

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 15 March 2016**

**Time: 19:15**

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

## **Membership:**

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor Mrs G Spray

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

**Page**

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 1st March 2016 (copy to follow).

### **4 Public Question Time**

(See paragraph below)

## **5 Planning Applications**

To consider the following planning applications and to agree whether the more minor application listed under Part B should be determined 'en bloc' without debate.

### **PART A**

Planning Application:-

- |           |   |               |
|-----------|---|---------------|
| <b>5a</b> | <b>Application No. 15 01312 FUL - Central Park Warehouse, Colchester Road, HALSTEAD</b> | <b>4 - 44</b> |
|-----------|---|---------------|

### **PART B**

Minor Planning Application:-

- |           |   |                |
|-----------|---|----------------|
| <b>5b</b> | <b>Application No. 15 01297 FUL - The Swan Public House, 153 Newland Street, WITHAM</b> | <b>45 - 51</b> |
|-----------|---|----------------|

- |          |                      |                |
|----------|----------------------|----------------|
| <b>6</b> | <b>Tree Strategy</b> | <b>52 - 60</b> |
|----------|----------------------|----------------|

## **7 Urgent Business - Public Session**

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

## **8 Exclusion of the Public and Press**

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

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

## **PRIVATE SESSION**

## **9 Urgent Business - Private Session**

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

E WISBEY  
Governance and Member Manager

**Contact Details**

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

**Question Time**

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

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

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

**Health and Safety**

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**Mobile Phones**

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

**Comments**

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

Please let us have your comments setting out the following information

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

Comment .....

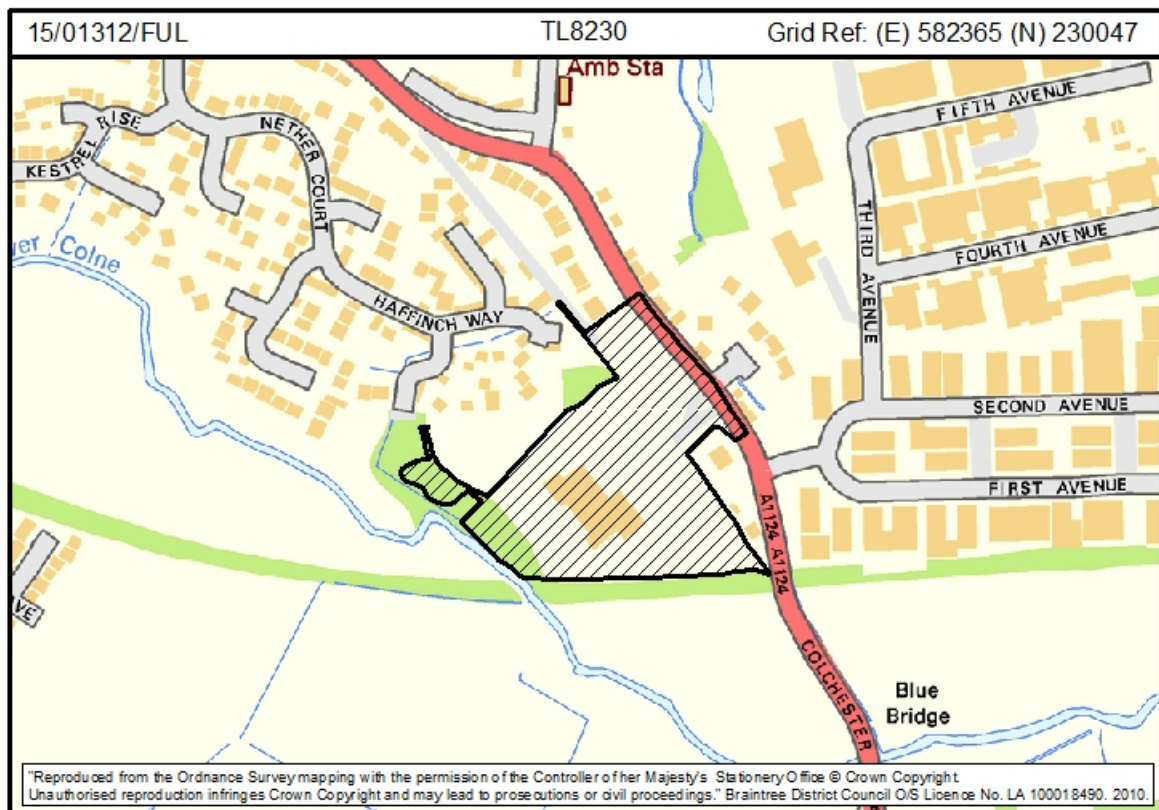
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Contact Details: .....

PART A

APPLICATION NO: 15/01312/FUL DATE: 27.10.15  
 VALID:  
 APPLICANT: Bellway Homes Ltd  
 Bellway House, 1 Cunard Square, Townfield Street,  
 Chelmsford, Essex, CM1 1AQ  
 AGENT: Strutt And Parker  
 David Fletcher, Coval Hall, Rainsford Road, Chelmsford,  
 Essex, CM1 2QF  
 DESCRIPTION: Erection of 103 residential dwellings, including affordable  
 housing with associated new access, landscaping,  
 equipped play area and infrastructure  
 LOCATION: Central Park Warehouse, Colchester Road, Halstead,  
 Essex

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



## SITE HISTORY

91/00548/PFHS	Erection Of Temporary Office Accommodation	Granted	07.06.91
09/00699/FUL	Redevelopment of site comprising erection of business units and 69 dwellings, creation of new accesses and associated open space	Refused then dismissed on appeal	20.08.09

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP86	River Corridors

RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP140	River Walks/Linear Parks and Disused Railway Lines
RLP33	Employment Policy Areas

### Supplementary Planning Guidance

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

### Other Guidance

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

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

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

### NOTATION

The application site is located within the Halstead Town Development Boundary, as designated in the Braintree District Local Plan Review (2005). The site is allocated as partly within an Employment Policy Area and partly as a residential site for 12 or more dwellings.

The application site was allocated in the Pre Submission Site Allocation and Development Management Policy Plan (ADMP) for residential development of more than 10 dwellings. At Full Council meeting on 15th September 2014 the Council adopted an Interim Planning Policy Statement to set out the District Council's position in relation to the Site Allocation and Development Management Policies contained within the ADMP. This statement affirms that the Council adopts the land allocations detailed within the ADMP for use within development management decision-making. In accordance with the NPPF (paragraph 216) such a statement can be given weight according to: the stage of preparation of the plan; the extent to which there are unresolved

objections to relevant policies; and the degree of consistency of relevant policies in the Plan with the policies in the NPPF.

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

### SITE DESCRIPTION

The application site lies to the eastern side of Halstead to the southern side of Colchester Road. The site is approximately 3.06 hectares in area and is currently occupied by the Central Piling ground engineering business. The site can therefore be classed as brownfield/previously developed land. The site currently consists of a large warehouse building with associated offices and hard standing. The building is set back in to the site with an existing access off Colchester Road.

Given the topography of the land, the site sits somewhat within a basin and is bound with unmanaged trees and other planting. To the west, beyond the existing planting is residential development. To the south west the site extends to the River Colne Corridor. To the south the site runs adjacent to the dismantled line of the Colne Valley Railway. Opposite the site, on the other side of Colchester Road are residential properties, two of which are Grade II listed buildings. Immediately to the east of the site is Brickbarn Hall which is also a Grade II listed building. Further to the east, on the opposite side of the road, is the Bluebridge Industrial Estate.

The layout for the proposed development has been designed such that all proposed dwellings are located within flood zone 1. A small area to the very south west of the site, immediately adjacent to the river, is within flood zones 2 and 3.

### PROPOSAL

The application seeks full planning permission for the erection of 103 residential properties, including affordable housing with an associated new access, landscaping, equipped play area and infrastructure.

The scheme comprises 6no. one bed flats, 8no. 2 bed flats, 30no. 2 bed houses, 39no. 3 bed houses and 20no. 4 bed houses.

Affordable housing is proposed at 30% of the overall scheme and comprises 6no. one bed flats, 8no. 2 bed flats, 14no. 2 bed houses, 1no. 3 bed house and 1no. 3 bed bungalow. The affordable housing is to be secured within a Section 106 agreement, the details of which are discussed below.

There is a considerable levels difference across the site. The application proposes a scheme of re profiling to minimise the need for retaining structures.

The development will be served by a single vehicular access off Colchester Road, which is located 40m North West of the existing access. An access off Colchester Road will also be created to serve the adjacent property at Brickbarn Hall. There is an existing Public Right of Way (PRoW) through the site which is proposed to be maintained. This footpath will be levelled as part of the wider re profiling of the site such that the number of steps will be reduced.

The application proposes to utilise an existing area of open space and incorporate an equipped play area, which will be accessible to existing and future residents. An extension to the existing river walk is proposed which will continue in to the open space towards the equipped play area. The equipped play area and extension to the river walk will be secured by Section 106 agreement as discussed further below.

The application is supported by a detailed landscaping and materials scheme.

### CONSULTATIONS

Halstead Town Council – No objections as long as there is provision for bus services within the development, the roads are able to take refuse lorries and that there is assurance that as many trees as possible located within and around the play area are retained and that any Section 106 contribution should go to the Community Hall and Youth projects within the town.

Greenstead Green and Halstead Rural Parish Council – No objections

BDC Engineers (Land Drainage) – No objections

Essex County Council Education – The forecast planning group has an overall capacity of 1031 places of which 70 are in temporary accommodation. Current data shows a forecast deficit of 8 permanent places by the school year 2019-2020. Based on the need for 29 additional places, the sum sought would be £352,379 (index linked). The contribution would be used to replace temporary accommodation within the above mentioned forecast group. No contribution is sought For Early Years Care or Secondary School places as there is no identified shortfall.

Essex County Council Archaeology – Recommend a condition be placed on any grant of consent which requires a programme of archaeological work to take place in accordance with a written scheme of investigation.

Essex County Council Public Rights of Way – Footpath 26 crosses through the site. It may prove necessary during construction work for the route to be diverted to afford the safe passage of users. In this event the developer will need to make an application for a diversion under Section 257 of the Town and Country Planning Act 1990. The Public Right of Way must be kept open and available for use by members of the public at all times.



Essex County Council Flood and Water Management – No objections. The proposed development will only meet the requirements of the NPPF if the measures are detailed within the Flood Risk Assessment (FRA) are implemented and secured by way of condition.

Environment Agency – No objections.

BDC Environmental Health – No objections subject to conditions regarding hours of construction and contamination.

BDC Landscapes – No objections

Essex County Council Highways – No objections subject to conditions

NHS Healthcare – The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development. The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practice and therefore a contribution of £33,880 is requested to be sought by S106 agreement in order to accommodate the additional capacity required.

