-excavation assessment shall be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority. This shall include a 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 potential archaeological importance and to allow the results of the investigation to inform the Reserved Matters applications.

- 5 Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 120 metres to the north west and 2.4 metres by 107 metres to the south east, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

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

- 6 Prior to occupation of the development a pram crossing shall be installed adjacent to the site access to enable pedestrians to cross Station Road. Details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to provide a safe route for pedestrians to cross Station Road which will help to encourage future residents to reduce their reliance on the motor car and make more journeys by foot.

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

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

Reason

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

- 8 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
 - 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 mud 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. the safe guarding of the Public Rights of Way during construction
 - k. details of how the approved Statement will be implemented and adhered to

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

Reason

In the interests of highway safety and to protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 9 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.

- 10 As part of the first application for Reserved Matters a detailed drainage strategy must be submitted to the local planning authority for approval. It should be based on principles of Sustainable Drainage, in line with the

approved Flood Risk Assessment CCE/P961/FRA-01. The detailed drainage scheme should follow mitigation measures detailed within the FRA including:

- Discharging surface water run-off to the ground for all events inclusive of the 1 in 100 years plus climate change
- Provide attenuation storage including locations on layout plans) for all storm events up to and including the 1 in 100 year storm event inclusive of climate change and urban creep
- Ensuring the appropriate level of treatment for all run-off leaving the site, in line with table 3.3 of the CIRIA SuDS guide
- Provide information about exceedance routes should be provided to indicate what route flows would take should a feature become blocked and cause surface water flooding.

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 ensure a that the layout and design of the development incorporates a satisfactory method of surface water drainage so as to prevent the increased risk of flooding, both onsite and offsite, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

- 11 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.

- 12 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.

- 13 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.

- 14 Prior to the commencement of development hereby permitted, 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 grass snakes 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 practice guidelines
 - d) details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;
 - 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.

- 15 Prior to the commencement of development on each Phase of the development hereby permitted a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, shall have 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 habitats for grass snakes. 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.

- 16 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority for that phase of the development. 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 AMS 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 within that Phase of the development 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.

- 17 In the event that development has not commenced prior to November 2017 no development shall be commenced until a further survey of the application site for bat roosts 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 bats, as specified in the Bat Roost Survey (Essex Ecology Services Ltd, October 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.

- 18 No works to the oak tree identified on page 15 of the Bat Roost Survey (Essex Ecology Services Ltd, October 2015) shall be carried out until a suitably qualified and experienced ecologist has completed a detailed survey of the tree, as specified in the Bat Roost Survey (Essex Ecology Services Ltd, October 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 bats are roosting within this oak tree, 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 bats that could be roosting in the tree when tree works commence and to ensure all impacts resulting from the tree works are taken into account and mitigated. It will be necessary for this information to be supplied and agreed prior to the tree works taking place otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 19 As part of the submission of reserved matters that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by a External Lighting Scheme. The details of the lighting scheme shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details prior to the occupation of the development. There shall be no other sources of external illumination unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of promoting sustainable forms of development and minimising the environmental, ecological and amenity impact.

- 20 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 the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

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

Reason

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

- 21 As part of the submission of reserved matters that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, 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.

- 22 As part of the submission of reserved matters plans specifying how all areas of public realm will be treated, which could incorporate '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 agreed strategy 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

- 23 In respect of the approved plans listed above 'The Indicative Site Masterplan' is only approved in respect of the means of vehicular access to the site from Station Road as detailed in Plan 5937-GA-002 Rev.A.

Reason

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

- 24 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 as specified in the Badger Activity Survey (Essex Ecology Services Limited, August 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.

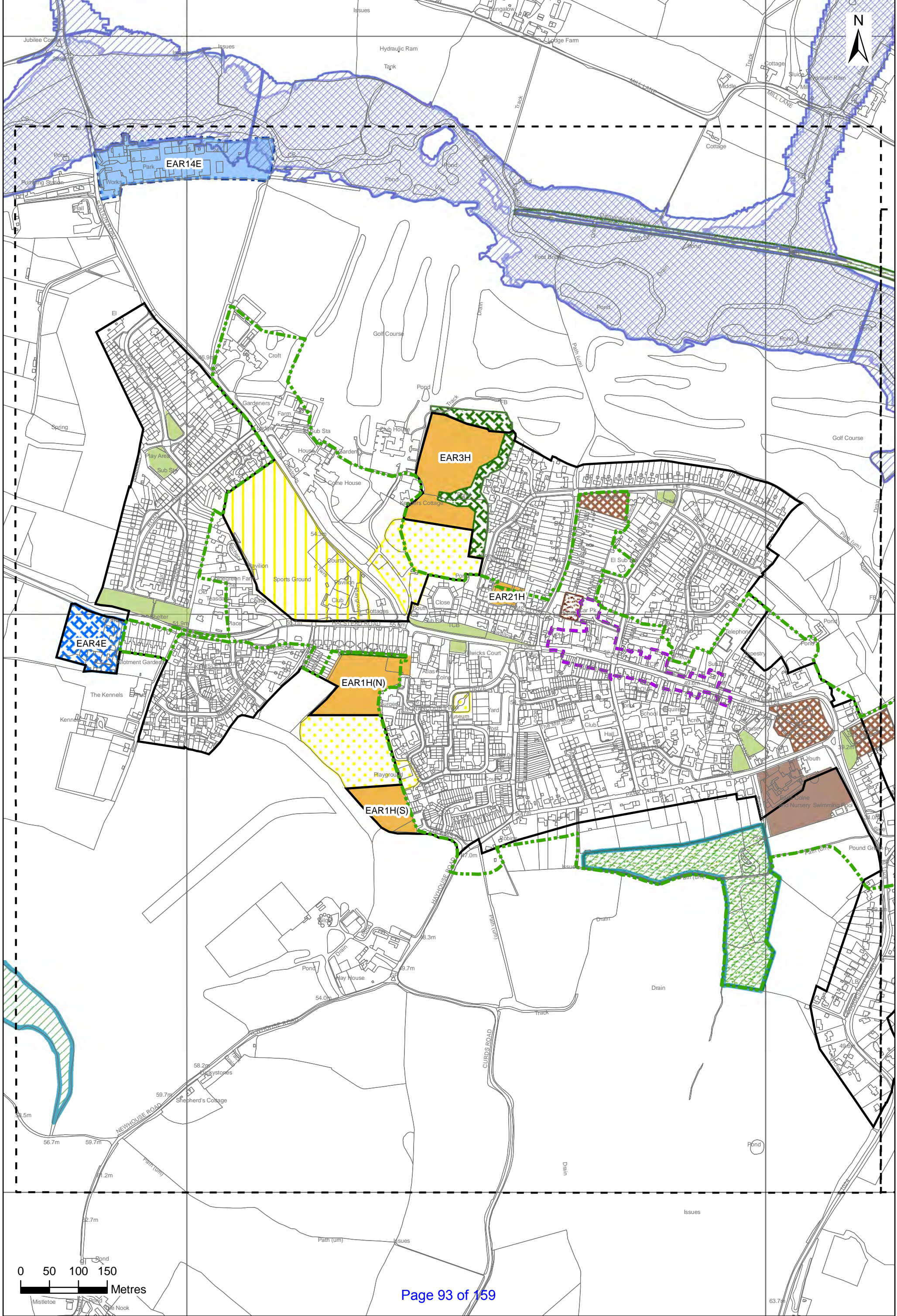
INFORMATION TO APPLICANT

- 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 Your attention is drawn to condition 4 of this planning permission and that there may be archaeological remains on the site. 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).
- 4 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 5 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.
- 6 All work 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, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

- 7 You are advised that the reserved matters application should include the proposed landscaping scheme. There will be a fee for the application.
- 8 The proposals will involve the Parish Council being asked to take over and maintain part of the Public Open Space and you are requested to consult with the Parish Council and the Council's Landscape Services Manager at these offices at an early stage to discuss the matter.
- 9 You are advised that trees on the site are the subject of a Tree Preservation Order. No tree, the subject of a Tree Preservation Order may be lopped, topped, felled or uprooted without permission under the Order, unless specified within the plans approved as part of the planning permission. It is an offence to carry out any works to a preserved tree without such consent having previously been obtained from the local planning authority.
- 10 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

TESSA LAMBERT
DEVELOPMENT MANAGER



Key - Pre Submission Plan

	District Boundary		Primary Shopping Area		Comprehensive Development Area		Suitable Accessible Natural Greenspace
	Inset Area		ADM24		ADM34, 35, 36, 37		CS8, 10, ADM73
	Development Boundary		Primary Frontage		Special Employment Area		Structural Landscaping
	CS5, ADM2, 3, 4		ADM24		ADM 18a		ADM2
	Conservation Area		Secondary Frontage		Transport Related Policy Area		Historic Parks and Gardens
	CS9, ADM27, 34, 36, 60		ADM24		ADM48		CS8, 9, ADM60, 66
	63, 64, 65		Retail & Town Centre Uses		Education		Local Wildlife Site
	Core Strategy Growth Location		ADM33		ADM38, 39		CS8, ADM51
	CS1, 2, 7, ADM3, 38		Food Retail		Ancient Monument		Local Nature Reserve
	Regeneration Site		Maltings Lane Masterplan		CS9, ADM69		CS8, ADM51
	CS1, 4		Retail Warehousing		Car Park		Country Park
	Broomhills Regeneration Area		ADM32, 37A		CS7, ADM31, 47		CS10, ADM74
	CS4, ADM37A		Factory Outlet Centre		Community Uses		Community Orchard
	Road Proposal		ADM28		ADM41		ADM44
	ADM49		Residential Site 10 or more dwellings		Leisure and Entertainment		Community Woodland
	Halstead Bypass Corridor		CS2, ADM3		ADM30		ADM44
	ADM49		Care Home		Commercial Leisure		Flood Zone 2
	Protected Lane		ADM6		CS10		CS8
	ADM54		Specialist Housing		Formal Recreation		Flood Zone 3
	Proposed Footpath/Cycleway		ADM5, 6		Informal Recreation		CS8
	CS7, ADM46, 73		Proposed Gypsy/Travellers Site		CS10, ADM14, 75A		
	Environmental Improvements		CS3, ADM7		Allotments		
	ADM27		Business Uses		CS10, ADM75A		
	District Centre		CS4, ADM16, 19		Cemetery/Churchyard		
	CS6, ADM25, 26, 27, 32		Business and Industrial Uses		ADM40		
	Local Centre		CS4, ADM17, 19		Visually Important Space		
	CS6, ADM26, 27, 32		Employment Policy Area		ADM2, 14		
	Town Centre		CS4, ADM15, 19, 21, 32		Site of Special Scientific Interest		
	CS6, ADM15, 26, 27, 32, 33, 37A		Industrial Development Limit		CS8, ADM51		
			CS4, ADM18				

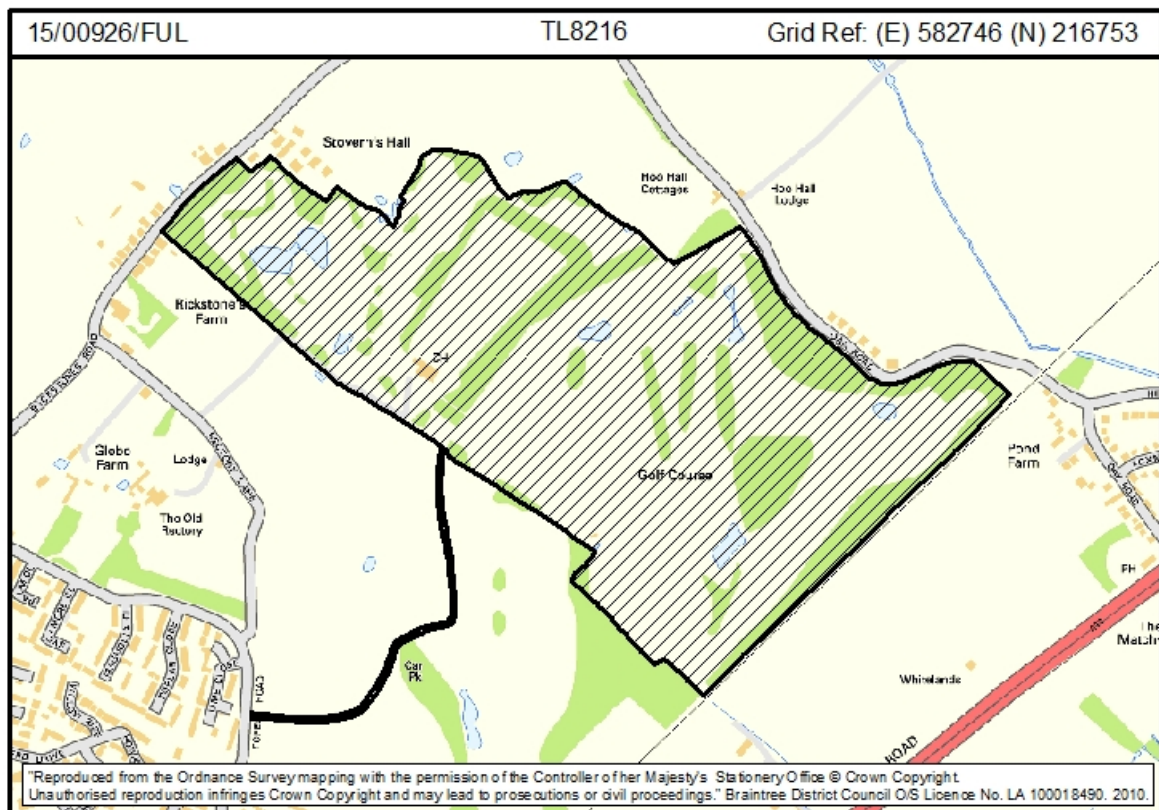
Policy Reference Abbreviations:
CS = Core Strategy
ADM = Site Allocations and Development Management Plan
DPD - Development Plan Document