BDC Housing Strategy – No objections

## REPRESENTATIONS

### First Round of Public Consultation

6 letters (3 objections, 3 with just comments) have been received in response to the public consultation, the contents of which are summarised below:

- We are in favour of additional housing in the area
- Is the infrastructure available for transport volume, schooling and health?
- The play area could be controversial. A site for the youth to congregate and encourage anti-social behaviour
- The proposal is too dense and does not include any commercial uses
- The extension to the river walk is a good idea
- The children's play area shown is not right for this rural setting
- The infrastructure will not be able to cope
- In 2009 Barratts made an application for 69 dwelling and it was refused; two key points of employment and local infrastructure
- The new public open space should be within the development not off site
- There has been no ecology surveys done on the play area site
- The proposed trees will block views of the open space

- Human Rights Act says that 'a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land'.
- The location is ideal for industrial units or offices
- Oak Road has just been granted to build 300 homes, which would surely satisfy any shortage in housing in the town
- There are no parking spaces for the playground
- It is unacceptable for 3 kitchen windows (Block 1) to overlook our property
- The social housing should be allocated throughout the development and not in a cluster fronting Colchester Road
- The pedestrian island will be located near our property driveway and will exacerbate problems accessing our driveway
- Construction methods should be employed to protect roosting bats and other wildlife
- The playground is not visible to parents

### Second round of public consultation

7 letters (6 objections, 1 with just comments) have been received in response to the public consultation, the contents of which are summarised below:

- The traffic, noise and fumes of vehicles will increase
- Health services and schools will be overloaded
- The access will cause traffic build up and risk of accidents
- The location of the north bound bus stop is opposite our driveway and will cause dangerous traffic problems
- The bus stop will make access to our property difficult and exacerbate existing problems
- The location of the play area will attract 1000's of people within a few metres of my property
- This is protected open space
- Not everybody will walk, people will drive and block the road
- This is a 50% increase on the previous application.
- There is no provision for job or infrastructure. Halstead has no new schools and the doctors surgery is stretched
- There should be new leisure facilities or open space with any new development not just revamp something that is already there and being used by the community
- There has been no habitat surveys
- Object to the repositioning of the bus stop which will cause a loss of privacy and disrupt traffic flows
- Recommend that the bus stops are relocated to the entrance to Bluebridge Industrial Estate
- The no. of units has been reduced to 103 which is a small move in the right direction
- I accept there is a need to build more houses, but services such as schools, doctors, road capacity and utilities provision is not adequate

- The revised plans show the open area behind the houses next to the river. This looks good
- The existing open space should not be contaminated with an urban play area
- There are far too many dwellings for the site and the parking provision is insufficient
- The development is out of character with nearby developments, which have a lot more open space
- The NHS have seriously under-estimated the number of additional occupants
- The exit to Colchester Road is poorly placed. The amount of traffic generated will cause congestion
- The position of the play area will cause additional traffic and non-residential car parking into Nether Court, Bullfinch Drive and Chaffinch Way
- The unsupervised play area will attract anti-social behaviour
- A significant increase in light and noise pollution next to the river
- The proposed terrace of dwellings fronting Colchester Road are very close to the road
- There will be a significant degradation of wildlife habitat
- A large number of trees will be lost
- The current view of tree and shrub covered bank will be replaced by a view of two terraces of high density housing
- There are no traffic calming measures
- Increase in traffic generation
- Double yellow lines should be applied to Brook Farm Close and Colchester Road
- The current use is very low level and encourages flora and fauna allowing both to thrive
- I would support plans that did not alter the bank fronting Colchester Road
- I am in favour of the residential development for this site but I think the current plans are far too high in density

## REPORT

### Principle of Development

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

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

The proposed site is located within the development boundary for Halstead, as defined on the proposals map of the Braintree District Local Plan Review 2005 and the Pre Submission Site Allocation and Development Management Plan (ADMP) 2014. The majority of the site is however allocated within the Local Plan Review as an employment policy area. The ADMP identifies the site for residential development.

Policy RLP33 of the Local Plan Review, which is a saved policy, seeks to protect employment within employment policy areas and advises that uses outside of use classes B1, B2 and B8 will be refused. Notwithstanding this the ADMP supports the residential use of the site. Furthermore the existing business operating from this site has planning permission to relocate to the Bluebridge Industrial Estate, on the opposite side of Colchester Road and thus this employment use would not be lost as a consequence of the development.

Planning permission was refused and subsequently dismissed on appeal for the erection of 69 no. residential units on this site in 2009 (reference 09/00699/FUL). The application was refused given that the site was allocated for employment uses and therefore the proposal for residential development was contrary to the development plan. There has been no change to the adopted Local Plan since 2009 and as mentioned above the site is still allocated as employment land; however the ADMP, which was not in place at the time of the 2009 application, identifies this site for residential development.

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

In recent years National planning policy has changed significantly in specifying how Local Planning Authorities should plan for housing growth and delivery and the Council need to respond to this. A key requirement specified in the NPPF is that local authorities should '*boost significantly*' their supply of housing. Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the Pre-Submission ADMP for examination by the Planning Inspectorate. Officers instead began work on a new Local Plan which will include all major planning policy for the District in a single document

and will need to meet the requirements of the NPPF - including the need to 'boost significantly' the supply of housing in the district. The Core Strategy stated that the Council would plan, monitor and manage the delivery of a minimum of 4637 dwellings between 2009 and 2026 – this equates to a minimum of 272 dwellings per annum. In accordance with national planning policy the Council has commissioned research to establish the Objectively Assessed Need for housing in the district. This research will form part of the evidence base for the new Local Plan. The Council's consultants advise that the Objectively Assessed Need for Braintree District is 845 dwellings per annum.

At this stage in the process the Council's position is that the district does have a 5-year supply of housing land, as set out in the Council's Annual Monitoring Report (2014). The work to identify the District's Objectively Assessed Need does not constitute an adopted housing target at this time as set out in a Ministerial letter to the Planning Inspectorate of 19<sup>th</sup> December 2014. Further assessment of how many homes could be delivered, how many new homes have already been built and affordable housing need must be taken into account before a Local Plan housing target can be established and set.

The Council is committed to working to create a new Local Plan as a matter of urgency which will be fully compliant with national planning policy. Good progress has been made with an Issues and Options paper being produced; a Call for Sites and work on updating the evidence base required to support a new Local Plan. Officers will shortly start presenting reports to the Local Plan Sub-Committee which will consider the spatial strategy that the Council should follow and assessing the 300+ sites that were put forward through the Call for Sites. Public consultation on a draft Local Plan is scheduled for mid-2016 as part of the process required to get the new Local Plan adopted.

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

Halstead is identified as a main town in the settlement hierarchy in the adopted Core Strategy. As one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Witham and Braintree, it offers a good range of day to day services and facilities and includes several large employment areas which offer residents the opportunity to meet their needs within the town.

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

Given that the site is considered to be in a sustainable location, the ADMP supports the residential development of the site and the brownfield status of the site which encourages the effective use of land as advocated by the NPPF, it is Officers opinion that the site is a suitable and sensible option for residential development.

### Design and Layout

The NPPF stresses the importance the Government attaches to the design of the built environment. Good design is a key aspect of sustainable design and indivisible from good planning and should contribute positively to making places better for people. Achieving good design and high quality places goes beyond the visual appearance and architecture of individual buildings. Consideration should be given to the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 states that developments should aim to *'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'*.

Policy CS9 of the Core Strategy states that *'the Council will promote and secure the highest possible standards of design and layout in all new development'*. Policy RLP90 of the Local Plan Review also seeks a high standard of layout and design in all developments. Policy RLP3 of the Local Plan Review advises that residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

The proposed development is accessible by vehicles via a single point of access off Colchester Road, located North West of the current access. The road into the site off Colchester Road is of Macadam construction with a footpath. This road type ceases at plots 39 and 77 and therein continues as a shared surface, constructed of Tegula type block paving.

Development is proposed along the Colchester Road frontage and has been designed taking into consideration the adjacent heritage assets. The properties fronting Colchester Road have car parking to the rear, creating a better relationship with the street. As a result rear parking courts are proposed. Although these do not represent the most favourable design approach, they have limited visual implications on the appearance of the street. In addition, given the flat over garage (FOG) units, these areas remain active and overlooked and therefore present a sense of security in this respect.

As mentioned above the site is to be re-profiled in order to address the significant levels change across the site. Along the Colchester Road frontage the land currently makes an abrupt incline by the existing access and thereafter gradually slopes up Colchester Road to the North West. The re profiling would address the abrupt change in levels by creating a more gentle

incline. The site would still sit at a much lower level than the neighbouring properties to the North West such that the amenity of these properties would not be compromised.

The properties within the site (i.e. those not fronting directly on to Colchester Road) present detached, semi-detached and terraced form. Car parking is predominantly on plot, apart from on street car parking to the South Eastern corner. The design of the properties is considered generic, but not inappropriate. The developer has not sought to define character areas, provide focal buildings or introduce any variation in storey heights throughout the development. In addition properties are generally set back beyond small front gardens which limit the potential for buildings to more effectively enclose the space.

In the main the properties are served with rear garden areas which meet the requirements of the Essex Design Guide. There are five houses which have gardens which fall short of the standard Plots 94 and 97 have shortfalls of 0.2m<sup>2</sup> and 0.4m<sup>2</sup> respectively, which is considered inconsequential. Plots 78, 79 and 81 have shortfalls of 20m<sup>2</sup>, 16m<sup>2</sup> and 16.7m<sup>2</sup> respectively. Although below the standard, the gardens areas are useable spaces and represent a minor proportion of the overall development.

The flats (plots 98-103 and 86-87) and FOG units 86-91 are not provided with any amenity space. These are all situated within the North Eastern corner of the site. Given the specific constraints of this part of the site, in the levels of the land and the public footpath, it is considered that the FOG units which extend along this Public Right of Way present an appropriate design approach that outweighs the lack of private amenity space in this instance. The site is within the immediate proximity of an area of public open space and thus the lack of amenity space for the flats is not considered objectionable in this case. Furthermore this approach ensures a variety across the development, appealing to a wider market.

Minimal soft landscaping is proposed within the site; however tree planting is used to provide relief to on-street car parking which is considered beneficial to the overall appearance of the development. The landscape masterplan submitted also shows shrub planting to the small front garden areas. Within the South West of the site a shallow swale is proposed, acting as the sustainable urban drainage (SUDs) for the site, which is to be planted with wildflower grassland. Surrounding the swale a wildflower mix is proposed to be planted. The extension to the river walk footpath is proposed as gold coloured self-binding gravel with timber edgings. New tree planting is proposed to reinforce the existing public open space which will surround the proposed equipped playground.

The affordable housing is contained in areas to the North East and South East of the site. Although not widely “pepper potted” as may be preferred, the proposed arrangement presents the optimum layout in terms of future management and is considered acceptable. The development as a whole is designed to be tenure blind and therefore the affordable housing appropriately

forms part of the wider development without appearing obviously as a different tenure.

Car parking is provided on plot, on-street and within car parking courts. The number of car parking spaces provided and the size of the parking bays, accords with that required by the adopted standard. The rear parking courts are used sparingly within the overall development and are of little impact to the appearance of the street. The on street car parking to the South East of the site is not a favourable layout approach, especially where it results in car parking for one property in front of another and it is thought that a parking square may have been more successful in terms of appearance and amenity, however the visual softening of this area by way of tree planting, helps to mitigate the car parking dominance within the street.