Site Reference Suffixes:
B - Broomhills Industrial Estate
C - car park site
CD - comprehensive development area
CH - care home site
E - employment site
FR - food retail
H - housing site 10+ dwellings
RG - Core Strategy Regeneration Site
RTC - retail & town centre uses
RW - retail warehousing
SH - specialist housing site

PART A

APPLICATION NO: 15/00926/FUL
 DATE VALID: 17.07.15
 APPLICANT: Mr S Brice
 Colemans Farm, Little Braxted Lane, Witham, Essex, CM8 3EX
 AGENT: Mr Olivier Spencer
 Andrew Martin Planning Ltd, Town Mill, Mill Lane, Stebbing, Dunmow, Essex, CM6 3SN
 DESCRIPTION: Operational development comprising new tees, greens, mounds, bunkers and lakes to facilitate a revised golf course layout; clubhouse extension to accommodate reception, function/event room, office and associated floorspace; car park extension, adventure golf facility; hardstanding for turning head and all ancillary development
 LOCATION: Rivenhall Oaks Golf Course, Forest Road, Rivenhall, Essex, CM8 2PS

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

01/00104/FUL	Proposed extension to golf course including a 15 bay floodlit driving range, 9 hole teaching course, replacement club house, reconfiguration of existing car park, landscaping and associated ancillary development	Granted	26.06.01
04/02203/ADV	Display of two signs at entrance to golf course	Granted	04.01.05
91/00467/PFWS	Proposed 9 Hole Golf Course, Club House, Access Roads And Car Park.	Granted with S106 Agreement	06.08.91
94/00572/COU	Proposed change of use for temporary golf clubhouse	Granted	08.06.94
94/00613/ADV	Proposed display of name board	Granted	23.06.94
96/01223/FUL	Retention of Golf Club House with alterations	Granted	27.11.96
10/01378/FUL	Installation of a photovoltaic system (Solar Panels) on Golf Club House	Granted	30.11.10
11/00887/FUL	Removal of condition 3 to enable the use of the clubhouse for purposes unconnected with the golf course, e.g. for wedding receptions, parties and use of bar/restaurant for members of the general public	Granted	16.09.11

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

RLP56	Vehicle Parking
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP133	Golf Courses

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been referred to the Planning Committee following an objection received from the Parish Council contrary to Officers' recommendation.

Site Allocations and Development Management Plan - Draft for Consultation

ADM1	Presumption in Favour of Sustainable Development
ADM47	Parking Provision
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM52	Built Development in the Countryside
ADM54	Protected Lanes
ADM55	Energy Efficiency
ADM57A	Surface Water Drainage
ADM59	External Lighting
ADM60	Layout of Design and Development
ADM71	Golf Courses and Driving Ranges

Material Considerations

Essex County Council Vehicle Parking Standards – Design and Good Practice 2009

SITE DESCRIPTION

The Rivenhall Oaks Golf Centre is situated within the Parish of Rivenhall, adjacent to the Town Development Boundary for Witham. The site measures approximately 45.7ha in area and is bounded by agricultural land to the north and west, Oak Road to the north-east, the main Great Eastern Railway line to the east, and Rickstones Road to the north-west. Access to the Centre is from a hedge lined private drive off Forest Road, beyond which is existing residential development.

The existing facility comprises a full-length nine-hole course (the Oaks), a shorter nine-hole course (the Acorns), a driving range, club-house as well as parking for 78 vehicles. The club house is single storey and measures approximately 265sq.m. It contains a bar/carvery restaurant, changing

facilities and a golf shop. There is extensive woodland and hedgerow planting at the centre, particularly towards the outer boundaries and between The Oaks course and driving range, which is also enclosed by an earth bund. The land is generally flat and has no specific designation in terms of its landscape character. It has a local presence, but is visually well contained by the perimeter planting.

PROPOSAL

Members resolved to grant planning permission on 10th November 2015 for residential development (hybrid application 15/00799/OUT), subject to the completion of a Section 106 Agreement, for the growth location on land off Forest Road. Part of this proposal includes a parcel of land in the south-west corner of the Golf Centre within the application plan and would result in the loss of 2 holes on the Oaks course. This has prompted a review of the golf course layout and the wider facilities available at the Centre.

This application seeks permission for the following development:

- A series of new raised tees, greens and mounds, as well as sunken lakes and bunkers on the Oaks course (the larger of the two courses);
- A small number of small tees, bunkers and greens on the Acorns course (the smaller course);
- A 349sq.m extension on the western side of the club-house;
- An extension to the car-park to provide an additional 22 spaces;
- A new adventure golf facility to the east of the club-house; and
- Areas of new planting, mainly fairway/'rough' management.

The extension to the club-house would create a new wing which would infill a section between the driving range and the existing building. A new entrance porch is proposed on the south-east elevation, together with a small projection to house an office. The proposed extension measures approximately 6.45m in height, 25m in length and 15m in width. It is proposed to be constructed of timber on a brick plinth with weatherboard cladding and pantiles for the roof, to match the existing building. The proposal would enhance the existing facilities by providing a larger function room and reception area. The application submission outlines that the new extension will encourage the use of the facility by existing residents nearby and new residents in the planned growth location. The site is within walking distance and will provide a community meeting place/facility with bar, restaurant/carvery and function facilities.

The Adventure Golf Course is roughly L-shaped in plan and would measure approximately 60m on its longest edge and 45m at its widest. It will contain a variety of obstacles and hazards themed around the American West. This section and the car parking area will involve removing part of the established hedge, however further planting is proposed to mitigate this.

Modifications to the car park are proposed to create an additional 22 spaces, resulting in 100 in total, which includes 3 accessible parking spaces for

disabled persons. Two cycle spaces are also indicated. Golf Courses are required to provide a maximum of 3 spaces per hole in accordance with the Vehicle Parking Standards. Disabled persons' bays should be provided at 3 per 200 vehicle bays or less. The proposal would provide 100 spaces which exceeds the above car parking standards which would require the provision of 56 spaces.

Provision is also required for cycle and motorcycle parking. There is no standard for cycle parking provision. However, the standards require 1 motorcycle parking space for every 20 car parking spaces for the first 100 spaces. The submitted plans indicate no dedicated motorcycle parking and two cycle parking spaces.

The modifications to the Oak Course, which is on the south-eastern section of the site will involve some remodelling mainly to the outer edges. These will be in the form of undulating mounds up to a maximum height of 3m to 5m above existing ground level. Three new lakes/water features are proposed to a maximum depth of 3m to 5m below existing levels, together with several new bunkers to a depth of 1m below existing levels. Modifications to the Acorns Course are less extensive and will not involve the raising of existing ground levels. Additional landscaping is proposed on both courses to supplement the existing trees and to create new areas of planting. The proposals are designed to be 'cut and fill neutral', with no material imported or exported from the site.

The application is supported by the following documents:

Planning and Design and Access Statement
Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan
Landscape and Visual Impact Appraisal
Preliminary Ecological Appraisal
Phase 2 Ecological Surveys and Assessment.

The Planning and Design and Access Statement indicates that for the time being, vehicular access will continue to be served from Forest Road, however, during Phase 1 of the planned growth location, the developer will construct a new primary access from Forest Road, aligned immediately to the north of the existing access drive as detailed in the residential scheme recently considered and approved at Committee. The new primary access road will then provide access to the golf centre via the remaining north-south section of the drive. The hedgerow to the north of the existing access drive will remain and will form a landscape feature to the south of the new primary access road.

CONSULTATIONS

ECC Archaeology – no objection, but request a condition to secure a programme of archaeological work.

ECC Development and Flood Risk Manager – no objection - the development will not significantly increase impermeable areas and re-landscaping of permeable areas is adequately addressed with on-site through provision of storage within the proposed lakes.

ECC Highways – no objection, subject to a condition relating to the construction phase.

ECC Highways Public Rights of Way – no objection. However, it is pointed out that the legal route of Footpath 59 is at variance with the route actually walked. It is suggested that the applicant may wish to restore the original legal route or make an application for its current route under S257 of the Town and Country Planning Act 1990. The applicant is also advised to make an application for any temporary diversions that may be required during the construction phase.

ECC Historic Buildings Consultant – no objection – considers that the development will not negatively impinge on the setting of nearby listed buildings.

ECC Minerals and Waste Planning – no objection.

Environment Agency – no objection – advisory notes suggested.

Network Rail – no objection.

BDC Environmental Health – no objection, subject to appropriate conditions during the construction phase.

BDC Landscapes – no objection subject to conditions relating to ecology and new landscaping.

REPRESENTATIONS

Rivenhall Parish Council objects to the proposal on the following grounds:

- Additional vehicle movements will exacerbate an already existing burden on the local road network;
- Insufficient provision of disabled parking and bicycles;
- Potential increase in vehicular use of the 'protected' Rectory Lane
- No details of lighting have been provided for the adventure golf area;
- There is a lack of screening for the tall structures (up to 4m) in the adventure golf area which could be visible from local dwellings and public footpaths;
- There is no provision for a hard surface footway to the site along the access road or Forest Road.

Witham Town Council – no objection subject to a S106 obligation that local residents should be given preferential treatment when using the new function/event room.

Four representations have been received from residents of The Old Rectory, Rectory Lane, 326 and 362 Rickstones Road, and 2 Tees close summarised as follows:

- Insufficient disabled parking in proportion to the additional parking proposed;
- No lighting details submitted for the Adventure Golf;
- No indication of screening;
- No cycle spacing indicated;
- Forest Road has been marked on the location of Rectory Lane, which is a single track lane and is protected;
- Overdevelopment in the countryside, particularly in relation to the new houses;
- The extended club-house and mounds will be visible from 4km according to the Zone of Theoretical Visibility;
- Inappropriate design of the Adventure Golf and mounds which will be visible outside the site;
- The current design of the club-house is not sympathetic and extending it will negatively impact further;
- Increased traffic;
- Negative impact on ecology.

REPORT

Principle

The site is located within the countryside in an area where new development is restricted to appropriate uses in accordance with Policy CS5 of the Braintree District Local Development Framework Core Strategy. Policy CS8 states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change. Policy CS9 states that the Council will promote and secure the highest possible standard of design in all new development and the protection and enhancement of the historic environment. In this regard, it is noted that the Historic Buildings Consultant raises no objection to the proposal in relation to the historic buildings close to the site.

Detailed Considerations

At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. This doctrine underpins both plan making and decision taking in order to not only ensure that decisions are made without delay but that they minimise impact on important areas of concern such as biodiversity. In relation to this proposal, the NPPF indicates that proposals for sustainable leisure development in rural areas should be considered favourably in order to support a strong prosperous economy.

The site is situated outside the Rivenhall Village Envelope in an area designated as countryside. Notwithstanding this, given that the site is an existing established facility, already providing some of the services referred to in the Planning and Design and Access Statement, the principle of development is considered to be acceptable, subject to other relevant policy criteria. This application does not propose a further extension into the countryside as the golf course is reducing in area, as necessitated by the growth location at Forest Road.

Impact upon Landscape Character and Ecology

One of the main considerations in this case is the likely visual and environmental impact of the development on the character of the local area. In this regard, the following policies are considered relevant:

Policy RLP80 of the Braintree District Local Plan Review requires that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area.

Policy RLP81 states that the Council will encourage landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows.

Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on protected species. In cases where development may have an impact on ecology, the Council will require a full ecological assessment and may impose relevant conditions to facilitate survival, reduce disturbance or provide supplementary habitats.

Policy RLP90 requires a high standard of design in all development which respects local context and residential amenity.