Visitor parking is shown as on-street parking, predominantly along the southern boundary and in front of plots 56-62. It is unfortunate that this has not been designed in to the scheme more comprehensively; however it is likely that car parking would take place in these areas in any event. The Highways Authority is not looking to adopt this particular street and therefore a condition is recommended which requires these car parking spaces to be made available for visitor car parking at all times.

A materials scheme has been submitted with the application which sets out all external materials and finishes for the residential units. Consideration has been given to the proximity of the proposed units along Colchester Road to designated heritage assets and the materials for the units on this part of the site have been chosen to be sympathetic to this. It is considered that the proposed materials will present a cohesive but suitably varied development.

As part of the development, a new access off Colchester Road to the adjacent listed building at Brickbarn Hall is proposed. In order to distinguish this site from the application site, it is proposed to incorporate a front boundary treatment comprising railings and brick pier detailing. It is considered that this boundary treatment is acceptable in association with the listed building and has a satisfactory appearance to the street. It is considered reasonable to request by condition, details of any other boundary treatments proposed which will surround Brickbarn Hall.

The development is considered to be “permeable” and well connected to the wider area, given the connection to and extension of the existing river walk; the retention of the Public Right of Way that runs through site and the pedestrian access at the South East of the site which will provide access through residential streets to the river walk.

The application is supported by a lighting strategy which outlines the types of lighting columns proposed throughout the development; with different specifications proposed on adoptable roads (residential streets and distributor roads) and private streets. The application is not supported by a scheme showing the location of such proposed lighting and it is therefore



recommended that this is sought by way of a planning condition attached to any grant of consent.

Overall, it is considered that the proposal accords with the requirements of policy CS9 of the Core Strategy and policies RLP3, RLP90 and RLP56 of the Local Plan Review.

### Site Levels

The site currently has a significant levels change, such that a scheme of re-profiling is proposed. One of the key benefits of this will be the removal of a number of steps along the public footpath. The proposed earth works seeks to achieve a neutral balance of cut and fill whilst achieving gradients no greater than 1:20, reducing the need for retaining structures within the site. It is likely however that some top soil will need to be transported off site and it is estimated this will be between 60 to 120 lorry loads. In this regard conditions can be placed on any grant of consent which restrict the times at which lorries arrive and depart the site in the interests of residential amenity and require wheel washing facilities to be implemented in the interests of highway safety.

Given the levels of the land it will be necessary to introduce some retaining structures within the development, of which two types are proposed. These are retaining walls, formed of reinforced concrete with brick capping and facing brick detail and crib lock retaining walls. Crib lock retaining walls use the mass of concrete and materials compacted within cells for structural stability.

### Impact on Neighbour Amenity

The NPPF requires, as a core principle, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy RLP90 (iii) advises that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties as a consequence of development.

As discussed above the site sits within a basin, with land just outside of the boundaries sloping up to the North West and to the south. As such the development site will have limited visibility from adjacent residential properties, even with the proposed re-profiling of the land. North West of the site is the residential estate of Chaffinch Way and Bullfinch Drive. In addition to the differences in land level, these areas are separated from the site by way of the public open space and a large area of planting. The proposed residential development is not considered to be adversely affect the amenities of these nearby properties.

Objections have been received to the new equipped play area and the potential for this to attract anti-social behaviour. The proposed play area is located some 53m from the nearest residential property in Bullfinch Drive. The

play area is not proposed to be illuminated so it is unlikely to act as a draw for young people congregate after dark. The site also benefits from natural surveillance from the river walk and the dwellings to the north adding to its advantages as a suitable location for a play area.

An objection has been received with regards to the properties proposed along Colchester Road and the potential overlooking into existing properties on the other side of the road. The properties would be separated by a minimum of 17m, with the highway intervening. The front elevation of properties do not enjoy the same level of seclusion as would be expected to the rear as they are part of the public realm and therefore overlooked to some degree as a consequence. It is not considered that overlooking would occur that would be unreasonable.

The development is within close proximity and will surround Brickbarn Hall on its north western and south western boundaries. The public footpath runs along the south west boundary of Brickbarn Hall. The existing hedge along this boundary will be retained and reinforced providing an improved treatment. The north western boundary is shown to be appropriately treated so as to prevent any adverse harm to the amenities of the occupiers of this neighbouring property.

It is considered reasonable to attach a condition to any grant of consent which controls hours of operations/construction activity taking place on site in the interests of protecting the amenity of nearby residential properties.

It is not considered that the proposal will give rise to any unreasonable impacts on residential amenity and therefore accords with the aforementioned policies.

### Highway Issues

The NPPF requires planning to focus development in locations which are or can be made sustainable.

Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel.

Policy RLP49 of the Local Plan Review states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in the design and layout. Policy RLP50 of the Local Plan Review advises that development proposals will only be permitted where design and layout incorporates routes for cyclists. Policy RLP53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport service exist or there is potential for the development to be well served by public transport and the layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

Policy RLP56 relates to vehicular parking, which has been addressed above.

The application is supported by a Transport Assessment and draft Travel Plan.

As mentioned above the site will be accessible to vehicles via a new access off Colchester Road. This is located 40m North West of the existing access and has been positioned as such in order to improve visibility. The proposal incorporates a new right-hand turn lane, which will allow for the free flow of vehicles in both directions along Colchester Road. The right hand lane can be secured by planning condition.

In order to provide direct and safe pedestrian movement and to ensure accessibility between the site and wider area it is proposed to provide i) a new 2m wide footway on Colchester Road along the site frontage, ii) a new pedestrian refuge crossing between the site access and Brook Farm Close and iii) a contribution towards an extension of Halstead River Walk. The pedestrian refuge crossing will be dealt with under a Section 278 agreement directly with the Highways Authority. It is recommended that a condition be placed on any grant of consent to secure the footway and the contribution towards the river walk would be secured within a Section 106 agreement.

A neighbouring resident has raised the question as to whether the location of the refuge crossing is fixed. The Highways Authority has confirmed that in their opinion the proposed siting reflects the optimum position in highway safety terms.

The scheme also proposes the relocation to 2no. existing bus stops further North West along Colchester Road. The bus stops proposed are bus shelters, which are of a cantilever design with a supporting wall at the rear. These are suitable for narrow footpaths they allow pedestrians to walk through them, with a glazed rear section to provide visibility through the shelter.

A swept path analysis has been undertaken to demonstrate that refuse vehicles will be able to enter and turn within the site.

All roads within the development apart from that along the southern boundary will be offered for adoption by Essex County Council.

The Transport Assessment includes off site impact analysis which includes assessing the capacity of the proposed layout with predicted peak hour flows, allowing for projected growth of background traffic and other consented developments in the area. It is concluded that the increase in weekday peak hour traffic though the two mini roundabouts on the A131 would be negligible. It is concluded that the development could be accommodated within existing capacity.

The Highways Authority has considered the Transport Assessment and raises no objections to the conclusions drawn within.

The application is supported by a draft travel plan, which sets out methods for reducing dependency on the car and promoting other and more sustainable modes of transport. The travel plan and a plan for its monitoring are proposed to be secured within the Section 106 agreement.

The PRoW that passes through the site will be maintained within the scheme and will be re-levelled as part of the proposals to improve the route. This will improve the connections to the adjacent residential estate and would offer an alternative link to the centre of Halstead through residential streets.

The Highways Authority raises no objections to the application subject to conditions being attached to any grant of consent.

The development is considered to satisfy policy CS7 of the Core Strategy and policies RLP49, RLP50 and RLP53 of the Local Plan Review.

### Landscape and Ecology

Policy CS8 of the Core Strategy states that all development proposals will ensure the protection and enhancement of the natural environment, habitats and biodiversity. Development must have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Local Plan Review states that proposals for new development should not be detrimental to the distinctive landscape features and habitats of the areas such as trees, hedges, woodlands, grasslands, ponds and rivers. Policy RLP81 of the Local Plan Review encourages landowners to retain, maintain and plant locally native trees, woodlands and hedgerows. Policy RLP86 of the Local Plan Review advises that development will not be permitted where it would harm the open character, nature conservation importance or recreational importance of river walks.

The application site was not included within the Landscape Character Assessment undertaken in June 2015. The areas south and south west of the site within the river corridor were assessed. This assessment recommended that the area is maintained as the functional flood plain and a resource for flood water storage. The characteristics of the river valley vegetation should be maintained through the management of existing alder and willow trees and the reinforcement with new planting. The landscape masterplan indicates new planting within the river corridor area and increased/improved connections through the application site with a new pedestrian link connecting Colchester Road and the existing Public Right of Way, the existing River Walk and extension of this in to the adjacent open space.

The existing landscaping to the northern and eastern boundary will be retained and protected appropriately during construction. The proposals do result in the removal of 7 individual trees, 8 groups of trees and selective tree removal/coppicing from 4 groups, all of which are category B and C trees. The majority of the trees to the boundaries of the site are retained such the site and wider area retains its character in this respect. The landscaping scheme

proposed introduces additional planting within the site which is considered sufficient to mitigate the loss of existing trees.

The application is supported by a Phase 1 and 2 ecological assessments. The Phase 1 survey identifies that the site provides a habitat for a number of protected species and that further surveys are recommended.

The Phase 2 assessment identifies an active badger sett located within the southern boundary. A badger walkover survey of the remainder of the site and surrounding area uncovered no additional badger setts. Badgers are protected species – by virtue of the Protection of Badgers Act 1992.

The sett on the site has been monitored by the applicant's ecologists over two periods - March / April and again in August / September. Evidence from this monitoring suggests that badger activity is infrequent/ occasional with two badgers observed.

The applicant's ecologist has recommended that the sett is closed under a Natural England licence. This would need to take place between July and November. Until the sett is closed it is recommended that a 20m exclusion zone should be imposed and adhered to during construction, to avoid offences under the aforementioned legislation.

Whilst the development of the site will result in the loss of foraging habitats onsite it is not considered that this would have a significant adverse impact upon the badger group as the disused railway corridor adjacent the site will remain.

The applicant's ecologist also recommends that additional measures are put in place during construction to ensure that there will be no significant impacts upon the local badger social group during the construction phase of development. This can be covered by planning condition. It is also recommended that if a significant amount of time passes before works commence on site this survey be updated beforehand to ensure that badgers do not create new setts.

The applicant's Phase Two assessment also identified that the site is utilised by foraging and commuting bats, however the report states the proposed development will have a neutral effect upon the bat population. It is recommended that there is an opportunity to enhance the site for bats through the inclusion of bat boxes being integrated in to the proposed building and installed on surrounding mature trees. This can reasonably be required by way of an appropriately worded planning condition.

The redevelopment of the site will also impact upon common lizards that were found on the site. Common lizards are protected under the Wildlife and Countryside Act 1981 (as amended). Common lizards are listed as a species of 'principle importance' in the Natural Environment and Rural Communities Act 2006. The Act requires every public body in the exercising of its functions

to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

The applicant's ecologist recommends that the population be translocated to a nearby habitat and they have approached the Council's Landscape Services team about opportunities to do this within the river corridor to the north-west of the site. This requirement can be secured by way of a planning condition.