Policy RLP133 of the Braintree District Local Plan Review states, amongst other things, that built development on golf courses within a rural location, will be restricted to those facilities essentially required to serve the club. Large-scale buildings in the countryside, not essentially related to the use of land for golf, will not be permitted.

The Landscape and Visual Impact Appraisal submitted with the application has provided a review of the potential landscape and visual impacts which may result from the proposed golf course remodelling. This is an undesignated rural area locally characterised by the pre-existing golf course. The proposal involves the reconfiguration of the golf course and some enhancement to the facilities it already provides. The golf course remodelling incorporates replacement holes with new tee off areas, fairways, bunkers and greens, as well as four new water hazards and some areas of earth mounding. There is a footpath dividing the golf course and some nearby roads on the edge of Witham and Rivenhall. The study found that the remodelling works within the golf course, including the new earth mounding

and creation of new water features, would not be of any notable impact in landscape or visual terms in the outlying context. These works are of a minor nature in the context of the established golf course landscape. The perimeter planting and further internal plantations would prevent any of these changes from standing out to any great degree. Proposals for substantial areas of additional woodland and tree planting would further enhance the woodland appearance and integration of the golf course into the local landscape.

The extension of the clubhouse and associated car park enlargement, together with the new adventure golf course would form the most notable changes to the site in terms of landscape and visual impact. This cluster of development components would be a feature at the entrance to the site and alongside the footpath at this point. They may also have some visual presence in views from the west, but this would be restricted to filtered wintertime views through boundary vegetation. The most direct and obvious impact would be for walkers on the footpath through the site at the entrance to the car park. However, this is a relatively modest change to the current conditions and there is scope to provide appropriate boundary planting in front of the Adventure Golf Course. This would help to contain and minimise the interface between the footpath and the more intensively developed part of the site. As a result, the experience of walking this footpath would not be greatly altered.

With regard to impact on ecology, the Preliminary Appraisal considers that the remodelling of the golf course will result in the loss of areas of some improved and amenity grassland. Some of the areas of longer improved grassland will become part of greens or the fairway and so will be more heavily managed and intensively mown with other areas planted as woodland or turned into water bodies. Given the additional water bodies and woodland areas which will be created during the works, it is considered that the works will have an overall positive impact on biodiversity in the area. Vegetation clearance works should be timed to avoid the nesting bird season and presence/absence surveys for reptiles and Great Crested Newts should be undertaken to ensure that these, if present, are not affected by the proposals. The habitat suitable for foraging bats will not be lost and its area will be increased by the works so no further surveys or mitigation for bats is required. The Phase 2 Ecology Survey recommends mitigation and considers that the mitigation and enhancement proposals set out in the report will ensure that there will be no significant adverse impacts from the development. In the long term, it is considered that the proposal will enhance biodiversity on the site. To ensure that the gains to biodiversity are maximised, the ponds should include aquatic planting and the areas of 'the rough' should include grassland with a high sward height.

In terms of the proposed extension to the existing clubhouse, it is considered that the proposal would be in keeping with the design and appearance of the existing building and would not have a detrimental visual impact upon the landscape.

The Adventure Golf Course will clearly be apparent from within the site, however, with the landscape screening proposed it is considered that this will be mitigated over time once the landscaping has fully matured. As stated above, the golf course is very well contained by the existing landscaping in any event, and as such it is not considered that the proposed Adventure Golf Course would appear out of keeping within the wider landscape context.

The plans indicate that some low and high level lighting is proposed in relation to the Adventure Golf Course however, no details have been submitted with the planning application. It is acknowledged that lighting could have a significant impact upon the landscape and potentially bat movement. Accordingly, it is recommended that a condition is attached which prevents the installation of any such lighting at this stage.

The proposal would involve a significant amount of re-modelling within the site to create the mounds, bunkers and ponds. However, as referred to above, this would be achieved without the need to import or export any materials. Additional hard surfaces will also be created within the car-park and Adventure Golf, however as no objections have been received from the Environment Agency, ECC Minerals and Waste, and ECC Development and Flood Risk, it is concluded that the development would not result in any significant harm in terms of flood risk and earth works.

As stated above, the Council's Landscape Officer raises no objection to the proposal in terms of impact on the landscape, on existing trees and hedges, or ecology, subject to appropriate conditions. The proposal is therefore considered to be satisfactory in this regard.

Highways Impacts

Policy RLP56 requires that vehicle parking is provided in accordance with ECC Vehicle Parking Standards 2009. Policy RLP87 requires that the local planning authority will seek to ensure that development does not adversely give rise to harm to designated Protected Lanes.

In response to the consultation on this application, ECC Highways have raised no objections to the application on highway grounds subject to conditions. As identified above, the application site would make appropriate provision for car parking in accordance with standards. Sufficient space exists on the site to provide for motorcycle and cycle parking, details of which can be secured by way of suitable planning conditions.

Rivenhall Parish Council raised concerns that the proposal included no provision for a hard surface footway to the site either along the access roadway or alongside Forest Road. While these comments are noted, given the existing use of the site and established nature of the facility, it is not considered that additional footway provision could be reasonably required as a result of the proposed development.

The comments raised by ECC Highways Public Rights of Way in respect of Footpath 59 are noted. However, this issue is considered to be a separate matter which is not directly affected by the proposed development. A suitable informative to the applicant is recommended.

It is therefore concluded that the proposal will not have a detrimental impact on the existing highway network and would make adequate provision for parking on the application site.

Other Issues

Within their consultation response Witham Town Council requested a Section 106 obligation to require the applicant to give preferential treatment to local residents when using the new function/event room. While this request is noted, planning obligations have to meet a number of prescribed tests, namely that they are necessary, directly related to the development, and are fairly and reasonably related in scale and kind. As this is an existing facility that is already accessible, it is considered that the request from Witham Town Council would be unreasonable and would not meet the test for a planning obligation in this case.

CONCLUSION

The proposal would enhance and consolidate an existing golf course facility. The extensions to the existing club house along with the proposed alterations to the golf course are considered to be at a scale and appearance which would be in keeping with the character of this countryside location. Sufficient car parking would be provided on site and the proposal would not have a detrimental impact upon the landscape, ecology or highway safety. A number of conditions are recommended to ensure that the impact of the development is mitigated. It is therefore concluded that this proposal represents development that is sustainable and would accord with the NPPF, the Core Strategy and the Braintree District Local Plan Review.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 15001_01	Version: C
Existing Site Plan	Plan Ref: 15001_02	
Proposed Site Plan	Plan Ref: 15001_03	Version: C
Parking Layout	Plan Ref: 15001_04	Version: A
Existing Plans	Plan Ref: 20140191-01	
Existing Plans	Plan Ref: 20140191-02	Version: A
Proposed Plans	Plan Ref: 1245/001	
Elevations	Plan Ref: SM/3879	

Floor Plan	Plan Ref: SM3877
Proposed Plans	Plan Ref: Floor/Roof/Elevations
Proposed Plans	Plan Ref: Adventure Golf
Report	Plan Ref: Design and Access Statement
Report	Plan Ref: Visual Impact Assessment
Report	Plan Ref: PHS 1 & 2 Ecology Survey
Report	Plan Ref: Arboricultural Report

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 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

The site may be of archaeological interest.

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

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

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

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

Reason

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

- 6 The development shall be carried out in accordance with the approved Tree Survey, Arboricultural Impact Assessment & Tree Protection Plan listed above, undertaken by Hayden's Arboricultural Consultants dated 15/7/15.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 7 No tree/scrub removal required to facilitate the proposals shall take place between 1st March and 31st October.

Reason

To ensure nesting birds and other wildlife are not disturbed during the development.

- 8 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 practice 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.

- 9 Prior to the first use of the golf course once remodelled, as hereby approved, details shall be submitted of the ongoing management arrangements for the area of land indicated on the location plan within the blue line between the outlying edges of the Forest Road Growth Location and the Golf Course will be managed following the completion of the development hereby approved.

Reason

In the interests of safeguarding the character and appearance of the locality.

- 10 No external lighting shall be provided to any part of the Golf Course. Details of any additional lighting proposed in association with the extended club house and car park shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

- 11 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the following all clear of the highway:
- safe access to/from the site
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
 - the safe-guarding of Public Rights of Way during construction.

Reason

In the interests of highway safety.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 13 Prior to the occupation of the development the details of the number, location and design of a covered parking facility for powered two wheelers and bicycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to occupation and retained at all times.

Reason

To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted Parking Standards.

INFORMATION TO APPLICANT

- 1 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)

- 2 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.
- 3 It is noted that there are external bi-fold doors leading directly from the function area within the club house. You are advised to ensure there are sufficient management procedures in place to prevent a statutory noise nuisance and it is therefore recommended that you consider an alternative ventilation system in addition to natural ventilation for when entertainment noise from any club house event is likely to be audible beyond the boundary of the site.
- 4 Your attention is drawn to the Advisory Letter submitted by the Environment Agency dated 29th July 2015 in relation to this application in relation to flood risk, pollution prevention and control, creation of lakes, Ecology, Fish Introduction and Abstraction Licences. A copy of this letter can be viewed on the Council's website under the reference number of this application.
- 5 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 6 Your attention is drawn to condition 4 of this planning permission and that there may be archaeological remains on the site. 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 It is noted that the legal route of Footpath 59 Rivenhall shown on the Definitive Map of Public Rights of Way which crosses the site is at variance to the route as walked by the public. You are advised to consider making an application to regularise this. In addition, it may prove necessary during the construction phase for the route of any public right of way affected by the development to be diverted to afford safe passage to users and to enable the works to take place. In this event, you will need to make an application for the diversion of those lengths of public rights of way under Section 257 of the Town and Country Planning Act 1990. As this can take some months to process due to the extensive periods of

public consultation and cannot be made retrospectively, the diversions must be in place before the development begins. During the period of processing the Definitive line of the path must not be permanently obstructed, otherwise this precludes the use of powers under the Planning Acts to make an Order, potentially making the diversion significantly more difficult to achieve.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO:	15/01004/OUT	DATE VALID:	05.08.15
APPLICANT:	Cemex UK Properties Ltd C/o Agent		
AGENT:	Bidwells LLP Mr Ray Houghton, Saxon House, 27 Duke Street, Chelmsford, Essex, CM1 1HT		
DESCRIPTION:	Development of up to 60 dwellings with all matters reserved, except access		
LOCATION:	Land West of Boars Tye Road, Silver End, Essex		

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

SITE HISTORY

15/00008/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 60 dwellings, landscaping, access and associated infrastructure	Screening/ Scoping Opinion Adopted	23.07.15
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
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
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 & Development Management Policies (SADMP)

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

Supplementary Planning Guidance

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

Other Guidance

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

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

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

The application amounts to a departure from the Council's adopted Development Plan and has been advertised accordingly.

The site was submitted for consideration for residential development in the context of the preparation of the Site Allocations & Development Management Plan (SADMP) but was rejected (December 2011). It has, however, been submitted again for consideration through the recent "call for sites" (March 2015) and will be formally considered again through the Local Plan process, along with all the other sites that have been submitted. In the meantime - the current application has been submitted.

SITE DESCRIPTION

This 2.2 ha site is located on the northern edge of Silver End on the western side of Boars Tye Road, immediately north of Wood Grove.

To the south and west of the site is established residential development fronting onto Broadway and Wood Grove. Boars Tye Road defines the eastern boundary of the site and existing housing extends part-way along the opposite side of the road. Agricultural land lies to the north and north-east of the site. An established woodland buffer encloses the entire northern boundary and separates the site from the countryside beyond.

The site was previously used in connection with a timber fabrication business that operated on the land to the south of the site where the Wood Grove residential development is now located. Apparently, the land previously contained a stable and was used for the grazing of horses. The land is now disused and has largely reverted to scrubland. It does, however, contain two small sheds and a hard-standing related to the previous use of the land.

PROPOSAL

The application seeks outline planning permission to develop the site for a scheme of up to 60 residential dwellings, with all matters, except access, reserved to be determined subsequently.

Permission is therefore sought for:

- the principle of the site's development for residential purposes;
- its development for a quantum of up to 60 dwellings;
- the formation of a new access into the site from Boars Tye Road to serve the development.

All other matters - including the layout, the mix of dwellings and their scale/design/appearance and the provision for open-space/landscaping - are reserved for subsequent approval.

The main purpose of the submitted master plan is, therefore, to show that the site is capable of accommodating a development of 60 dwellings and what its general layout and form might be. In large measure - it is illustrative of a possible approach.

The application is supported by the following documents:

- Design & Access Statement (incorporating Heritage Statement);
- Planning Statement & Sustainability Appraisal;
- Report on Stakeholder Engagement & Community Consultation;
- Transport Assessment & Interim Travel Plan;
- Flood Risk Assessment & Drainage Strategy;
- Ground Conditions & Contamination Assessment;
- Noise & Vibration Assessment;
- Phase 1 Ecology Assessment;
- Arboricultural Impact Assessment;
- Archaeological Assessment;
- Sustainable Design & Construction Checklist;
- Utilities Assessment.

CONSULTATIONS

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

- the development is outside the village envelope and is, therefore, contrary to Braintree District Council policy;
- if allowed, the proposal would in effect change the settlement boundary and to do so by way of a decision on a planning application outside the local plan process does not allow proper assessment of this matter;
- concern about the safety of the proposed access point given the history of fatal accidents in the vicinity of this location;

- if the access point is permitted, this should be subject to the implementation of some form of traffic management plan, such as speed control, road layout, etc.;
- the proposal requires the removal of the hedge across the site frontage. The suggestion is, therefore, made that the hedge might be afforded some status as an “important hedge” and, in turn, protected;
- if permission is granted, this should be subject to the style of property being in keeping with the “modernist style” for which the village is recognised.

Essex County Council (ECC) Highway Authority: No objections subject to any planning permission being granted subject to the following conditions:

- the provision of 2m wide footway continuing south from the proposed access to link-up with the existing footway by the bus-stop at Wood Grove;
- the two bus-stops closest to the site being upgraded, the upgrades to include raised kerbs, telematics and shelters as appropriate;
- the new access into the development at its centre-line being provided with visibility splays of dimensions 2.4m by 103m to the south and 2.4m by 134m to the north, as measured from and along the nearside edge of the carriageway, with the area within each splay kept clear at all times of any obstruction exceeding 600mm in height;
- no development to take place (including any ground works or demolition) until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority (LPA). The Plan shall provide for (A) safe access to/from the site, (B) the parking of vehicles belonging to site workers and visitors to the site, (C) the loading and unloading of plant and materials, (D) the storage of plant and materials used in constructing the development, (E) wheel and underbody washing facilities and the safeguarding of public rights of way during construction. The approved Construction Management Plan to be adhered to throughout the construction period;
- for each dwelling the developer to be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport and to include 6 one-day travel vouchers for use with the relevant operators of local services;
- prior to first occupation, the proposed gateway feature as shown on drawing 130883/A/05 Rev C shall be provided, full details to be agreed with the LPA.

In addition - the Highway Authority requires a number of informatives.

ECC Archaeology: No objections. The proposal would affect a site of archaeological interest. Due to the potential for later prehistoric, Roman and medieval remains being found across the site - any planning permission should be granted with a condition that requires full archaeological

investigation of the site in accordance with an approved methodology to be agreed with the LPA.

ECC Flood & Water Management: No objections, subject to any planning permission being granted with a condition that requires that, before each phase of the development, a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro-ecological context of the development, is submitted to and agreed in writing by the LPA. In addition - various advisory information is provided.

ECC Places Services (Urban Design): No objections in principle.

Various comments are made regarding the layout, the road hierarchy and the landscaping.

The application is, however, in outline only and it is only access that falls to be considered at this stage. Layout - in turn, the road hierarchy, landscaping, along with scale and appearance, are all to be considered as reserved matters.

Most of the comments made by ECC Urban Design are, therefore, simply noted for the time-being and will be taken into account at reserved matters stage.

The only comments that apply here are those made in respect of the impact of the access on the hedge on the eastern boundary of the site. Their comments are that, if substantial existing hedgerow planting on the boundary to Boars Tye Road is to be removed to provide appropriate sight-lines, this should be replaced to mitigate the loss of screening on this important frontage.

ECC Economic Growth/Education: No objections.

No developer contribution required for early years/childcare provision.

The development is located within the priority admission area for Silver End Primary School. It is anticipated that an additional 18 primary aged children would be generated, which would be within the capacity of the school - which is currently being expanded to 420 places from 373 places - to accommodate once expanded.

Regarding secondary education - the nearest secondary school is the New Rickstones Academy in Witham. This Academy is part of the Witham secondary school forecast planning group, which also includes Maltings Academy. Current forecasts indicate that by the school year 2019-20 this grouping will have a surplus of 399 places. It is, therefore, anticipated that the requirement for 12 secondary places generated by the development can be accommodated without additional provision of places. However, these schools are more than 3 miles from the development and the County is obliged to provide pupil transport to the school at a cost of £4.30 per day for 195 days per year, the standard academic year. The County, therefore,

requires a developer contribution of £50,310 to cover the cost of transporting secondary school age children to and from the New Rickmans Academy over a 5 year period, index-linked to April 2015 costs, to be secured by Section 106 agreement.

BDC Housing: Advise that 40% affordable housing provision will be required in accordance with Core Strategy policy CS2. The preferred mix is:

- 6 x 1 bed 2 person flats;
- 15 x 2 bed 4 person houses;
- 2 x 3 bed 5 person houses;
- 1 x 4 bed 7 person house.

In addition:

- 70/30 tenure mix - rent over shared ownership - is required (with flexibility provided for with the Section 106 agreement to allow more rented units if necessary);
- there should be proportionate delivery of affordable units throughout delivery of the development;
- the affordable units must not be in one area of the site - details to be agreed at reserved matters stage;
- the affordable units must be compliant with the Homes and Communities Agency standard at the point of construction;
- all houses and ground floor units to be to Lifetime Homes Standard;
- "Secured by Design" certification required;
- all affordable units to be delivered without reliance on public subsidy.

BDC Environmental Services: No adverse comments subject to any planning permission being granted with conditions that:

- restrict the hours of working for site clearance and construction (to hours that protect nearby residents from excessive noise and disturbance);
- require the provision of measures to control the dispersal of dust and mud during site clearance and construction according to details that have previously been submitted to and agreed in writing by the LPA;
- require details of the proposed lighting across the site to be submitted to and agreed in writing by the LPA.

BDC Community Safety: No response.

BDC Landscaping: No objections in principle. Most of the comments made at pre-application stage have been incorporated into the illustrative layout. The only remaining area of concern relates to the siting of the play-area which needs to be re-sited more deeply into the woodland so that it is more integral part of it.-

Environment Agency: No response

Anglian Water: No response.

NHS England: The proposed development is likely to impact on the services provided by the GP practice operating in the vicinity of the application site and it does not have capacity for additional growth resulting from this development.

The development is expected to generate about 144 patients locally. Capacity by way of extension, refurbishment, reconfiguration or relocation at existing local practices will need to be expanded. The cost of expanding the St Lawrence Surgery would be £19,740 which would need to be secured by Section 106 Agreement.

Essex Police: No response.

Royal Society for the Protection of Birds: No objections subject to any planning permission being granted with a condition to secure biodiversity enhancements in line with the National Planning Policy Framework and the Natural Environment & Rural Communities Act 2006.

In particular - the swift species of bird is “amber-listed” on the Birds of Conservation Concern, which means that its population has declined between 25 to 50% in a recent 25 year period. One of the reasons for its decline is a loss of nest-spaces. New developments designed without nest-spaces do not allow them to breed. The installation of “swift-bricks” as identified in the Ecological Assessment would be a welcome step.

The Ecological Assessment recommends the adoption of an Ecological Management Plan which is endorsed.

Public Consultation

16 letters of representation (2 are identical from the same resident) have been received: 14 of these object to the development; 1 letter supports the development.

Grounds of objection include:

- the site lies outside the Silver End village envelope and, if permitted, will set a precedent for other applications outside the envelope;
- if any further development is required in Silver End this should be based on existing developed brownfield sites, not on undeveloped greenfield sites;
- the Council is in the process of preparing its new Local Plan, which will identify where it wishes to see future growth in the district. Why is there a need to rush this process, negate its importance and allow developments to go ahead before it is finished? To do so would undermine the plan and defeat the purpose of spending large sums of

money in its preparation when developers can still pick and choose where they wish to develop;

- there is already enough housing in the village, which has become too large, following the provision of about 100 houses and flats at Wood Grove and others behind the Co-op store. It is fast becoming a town with the facilities of a town;
- Silver End is a rare example of a model village in the “Garden City” tradition and the development would contribute to its special character being eroded;
- insufficient infrastructure to support any further development of the village - not enough capacity at the doctor’s surgery at present, not enough school places resulting in children needing to be schooled outside the village, only one shop/post-office in the village and this is not enough to sustain demand;
- existing roads are already congested (added to as a result of the expansion of the nearby quarry) and the proposed development will add further to this, to the detriment of road safety and adding to pollution;
- the proposed access to the site would be on a blind-bend where there is speeding traffic coming into the village, would be unsafe and no amount of removal of hedgerow/foilage would ensure sufficient visibility to allow the creation of a safe access, given the alignment of Boars Tye Road (which is very busy) and the high speed of traffic as it enters the 30 mph zone. If planning permission is granted, this would imply acceptance of an unacceptable level of risk on the highway. The point at which the 30 mph comes in needs to be moved further back from the proposed new access;
- insufficient parking within the village centre at present and the proposal would add to demand for what little there is;
- loss of privacy/overlooking of neighbouring property;
- loss of light to neighbouring gardens;
- some of the properties will not achieve the 25m back-to-back distance relative to neighbouring properties that is required and this is unacceptable. This also reflects the fact that the proposal would be an over-development of the site;
- the site is higher than levels within some neighbouring gardens and this will add to the impact of the development on surrounding properties, potentially causing a drainage issue for neighbouring plots as a result of run-off from the development site;
- a low density development that provides more larger properties as affordable homes should be sought;
- concerned about where the flats will be built and how high they will be;
- noise and disturbance from the development;
- not enough jobs in the village
- possible contamination of the site, even anthrax;
- loss of wildlife habitat. The hedgerow to be removed should be designated an “important hedge” on account of its age and importance;

- if the line of trees at the rear of nos 145 to 159 Broadway is lost as a result of the development this would be a serious loss of amenity for residents in these neighbouring houses;
- if allowed, this development will set a precedent for similar developments around the village;
- adverse impact on property values locally.

The one letter of support for the proposal is from residents who accept there must be more houses in the village and who consider (A) the development proposed would be appropriate for the size of the village, having regard to the fact that the Crittall site is already allocated for development, (B) the design of house proposed would be in-keeping with the existing 1920s properties nearby, especially those in Silver Street, and (C) the whole development would blend in with the surroundings.

REPORT

Three key issues arise:

- the principle of residential development of the site;
- sustainability and whether the amount of development sought can be accommodated satisfactorily, having regard to its potential impacts;
- the suitability of the access proposed to serve residential development of the site.

Principle

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

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

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

"Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the

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

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

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

However, it also has to be accepted that the Council's Development Plan is now somewhat out-of-date relative to current national policy. This is why the Authority is currently working on the production of a new Local Plan.

The Council had been working on the Site Allocations and Development Management Plan (SADMP), to build on the strategic policies set out in the Core Strategy, since its adoption in 2011. This was to have completed the set of documents required in the Local Development Framework to guide development in the District. This Plan was to have provided detailed land use allocations across the District, including settlement boundaries and policies to be used in the determination of planning applications. Critically, it also carried forward the same minimum housing targets as are set-out in the 2011 Core Strategy.

The site, the subject of this application, was submitted for consideration for residential development when the Council was preparing its Site Allocation & Development Management Policies Plan (SADMP) in 2011. However, it was rejected on the grounds that development of the site

“...would further extend linear development along Boars Tye Road. The landscape Character Assessment identifies this area of countryside as having medium to high sensitivity overall due to the strength of the rural character and its contribution to the setting of Silver End.”

Notwithstanding the development of the District Council's own plan, in fact national planning policy has seen significant reform since the adoption of the Core Strategy and it was becoming increasingly clear that a new up-to-date plan was required. More specifically in regard to housing - the Regional Spatial Strategy on which the Council's Core Strategy housing targets were based had also been abolished and the NPPF (which post-dated the Core Strategy) now exhorted Local Authorities to “boost significantly” their supply of land for housing.

As the Council began to gather evidence on what new housing target would be appropriate, it also became clear that the new target would be significantly higher than the Core Strategy targets.

Moreover - against the background of being required to “*boost significantly*” the supply of housing across the district and to plan for housing growth and delivery - there was now a national requirement for local authorities to meet an *objectively assessed need for housing* in full within their Local Plans.

The Council, therefore, took the decision in June 2014 to cease work on the SADMP and, instead, to start work on a completely new local plan that will include all the key planning policies in one document; work that is still in progress.

As part of the work necessary to inform the new local plan, the Council therefore commissioned research, in combination with other neighbouring authorities, to establish a new figure for housing supply based on an Objectively Assessed Housing Need Study. This reported in June 2015 and indicates a figure of 845 dwellings per annum as being the revised number of new dwellings that is required, which compares with the Core Strategy targets of delivering 4,637 new dwellings between 2009 and 2026, equating to a minimum of 272 dwellings per annum.