No direct impact is considered to result to Water Voles, Otters, Biodiversity Action Plan (BAP) Mammals or breeding birds as a consequence of the development.

The Council's landscapes team raise no objections to the proposals.

Provided the above mitigation measures are put in place to protect identified species within the site, it is considered that the proposal satisfies policy CS8 of the Core Strategy and policies RLP80, RLP81 and RLP86 of the Local Plan Review.

#### Public Open Space and Equipped Play

Policy CS10 of the Core Strategy advises that the Council will ensure that there is a good provision of high quality and accessible green space and publicly accessible natural green space within the District.

The south west corner of the site is proposed as an area of open space, which is adjacent to the river. A new footpath through this area and the incorporation of a bench will enhance the river walk connections and link this area to the development and also the existing open space.

The application site is also located adjacent to an existing area of open space which is in the ownership of Braintree District Council. The proposals have sought to improve access to this open space for all existing and future occupiers by way of a new pedestrian link from the development in to the open space. This new footpath also allows improved access to the river walk and beyond to the town centre and Colchester Road.

It is proposed as part of this application to provide an equipped playground in this open space. This area will include adventure playground equipment, a steel rope climbing frame and a spinner. Some existing vegetation will be cleared, however the majority will be retained and the play equipment accommodated within. It is also proposed to provide additional tree planting a new hawthorn hedge, two benches and a litter bin. This equipped play area is to be secured, as detailed below, within an associated Section 106 agreement. It is the intention that this area be maintained by the Council. The Section 106 agreement can secure a financial contribution for maintenance for a 25 year period. As previously stated Officers consider that there will be a wider community benefit from installing the equipped play area within this Public Open Space. Had the play area been located within the development, it would have been less visible and accessible to the wider community.

It is proposed that the works in the existing area of open space will be undertaken by Braintree District Council as landowners or contactors appointed by them. As such the Council will maintain control of works in this area.

Concerns have been raised with regards to the numbers of people this area will attract and the additional cars that will be parked in Bullfinch Drive and Chaffinch Way as a result. The play area will be well served by nearby residential properties, such it is reasonable to conclude that the majority of visitors will walk to the site. It is considered unlikely that such an area will attract car parking on nearby streets at a level that will prove problematic.

### Flood Risk and Sustainable Drainage

The NPPF sets strict tests in order to protect people and property from flooding and advises that development should be directed towards areas with the lowest probability of flooding.

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

The site is located within flood zones 1, 2 and 3, with the proposed dwellings being constructed wholly within flood zone 1. As such the proposed housing is not in a location which is at high risk of flooding and therefore complies with the above mentioned policies in this respect.

The application is supported by a Flood Risk Assessment and a surface water drainage strategy. The surface water drainage strategy advises that the scheme will include permeable paving and an attenuation basin located in the south west corner of the site as sustainable urban drainage features for surface water. The foul water will drain into an existing Anglian Water drain which has the capacity to accommodate the development.

Essex County Council as Lead Local Flood Authority has been consulted on the application and raises no objections to the proposed water drainage strategy and mitigation measures proposed. It is recommended that these measures be secured by way of conditions on any grant of consent, in order to comply with the NPPF and Policy CS8 of the Core Strategy.

The Environment Agency raises no objections to the application.

### Section 106 Agreement

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

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

The application indicates 30% affordable housing provision, providing a range of dwelling types and therefore accords with Policy CS2. Policy RLP 3 of the Local Plan Review requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. RLP 7 and RLP 8 of the Local Plan Review require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

The mix of affordable housing proposed has been the subject of extensive discussions between the applicant and Officers to ensure that there is an appropriate affordable housing mix that will match and address housing need. Based on evidence from the Council’s housing needs register, agreement has been reached with the developer over the mix of the affordable housing units.

The mix is proposed to be:

Affordable Rent:

4 x 1 bed flats

6 x 2 bed flats

11 x 2 bed houses

1 x 3 bed wheelchair bungalow

Shared ownership:

2 x 1 bed flats

2 x 2 bed flats

3 x 2 bed houses

1 x 3 bed house

**Community Building** – Policy CS11 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include ‘transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities’.

When discussing housing growth in Halstead the Council's Core Strategy further states that ‘The expansion of existing employment locations and community services will be supported’.

Following work undertaken over several years plans are now well advanced for a new multi-purpose community building designed to serve the needs of existing and future residents of the town. The Halstead Community Centre Charitable Company has secured land for the building on land adjacent the car park in Butler Road and the District Council has also pledged a significant financial contribution towards the development costs. Planning permission has been secured for the buildings (15/00526/FUL).



The applicant's submission refers to a financial contribution towards the provision of the new facility in their draft heads of terms. Based on schemes of comparable scale, in the District, the contribution sought would be £43,500.00.

**Education** – The County Council have stated Primary school provision within the town already includes 70 places in temporary accommodation. There is also a forecast shortfall in the capacity of primary schools by year 2018/19. As a result the County Council requested a financial contribution from the applicant towards increasing provision/capacity to meet the increase in demand that will arise from the development.

Currently the town's secondary school has sufficient capacity to accommodate the demand arising from the development.

The regulations governing the pooling of financial contributions has recently changed and the County Council would need to be able to specify a site and project where additional capacity would be provided following receipt of a financial contribution. This has led to the County Council not requesting financial contributions towards new Early Years and Childcare provision as there are no identified schemes to meet the increase in demand.

As a result a financial contribution is requested to allow the County Council to meet the level of demand arising from the development at the Primary Schools serving the site. This contribution would total £339,598.90.

**Health** – NHS England advise that the town's existing GP Surgery (the Elizabeth Courtauld Surgery) has insufficient capacity to meet the demand arising from a development of this size within the town. As a result they recommend that a financial contribution be sought to mitigate the capital cost of providing additional healthcare services to meet demand arising directly from the development. The contribution sought for healthcare would be £33,880.00.

**Open Space** – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population). Parks and gardens - 1.2 ha; Outdoor sports provision 2.0 ha; Amenity greenspaces 0.8ha; Provision for children and young people 0.2ha; Allotments 0.23ha.

A development of this size is not required to make provision for allotments or outdoor sports within the site. It is Officer opinion that it would be appropriate for contributions to be sought to improve existing facilities in the vicinity of the site. Based on the Open Spaces SPD a development of this size would be expected to make a financial contribution of £87,629.86 towards outdoor sport and £2,700.00 for allotments.

It is proposed that the contribution for outdoor sport goes towards the provision of equipment and/or enhancement of facilities and future maintenance at Halstead Leisure Centre. The contribution for allotments is proposed to go towards the improvement of current facilities at the Colne Road allotments, as set out within the Open Spaces Action Plan.

The application proposes to utilise an existing area of open space and incorporate a new equipped play area and extension of the river walk. This can be secured within a Section 106 agreement. It is considered appropriate that the developer cover the cost of maintaining this area. Based on the size of the area identified for equipped play the maintenance sum to cover a 25 year period would be approximately £102,000.

It is considered necessary that the areas of open space within the development are transferred to a management company for future maintenance. This can be secured within a Section 106 agreement.

**Travel Plan** – The NPPF requires sustainable modes of transport. The application is supported by a draft travel plan which sets out methods for reducing dependency on the car and promoting other and more sustainable modes of transport.

It is considered necessary to secure the implementation of the travel plan and a monitoring fee within a Section 106 agreement.

### Other Matters

#### Archaeology

The Essex County Council Archaeology team advises that although the site is previously developed and there may have been ground disturbance, it may be that archaeological features and alluvial deposits have preserved significant palaeoenvironmental and archaeological remains. It is recommended that a condition be placed on any grant of consent requiring a programme of archaeological work to be carried out in accordance with a written scheme of investigation, prior to the development commencing.

#### Contamination

Policy RLP64 of the Local Plan Review states that an applicant proposing development on or near a site where contamination may exist, should carry out a thorough investigation, as so to establish the nature and extent of contamination. Development will not be permitted unless practicable and effective measures are taken to treat, contain or control contamination.

A Geo-environmental site assessment has been submitted with the application. This assessment has identified a number of potentially significant sources of on-site contamination, including, inter alia, a petrol filling station formerly located within the northern area of the site; a backfilled gravel pit

within the south eastern area; and the former/current commercial operations, which include servicing of plant and machinery.

It is noted that a petroleum licensing officer has confirmed that the below ground tank farm associated with the former petrol filling station has been removed from site, in addition, housekeeping across the current commercial site appears to be generally of a high standard; and no visual signs of significant contamination was observed during the course of the investigation.

The assessment identified only a single location within the northern portion of the site where Lead and cement bonded chrysotile were encountered within the made ground soils, which could pose a potential risk to future residents. No further specific risks were identified to controlled waters, potable water supplies, plant growth or the wider environment.

It is concluded that the risks in respect to ground contamination appear low to moderate. However data gaps remain and further targeted investigation is recommended to clarify the requirement for any localised remedial measures within the proposed development. Further investigations will need to target specifically the ground beneath the current building footprint.

The Councils Environment Health team have been consulted on the application and raise no objections to the findings of the above mentioned assessment. It is recommended that a condition(s) be placed on any grant of consent which requires further investigation to be undertaken and a remediation scheme submitted to the Local Planning Authority for approval.

### Construction Activity

The Council's Environmental Services Team has been consulted regarding the proposed development. They have raised no objection, subject to a number of conditions to control construction activity (hours of working; permissible hours for deliveries; piling; dust and mud control).

### CONCLUSION

The site is identified in the Local Plan partly employment use and partly for residential development. The ADMP, which is afforded weight in decision making, allocates the site for residential development. As elaborated upon above, it is Officer's opinion that the site is in a sustainable location and appropriate for residential development.

Officers consider that the development of 103 dwellings has been designed in an acceptable manner, complying with relevant standards for parking, highways and amenity. As well as delivering 103 dwellings, 30% of the dwellings will be provided as affordable housing, which accords with Core Strategy policy.

With the imposition of suitable planning conditions the proposal would protect identified protected species and enhance biodiversity and ensure the

protection of existing trees together with additional planting. The development would also secure an equipped play area within an existing area of public open space.

The application proposes a package of measures to improve pedestrian links to and through the site, including an extension to the existing river walk and the re levelling of the Public Right of Way, improving accessibility. Further measures to improve highway conditions by way of the provision of a right hand turn lane, a pedestrian refuge crossing, a 2m wide footpath along Colchester Road and the relocation of the existing bus stops have been proposed. With these measures in place the development would not be unacceptable in highway safety terms and whilst the development will increase the number of motor vehicles on the road network this has been demonstrated to be within existing capacity and the Highway Authority has raised no objection, subject to conditions being placed on any grant of consent.

Planning obligation requirements have been agreed whereby the applicant will contribute towards improvements in primary school and healthcare capacity and improvements to community facilities within the town, including a community building, outdoor sport and allotments.