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

What is clear, however, is that the new target will need to be significantly higher than the current Core Strategy targets.

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

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

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

meaning of the NPPF. It should also be said that a development of this relatively modest scale is unlikely to prejudice the Spatial Strategy of the new local plan and in turn any argument that the proposal would be premature - because it might prejudice the overall spatial strategy for the district - would be of little foundation.

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

*“At the heart of the National Planning Policy Framework is a **presumption in favour of development, which should be seen as the golden thread running through both plan-making and decision-taking**...For decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this framework indicate development should be restricted.”*

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

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

Sustainability

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

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

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

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

- *appropriate development in these villages will be supported and promoted, including the regeneration of specific and other partnership initiatives, to help secure their continued sustainability, make sure that jobs and services are kept and if possible improved and their historic character enhanced;*
- *appropriate market housing to help support these services will be developed on suitable sites in the villages;*
- *affordable housing to serve local needs will be supported.”*

The key point is that Silver End is so designated because of the range of services it offers and, in turn, because it is, by definition, an accessible sustainable location, which is a key test to be satisfied under the NPPF if a new residential development is to be judged to be acceptable in principle.

The site is outside the development envelope for the village. However, it also abuts the development boundary on three sides and in many ways would appear as a logical extension of the existing built-up area. The development would also be in-line with the northernmost extent of existing residential development in this part of the village, which would simply be extended across on the same line to take in this site and which would not be extended any further northwards into the countryside.

The development would also, arguably, amount to redevelopment of a brownfield site insofar as it was previously used in connection with the site to the south when that was in use for timber fabrication - now redeveloped as the Wood Grove/Broadway residential development; indeed, there are on the site remnants of the previous use insofar as there is evidence of the former tram-lines on the ground and a large concrete hard-standing remains in the north-eastern corner of the site.

Officers, therefore, take the view that in many respects the location of new development in Silver End would satisfy an essential first test of sustainability.

Whether the amount of housing sought is acceptable is less clear-cut and requires assessment of the extent of compliance with the various standards and guidance that apply to the assessment of development proposals of this sort and the impacts. The application is, however, for outline permission only so matters of detail, including the layout, design and appearance of the building and the provision of open-space/landscaping do not strictly fall to be considered at this stage. On the other hand - the application is supported by illustrative plans and supporting studies that attempt to show that an acceptable development of the scale proposed can, indeed, be achieved. These are discussed below.

It is incumbent upon the applicant to show that the development is, indeed, sustainable. To this end, the application is supported by a Sustainability Statement in which the view is expressed that the proposal would, indeed, be sustainable development that would improve the economic, social and

environmental conditions in the area and then goes through the various impacts and explains why these are considered to be either entirely acceptable or how any adverse impacts can be mitigated.

Dealing, firstly, with the *economic benefits* - the applicant argues that the development would result in significant economic benefits, including the provision of employment during construction, the resultant on-going support for local businesses and services that would arise and the investment in local infrastructure that will result from Section 106 contributions.

As to enhancement of *social vitality* - they argue that this will arise from the very provision of new homes to meet local needs and open-space with children's play facilities;

Finally - *environmental impacts* - they argue that many of these will be positive and all can be mitigated to ensure that other impacts will be acceptable.

The developer also argues that, by definition, Silver End is a key service village in recognition of its relatively high level of service provision.

Regarding the more specific impacts - the key issues for consideration are:

- the landscape impact of the site's development;
- whether the amount of development sought (up to 60 units) is likely to be achievable in an acceptable manner, having regard to the standards and guidance that apply in assessing proposals of this kind, and the impact on residential amenity;
- the impact on heritage assets and the conservation area;
- the impact on residential amenity;
- the highway impact and the acceptability of the access (which does fall to be considered under the application);
- the extent to which the proposal would provide for the protection and enhancement of local ecology;
- matters to be secured through Section 106 agreement, including:
 - (A) the likely provision of public open-space/amenity space within the development and the contribution it is likely to make towards the provision for open-space/recreation in the locality;
 - (B) the provision for affordable housing;
 - (C) the provision for educational expansion;

(D) the provision of off-site highway works, including the measures detailed within the Interim Travel Plan that supports the application;

(E) provision for open-space on and off-site;

Each is taken in turn:

Landscape Impact

Core Strategy Policy CS8 (Natural Environment & Biodiversity) states

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

The 2008 Landscape Character Assessment commissioned by the Council identified the site as being within an area that it designated as being the Silver End Farmland Plateau. The Assessment describes this area as follows:

“Sensitive key characteristics and landscape elements within this character area include many small woods and copses that provide structure and plantations of small woodlands (which are sensitive to changes in land management). The open nature of the skyline of several areas of the plateau is visually sensitive with new development potentially visible within expansive views across the plateau. There is a strong sense of historic integrity resulting from a dispersed historic settlement pattern of small villages.”

As previously stated - the site was not allocated for residential development during the preparation of the SADMP in part due to the adverse impact this would have on the character of the area.

More recently - a review of the 2008 Assessment was undertaken to update the evidence base for the emerging Local Plan. This revised Landscape Capacity Analysis (June 2015) provides a more detailed assessment of particular areas of land around the Key Service Villages. It identifies the application site as lying partly within what is referred to as parcel 1a, which overall has only “medium to low capacity” to accommodate development, largely because it consists of open cultivated land in which development would appear as highly intrusive and easily visible from housing around.

In particular the report states:

“Parcels 1a and 1b wrap around the existing settlement fringe. However, these areas are important to the setting of the Silver End Conservation Area and in preserving separation between Cressing and Silver End. The stretch of the Essex Way path within parcel 1a provides open views across the arable fields. Development within

these parcels would be very open to view from adjacent housing, prominent in views from sensitive receptors and adverse to the rural character of the landscape.”

The report, however, goes on to state that:

“...levels of landscape capacity may not be uniform across any one setting area. It acknowledges that the Low to Medium capacity landscape setting areas around Silver End may include specific locations therein that are more suitable for development in landscape or visual terms, particularly where they are small in scale and have a moderate amount of visual enclosure. Where capacity within the landscape setting area varies, any development proposals would need to respond to the inherent landscape sensitivity and take account of both the setting and potential impacts on the surrounding landscape.”

Thus, the Assessment does accept that there may be specific locations that might be suitable for development in landscape or visual terms. The application site is considered to be such a location. This reflects the fact that the site is relatively secluded and fairly well-screened, especially so on its sensitive north-western boundary with the open countryside, where a substantial belt of trees and other vegetation closes views into the site from this direction; visibility from the countryside would, therefore, be slight. Although a limited amount of this vegetation belt would be removed to allow the creation of a series of pedestrian walkways through the trees - the south-east and south-west boundaries with existing residential development are also marked by trees and vegetation, most of which will be retained and strengthened as appropriate. The south-eastern boundary is more open and contains more gaps than the south-western boundary. This can be supplemented with additional planting as appropriate, to be secured when landscaping proposals are brought forward for consideration at reserved matters stage.

The site's north-eastern boundary to Boars Tye Road is presently marked by a substantial hedgerow of some height. This will need to be cut-back significantly to provide a safe sight-line in a northerly direction from the proposed new access into the site. This is regrettable because the hedgerow is a long established feature in this part of the Boars Tye Road street-scene. Although it contains some trees - and two of these will be removed (a Norway maple and a willow) - the hedgerow is for the most part self-seeded, has not been managed over the years and has no particular merit. It does nonetheless serve the important function of providing screening on this boundary. Part of it will remain following the carrying-out of the development and it is important that what remains should be retained so far as is possible and strengthened by the carrying out of new planting on its inside-edge within the development site. This can be addressed when the landscaping proposals for the site are considered.

There would also be new landscaping within the development. Although the layout does not fall to be considered under the current application - the

illustrative plan submitted leaves two substantial areas of open land, one each on either side of the access road into the site, which will be planted with two lines of trees, one on either side of the road, to create an attractive “tree-lined avenue” into the development. As well as being an attractive feature of the development - it would also make a positive contribution to the Boars Tye Road street-scene.

The area on the southern side of the access road is also likely to be the location of a surface-water attenuation feature for the development, possibly in the form of a water-feature - which would be treated in such a way as to make it an attractive landscape feature in its own right.

The other main area of landscaping within the development will be based on the existing woodland-belt along the north-western boundary. This will not only be a significant buffer-feature providing mitigation of the visual impact of the development in the countryside, but is also intended to be an attractive amenity feature in its own right for residents of the development. It is between about 32m and 37m wide and for the most part will be retained, save for the removal of those parts that will make way for the creation of a children’s play area and the formation of paths through it so that it is accessible for residents.

The development would, therefore, be provided in a landscaped setting that would be reasonably well-screened in the surroundings and will incorporate significant areas of landscaping within it. Officers take the view that, notwithstanding the previous rejection of the site for residential development, the landscape impact would, in fact, be acceptable measured against the tests that apply under the new landscape character assessment and having regard to the fact the proposal will retain key landscape features as part of the site’s development.

Amount of Development

The application seeks outline permission for up to 60 dwellings but reserves layout to be determined at reserved matters stage. This means that it is difficult to accurately assess if the site is capable of accommodating the up to 60 dwellings sought. Neither is the mix of dwellings known.

The application is, however, supported by an illustrative plan that shows one possible form of development for the site. From this it is possible to take a view, having regard to the standards and guidance that would apply which include the provision of amenity space, the relationship with neighbouring residential properties in Broadway and Wood Close that back onto the site and the amount of parking to be provided.

Although the precise mix is not stated - it is understood that this will include a range of dwelling size, ranging from 2 to 5 bedrooms. The illustrative layout shows a mix of terraced, semi-detached and detached units and the total number of buildings/curtilages shown is 50. It is unclear if flats would be proposed, possibly as smaller units within a single larger building. If this was

to be the case, then the number of units would probably be higher than the 50 shown.

Proposals of this sort are normally assessed against the guidance in the Essex Design Guide. The Design Guide seeks a minimum back-to-back distance of 25m where houses back on to each other at 90 degrees. It also seeks minimum garden size of 100 sq m, reduced to 50 sq m for one and two bedroom houses, with the proviso that where a small house such as this is unextendable this may be reduced to the 25 sq m standard for flats. This is to ensure that satisfactory levels of amenity for existing residents in the vicinity of a site and those living in a new development would be provided

The relationship with existing neighbouring properties is a key consideration. The main concern here is that the illustrative layout shows an unsatisfactory relationship with existing dwellings. Back-to-back distances are less than the Design Guide minima in certain instances. This is especially the case in terms of the development that is proposed backing onto or in proximity to houses in Broadway and Wood Grove.

In addition - the amount of garden/amenity area to be provided across the development is deficient measured against the Design Guide. This is particularly so with the new properties backing onto development in Broadway.

It is, however, accepted that there is scope for the layout to be amended to ensure that it provides satisfactory amounts of amenity-space and improves on the relationship with existing development surrounding the site. Layout is not something that falls to be determined under the current application.

Regarding parking - the Council's adopted standards are set-out in the "Parking Standards Design & Good Practice" 2009. It is not easy to evaluate this properly based on the illustrative layout submitted with the current application, either numerically or in terms of the size of the spaces and garages. Nonetheless, officers consider there is sufficient space within the site to provide for the correct amount of parking to the right size and with suitable access; in turn, this is something that can be reasonably left to be dealt with at reserved matters stage.

It should also be noted that the application seeks outline permission for "Up to 60 dwellings"; this gives the Council the flexibility to negotiate a lesser number of dwellings if that is what is required to ensure a satisfactory layout (ensuring an acceptable relationship with neighbouring dwellings and adequate policy and open space etc.) is achieved at reserved matters stage.

The view of officers is, therefore, that - although the illustrative layout has deficiencies - there is scope to remedy these, given that the description of the development sought allows for flexibility at reserved matters stage.

In short, the amount of development sought is considered appropriate for the site, having regard to the constraints on development that exist.

If the Committee decides to grant outline planning permission - this should, however, be subject to informatics being applied that make it clear that the Council will expect: (A) its adopted parking standards to be satisfied in full in terms of the number and size of spaces and garages and the access thereto; and (B) the guidance set-out in the Essex Design Guide in terms of the amount of amenity-space/garden space to be provided and the relationship between neighbouring properties to be met in full; in particular, that the amount of amenity-space to be provided for development that backs onto Broadway and Wood Grove should be improved upon and the separation distances between proposed and existing development here should be increased in line with the guidance in the Design Guide.

Heritage Impact

The site lies outside the Silver End conservation area and contains no listed buildings or other heritage assets that would be affected by the development.

However - the site does lie within a relatively short distance of the conservation area boundary, the nearest point being about 6m from the northern corner of the playing fields to the south-west of the site. There is no objection in principle to the site's development on heritage grounds. However, it is important that the layout and the design of the new buildings should reflect and compliment the design and layout of the neighbouring conservation area, particularly considering the location of the site on one of the key approaches into its northern end.

The applicants mention in their Heritage Statement that Art Deco style has had a major influence on the village and every effort should be made to reflect this style in the design of the development. In addition, their Statement draws attention to a number of important design clues from the original historic village to which regard needs to be had in drawing up the detailed layout and design.

Design and layout are to be considered as reserved matters. Nonetheless, the applicants have submitted illustrative sketches that show a number of possible approaches to the elevational treatment of the buildings and layout that pick-up features that are characteristic of the conservation area. All of these have merit.

Officers are of the view that it should be possible to agree, at reserved matters, an appropriate design and layout that has regard to the important and distinctive heritage of the village.

Impact on Residential Amenity

Given that the application is outline only the impacts on residential amenity can only be properly assessed at reserved matters stage.

The main impacts will relate to the distance, position and orientation of the new buildings on the site relative to existing properties in Broadway and Wood Grove. These impacts have already been mentioned in terms of the comments made on the illustrative layout under “Amount of Development” that has been submitted. The attention of the Committee is drawn to the suggestion there that, if planning permission is granted, this should be with appropriate informatives that draw attention to the need to ensure compliance with the guidance in the Essex Design Guide, the purpose of which is, inter alia, to protect residential amenity.

Beyond this - residential amenity does not fall to be considered further at this stage.

Highway Impact/Access

The application is supported by a Transport Assessment and an Interim Travel Plan, which have been prepared in consultation with the Highway Authority.

The Highway Authority raises no objections to the development of the site in principle and, in particular, to the formation of a new access into the site from Boars Tye Road in the position proposed. The Highway Authority simply requests that, if planning permission is granted, this be subject to the conditions set-out above under “Consultations”.

The site is located at that point where the speed-limit on Boars Tye Road drops from the 60 mph national speed limit to 30 mph as it enters the village. The original proposal was to form the access into the development in the position where the existing entrance is. However, this was rejected by the Highway Authority. It has now been relocated to a position within the 30 mph limit about 50m south of the point where the change in speed limits takes place, which is considered safer.

Certain off-site highway measures are proposed to make development of the site safe by encouraging a reduction in the speed of traffic approaching the village. This amounts to the formation of a gateway feature, with signage, to the north of the site entrance to indicate the entrance into Silver End and the change of speed-limit to 30 mph. It will be sited about 20m north of the new access and, in combination with the presence of the development, is hoped will result in a reduction in traffic speeds.

A package of measures is also proposed in the Interim Travel Plan to make the development more sustainable. Principally, this will include the provision for all new residents of a Welcome/Residential Travel Information Pack for sustainable travel. This is likely to contain:

- information on public transport services close to the site (including time-tables and route maps for public transport, particularly buses;
- relevant contact numbers website details for public enquiries and route-planning;

- details of local taxi firms;
- cycling and walking maps for the area;
- web details for any community travel and forum sites;
- web and contact details for major retailers offering home shopping facilities; and
- details of other measures to encourage non-car modes of travel.

In addition - the Highway Authority requires the Pack to include six one day travel vouchers for use with relevant local operators of public transport services.

Ecology

The application is supported by an Ecological Assessment.

Core Strategy Policy CS8 (Natural Environment & Biodiversity) and Local Plan Review Policies 80 and 81 are all concerned to protect landscape and local ecology.

More specifically, Core Strategy Policy CS8 seeks, inter alia, to

“...ensure the protection and enhancement of the natural environment, habitats and biodiversity and geodiversity of the District.”

Local Plan Review policy RLP80 requires

“Proposals for new development 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.....All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife....Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.”

Local Plan Review policy RLP81

“...encourages landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows....New planting of appropriate native species will normally be required to replace loss of any protected trees, woodland or hedgerow.”

The Ecological Report concludes that there are:

“... no habitats of significant interest present. The loss of the habitats present from the application site would be of negligible significance. It is considered that through the development of the application site,

there will be opportunities to enhance the floristic diversity through the landscape scheme, provision of wet attenuation features and enhancement to the retained shelter belt. It is recommended that where feasible a diverse mix of native species is utilised in any new planting and this be subject to a sensitive management regime outside areas of private ownership.

In conclusion, the application site is not considered to be of high intrinsic value from an ecology and nature conservation perspective. Through appropriate design of any proposed development, and implementation of any mitigation measures as necessary, it is considered that there are no overriding reasons to suggest the application site could not proceed on ecological grounds. It is considered that through appropriate design, provision of mitigation and a sympathetic landscape design this application site could offer significant biodiversity gains for the area, thereby ensuring that the proposals accord with the current legislation and policy pertinent to ecology and nature conservation.”

Regarding protected species:

- Badgers - There are no badger setts on the site, neither is there any evidence of badger activity. There will, therefore, be no adverse effect on badgers;
- Bats - There are no structures present on the site which bats could make use of for roosting, moreover there are no significant areas of foraging habitat either within the application site or in the immediate vicinity. No trees on the site have developed features that could support roosting bats. To encourage bats, bat boxes could be incorporated on the new buildings. Redevelopment of the site, including the carrying out of soft landscaping and the development of garden habitats, might encourage habitats by the increase in foraging opportunities;
- Birds - There are some very limited opportunities for nesting birds in the hedgerows, scrub and trees present on the application site. As all species of birds receive general protection while nesting it is recommended that any clearance of trees, scrub and hedgerows is undertaken outside the breeding season (between March and the end of July) or that checks be made for nesting birds by an ecologist immediately prior to their removal. Opportunities for nesting birds may be enhanced by providing bird boxes as part of the redevelopment;
- Reptiles - The application site is considered to be a suitable reptile habitat. However, given the isolated nature and spatial separation from other areas of suitable reptile habitat in the locale, together with the findings of the reptile surveys, it is considered unlikely that any reptile could have colonized the application site.

The proposal, therefore, raises no concerns in terms of its impact on ecology. If planning permission is granted, this will be subject to a landscaping condition through which it will be possible to apply control over additional

planting to be undertaken to replace trees/vegetation to be removed and to ensure appropriate treatment of all the areas of open space/landscaping within the development so as to maximize the biodiversity gain and to achieve the maximum benefit to wildlife, including the installation of bat and bird nesting boxes.

Officers, therefore, have no concerns in relation to biodiversity/ecology.

Section 106 Agreement

In accordance with adopted Policy, the following matters would need to be secured through Section 106 Agreement:

- affordable housing;
- education contribution;
- healthcare contribution;
- off-site highway works;
- provision, maintenance and management of areas of open-space/landscaping to be created within the development in accordance with an agreed scheme of landscaping and maintenance/management schedule;
- contribution towards identified open space provision in the district in accordance with Core Strategy Policy CS10 and the Open Space SPD.

Affordable Housing

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

The Council's Strategic Housing Team has indicated its requirements based on a development of 60 units. A Section Agreement 106 Agreement at this stage will, therefore, have to simply require 40% of the units to be affordable units in accordance with a schedule to be submitted with the first application for approval of reserved matters, the schedule to reflect whatever the required mix of the Council is at the time of the submission of the reserved matters application.

The Agreement will also need to provide for the delivery of the affordable units in accordance with an agreed schedule to be submitted to and agreed in writing by the Council - which shall include trigger points for delivery of specified affordable units to the Registered Social Landlord (RSL), related to the sale of particular units of market housing on the site.

The application is submitted on the basis that it will deliver 40% affordable housing, which for a scheme of 60 dwellings would amount to 24 units.

Education

As referred to above under "Consultations", Essex County Council has indicated a requirement (based on a 60 unit scheme) for a developer

contribution of £50,310 to cover the cost of transporting secondary school age children to and from the New Rickmans Academy over a 5 year period, index-linked to April 2015 costs, to be secured by Section 106 agreement.

This is a reasonable requirement that accords with normal practice and the requirements of Core Strategy Policy CS11 (Infrastructure Services & Facilities). The Section 106 Agreement will need to state specifically that the monies will be spent on the transport of secondary school age children from Silver End to and from the New Rickmans Academy in Witham.

Healthcare Contribution

NHS England requires a contribution of £19,740, to be secured by Section 106 Agreement, to cover the cost of expanding the St Lawrence GP Surgery to accommodate additional demand resulting from the development (based on a 60 unit scheme), which is expected to generate an additional 144 patients.

Again this is a reasonable requirement that accords with normal practice and the requirements of Core Strategy Policy CS11 (Infrastructure Services & Facilities). The Section 106 Agreement will need to state specifically that the monies will be spent on expanding/upgrading the St Lawrence Surgery.

Off-Site Highway Works

The application proposes the creation of a “gateway” feature, with signage indicating the speed-limit through the village, to be sited on highway land to the north of the proposed access into the development from Boars Tye Road. There is also a requirement for improvements to two nearby bus-stops and the installation of facilities for live travel information.

Because this would be sited on land that is not within the control of the developer, this will need to be secured by Section 106 agreement - with the requirement that it is to be provided before first occupation of the first completed dwelling on the development.

Open Space within the Development

It is not possible to be precise about the amount of publicly accessible open space/landscaping that will be provided within the development because the layout does not fall to be considered under the current application.

Nonetheless, the illustrative layout plan indicates the total amount of public open-space to be provided to be about 0.57 ha, consisting of 0.432 ha for the retained woodland belt (excluding the children’s play-area), 0.103 ha informal open-space and 0.035 ha for the children’s play area.

Whatever the precise figure - these open amenity areas and children’s play areas will not be adopted by the Council. It is, however, still important to ensure that they are appropriately provided and equipped at the outset and are properly maintained and managed into the future in accordance with

details and a maintenance schedule that shall previously have been submitted to and agreed in writing by the Council. The maintenance and management obligation should extend for a period of 25 years from the satisfactory provision of the amenity and children's play area.

An important objective would also be to ensure that the landscaping contributes positively to the enhancement of wildlife and biodiversity across the site.

The most appropriate way of securing these matters is through a Section 106 Agreement, particularly in regard to ensuring the proper maintenance of these areas into the future.

Open Space

Core Strategy Policy CS10 states:

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

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

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

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

Outdoor sports provision - 2 ha per 1000;

Amenity green-spaces - 0.8 ha per 1000

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

In addition - a contribution towards the provision of allotments off-site is required as per the Open Spaces SPD, calculated on the basis of 0.23 ha per 1000 population.

Based on the illustrative details of the layout for the development, there would be sufficient public open space of the different typologies to meet the requirements of the adopted policy.

This then leaves “outdoor sports provision” and “allotments”. On-site provision for outdoor sport is only required for developments of more than 300 dwellings and for allotments for developments of more than 250 units.

Financial contributions in lieu of off-site provision are, therefore, required in respect of this type of open-space, in accordance with the Open Space SPD.

The size of the contribution due is calculated on the basis on the number of bedrooms within the development. Given that the precise number of dwellings and the dwelling mix/number of bedrooms will not be clear until reserved matters stage - it is not possible to be precise on this matter.

Although there can be no certainty over this figure - officers estimate that the likely financial contribution required will be in the region of about £50,000 to £55,000. The Section 106 agreement for the purposes of this outline application would have to bind the applicant/developer to the payment of a commuted sum on commencement of development, to be calculated in accordance with the Council's prevailing charging schedule for commuted sums of this sort.

Off-Site Highway Works

The various off-site works on highway land in the vicinity of the site will need to be secured under the Section 106 agreement.

These include the provision of the gateway feature on Boars Tye Road to the north of the site, the improvements to two bus-stops nearby and the provision of live telematic bus-information.

Other Matters

Archaeology - ECC Archaeology advises that the site is of potential archaeological interest but it has no objections to development, subject to any planning permission being granted with a safeguarding condition that requires archaeological investigation of the site prior to commencement of development. This is reasonable and an appropriate condition is suggested below.

Flood Risk & Surface Water Drainage - Essex Flood & Water Management has no objection to development, subject to any planning permission being granted with a condition that requires that, before each phase of the development, a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro-ecological context of the development, is submitted to and agreed in writing by the LPA. In addition - various informatives are suggested providing advisory comments to the applicant. This is reasonable and an appropriate condition and informatives are suggested below.

The creation of extensive amounts of hard-surfacing on a site that is largely undeveloped will increase surface-water run-off. The application indicates that this will be dealt with through the installation of Sustainable Drainage Systems (SuDS).

The condition suggested above will enable the Council to apply control at reserved matters stage when full detail of the proposal will be available.