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

### RECOMMENDATION

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

- Affordable Housing
- Allotments (financial contribution)
- Education (financial contribution)
- Outdoor Sport (Financial contribution)
- Health (financial contribution)
- On-Site Public Open Space
- Equipped play area and river walk extension (including financial contribution for maintenance)
- Community Building (Financial contribution)
- Travel Plan and monitoring fee

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

Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to approve the

application by the Planning Committee, the Development Manager may use her delegated authority to refuse the application.

#### APPROVED PLANS

(A full list of Approved Plans is appended to this 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 for the dwelling/flats hereby approved shall be as indicated on drawing no. BW150 PL-009 Revision E, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

In the interests of visual amenity and to ensure the use of appropriate materials having regard to the listed buildings adjoining the site.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration of the dwellinghouse(s) as permitted by Class A, B, C or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

#### Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions or proposed outbuildings in the interests of residential and/or visual amenity.

- 5 No dwelling/flat hereby approved shall be occupied before the garages and hardstanding associated with each dwelling/flat to provide car parking, as shown on drawing no. BW150 PL-005 Rev B have been laid out and constructed in their entirety and made available for use. Thereafter the said garage(s) and hardstandings shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

#### Reason

To enable the Local Planning Authority to secure satisfactory provision for

the parking of vehicles in the interests of highway safety and to ensure each property is served with sufficient parking to accord with the adopted parking standards as detailed within SPD Parking Standards - Design and Good Practice (2009).

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class F of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no grassed, planted or soft landscaped area within the curtilage of each dwellinghouse (except that within the enclosed rear garden) shall be removed and replaced with a hard standing.

Reason

To enable the Local Planning Authority to retain adequate control over such development and to ensure the retention of structured soft landscaping in the interests of the visual amenity of the area.

- 7 No development or preliminary ground works of any kind shall take place until the applicant (or any successor in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

Reason

To enable a full investigation of the site which may be of archaeological interest. This matter must be dealt with prior to the commencement of development to ensure that the potential archaeological interest in the site is not inadvertently lost through development activity.

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

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

Reason

In the interests of the amenity of residents of the locality

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where

- appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours and for vehicles making deliveries and removing material from the site.

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

#### Reason

In the interests of the amenity of residents of the locality and in order to minimise nuisance caused by pollution in the interest of residential amenity.

- 10 The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment, reference B462-05C dated November 2015. The scheme shall include:

- Runoff rates limited to a minimum of 50% betterment on existing brownfield rates from the site
- Attenuation storage and long term storage which will cater for the 1 in 100 year critical storm plus allowance for climate change and urban creep
- The appropriate amount of treatment stages

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

#### Reason

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

- 11 The development hereby permitted shall not commence until a scheme to minimise the risk to offsite flooding caused by surface water runoff and groundwater during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme as agreed shall be that implemented and thereafter retained in the approved form.

#### Reason

In order to accord with paragraph 103 of the NPPF which states that Local Planning Authority's should ensure flood risk is not increased elsewhere by the development. This matter must be dealt with prior to commencement of development as its requirements relate to measures that will need to be in place at the construction stage.

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

Reason

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

- 13 The person(s) and/or organisation responsible for the maintenance of the surface water drainage system, as identified within the Maintenance Plan required by condition 12 above, shall produce yearly logs/records in perpetuity of the maintenance of the surface water drainage system in accordance with the approved Maintenance Plan. The yearly logs/records of maintenance shall be available for inspection to the Local Planning Authority upon request.

Reason

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

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

Reason

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

- 15 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.

- 16 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed



remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

- 17 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17 of this permission, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 18 of this permission.

Reason

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

- 19 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road as permitted by Class A of Part 2 of Schedule 2 of that Order without first obtaining planning permission from the Local Planning Authority.

Reason

To enable the Local Planning Authority to retain adequate control over such details of screening and/or means of enclosure in the interests of visual amenity and highway safety.

- 20 The landscaping for the site shall be undertaken in accordance with drawing no. PR059 03 Rev F (Landscape Masterplan) and PR059 04 (Tree Pit Details), unless otherwise agreed in writing by the Local Planning Authority. The scheme of landscaping indicated upon the above mentioned plan or such other scheme as may be agreed in writing by the Local Planning Authority shall be carried out.

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

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

The landscaping for the site shall be undertaken in accordance with drawing no. PR059 03 Rev F (Landscape Masterplan), PR059 04 (Tree Pit Details) and PR059 02 Rev E (Riverside Walk Children's Play Area) unless otherwise agreed in writing by the Local Planning Authority. The scheme of landscaping indicated upon the above mentioned plan or such other scheme as may be agreed in writing by the Local Planning Authority shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

how they will record and report their monitoring of the approved works. The details as agreed shall be those undertaken on site and implemented until such time as the landscaping has been carried out in accordance with the approved drawings/specifications, or any other scheme as may be agreed in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development, in the interests of amenity and to ensure the landscaping is undertaken appropriately to ensure longevity.

- 21 The development hereby permitted shall not commence 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 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. This matter must be dealt with prior to commencement of development as it relates to measures that will need to be in place before construction works takes place.

- 22 No development shall commence until a licence has been granted from Natural England in respect of the Badger Sett located within the site. The Local Planning Authority shall be notified in writing that a licence has been

granted within 28 days of such licence being granted.

Reason

In order to ensure the protection of this protected species to accord with Policy RLP84 of the Local Plan Review and policy CS8 of the Core Strategy.

- 23 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 away from these areas will be implemented to mitigate injury or destruction. The plan will identify the receptor site and any enhancements required to 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) details of suitably qualified person responsible for:
    - (i) compliance with legal consents relating to nature conservation;
    - (ii) compliance with planning conditions relating to nature conservation;
    - (iii) installation of physical protection measures during construction;
    - (iv) implementation of sensitive working practices during construction;
    - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - (vi) provision of training and information about the importance of "Wildlife Protection 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. This matter must be dealt with prior to commencement as it relates to measures that will need to be in place prior to any construction works taking place.

- 24 Prior to the commencement of 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, has been submitted to and approved in writing by the local planning authority. The LEMP shall include the extent and location of proposed works; aftercare and long term management; the personnel responsible for the work; the timing of the works; and monitoring.

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

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

Reason

To protect and enhance the ecological value of the site. It is necessary for these details to be agreed prior to commencement of development as failure to do so could result in the loss of potentially valuable habitats. This matter must be dealt with prior to commencement of development as it will be necessary to understand to identify how habitats and landscapes will be managed to enhance biodiversity and to achieve this it will be necessary to identify requirements to safeguard existing features before the commencement of construction.

- 25 The visitor car parking spaces, identified on Approved Parking Plan BW150 PL-005 Rev B, shall be provided in accordance with the approved plans and thereafter be kept available at all times for visitor parking.

Reason

To ensure that the visitor car parking shown on the approved plans is provided in accordance with the approved plans and to ensure that it remains available in order that adequate car parking facilities are retained within the development and to reduce the risk of inappropriate car parking which could be detrimental to highway safety.

- 26 Prior to commencement of construction of any dwelling hereby approved a scheme/design guide for all areas of public realm and character areas shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be those implemented on site and thereafter retained in the approved form.

Reason

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

- 27 Prior to their installation details shall be submitted of the boundary treatment(s) between the application site and Brickbarn Hall. The details as agreed shall be those implemented on site and thereafter retained and maintained in the approved form.

Reason

In the interests of visual and residential amenity and in the interests of the character, appearance and setting of the listed building.

- 28 No development shall commence before precise details showing existing and finished land levels relative to the siting of the approved development, including cross sections of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with those details as agreed in writing by the Local Planning Authority.

Reason

To enable the Local Planning Authority to retain adequate control over proposed site levels in the interests of visual and residential amenity. These details are required prior to commencement as they relate to site levels which need to be agreed and established prior to the commencement of development.

- 29 Prior to the occupation of the first dwelling, the right turn lane as shown on drawing B462-005 Rev E, dated 10.12.15 shall be constructed and completed, in accordance with details which have previously been submitted to and agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and to accord with the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011.

- 30 Prior to the occupation of the first dwelling, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 63 metres to the north and 2.4 metres by 89 metres to the south, as measured from and along the nearside edge of the carriageway and as shown on drawing B462-005 Rev E, dated 10.12.15. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

In the interests of highway safety and to accord with the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011 and in the interests of highway safety.

- 31 The two existing bus stops on Colchester Road as shown on B462-005 Rev E shall be relocated and upgraded. No development shall commence before details of the proposed bus stops have been submitted to and

approved in writing by the Local Planning Authority. The details to be submitted shall include but not be limited to, details on raised kerbs the proposed shelter and real time passenger information. The details as agreed in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason

In the interests of retaining accessibility to sustainable modes of transport.

- 32 Prior to the commencement of the development hereby permitted, arrangements shall have been agreed in writing with the Local Planning Authority for safeguarding, diverting or extinguishing any public rights of way across the site including the provision and maintenance of temporary fencing and signposting where appropriate.

Reason

To ensure the Public Rights of Way remain accessible during the construction of the development and thereafter in the interests of amenity.

- 33 All vehicular parking spaces within the site shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

In order to accord with policy RLP56 of the Local Plan Review and Supplementary Planning Document, Parking Standards - Design and Good Practice (2009).

- 34 All single garages within the site shall have a minimum internal measurement of 7 metres x 3 metres.

Reason

In order to accord with policy RLP56 of the Local Plan Review and Supplementary Planning Document, Parking Standards - Design and Good Practice (2009).

- 35 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, which shall have been previously been submitted to and approved in writing by the Local Planning Authority. The Residents Travel Information Pack shall include six one day travel vouchers for use with the relevant local public transport operator.

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

Reason

In the interests of promoting sustainable modes of transport.

- 36 No dwelling shall be erected closer than 0.5 metres to the highway boundary.

Reason

In the interests of highway safety and to accord with the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011.

- 37 Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the 2 metre wide pedestrian footway along Colchester Road. The pedestrian footway shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason

In the interests of highway and pedestrian safety and to accord with the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011

- 38 If development has not commenced prior to September 2016 a survey of the application site shall have been carried out by a suitably qualified and experienced ecologist no more than 50 days prior to commencement of the works to investigate the potential presence on the application site of badgers, as specified in the Phase 2 Ecological Surveys and Assessments (SES, 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) and b) above.

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

Reason

To safeguard and protect protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken 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](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 4 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.
- 5 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 6 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.