Construction Activity

The Council's Environmental Services Team raised no objections, subject to any planning permission being granted with conditions to control hours between which work on site clearance and construction may take place, require measures to limit the dispersal of dust and mud and require details of the lighting across the site to be submitted to and agreed in writing to the LPA before installation.

These matters would be best dealt with by a condition that requires the submission and agreement of a Construction Management Plan that details all aspects of the construction process, including site clearance, whether piling will be required and the measures to be implemented to avoid unacceptable nuisance to neighbours, including hours of working, mitigatory measures to control dust and the spread of mud and debris on roads around, where deliveries will be taken, where materials will be stored, areas within the site to be provided for parking by workers and visitors and the routes to be used to access the site by delivery vehicles, etc.

Summary/Conclusion

The site lies outside the village development envelope but abuts it. Although put forward for residential development in the 2011 SADMP, it was not included because of the adverse landscape impact that would result.

Nonetheless, an outline planning application for up to 60 units has now been submitted.

The starting point for all planning decisions is the Development Plan. Planning legislation requires that decisions be taken in accordance with the Development Plan unless material considerations suggest otherwise.

Core Strategy Policy CS5 presumes against new development unrelated to rural uses outside the town boundaries and village envelopes and, measured against Development Plan policies, the proposal is arguably unacceptable in principle.

That said - it is necessary to consider if there are material circumstances that justify a different judgement today.

Most notably, national planning policy has changed significantly since the Council adopted its Core Strategy in 2011 - by way of the introduction of the National Planning Policy Framework in 2012 and subsequent government advice which requires Local Planning Authorities to boost significantly their supply of land for housing and to justify their Local Plan housing targets based on an objective assessment of need.

The Council is now in the process of producing a new Local Plan, part of which process has involved the commissioning of research to provide the evidence base to justify new housing targets in the new Local Plan.

In the meantime, however, the Core Strategy housing target remains unchanged and the current position is as set-out in the Annual Monitoring Report of May 2014 that indicates that the Council does have a 5 year deliverable supply of land for housing measured against the Core Strategy target.

What is clear, however, from the research commissioned is that the new target - when it is adopted as part of the new Local Plan - will need to be significantly higher than the current Core Strategy target.

The applicant argues that the Council does not have a 5 year supply of deliverable land for housing, based on the fact that the Objectively Assessed Housing Need Study (June 2015) suggests there will need to be a significant increase on the Core Strategy target; moreover, it is unreasonable to require developers to await the adoption of a new housing target under the new Local Plan before releasing more land for housing. In this respect, the advice of the NPPF is key when it indicates that, where the Development Plan is out-of-date, as is the case here, the presumption should be in favour of the grant of planning permission for sustainable development, unless there would be unacceptable impacts or conflict with other Framework policies.

Officers are of the view that there are no such concerns or conflicts and a sustainable form of development on the site could, indeed, be achieved. The key point is that the national context has changed significantly since the site was previously considered for housing and it is now necessary for all sites to be revisited in this new context. Moreover - the local context has evolved too by way of the new more detailed landscape character assessment that was recently produced, which is significant insofar as it accepts that some sites within character areas may be more suitable for development than others. After careful consideration, officers take the view that the application site is such a site and one that would make a worthwhile contribution towards the delivery of much needed new housing in the District.

The application is in outline only, with all matters of detail, except access, reserved for subsequent approval - at which point detailed control would be applied over such matters as layout, design, appearance and landscaping. However, there can be little doubt that there is scope to achieve an acceptable scheme.

RECOMMENDATION

It is, therefore, recommended that, subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following matters:

- affordable housing;

- education (financial contribution);
- health (financial contribution);
- provision, maintenance and management of areas of public open space and a children's play-area to be created within the development, in accordance with an agreed scheme of landscaping (including the creation of footpaths within the tree belt) and a detailed specification for the children's play area, and an agreed maintenance/management schedule;
- financial contribution towards the provision off-site of public open-space and allotments;
- off-site highway works;
- travel information packs for prospective occupiers of the development;

the Development Manager be authorised to GRANT outline planning permission under delegated powers subject to conditions and informatives set-out below.

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

APPROVED PLANS

Location Plan	
Landscaping	Plan Ref: 233608/PP03
Parameter Drawing	Plan Ref: 233608/PP01
Landscaping	Plan Ref: 4658-D
Topographical Survey	Plan Ref: 233608/TOPO_001
Site Masterplan	Plan Ref: 233608_U_SK_IMP_004
Access Details	Plan Ref: 130883/A/05C

1 Details of the:-

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

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

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

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

Reason

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

- 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 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 details sufficient for consideration of these matters, which are reserved for subsequent determination.

- 3 The reserved matters application to be submitted pursuant to this outline planning permission shall together provide for no more than 60 dwellings, parking, public open-space, landscaping water attenuation and associated infrastructure and shall demonstrate compliance with the approved plans listed above insofar as they relate to the matters that fall to be determined under this outline planning permission.

Reason

To define the outline planning permission granted and for the avoidance of doubt.

- 4 Prior to first occupation of the development hereby permitted the access shall have been implemented and be available for use as shown on approved drawing no 233608_U_SK_IMP_004 received 05 08 2015.

Reason

To ensure satisfactory vehicular access into the site for occupiers of the development.

- 5 Prior to first occupation of the development hereby permitted a 2 metre wide footway shall be provided from the access road into the site from Boars Tye Road continuing south to join with the existing public footway at the bus-stop at Wood Grove, in accordance with detailed plans and a specification which shall have previously been submitted to and agreed in writing with the Local Planning Authority.

Reason

To provide safe and proper pedestrian access and linkages to existing public transport services, in the interest of sustainability.

- 6 Prior to first occupation of the development hereby permitted, the new access into the site from Boars Tye Road shall at its centre-line be provided with visibility splays of dimensions 2.4 metres by 103 metres to the south and 2.4metres by 134 metres to the north, as measured from

and along the nearside edge of the carriageway. The area within each splay shall at all times be kept clear of any obstruction exceeding 600mm in height.

Reason

In the interests of highway safety.

- 7 Prior to first commencement of the development hereby permitted, including the carrying-out any site preparation works, demolition or or ground works, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following, all clear of the highway:
- safe access to and from the site by all visiting vehicles, including vehicles delivering goods and materials
 - parking within the site by site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in the construction of the development
 - vehicle wheel and underbody washing facilities
 - measures to control the dispersal of dust during site preparation, clearance and construction
 - safeguarding of public rights of way during construction
 - hours of working at the site
 - details of any temporary lighting, including security lighting, to be operated during the site's preparation for development, its clearance and the construction of the development permitted.

The approved Construction Management Plan shall be adhered to throughout the site's development - from site preparation through to completion of the development.

Reason

In the interests of highway safety and to protect the amenity of occupiers of neighbouring residential properties.

- 8 Prior to first occupation of the development permitted, the two bus-stops closest to the site shall be upgraded in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. The upgrades shall include raised kerbs to provide level access onto and off buses, telematics to provide time-table and timing information and passenger shelters as appropriate.

Reason

To provide convenient and safe access to and from buses serving the development and to the public transport network more generally, in the interests of sustainability.

- 9 Prior to first occupation of the development permitted, the proposed

gateway feature to be installed to the north of the site on Boars Tye Road, as indicated on approved drawing no 130883/A/05 Rev C, shall be provided in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason

To slow the speed of traffic entering Silver End from a northerly direction, in the interests of highway safety.

- 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 safeguard the potential archaeological interest of the site.

- 11 No site preparation works of any nature, including clearance and demolition, or construction works of any nature shall place anywhere on the site, including the starting of machinery and the delivery of materials, shall take place outside the following times:

- Monday to Friday 08.00 hrs to 18.00 hrs
- Saturday 08.00 to 13.00 hrs
- Sundays, Bank Holidays and Public Holidays - no work or deliveries of any kind.

Reason

To protect the level of amenity enjoyed by occupiers of neighbouring residential properties.

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

- Monday to Friday 08.00 hrs to 18.00 hrs
- Saturdays 08.00 hrs to 13.00 hrs
- Sundays, Bank Holidays and Public Holidays - no work

Reason

To protect the level of amenity enjoyed by occupiers of neighbouring residential properties.

- 13 No work on the implementation of the development hereby permitted, including the carrying-out of any site preparation and clearance works, shall be undertaken until a detailed Arboricultural Method Statement and Tree Protection Plan has been submitted to and agreed in writing by the Local Planning Authority, in accordance with the recommendations set-out in the preliminary Method Statement and Protection Plan submitted with

this outline planning application. The Method Statement and Protection Plan should identify all the trees and vegetation to be retained, including the tree belt on the northern boundary of the site, and the specific measures to protect them during the preparation of the site for development, site clearance and the carrying-out of the development. The development shall then be undertaken in strict accordance with the agreed Method Statement and Protection Plan. In particular, the specific agreed measures to protect particular trees or groups of trees and other vegetation, including the protection of roots from damage, shall be in place on site before site preparation and clearance and construction works are first commenced and shall be retained until the completion of the development.

Reason

To ensure the protection of all existing trees and other vegetation to be retained in accordance with the Preliminary Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.

- 14 No clearance of trees and other vegetation from the site in preparation for the carrying-out of development, or during the course of the development being carried-out, shall take place during the bird nesting season (March to August inclusive) until a bird nesting survey has been submitted to and agreed in writing by the Local Planning Authority to ascertain if the site is being used for bird nesting. If the survey reveals the presence of any nesting bird species, then no development shall take place within those areas identified as being used for nesting during the period March to August inclusive.

Reason

To protect nesting birds at the site and in to protect and enhance biodiversity.

- 15 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.

- 16 No development, other than the formation of the site access, shall begin until a surface water drainage scheme providing detailed information about the types of SuDs features that will be employed for attenuation and conveyance of water around the site, exceedance routes and treatment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained and managed as agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory method of water drainage across the site is achieved, to avoid increasing the local risk of flooding and to prevent harm to the local environment.

- 17 The landscaping scheme required by Condition 1 of this outline planning permission shall incorporate a detailed specification of hard and soft landscaping works, including those trees and other vegetation that is to be retained. The scheme shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, including any areas of wildflower grassland, the colour and type of all hard-surfacing and the method of laying these areas. Provision to be made for refuse storage, details of any signs proposed and the proposals for lighting across the development. Trees and vegetation shown to be retained on approved plan no 4658-D - including the tree belt on the northern boundary - shall be retained as indicated within the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan that supports the application and as shown on plan no 4658-D and shall be incorporated into the landscaping proposals to be submitted with the application.

All areas of hardurfacing 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 landscaping scheme shall be carried out in the first available planting and seeding season after the completion of development, unless otherwise previously agreed in writing by the Local Planning Authority.

All areas of hard-surfacing agreed as part of the approved landscaping of the site shall be carried out before the first occupation of the buildings or upon completion of the development, whichever is the sooner.

Any trees, plants seeding or turfing that 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 similar size, species and seeding mix, unless otherwise previously agreed in writing by the Local Planning Authority.

Reason

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

- 18 Before first occupation of any of the dwellings permitted, a SuDs Maintenance Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall set-out details of which parties will be responsible for the different elements of the surface-water drainage system, the range of maintenance tasks to be applied and at what frequency, including the methods of reporting and logging when maintenance is undertaken and what is carried-out. Maintenance of the surface-water drainage system shall then be carried-out in strict accordance with the approved Maintenance Plan.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface-water drainage system to function as intended to ensure proper mitigation of flood-risk over the life-time of the development.

- 19 Before the development hereby permitted is first commenced, a detailed lighting scheme for the development shall be submitted to and agreed in writing by the Local Planning Authority. If the development is undertaken on a phased basis - the details submitted as reserved matters for each phase shall include the specific lighting details relating to that phase and that phase shall then be carried out in strict accordance with the lighting details agreed for that phase. The submitted Lighting Scheme shall include a layout plan of the development showing where lighting will be installed, what form this will take and shall include a schedule of the equipment to be installed, including its design (luminaire type, type and height of mounting column, the beam orientation and the angles at which the luminaires will be affixed) and the demonstrating the extent to which the lighting will be energy efficient. All lighting shall be installed, maintained and operated in accordance with the details set-out in the approved lighting scheme. There shall be no other external illumination unless otherwise agreed in writing by the Local Planning Authority.

Reason

To promote sustainable forms of development and to minimise its environmental, ecological and amenity impact in the locality.