- 7 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'.
- 8 Your attention is drawn to Conditions 4, 6 and 20 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

TESSA LAMBERT  
DEVELOPMENT MANAGER

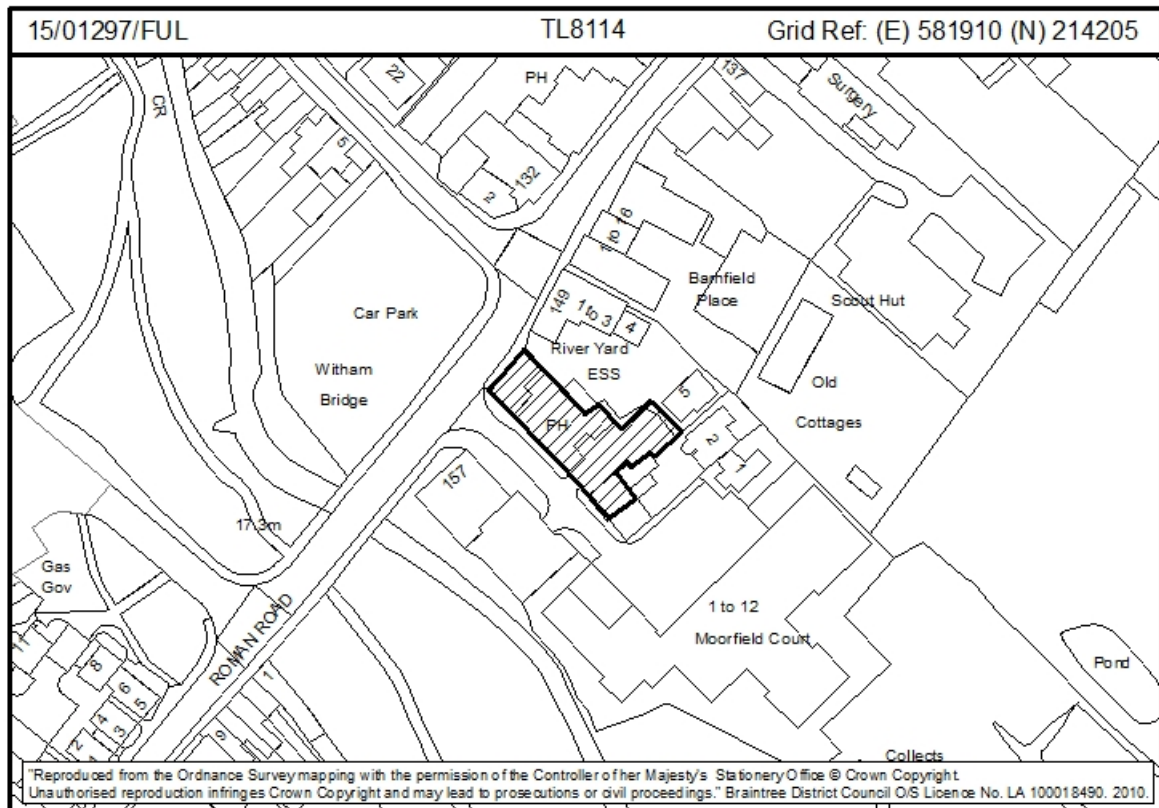
Planning Layout	Plan Ref: BW150 PL 004	Version: C
Garden Compliance	Plan Ref: BW150 PL007	Version: D
Materials Details	Plan Ref: BW150 PL009	Version: E
Highway Plan	Plan Ref: BW150 PL010	Version: C
General	Plan Ref: BW150 004	Version: B
General	Plan Ref: BW150 PL008	Version: B
Parking Layout	Plan Ref: BW150 PL005	Version: B
General	Plan Ref: BW150 SEC001	Version: B
Street elevation	Plan Ref: BW150 ST 02	Version: C
Planning Layout	Plan Ref: BW150 PL 002	Version: I
Storey Height	Plan Ref: BW150 PL 003	Version: C
Refuse Information	Plan Ref: BW150 PL 006	Version: B
Other	Plan Ref: PR-059-02 - CHILDRENS PLAY AREA	
	Version: E	
Other	Plan Ref: B462 SK008	Version: C
Elevations	Plan Ref: BW150-HA-BL-06	Version: A
Elevations	Plan Ref: BW150-HA-BL-05	Version: A
Floor Plan	Plan Ref: BW150-HA-BL-04	Version: A
Tree Plan	Plan Ref: TREE PIT DETAILS PR059-04	
House Types	Plan Ref: BW150-HOL-02	Version: HOLCOMBE 'B'
House Types	Plan Ref: BW150-HOL-03	Version: HOLCOMBE 'C'
House Types	Plan Ref: BW150-HOL-04	Version: HOLCOMBE 'D'
House Types	Plan Ref: BW150-HOL-05	Version: HOLCOMBE 'E'
House Types	Plan Ref: BW150-LAU-01	Version: LAUREL 'A'
Location Plan	Plan Ref: BW150-PL-001	Version: A
Street elevation	Plan Ref: BW150-PL-ST-01	
House Types	Plan Ref: BW150-ASH-01	Version: ASH 'A'
House Types	Plan Ref: BW150-ASH-02	Version: ASH 'B'
House Types	Plan Ref: BW150-BIR-01	Version: BIRCH 'A'
House Types	Plan Ref: BW150-BIR-02	Version: BIRCH 'B'
House Types	Plan Ref: BW150-CAM-01	Version: CAMPBELL 'A'
House Types	Plan Ref: BW150-CAM-02	Version: CAMPBELL 'B'
House Types	Plan Ref: BW150-HOL-01	Version: HOLCOMBE 'A'
House Types	Plan Ref: BW150-MAG-01	Version: MAGNOLIA 'A'
House Types	Plan Ref: BW150-MAG-02	Version: MAGNOLIA 'B'
House Types	Plan Ref: BW150-MAG-03	Version: MAGNOLIA 'C'
House Types	Plan Ref: BW150-MON-01	Version: MONTROSE 'A'
House Types	Plan Ref: BW150-MUL-01	Version: MULBERRY 'A'
House Types	Plan Ref: BW150-MUL-02	Version: MULBERRY 'B'
House Types	Plan Ref: BW150-MUL-03	Version: MULBERRY 'C'
House Types	Plan Ref: BW150-WIL-01	Version: WILLOW 'A'
House Types	Plan Ref: BW150-WIL -02	Version: WILLOW 'B'
House Types	Plan Ref: BW150-HT-02	Version: PLOTS 2, 3, 4
House Types	Plan Ref: BW150-HT-03	Version: PLOTS 2, 3, 4
House Types	Plan Ref: BW150-HT-04	Version: PLOTS 9, 10 & 11
House Types	Plan Ref: BW150-HT-05	Version: PLOTS 9, 10 & 11

House Types	Plan Ref: BW150-HA71A-01	Version: HA71A
House Types	Plan Ref: BW150-HA71B-01	Version: HA71B
House Types	Plan Ref: BW150-HA93-01	Version: HA93
House Types	Plan Ref: BW150-HA71-BL-01	Version: HA71 BLOCK 1
_ 2 FLOOR P		
House Types	Plan Ref: BW150-HA71-BL-02	Version: HA71 BLOCK 1
ELEVATIONS		
House Types	Plan Ref: BW150-HA71-BL-03	Version: HA71 BLOCK 2
ELEVATIONS		
Apartment Plans	Plan Ref: BW150-AP-06	Version: FOG 1 PLOT 1
Apartment Plans	Plan Ref: BW150-AP-07	Version: FOG 3 PLOT 25
General	Plan Ref: BW150-ESS-01	Version: ELECTRIC SUB
STATION		
Garage Details	Plan Ref: BW150-GR-01	Version: SG1 & SG2
SINGLE GARAGES		
Garage Details	Plan Ref: BW150-GR-02	Version: SG4 & SG5
SINGLE GARAGES		
Garage Details	Plan Ref: BW150-GR-03	Version: PARKING
PERGOLAS		
Landscaping	Plan Ref: TREE PROTECTION PLAN	
Landscaping	Plan Ref: LANDSCAPE MASTERPLAN PR059-03	
	Version: F	
Levels	Plan Ref: B462-007	Version: B
Topographical Survey	Plan Ref: B462-SK006	Version: A
Drainage Plan	Plan Ref: B462-003	Version: G
House Types	Plan Ref: BW150-HAW-01	Version: Hawthorn "A"
House Types	Plan Ref: BW150-HAW-02	Version: Hawthorn "B"
House Types	Plan Ref: BW150-HAW-03	Version: Hawthorn "C"
House Types	Plan Ref: BW150-HAW-04	Version: Hawthorn "D"
Highway Plan	Plan Ref: B462 SK007	Version: D
Highway Plan	Plan Ref: B462 005	Version: E
Other	Plan Ref: FLOOD RISK ASSESSMENT B462-05C	
	Version: C	
House Types	Plan Ref: BW150-HT-01	Version: A
House Types	Plan Ref: BW150-AP-01	Version: B
House Types	Plan Ref: BW150-AP-02	Version: B
House Types	Plan Ref: BW150-AP-03	Version: C
House Types	Plan Ref: BW150-AP-04	Version: B
House Types	Plan Ref: BW150-AP-05	Version: A
House Types	Plan Ref: BW150-AP-08	Version: D
Planning Layout	Plan Ref: AFFORDABLE HOUSING BW150 PL-011	
	Version: B	
Lighting Plan	Plan Ref: MMA134651/001	Version: Rev R0

PART B

APPLICATION NO: 15/01297/FUL DATE: 19.10.15  
 VALID:  
 APPLICANT: Greene King Pub Partners  
 Westgate Brewery, Abbott House, Bury St Edmunds,  
 Suffolk, IP33 1QT  
 AGENT: Mr S Nowozie  
 Tibbatts Abel, 214 Fort Dunlop, Fort Parkway, Birmingham,  
 West Midlands, B24 9FD  
 DESCRIPTION: Demolition of existing outbuilding to create new garden  
 space, replacement 2m high wall and soft internal  
 renovations  
 LOCATION: The Swan PH, 153 Newland Street, Witham, Essex, CM8  
 1BE

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



## SITE HISTORY

78/01181/ 94/00140/FUL	Erection of toilet extension Erection of extension to saloon bar	Granted Granted	08.11.78 29.04.94
98/00596/FUL	Demolition of existing utility and erection of single storey extension to provide cellar/beer store	Granted	07.07.98
08/01316/FUL	Erection of timber framed shelter	Withdrawn	25.07.08
08/01317/LBC	Erection of timber framed shelter	Withdrawn	25.07.08
08/01503/FUL	Erection of timber framed shelter	Granted	23.09.08
08/01504/LBC	Erection of timber framed shelter	Permission not Required	23.09.08

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP3            Development within Town Development Boundaries and Village  
                    Envelopes  
RLP90          Layout and Design of Development  
RLP95          Preservation and Enhancement of Conservation Areas

## INTRODUCTION

This application is being reported to the Planning Committee for determination due to an objection from Witham Town Council. It is also of note that a significant number of representations have been made by local residents which object to the proposal, contrary to officer recommendation.

## SITE DESCRIPTION

The site comprises The Swan Public House on Newland Street in Witham. To the rear of the Public House is Moorfield Court, a retirement / sheltered housing development. The Public House has an outside seating area at the front, and a rear garden that is not currently used for outside seating. The rear

garden area includes a small brick built function room which would be demolished as part of the proposal. The small function room forms part of the boundary arrangement to the rear of the site. The rest of the rear boundary comprises a breeze block wall and a close boarded wooden fence. There is a vehicular access to the rear garden from the road that runs along the south western side of the Public House. This road also serves as the access to Moorfield Court. The site is situated within Flood Zone 3.

## PROPOSAL

The application seeks permission for the demolition of the function room building, a smaller part-built breeze-block building and the provision of a 2m high brick wall along the boundary of the site, adjacent to Moorfield Court's parking area and the front of No.2 Newland Street.

## CONSULTATIONS

### Essex County Council Historic Buildings Advisor

No objection: The outbuilding to be demolished is not in keeping with the character of the conservation area. Recommends conditions relating to materials for the proposed replacement brick wall and also the proposed decking.

### Environmental Health

Initially objected to the proposal in relation to potential noise impact on surrounding residences, however the objection has now been withdrawn on grounds that noise issues would be considered under licencing regulations.

### Witham Town Council

Initially objected to the application with regards to a detrimental impact on the amenity of residents and lack of information with regard to a replacement rear boundary wall.

Following re-consultation on revised plans which provided details of the proposed replacement boundary treatment, Witham Town Council stated that they had no objection to the proposal subject to a satisfactory resolution to the potential noise impact. As no noise migration measures are proposed within the application, it is considered that the Town Council maintains an objection to the application.

## REPRESENTATIONS

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

In response, 61 objections have been received mainly from residents at Moorfield Court. In the vast majority of cases residents have responded with

an identical letter of objection. The concerns raised within the letters of objection can be summarised as follows:

- No justification for additional pub garden
- Plans unclear – is wall to remain at rear?
- Car park at rear not used for general public (owned and maintained by Moorfield Court)
  - No need for additional side entrance
  - People park on double yellow lines
- Construction/works vehicles block access and park on private court
- Increased pollution detrimental to the health of Moorfield Court residents
  - Air - smoking area at rear
  - Smells
  - Noise – users of beer garden
  - Increased litter
- Loss of privacy
- Security- customers to pub could cause distress to residents of Moorfield Court if left wandering around rear of the site
- Damage / vandalism
- Pedestrian access should be through pub and restricted at existing vehicle entrance

## REPORT

### Principle of Development

#### Clarification on Material Planning Considerations

In this case, the application proposes to demolish the existing outbuilding on the rear boundary of the site and erect a replacement 2m wall. The land in question is within the curtilage of the Public House and forms part of the same planning unit as the Public House. A Public House uses falls within Class A4 of the Use Classes Order (Pubs and Clubs) and although not currently used as a beer garden, the rear area could be used for such a purpose without requiring planning permission.

As the use of the rear area as a beer garden could take place lawfully today, the Local Planning Authority cannot reasonably consider the impacts of that activity on the amenity of neighbouring premises. There are, however, separate controls under licencing legislation.

It has been confirmed by Braintree District Council Licencing Department that the entire rear area is included under the premises licence. The area marked on the proposed plan as 'Existing grassed area not to be used as public area remain as private area' is marked on the Licensing Act 2003 Premises Licence as a beer garden and included in the licensable area. It has been



confirmed that prior to such a use commencing a variation of the licence would need to be sought. This would go out to public consultation and would take into consideration any potential impacts on neighbours.

In light of the above, the only consideration that planning legislation would cover in this instance is the character and appearance of the outbuilding and the proposed replacement wall. As such, the following policies are applicable.

### Planning Policies

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

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

The site is located within the Witham Conservation Area and this designation means that Policy RLP95 of the Local Plan Review is also relevant to the determination of any planning application for the site. The policy states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Development will only be permitted where the proposal 'does not detract from the character, appearance and essential features of the Conservation Area' and is considered to 'be situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings'.

### Design, Appearance and Layout

The Historic Buildings Advisor (HBA) has considered the potential impact of the demolition of the outbuilding on the character and appearance of the Conservation Area. The HBA concluded that the outbuilding does not make a positive contribution to the character of the Conservation Area and raises no objection to its removal. The HBA would also not have an objection to the erection of a 2m replacement boundary wall, subject to conditions relating to materials. It is therefore considered that the proposal would conform to the above policies and as such not cause a detrimental impact on the character and appearance of the area.

### Impact on Neighbour Amenity

As discussed above, the only matter that can be considered in this instance regarding neighbouring amenity is the height and location of the proposed replacement boundary wall. The replacement wall in this instance would be adjacent to Moorfield Court's car park and be of a height which would not be untypical in an urban setting. It would ensure patrons of the pub did not have the potential to overlook the lower windows of Moorfield Court. As such, it is considered that the proposed replacement wall would not cause a detrimental impact on the amenity of neighbouring properties with regards to overshadowing, loss of light and privacy.

### Highway Issues

In this case the proposal does not include any alteration to the existing access arrangements for the Public House, nor does it involve any addition to the floor space of the Public House which might justify an additional parking requirement. Accordingly although objections have been raised on grounds that the proposals could lead to increased parking on the access road to Moorfield Court, there are not considered to be any highway safety or parking grounds to justify resistance to the proposals. As such, it is considered that the proposal would not cause a detriment in terms of highway matters.

### OTHER MATTERS

#### Construction Vehicles

Concerns have been raised with regards to construction vehicles using the side access road and blocking emergency vehicles from entering the site. If parking does occur on the double yellow lines, it is matter of enforcement through separate legislation as administered by the North Essex Parking Partnership.

#### Potential Security Issues

Concerns have been raised with regards to the impact on the security of the area behind the public house site. The proposals do not involve a change in the use of the premises and as such it would not be reasonable to conclude that the use of the rear area as a beer garden would have any direct consequences in this regard.

### CONCLUSION

The proposals relate to development at the Public House associated with its lawful use. The design, scale and location of the replacement boundary wall would preserve the character of the Conservation Area and would not detrimentally impact on any neighbouring properties. Highway aspects are not proposed to change as part of this proposal. As such, it is considered there are no material reasons why this application should not be approved.

## RECOMMENDATION

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

## APPROVED PLANS

Existing Plans	Plan Ref: 1683-001	
Location Plan	Plan Ref: 1683-P01	
Proposed Plans	Plan Ref: 1683-003	Version: Rev A

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

### Reason

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

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

### Reason

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

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

### Reason

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

- 4 The development shall not be commenced until samples of the decking to be used on the floor have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

### Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Draft Tree Strategy Document</b>		<b>Agenda No: 6</b>
<b>Corporate Priority:</b> The environment is clean and green <b>Portfolio:</b> Environment and Place <b>Report Presented by:</b> Shaun Taylor <b>Report Prepared by:</b> Shaun Taylor		
<b>Background Papers:</b> <ul style="list-style-type: none"> <li>National Planning Policy Framework (NPPF)</li> </ul>		<b>Public Report:</b> Yes
<b>Options:</b>  To approve or not approve the Tree Strategy as a planning guidance document.		<b>Key Decision:</b> No
<b>Executive Summary:</b>  <p>The Tree Strategy aims to provide a comprehensive approach to the management and maintenance of trees in the geographical area administered by Braintree District Council. The strategy has been prepared as a two part document. Part 1 provides a policy framework which supports the Council's Core Strategy and Part 2 details practical guidance and implications of trees and development.</p> <p>A draft version of the document was open for comment and consultation by Town and Parish Councils, community tree wardens and specialist interest groups during the month of October 2015. This report provides a summary of the salient points within the strategy document and includes the responses to the consultation as an appendix at the end of the report.</p> <p>The document was considered by the Council's Local Plan Sub-Committee on 17<sup>th</sup> February 2016 and approved as a planning guidance document.</p> <p>An updated version of the Tree Strategy is available for reference on the Council's website and paper copies of the draft version considered by councillors at the aforementioned committee meeting have been placed in Councillors' mail boxes.</p>		
<b>Decision:</b>  To approve the Tree Strategy as a planning guidance document.		
<b>Purpose of Decision:</b>  To provide validation to the document.		

<b>Corporate Implications</b>	
<b>Financial:</b>	None at this stage
<b>Legal:</b>	To comply with Government legislation and guidance on tree protection.
<b>Equalities/Diversity</b>	Council policies should take account of equalities and diversity.
<b>Safeguarding:</b>	None
<b>Customer Impact:</b>	The strategy explains the Council's approach to tree management/protection and its responsibilities as a landowner with a 'duty of care' to neighbouring properties.
<b>Environment and Climate Change:</b>	The document identifies the importance of trees in meeting the challenges to our environmental welfare and the implications of global warming.
<b>Consultation/Community Engagement:</b>	A draft version of this document was made available for comment to Town and Parish Councils, Parish Tree Wardens, Witham Tree Group and other conservation groups.
<b>Risks:</b>	N/A.
<b>Officer Contact:</b>	Shaun Taylor
<b>Designation:</b>	Tree and Landscape Officer and Team Supervisor.
<b>Ext. No.</b>	2315
<b>E-mail:</b>	shaun.taylor@braintree.gov.uk

## 1 Background and Introduction

**1.1** The Council's Landscape Services team has prepared a draft tree strategy document which is intended to provide a comprehensive approach to the management and maintenance of trees across the District. The strategy has been prepared in two parts firstly to present the broad context and policy framework for the conservation and management of trees as a resource in the Braintree landscape and secondly to offer practical guidance for the protection and maintenance of trees.

**1.2** The document also includes an action plan identifying ways in which the Council will help to meet the corporate objectives of *protecting the environment* and *providing greenspace for everyone to enjoy*. In this respect it also outlines the Council's approach towards protecting trees throughout the District and the ways the Council, - as a landowner will manage its own significant stock of mature trees.

## 2. Context

**2.1** The National Planning Policy Framework (2012) refers specifically to trees and woodlands in paragraph 118 (Ancient Woodland) and also to Community woodlands and forests at paragraph 92. Trees and woodlands are key elements of green infrastructure, and urban trees bring this benefit to the doors of individual householders.

- 2.2** There are two policies within the Core Strategy document (2011) which refer to the protection of the countryside and the natural environment, namely - Policy CS 5 Countryside and Policy CS 8 Natural Environment and Biodiversity. These policies are relevant to the broader issues of trees in the landscape and their value as a key indicator in biodiversity assessments and a benchmark for the quality of the natural environment.
- 2.3** Trees are a major component of the lowland landscapes of Essex and as such make a considerable contribution to the amenity and character of individual settlements and the wider countryside. The document sets the scene for trees in the Braintree district landscape and makes reference to the recently commissioned Landscape Character Analysis prepared by The Landscape Partnership which evaluated the sensitivity of eight key settlements to further development. In this analysis there is an acknowledgement of the importance of trees, hedgerows and woodland in the capacity of any landscape setting to absorb and screen new residential development.
- 2.4** Reference is also made to the position statement released by The Landscape Institute in 2013 entitled 'Public Health and Landscape reflecting the acknowledged importance of parks and well managed open spaces to the health and wellbeing of the individual and the wider community.

### **3. Tree Strategy Objectives**

**3.1** The policies and management objectives contained within the strategy are intended to provide a framework for decision making, assist with the targeting of resources, provide uniformity of purpose across all council departments and help all interested sections of the community to understand Council decisions on the environment. The key corporate objectives in this strategy are: - *Protecting our environment* and - *Providing green space for everyone to enjoy*.

**3.2** The key management objectives are:

- To promote a sustainable tree population by using best practice in arboriculture and forestry to enhance tree longevity, new planting design, establishment and maintenance.
- Maintain and, where possible, improve the character and appearance of the District.
- Maintain a diverse tree stock of mixed age and encourage species diversity.
- Adopt pro-active management and maintenance of trees and woodland in line with established management plans.
- Promote the concepts of arboriculture, forestry and biodiversity inside and outside the Council.
- Promote community involvement to achieve these objectives.

In seeking to meet these objectives we shall inspect our own trees on a regular basis and carry out works appropriate to their location as dictated by health and safety considerations for risk to life and property. In this respect the document contains a number of illustrations highlighting the challenges brought about by frequent stormy weather conditions. The frequency and strength of these storms has been connected to global warming and is a risk factor the Council needs to be aware of as a major landowner; it is also germane to the consideration of planning applications where the desire to keep mature established trees within

developments needs to be reflected in the masterplans for these sites so that layouts are agreed that provide sufficient space for large trees, often mature field oaks, to be themselves without inducing anxiety and calls for reduction (and at worst felling) because of concerns from householders about proximity of their dwellings to these key landmark features.

A five year action plan shown in Table 1 of the document will support the management objectives identified in the strategy and the broader corporate objectives for Environment and Place in the Council's Business Plan. These actions will cover the period 2016 – 2021 and be subject to annual review.

#### **4. Practical Guidance and Implications**

**4.1** Part 2 of the Strategy provides advice and information on the protection and management of trees in relation to life and property. Trees and property do not always make good neighbours and this section examines key areas of discussion, and sometimes contention, namely:

- Trees and Subsidence
- Trees and Development
- Tree Health
- Tree Risk

In addition there are a number of appendices at the rear of the document; these have been compiled to provide a reference framework of mapping information, detailed advice on tree health issues and legal cases relating to trees.

#### **5. Consultation**

**5.1** There were seven written responses to the draft strategy document and these were largely positive and supportive in tone; they are shown in full in Appendix 1. Where appropriate the tree strategy has been amended to reflect the comments made. The changes have been confirmed in the final column of the table in the appendix.

**5.2** Following the consultation the nature and extent of the information available in the appendices to the document has been amended; Appendix 1 of the document now shows the location and distribution of ancient woodland sites across the district; the subsequent appendix shows the location of woodlands owned by Braintree District Council with suitable management prescriptions for their future guidance and use. This also shows the results of a desktop study investigation into the possible opportunities for establishing new community woodlands around the major settlement areas. These sites were partly identified on the basis of their proximity and linkage to other woodland areas, either privately or publicly owned and to provide a possible discussion point with developers of larger sites where the character and type of large areas of new public open space are a pre-requisite to a planning consent.

#### **6. Conclusion**

In preparing the tree strategy the intention has been to provide an advisory and informative document drawing on the knowledge of the tree and landscape officers who have been employed at the Council over that time, - reflecting on the practical

experiences of meetings with householders, - when considering the issues around protected trees - and meetings with developers at the pre-application stage of major developments. Particular attention has been paid to collecting specialist information from other contemporaneous sources and a recognition that if the strategy is to be of value and relevance over the next few years, then it will need to be revisited and revised to include further information on the spectrum of pertinent issues from the progress of ash dieback to the development of garden village settlements.

## **7. Recommendation**

**To approve the Tree Strategy as a planning guidance document.**



## Appendix 1 Consultation Responses to Draft Tree Strategy document (Rev. G) – October 2015

Respondent	Comment	Action/response
1. Cressing Parish Council	Cressing Parish Council have reviewed the draft tree strategy and are concerned about the removal of trees in the parish due to potential development when our understanding is that Braintree District Council have not yet approved the sites for development.	This comment has been addressed separately
2. Great Notley Parish Council	<p>The Parish Council are pleased to note on page 29 point 6.10 that a Tree management plan is considered suitable for the Parish however on page 24 Table 1 under 'Measuring Output – A Five Year Action Plan - Measuring the Duty of Care/Maintenance It states –“Securing 80% of all maintenance as programmed or pro-active rather than by complaint over the 5 year period of this plan” Does this mean that Great Notley Parish will only receive 80% of planned maintenance over the 5 year plan? If so would it be more appropriate for the District Council to reconsider the feasibility or works to be carried out in order to reach a more realistic target for ongoing maintenance. Page 31 Para 6.14. The Parish Council would wish consideration to be given to the Forest Schools initiative being included here. In Great Notley Parish both Notley Green and White Court Primary are Forest Schools and enjoy local use of Cuckoo Wood and White Court Wood for educational purposes. P62 Map of Great Notley area. The quality of this map is poor and it would be useful for the map included in the final version to be clearer particularly for those consulting the plan who do not have specific knowledge of the area. Page Cuckoo Wood.</p> <p>This is a gated and fenced Ancient Woodland with access controlled by Braintree District Council. The Parish primary schools, Notley Green and White Court use the wood for educational trips under the Forest Schools initiative. It is also understood that the scouts and brownies have also used it. Few from the wider local community experience enjoyment from this amenity. The Action column says, 'arrange local access events to promote the wood'. Few Great Notley residents have ever had a reasonable opportunity to visit this publically-supported wood and the Parish</p>	<p>The strategy identifies the importance of the planned vegetation management periods of trees, woodland and hedgerows managed by the Council to ensure that the majority of the work that is carried out each year is pro-active and planned rather than reactive, on the basis the establishment of this approach to management should reduce the number of reactionary items generated on the basis of telephone calls/written complaints from householders about overhanging branches and contact with property. The 80% figure refers to this split in proactive and reactive work and not the percentage of planned maintenance for the parish.</p> <p>Other points raised in these comments have been addressed by the Community Landscape Officer.</p>

	<p>Council feels that consideration ought to be given to promoting more opportunities for residents to have free access.</p> <p>Furthermore, the Parish Council (or its Tree Warden) does not appear to be considered in any use promotion activities in any event, but would be very willing to be so.</p> <p>The strategy might usefully recognise the apparent shortcoming identified and the Parish Council's offer. P64 Central Spine and Levens Wood.</p> <p>The Parish Council Tree Warden has highlighted that if Leven's Wood is to be coppiced, in part to provide better access and avoid the fly tipping who will be responsible for the removal of the fly tipped waste? Coppicing could expose lots of fly tipping initially.</p>	
3. Cllr O'Reilly-Cicconi	<p>It is a very good document and a good piece of work. But from a Planning point of view and what would be useful to the Planners and the Local Planning Committee Members would be that on page 19 you refer to building extra rooms in houses and adding conservatories will in future lead to subsidence and trees having to be removed, he thinks that we need to include a guide and rules as to how close to a tree a house or conservatory can be built, as the Planning Committee members are not aware of these rules when granting or refusing Planning Applications.</p>	<p>An information sheet has been added to the Appendices to cover the point raised by Cllr. O'Reilly- Cicconi</p>
4. David Mattham – (Tree Warden – Braintree)	<p>Report and record vandalism to the police. Grade tree planting protection according to risk. Contract for care of tree for first year. Policy for removal of support ties. Map showing potential planting areas such as Coldnailhurst and Bradford Meadows would be useful.</p>	<p>These points have been noted and addressed separately with grounds maintenance staff where appropriate.</p>
5. Andrew Adair (Tree Warden – Black Notley)	<p>More can be done with a view to protection, management and monitoring of ancient woodland within BDC's jurisdiction while not finding anything to disagree with in Dr Charles Mynors assessment of how these sites should be managed in the future. There are enhancements that can be made at local district level short of full legal protection from harm conferred by the National Government on ancient woodland sites. As a statutory right that AW areas should continue to exist in perpetuity free from damage or alteration. The issuing of felling licences by the Forestry Commission on trees within a designated Ancient Wood to be reviewed before the</p>	<p>A set of maps showing the location and extent of all the sites of Ancient Semi-natural woodland in each electoral ward across the district. The maps also show the parish boundaries for ease of use by the community tree wardens. The broader points made in Mr. Adair's response have been addressed in a separate letter.</p>

	<p>Planning Committee of BDC to either confirm or revoke these licences as the Committee sees fit with regard to the trees amenity and value as retained species. All further applications to be dealt with in this manner as a requirement of BDC policy on the protection and retained species. All further applications to be dealt with in this manner as a requirement of BDC policy on the protection and retention of Ancient Woodland sites with or without TPOs already in place. Any application to revoke TPOs within Ancient Woodland and grant a felling licence to be considered by the Council Planning Department / Planning Committee as a wholly exceptional circumstance; exceptions would be a danger to the public / owner of woodland routes for services where is no viable alternative available to the one proposed. Attention to the numbers of veteran trees existing on the boundaries of and within Ancient Woodland to be numbered identified as at risk of neglect or serious harm from practices not compatible with proper woodland management of a sensitive habitat. Parish tree wardens could be enlisted for this task trained and equipped by BDC to include an offset towards travel costs. The Council would administer this scheme also arrange access with landowners to engage with traditional woodland practises is a worthwhile expectation this would be in the own interest to do so and would enhance the longevity of AWs as habitats of scientific significance. However those landowners who for whatever reason do not consider this worthwhile, AW protection and maintenance remain the number one objectives. Ancient Woodlands are in steep decline throughout the UK at a rate of loss that will push towards extinction without planned action to preserve those that remain. Braintree Council could play a leading part in this endeavour; AW preservation requires an imaginative approach from BDC planners and Councillors to put these proposals into practise with long term benefits to the countryside and people of Essex.</p>	
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<p>6. Witham Tree Group (Allan Waight – Vice-Chairman)</p>	<p>The Landscape Services Team are to be congratulated on producing an excellent document. As a new community group with an objective to protect and increase the tree cover in and around our town, the Witham Tree Group see this document providing an invaluable source of information to help us develop our plans for achieving our objectives and raising awareness about the benefits of living in an urban environment well stocked with trees. In this context the guidance on what constitutes a 'legal nuisance' is likely to be particularly helpful. Would it be possible please, in the final version, to expand the reproductions in Appendix 2?</p>	<p>The information contained in Appendix 2 'London Tree Officers Guidelines on Tree Management in an Urban Setting' has been made more legible in the revised document.</p>
<p>7. Margaret Robins, Witham Lodge</p>	<p>The report is very thorough and provides an excellent framework for you to operate. I would like to make three points: 1. The Witham Tree Group is a value added contribution towards planting of new stock in appropriate areas. Their work is now noticeable throughout Witham. Without their hard work, parts of Witham would look bare and lack presence. Trees add a dimension that nothing else can. 2. I am still not convinced that landscape is given sufficient planning priority in Witham. As residents of Witham Lodge, we now face a large facade of depressing bricks and roofs immediately opposite us. The vista is nothing like what was presented to us at concept stage. House, houses, flats, houses - nothing more. 3. Witham Lodge trees receiving insufficient attention to ensure future viability. Congratulations on an excellent report. A lot of hard work has gone into it. Sadly, I think bricks will always take precedence and as a community, this is what we are forced to endure.</p>	<p>Comments noted</p>