- 20 Before the development hereby permitted is first commenced, full details of the storage facilities to be provided across the development for refuse bins and recyclable materials, including its separation into different types of recyclable material, and of the location and treatment of the collection points to be provided for refuse and recyclable materials, shall be

submitted to and agreed in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details agreed for that phase. If the development is undertaken on a phased basis - the details submitted as reserved matters for each phase shall include the specific provision to be made for the storage of refuse bins and recyclable materials, including its separation into different types of recyclable material, as they relate to that phase and that phase of the development shall then be undertaken in accordance with the details agreed for that phase. Where a refuse collection vehicle is required to access any road within the development, that road shall be constructed to accommodate a load of at least 26 tonnes. The refuse and recyclable materials storage facilities shall be provided prior to first occupation of any of the dwellings erected as part of the development or, if the development is undertaken on a phased basis, prior to first occupation of any of the dwellings permitted as part of that phase. The approved storage facilities for refuse and recyclable materials and the collection points for refuse and recyclable materials storage shall be retained in the approved form thereafter.

Reason

To meet the District Council's requirements for recycling and to prevent the indiscriminate proliferation of unsightly refuse and recycling containers across the development, in the interests of visual and residential amenity and of sustainability.

- 21 Plan no 233608_U_SK_IMP_004 submitted with this application is approved only insofar as it relates to the details of the access into the site from Boars Tye Road. This is the basis on which the application has been submitted and all the other details shown thereon, including the layout, the roads, the disposition of buildings across the site and the provision of open-space and landscaping, are treated as being illustrative only, to show that the site could accommodate up to 60 dwellings. None of the other details shown thereon are, therefore, approved as part of this outline planning permission.

Reason

For the avoidance of doubt and to define the planning permission granted.

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 All works within or affecting the highway are 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.
- 4 The Highway Authority cannot accept any liability for costs associated with highway improvements required to be undertaken. 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.
- 5 Your attention is drawn to condition 11 of this planning permission and that there may be archaeological remains on the site. 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).
- 6 Your attention is drawn to the fact that certain individual trees and groups of trees on the site boundaries are shown within the application to be retained, along with the tree shelter belt along the site's northern boundary. These are to be regarded as essential elements of any landscaping proposals for the site and should be included in any subsequent application for approval of reserved matters relating to the landscaping. There will be a fee for such an application.
- 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)

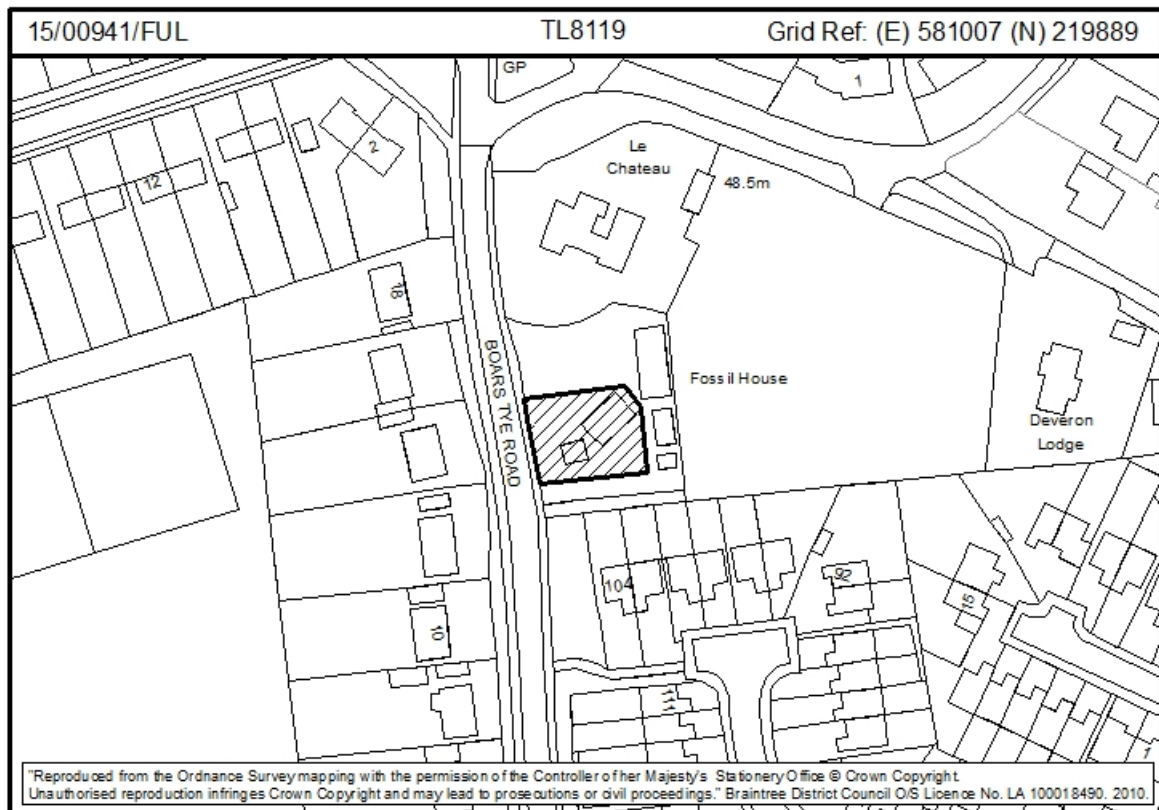
- 8 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.
- 9 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.
- 10 The applicant's attention is drawn to the comments of the Council's Urban Design advisor in their consultation response dated 17th September 2015 regarding the illustrative layout submitted as part of this planning application. Whilst it is accepted that this layout was submitted for illustrative purposes only to show that the amount of development sought can be accommodated, the Council has concerns over a number of aspects of that layout and these would need to be addressed satisfactorily as part of any subsequent application for approval of reserved matters relating to layout. In particular, the applicant's attention is drawn to the fact that the Council will expect any application for approval of reserved matters to satisfy the guidance set-out in the Essex Design Guide in terms of (A) the amount of amenity/garden-space to be provided for individual dwellings in particular, that the amount of amenity-space to be provided for development that backs onto development in Broadway and Wood Grove and (B) the separation distances between proposed and existing development in this part of the site. With regard to those matters that need to be addressed as part of any application for approval of reserved matters, it is suggested that the applicant/developer may wish to consult the Local Planning Authority on any detailed matters arising before such an application is submitted.
- 11 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advanced Payments Code, Highways Act, 1980. The developer will be served with an appropriate Notice within 6 weeks of Building Regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with an acceptable specification sufficient to ensure future maintenance as a public highway

TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER
PART B

APPLICATION NO: 15/00941/FUL DATE: 22.07.15
VALID:
APPLICANT: Mr M Orrin
The Poplars, Boars Tye Road, Silver End, Essex, CM8 3QA,
DESCRIPTION: New double glazed replacement windows for the front of the house
LOCATION: The Poplars, Boars Tye Road, Silver End, Essex, CM8 3QA

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 relevant.

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village
 Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as Silver End Parish Council have objected, which is contrary to officer recommendation.

SITE DESCRIPTION

‘The Poplars’ is a two storey dwellinghouse located within the Article 4 designated Conservation Area of Silver End. The building currently has Crittall windows on the front and side elevations.

PROPOSAL

The application seeks planning permission to replace the existing Crittall windows on the front elevation of the dwellinghouse with aluminium windows.

CONSULTATIONS

Conservation Consultant – No objection subject to condition requiring details of glazing pattern.

REPRESENTATIONS

Parish Council – Object on grounds the proposal is contrary to the Silver End Conservation Guide.

REPORT

The site is located within the Silver End Conservation Area, which was served an Article 4 Direction removing all householder permitted development rights. 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 principle of allowing the replacement of steel windows with aluminium windows which replicate the profile and glazing pattern has been accepted as appropriate within the Conservation Area, and several similar applications have been approved within Silver End. As such, the Conservation Officer has no objection to the application in principle.

Negotiation took place throughout the life of the application regarding the design of the windows. Details were agreed with the Conservation Officer, subject to a condition requiring details showing the proposed glazing pattern. On this basis it is considered that the proposal complies with policy RLP95.

Other Issues

None.

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

Window details

Photograph

Location Plan

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

Reason

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

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

Reason

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

- 3 Notwithstanding Condition 2 of this permission, prior to the installation of the windows, details showing the proposed glazing pattern in design, size

and profile of the glazing members shall be 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 detailing within the Conservation Area.

INFORMATION TO APPLICANT

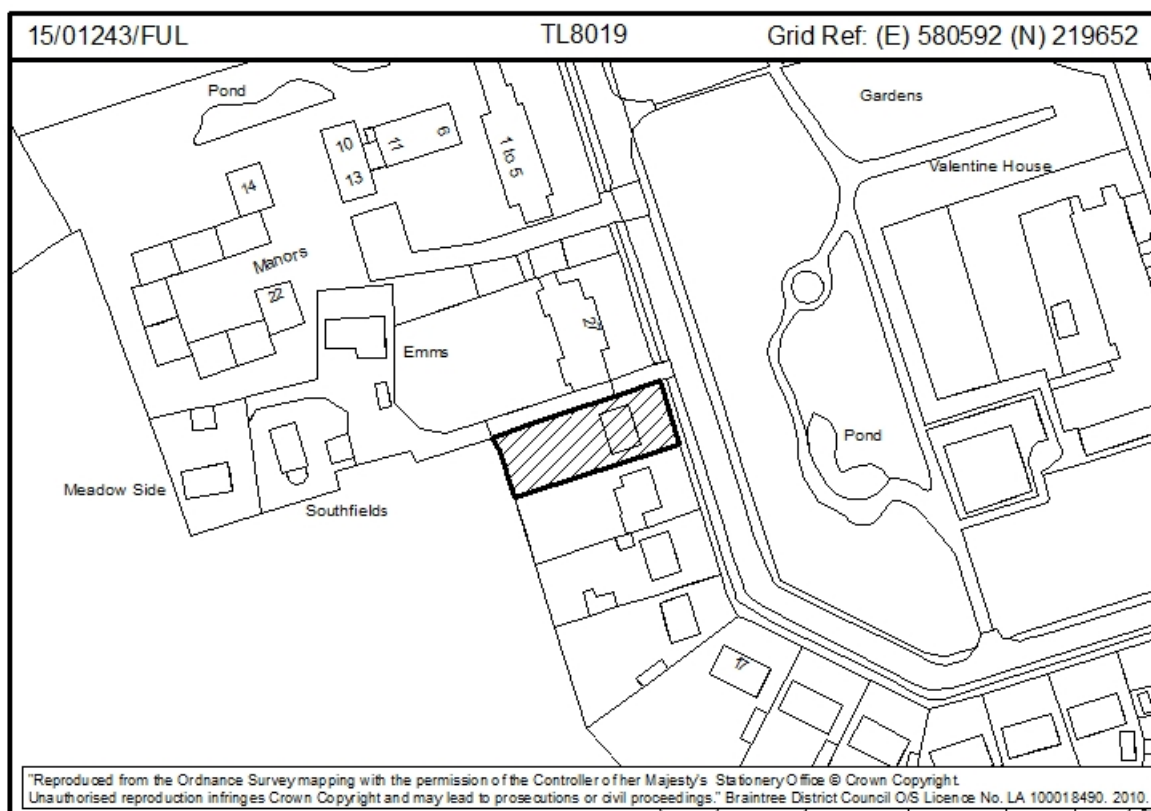
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country 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

PART B

APPLICATION NO: 15/01243/FUL DATE: 13.10.15
 VALID:
 APPLICANT: Mr J Bailey
 25 Francis Way, Silver End, Essex, CM8 3QX,
 DESCRIPTION: Replacement of 5 no. windows to the front and 4 no.
 windows to the side
 LOCATION: 25 Francis Way, Silver End, Essex, CM8 3QX

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 relevant.

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village
 Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Planning Committee as one of the applicants is a member of staff at Braintree District Council.

SITE DESCRIPTION

25 Francis Way comprises a two storey detached dwellinghouse, located within the Article 4 Conservation Area of Silver End. The existing dwelling has Crittall windows in the front and side elevations, and a timber front door.

PROPOSAL

The application seeks to replace 5 windows on the front elevation and 4 windows to the side with aluminium windows, and the existing front door with a painted hardwood front door, with 15 panes of glass.

CONSULTATIONS

Conservation Consultant – No objection

REPRESENTATIONS

Neighbours were consulted by way of a letter, and a site notice displayed at the site. No letters of representation were received.

REPORT

The site is located within the Silver End Conservation Area, which was served an Article 4 Direction removing all householder permitted development rights. 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 application proposes to replace the existing front door with a hardwood door to match that in the neighbouring dwelling No. 21 Francis Way. The Conservation Consultant considers this would enhance the visual appearance of the conservation area, and supports this element. The principle of allowing the replacement of steel windows with aluminium windows which replicate the profile and glazing pattern has been accepted as appropriate within the Conservation Area, and several similar applications have been approved within Silver End. As such, the Conservation Officer has no objection to the application.

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
Photograph
Window details

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

Reason

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

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

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER