

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 19 July 2016**

**Time: 19:15**

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

## **Membership:**

Councillor R Bolton  
Councillor K Bowers  
Councillor Mrs L Bowers-Flint  
Councillor P Horner  
Councillor H Johnson  
Councillor S Kirby  
Councillor D Mann

Councillor Lady Newton  
Councillor J O'Reilly-Cicconi (Vice Chairman)  
Councillor Mrs I Parker  
Councillor Mrs W Scattergood (Chairman)  
Councillor P Schwier  
Councillor Mrs G Spray

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

**Page**

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

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

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 5th July 2016 (copy to follow).

### **4 Public Question Time** (See paragraph below)

## **5 Planning Applications**

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

### **PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 15 01407 FUL - Land at Parkhill Wood, Lamarsh Road, ALPHAMSTONE</b>	<b>5 - 18</b>
<b>5b</b>	<b>Application No. 15 01193 FUL - Land between London Road and East of Pods Brook Road, BRAINTREE</b>	<b>19 - 64</b>
<b>5c</b>	<b>Application No. 16 00661 FUL - Garage Site, Lancaster Way, BRAINTREE</b>	<b>65 - 78</b>
<b>5d</b>	<b>Application No. 15 01515 FUL - Lanham Manor Farm, Lanham Farm Road, CRESSING</b>	<b>79 - 97</b>
<b>5e</b>	<b>Application No. 16 00346 FUL - Land adjacent to 38 Hunt Close, FEERING</b>	<b>98 - 105</b>
<b>5f</b>	<b>Application No. 16 00931 FUL - Land North of School Road, PENTLOW</b>	<b>106 - 116</b>

### **PART B**

Minor Planning Applications:-

<b>5g</b>	<b>Application No. 16 00685 FUL - Ostlers Barn, Bulmer Street, BULMER</b>	<b>117 - 122</b>
<b>5h</b>	<b>Application No. 16 00942 FUL - 17-19 High Street, EARLS COLNE</b>	<b>123 - 128</b>
<b>5i</b>	<b>Application No. 16 00943 LBC - 17-19 High Street, EARLS COLNE</b>	<b>129 - 132</b>
<b>5j</b>	<b>Application No. 16 00863 FUL - 6A Temple Lane, SILVER END</b>	<b>133 - 137</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.

Cont'd

E WISBEY  
Governance and Member Manager

**Contact Details**

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

**Question Time**

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

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

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

**Health and Safety**

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

**Mobile Phones**

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

**Comments**

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

Please let us have your comments setting out the following information

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

Comment .....

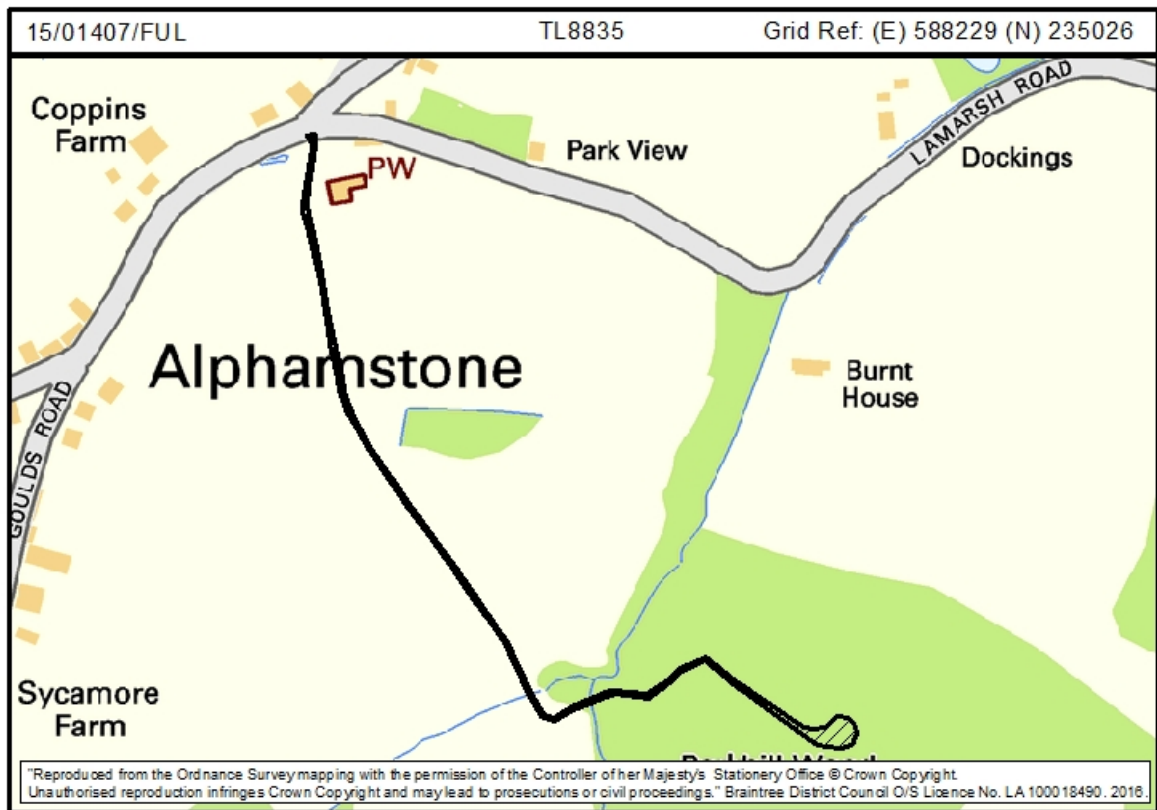
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Contact Details: .....

PART A

APPLICATION NO: 15/01407/FUL  
 DATE VALID: 30.03.16  
 APPLICANT: Mr J McGlashan  
 Coppins Farm, Lower Green, Alphamstone, Bures, Suffolk,  
 CO8 5HE  
 DESCRIPTION: Erection of tree house to be used as a holiday let  
 LOCATION: Land At Parkhill Wood, Lamarsh Road, Alphamstone,  
 Essex

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



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

### Braintree District Local Plan Review

RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP144	Static Caravans, Chalets or Cabins
RLP146	Tourist Accommodation

National Planning Policy Framework

Planning Practice Guidance

### Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009

Natural England Standing Advice

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council object to the application.

## NOTATION

The site falls outside of the village envelope in an area where rural planning policies apply.

## SITE DESCRIPTION

The site is located within ancient woodland to the east of Alphamstone. The woodland is a designated Local Wildlife Site. The site is accessed via a public footpath adjacent St Barnabas Church on Lamarsh Road. The site is owned by the occupant of Coppins Farm, which is located on the opposite side of Lamarsh Road. The site is subject to a woodland restoration management scheme which has been approved by the Forestry Commission.

## PROPOSAL

This application seeks approval for the erection of a tree house within the woodland which would be used as a holiday let.

The applicant already operates an existing holiday rental business from Coppins Farm where planning permission has been granted for the use of two restored vintage showman's caravans and a vintage carriage for use as holiday accommodation. This proposal would be an addition to the established business.

The treehouse will be attached to existing trees using tree tackle technology. Much of the material for the structural supports and external materials will be sourced from the wood as part of the woodland management plan which involves a programme of thinning and coppicing and would be sawn on the farm.

The site can only be accessed by foot, via a public footpath adjacent the church. Parking will be available at Coppins Farm.

In terms of utilities, sewerage would be dealt with via a small septic tank system, water supply for washing will come from a stream which runs along the bottom of the woodland, bottled water would be provided for drinking, lighting would be provided by a photovoltaic solar panel and cooking and heating would be provided through a wood fired Rayburn. Further detail is set out below.

The treehouse would be managed by the owner of Coppins Farm who would provide a welcome pack of groceries and a folder with information about minimising impacts upon habitats. A freezer will be available for use at Coppins Farm.

## CONSULTATIONS

Parish Council – Object. The development is not appropriate to the countryside, nor will it protect or enhance the landscape character or

biodiversity of the countryside. Opposed to a habitable house being built in an unspoilt rural woodland setting with the potential it can then be converted into permanent accommodation with no restriction at a later date.

Landscape Services – No objection. Concerned about setting a precedent for a type of development that could be copied on a larger scale with a detrimental impact on the broader flora and the sensitivities of these valued sites. Tree protection plan should be a condition if approved.

Engineers – Unaware of any surface water issues affecting the site. The water supply would come under the Private Water Supply Regulations and would need to be assessed and tested by the local authority (or a body approved by them) on a regular basis. Iron and manganese would need to be removed to an acceptable level from the supply before going to a UV lamp.

Environmental Health – No objection.

## REPRESENTATIONS

A site notice was displayed at the start of the footpath. No letters of representation have been received.

## REPORT

### Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that housing applications should be considered in the context of a presumption in favour of sustainable development.

Policy CS5 of the Core Strategy states that development outside of development boundaries will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Para.28 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy RLP 144 of the Local Plan Review refers to holiday accommodation. It states that static caravans, chalets and cabins will only be permitted where there is no significant impact on the character of a designated area, road safety, landscape, wildlife, or residential amenity and where essential services can be provided. The location of sites must not be in an area liable to flooding, nor cause the loss of the best and most versatile agricultural land and should be well screened.



Policy 146 states that within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Large scale development proposals which are out of character with the rural areas will be resisted.

In this case the site is located outside of the village envelope, in an area where countryside policies apply. Whilst Policy RLP146 encourages the re-use of existing buildings, it does not rule out the construction of new buildings. The proposal is unique and would appeal to people looking for a certain type of rural retreat. It would offer a type of accommodation which is not currently available within the District. The proposal would supplement the applicant's existing holiday accommodation business which is located in close proximity to the site.

An email has been submitted from Visit Essex which indicates that the proposal would be feasible if it is of a good standard and marketed well. It states that Essex lacks good quality accommodation and in particular alternative accommodation. Visit Essex indicates that it is not aware of any other tree houses in Essex, and the proposal fits in with their strategy of developing the tourism product.

Whilst this is an unusual concept, support can be drawn from the policies set out above. In addition, the NPPF states that decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. A condition is recommended to ensure that the building is only used for holiday let purposes (a concern raised by the Parish Council) and that should the use cease that the building is removed. This would prevent it being used for permanent residential occupation.

### Design, Layout & Environmental Impacts

The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The PPG states that when considering applications affecting ancient woodland the 'mitigation hierarchy' should be followed, as set out below:

*Avoidance – can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?*

*Mitigation – where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?*

*Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?*

Where a development cannot satisfy the requirements of the ‘mitigation hierarchy’, planning permission should be refused as per paragraph 118 of the National Planning Policy Framework.

Policy CS8 states that all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District.

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

Policy RLP36 states that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of, inter alia, visual impact, traffic generation, unacceptable light pollution. The Council will refuse proposals where access roads would not be adequate to cope with consequential traffic.

Policy RLP80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted.

Policy RLP83 states that development likely to have an adverse effect on a Local Nature Reserve, a Wildlife Site, or a Regionally Important Geological/Geomorphological Site, will not be permitted. Where appropriate, the authority will consider the use of planning conditions and/or planning obligations to provide mitigation or compensatory measures.

Policy RLP84 seeks to ensure that new development would not have an adverse impact upon legally protected species.

Policy RLP90 states that the Council seeks a high standard of layout and design in all developments, large and small, in the District. It states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness and be sensitive to the need to conserve local features of architectural, historic and landscape importance.

The building would measure approximately 15 metres by 3.5 metres, although this comprises three different elements including a covered deck, a two storey central element and single storey bedroom element. An open deck would surround the building to three sides. The external materials would comprise untreated vertical cladding, Roundwood poles, unpainted hardwood windows, hardwood balustrading, timber shingles to the single storey roof and profiled metal sheeting to the rest of the roof. Information within the application indicates that the existing trees are, with some additional support (tree attachment tackle), suitable for incorporation into the structure.

The tree house would be sited adjacent a natural clearing. The scale of the building would be broken up by the different elements to the building and a large part would comprise a decked area which would be open to the sides. Materials would be largely sourced from the wood itself as the woodland management plan includes a program of thinning and coppicing. The building would not be visible beyond the woodland.

The applicant indicates that blackout blinds will be provided. A folder will be provided with educational information about the habitats and advising that the blinds should be kept closed when the lights are on. The applicant would provide a welcome pack of groceries and provide back packs if needed to transport goods to the tree house. A freezer will be available for use at Coppins Farm. The facility would be managed and maintained in a similar way to the existing holiday lets at Coppins Farm.

Natural England states that planning authorities should use their Standing Advice for proposals that affect ancient woodland or veteran trees. This states that planning authorities should refuse planning permission for developments that would lead to loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases.

Regard has been had to Natural England's Assessment Guide. Information within the application indicates that the location of the tree house is a small area on the edge of a natural clearing. An Arboricultural Assessment has been submitted with the application which indicates that some low impact works will be required to existing trees such as crown reduction, removal of poor specimen trees and coppicing hazel stool but this would be done as part of the existing woodland management scheme. The structure would nestle between existing trees and would be supported by roundwood poles. Therefore there would be no loss of woodland or veteran trees, or connecting habitat. The proposal would not result in any significant soil compaction or damage to root protection areas. The structure would not be visible from beyond the woodland and would therefore not change the character of the area. Whilst the proposal would increase visitors to the woodland, given the size of the structure, it would not result in significant movements to/from the woodland. Access would be on foot only, using an existing track. The building would be used as a holiday let and given the nature of the proposal

there would be limited “domestication” (eg. there would be no requirement for enclosures, there would be no pets etc.). Air and ground water quality would not be compromised (as discussed below). The proposal would not result in the loss or deterioration of the ancient woodland or affect the function of the site in supporting the ancient woodland.

The Council's Landscape Officer has not raised an objection to this proposal as a single development. Concern is however raised regarding further development of this nature and the impacts it could have on the sensitivities of the site. This is a concern shared by Officers. This proposal is considered acceptable as a single unit as its impacts in isolation would be acceptable. If any future application were to be made for additional units it would have to be considered on its merits but Officers consider that the cumulative impact is unlikely to be considered acceptable.

An Ecological Assessment has been submitted with the application. This indicates that the proposals would not impact upon the woodland management plan. It is recommended that vehicle access and material storage are prevented from extending beyond clearly defined areas, using hazard tape or 'herras' fencing where appropriate. The report concludes that the proposal would have a minimal impact upon habitats and plants.

The report indicates that there is a badger sett approximately 200 metres from the site within the mature woodland. The proposals will not directly affect the sett nor significantly reduce foraging or movement within the site or wider environment. A possible outlier sett is present within 20m of the works area but this shows no signs of recent (i.e. within one year) badger activity. The report recommends that the site is monitored and if badger activity is thought to be present, excavations between 10m - 20m from a sett entrance should be undertaken by hand. Works within 10m of an active sett may require licensing by English Nature before proceeding, and further advice should be sought from a suitably experienced ecologist.

The report also indicates that Dormice are present to mature woodland habitats to the south eastern part of Parkhill wood, and within the surrounding landscape, although targeted surveys found no indications of presence at the site. On balance, the proposed works will cause less disturbance and have a lower impact upon suitable habitat for this species than the current, approved woodland management activities. In addition the works will not reduce foraging or restrict movement within the woodland or wider environment for this species. The report recommends that works are undertaken outside of periods of Dormouse activity, i.e. during the winter months. If indications of Dormouse presence are discovered within the works area during works, activities must cease immediately and further advice sought from a suitably experienced ecologist.

The site offers potential nesting habitat for a range of birds. It is recommended that clearance or other works likely to disturb or destroy active nests is completed outside of the nesting season. Alternatively, suitable habitats should be surveyed by an appropriately experienced ecologist 24-

48hrs prior to works to ensure active nests are absent or provide further advice if present.

Bat species were recorded in the search area but targeted survey of trees within the proposed works site and to the surrounding area found no potential roosting features, and bat roosting in the vicinity to be negligible. No mitigation measures or further surveys are recommended.

The proposed works will have a minimal impact upon locally widespread habitats and plants, and are highly unlikely therefore to have any significant impact upon rare or notable invertebrate populations that may or may not be present. No mitigation measures or further surveys are recommended.

There are no water bodies suited to amphibian breeding within the site or the surrounding area to 0.5km and it is highly unlikely that protected or notable amphibian species will be present. The site is unsuitable habitat for reptiles, Otter and Water vole. No mitigation measures or further surveys are recommended.

A number of measures to enhance wildlife value are recommended for consideration. These include the provision of wildlife boxes such as nest boxes for Dormouse, bird boxes and bat roosting boxes. Details of such measures can be secured by condition.

A condition can be imposed requiring the development to be carried out in accordance with the Ecological Assessment and an informative can be added advising that the granting of planning permission does not absolve the applicant from adhering to the relevant law regarding protected species.

#### Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy RLP 90 of the Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

There are no dwellings nearby that would be affected by the proposal.

#### Highway Issues

Access to the site would be on foot only. Occupants would park their vehicle(s) at the owner's farm on the opposite side of the road and walk to the site. There is adequate parking available within the farm site. It is anticipated that anybody making a booking would be aware of this situation. The applicant has indicated that rucksacks would be made available if needed.

A condition is recommended to control details of the access to the site and the storage of materials during construction.

## Utilities

Policy RLP71 states that planning permission will not be given where there is inadequate water supply, sewerage or land drainage systems (including water sources, water and sewage treatment works) available to meet the anticipated demands of the development, unless there is an agreed phasing arrangement between the developer and the relevant service provider, for the provision of the necessary infrastructure.

Water for washing will be extracted from a stream at the bottom of the woodland. This has been shown on one of the submitted plans and falls within land owned by the applicant. The water will be pumped via a 12v pump powered by 2 large capacity batteries which will be recharged at Coppins Farm. The water will be pumped via a 15mm pipe which will be buried below the woodland bramble understorey in order that there will be no disturbance to tree roots. The pipe will terminate in the natural clearing 15 metres to the south east of the tree house. It will discharge into an above ground settlement tank/header tank. The tank will be clad in timber boarding to mitigate its visual impact. Information has been provided by a water treatment company which indicates that the water has been tested and seems to be of good quality apart from slightly raised iron and manganese levels. The water will be treated using UV equipment (to remove any bacteria) which will run on a 12v battery which will be powered by a small photovoltaic panel. The Council's Engineer advises that the water supply would be controlled by the 'Private Water Supply' Regulations. This would be risk assessed and tested by the Council (or a body approved by them) on a regular basis.

LED lighting will be provided through the use of a photovoltaic solar panel battery system. Bottle water will be provided for drinking water. Cooking and heating will be provided through a wood fired range. Wood collected as part of the woodland management scheme will be used to power the range. Wood will be stored underneath the tree house. A small septic tank system is proposed to deal with foul waste from the site. The installation of this would be controlled by Building Regulations. The solar panels and septic tank would be located within a clearing to the eastern side of the proposed building.

## Other Matters

Materials will be delivered to Coppins Farm and will then be transported to the wood by tractor and trailer or a 4-wd vehicle. There is an existing track to the woodland as access to the woodland is required as part of the woodland management programme.

## CONCLUSION

The site is located beyond any defined settlement boundaries in an area where countryside policies apply. The site is sensitive for this reason and also due to the woodland and wildlife designations. Support for tourist facilities can be drawn from national and local planning policies, but regard must also be

had to other relevant policies and material planning considerations. The proposal would support the viability of an established holiday let business and offer a unique form of accommodation which is not currently offered in the District. By virtue of its location, the building would not be prominent within the landscape. Subject to compliance with the Ecological Assessment and the recommended conditions, it is considered that this proposal is acceptable.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan		
Existing Site Plan	Plan Ref: 13436/GN/1	Version: A
Block Plan	Plan Ref: 13436/GN/2	
Proposed Floor Plan	Plan Ref: 2114-10	Version: A
Proposed Floor Plan	Plan Ref: 2114-11	Version: A
Block Plan	Plan Ref: 2114-12	
Proposed Elevations	Plan Ref: 2114-15	Version: A
Proposed Elevations	Plan Ref: 2114-16	Version: A
Proposed Elevations	Plan Ref: 2114-17	Version: A
Proposed Elevations	Plan Ref: 2114-18	Version: A
Other	Plan Ref: Ecological Assessment	
Other	Plan Ref: Arboricultural Method Statement	

- 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 accommodation hereby permitted shall only be occupied on the following basis -
  - (i) the treehouse shall be occupied for holiday purposes only;
  - (ii) the treehouse shall not be occupied as a person's sole, or main place of residence;
  - (iii) the treehouse shall not be occupied by any leasee, tenant or guest for any period exceeding 28 days consecutively, or cumulatively within any calendar year;

- (iv) the treehouse shall not be sold, transferred, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in blue on the approved plans;
- (v) the owner/operator shall maintain an up-to-date register of the names of all occupiers of the treehouse, and of their main home addresses, and shall make this information available to the Local Planning Authority at all reasonable times on request.
- (vi) should the use of the treehouse for holiday purposes cease, the treehouse shall be dismantled and all materials removed from the site within six months of the use ceasing.

**Reason**

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 4 Construction of the roof shall not be commenced until samples of the materials to be used 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 an appropriate choice of materials having regard to the location of this site in a rural area.

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

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

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

**Reason**

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



- 6 The development shall be carried out in accordance with the approved Ecological Assessment listed above & carried out by Richard Kilshaw ecological services on 13th July 2015.

Reason

To ensure that legally protected species are not harmed during the development.

- 7 Prior to first occupation details of a scheme for the provision of nest/roost sites for bats, birds and doormice shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the treehouse and thereafter so maintained.

Reason

In order to ensure that appropriate provision is made for bats, birds and doormice on the site and as a means of habitat enhancement.

- 8 There shall be no vehicular parking at the site whatsoever for occupants or visitors of the treehouse. Off road parking shall be provided at Coppins Farm.

Reason

To ensure that the proposal does not result in damage to the natural environment.

- 9 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- 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;
- Delivery, demolition and construction working hours.

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

Reason

To ensure that the delivery and storage of materials will not harm existing trees or habitats.

- 10 Prior to first use of the development hereby approved, details of the location, size and external design of the enclosure for the water tank shall be submitted to and approved in writing by the local planning authority. The enclosure shall be erected in accordance with the approved details prior to first use and shall be permanently maintained as such.

Reason

To ensure an appropriate choice of materials having regard to the location of this site in a rural area and in the interests of visual amenity.

- 11 Prior to first use of the tree house, detailed specifications for the solar panels and septic tank shall be submitted to and approved in writing by the local planning authority. The solar panels and septic tank shall be installed in accordance with the approved details prior to first use of the tree house and shall be permanently maintained as such.

Reason

In the interest of promoting sustainable forms of development, minimising the environmental and amenity impact and to ensure a satisfactory method of foul drainage.

INFORMATION TO APPLICANT

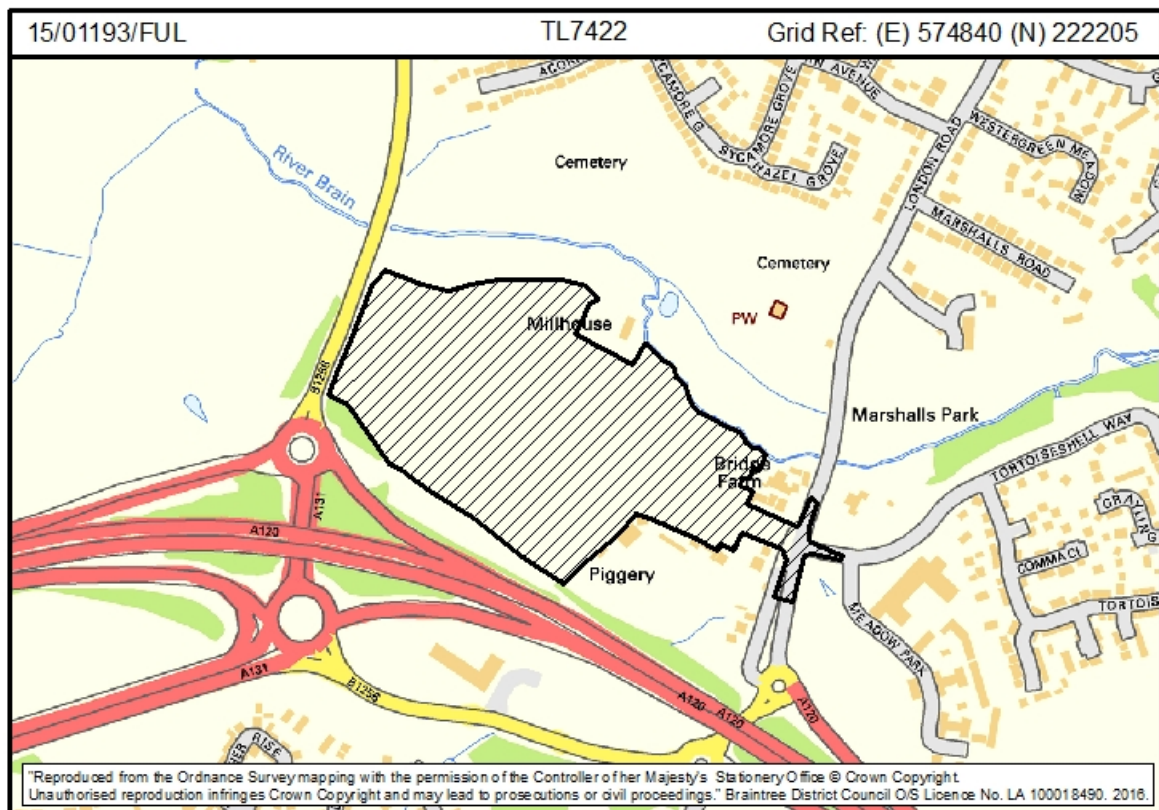
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 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)
- 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).

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01193/FUL DATE: 23.09.15  
 VALID:  
 APPLICANT: Countryside Properties (UK) Ltd And Mr Hawkes  
 C/o Agent  
 AGENT: Mr S Hollingworth  
 Strutt And Parker LLP, Coval Hall, Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 DESCRIPTION: Erection of 215 residential dwellings, new vehicular access  
 from London Road in the form of a new roundabout, public  
 open spaces, play spaces, pedestrian and cycle links,  
 extension to Braintree River Walk and landscaping on land  
 at London Road, Braintree  
 LOCATION: Land Between London Road And East Of Pods Brook  
 Road, Braintree, Essex

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



## SITE HISTORY

15/00010/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential development of approximately 215 dwellings on land to west of London Road and east of Pods Brook Road	Screening/ Scoping Opinion Adopted	27.08.15
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage

RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

### National Planning Guidance

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

### Site Allocations and Development Plan Policies

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Development Boundaries
ADM3	Housing Allocations
ADM8	Housing and Density
ADM38	Education Provision
ADM41	Community Uses
ADM43a	Health and Wellbeing Impact Assessment
ADM45	Sustainable Access for All
ADM46	Cycle / Pedestrian Network
ADM47	Parking Provision
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM55	Energy Efficiency
ADM59	External Lighting
ADM60	Layout and Design of Development
ADM69	Archaeological Evaluation, Excavation and Recording
ADM73	River Walks, Linear Parks, Disused Railway Lines and SANGS
ADM75a	Formal and Informal Recreation and Allotment Allocations

### New Local Plan – Draft for Public Consultation

Policy SP1 Presumption in Favour of Sustainable Development  
Policy SP2 Meeting Housing Needs  
Policy SP3 Providing for Employment  
Policy SP4 Infrastructure and Connectivity  
Policy SP5 Place Shaping Principles  
Policy LPP16 Housing Provision and Delivery  
Policy LPP28 Housing Type and Density

Policy LPP36 Sustainable Access for All  
Policy LPP37 Parking Provision  
Policy LPP42 Built and Historic Environment  
Policy LPP43 Health and Wellbeing Impact Assessment  
Policy LPP44 Provision for Open Space, Sport and Recreation  
Policy LPP46 Layout and Design of Development  
Policy LPP50 Alterations, Extensions and Changes of Use to Heritage Assets and their Settings  
Policy LPP53 Archaeological Evaluation, Excavation and Recording  
Policy LPP56 Natural Environment  
Policy LPP57 Protected Species  
Policy LPP58 Enhancements, Management and Monitoring of Biodiversity  
Policy LPP59 Landscape Character and Features  
Policy LPP62 Energy Efficiency  
Policy LPP63 Renewable Energy Schemes  
Policy LPP64 Renewable Energy Within New Developments  
Policy LPP65 Surface Water Management Plan  
Policy LPP66 Sustainable Urban Drainage Systems  
Policy LPP67 Run-off Rates  
Policy LPP68 External Lighting

#### Supplementary Planning Guidance

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

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

This application is brought before the Planning Committee due to the significant scale of the proposed development.

#### SITE DESCRIPTION

The application site covers approximately 9.3 hectares of land located on the southern side of Braintree, between London Road and Pods Brook Road. Following the London Road from the application site the town centre is located approximately 1.3 km (0.8 miles) to the north.

This is a 'greenfield' site consisting of four fields. The fields on the western side of the site continue to be cultivated for agriculture whilst the field on the eastern side is not currently cultivated and is unmanaged grassland. In addition to hedges and tree belts on the western and southern boundary within the site there are two hedgerows which run north/south. There are a number of individual and group Tree Preservation Orders on trees / hedges

within the application site. The topography of the site is varied with significant changes in levels throughout the majority of the site. The land rises on entering the site from London Road, on the eastern side of the site. The A120 is elevated above the site on the southern boundary.

The land within the site undulates and that there are significant differences in levels – most notably the site slopes steeply from the south, where levels range between c 56.5–57.75m AOD towards the north, as the land falls towards the River Brain, where levels are in the region of 44.6-48.45m AOD. The land to the east also falls away to around 47m AOD. These changes in levels produce some quite steep gradients, for example on the eastern side there are gradients of 1 in 10, and along the northern boundary the gradient exceeds 1 in 10.

To the north of the site is the River Brain, with the residential development and the cemetery beyond. The A120 runs along the southern boundary of the site, at an elevated level. To the east of the application site, on the opposite side of London Road, lies Tortoiseshell Way and The Hawthorns retirement complex. Beyond this and further to the east is the Notley High School and Sixth Form College. The application site is bounded to the west by Pods Brook Road with open countryside beyond.

## NOTATION

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

The application site was included in the Pre Submission Site Allocation and Development Management Policy Plan (ADMP) for residential development and formal/informal recreation and a cycle path. The proposals map (Inset Map 1 and 1c) of the Pre Submission ADMP shows the application site includes a swathe of Informal Open Space running across the width of the site along the northern boundary, along with a cycle path. The majority of the site has a mixed designation for residential development and formal recreation.

## PROPOSAL

The application seeks planning permission for the erection of 215 residential dwellings. The housing mix includes 1 & 2 bed flats and 2–5 bed houses. As well as the proposed dwellings the application includes associated infrastructure, landscaping and public open space. Vehicular access to the dwellings is proposed from the London Road, with the formation of a new four-arm roundabout which will also serve Tortoiseshell Way.

The application has been accompanied by a suite of plans and reports including: Site Location Plan; Layout Plan, Plans showing house and flat types and materials, site levels / sections, landscape plans. Other documents submitted in support of the application include: Air Quality Report; Arboricultural Assessment; Archaeological Desk Based Assessment; Design & Access Statement; Extended Phase 1 Habitat Survey and Phase 2

Ecological Surveys & Assessment; Economic Benefits Summary; Flood Risk Assessment; Heritage Statement; Initial Construction Management Plan; Landscape and Visual Appraisal; Landscape Management Plan; Noise Report; Planning Statement; Site Waste Strategy; Statement of Community Involvement; Transport Assessment and Framework Travel Plan; and Utilities Statement.

## CONSULTATIONS

### External Consultation Responses

**Anglian Water** – The Braintree Water Recycling Centre has sufficient capacity to accept the foul drainage flows from the development, however there is a need to for a drainage strategy to be agreed to ensure the development does not increase the risk of flooding. It is recommended this matter is covered by condition.

**Essex County Council (ECC) Education** – Although the development would create a demand for additional Early Years and Childcare provision and Secondary School places within the town the County Council advise that there is sufficient capacity to meet the demand arising from the development.

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

The consultation response indicates that a contribution in the region of £785,094 would be sought (the actual figure payable would be dependent on the mix and number of dwellings granted planning permission).

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

Following discussion and the receipt of further information, the LLFA have withdrawn their objection subject to conditions.

**ECC Highways** – Initial holding objection due to (i) the proposal to create a construction access onto Pods Brook Road (ii) parking spaces within the development not conforming to the Council's adopted parking standards. Following receipt of additional information no objection is raised, subject to a financial contribution towards improvements to cycle signage; improvements to cycle / footways near the site and conditions regarding access arrangements and site layout.

**ECC Historic Buildings & Conservation Officer** – No objection. The development is located outside any designated Conservation Area but is close to Bridge Farm – a grade II Listed Building. The setting of the listed building



has been eroded previously by the erection of commercial buildings which stand between the listed building and the application site. The development is set back from London Road so it does not encircle the listed building which helps to preserve its current setting.

**ECC Historic Environment Officer (HEO)** – The application included a Desk Based Assessment (DBA) which provides a summary of the known archaeological evidence in the surrounding area, although it does not evaluate the potential for palaeoenvironmental remains which may be preserved by the river. Factors including the sites location close to the River Brain; proximity to the historic route known as London Road; and previous archaeological field evaluation contribute to the likelihood of the site containing archaeological remains.

It is recommended that detailed archaeological investigation is completed prior to the commencement of development.

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

**ECC Place Services (Urban Design)** – Overall, they consider that the application is acceptable. It is suggested that a number of minor points could be reconsidered which are discussed within the body of this report.

**ECC Public Rights of Way (PROW) Team** – No objection. ECC notes that a PROW runs outside the site boundary, parallel to the A120, but this should not be affected by development activity.

**Essex Police (Architectural Liaison Officer)** – No response received

**Environment Agency** – No objection raised. Comments made regarding protection of water courses and groundwater.

**Highways England** – No objection, following assessment of further information submitted by the applicant.

**National Grid** – No objection – recommends that the developer contacts them prior to the commencement of development to ensure the development does not affect their apparatus.

**NHS England** – No objection, subject to a financial contribution being made to help fund capacity improvements in GP facilities within the town as insufficient capacity exists to accommodate residents from the new development. The financial contribution requested is £60,600.

**Sport England** – Do not wish to comment on this application.

**UK Power Networks** – No response to consultation.

## **Internal Consultation Responses**

**BDC Drainage Engineer** – No objection / recommendations regarding surface water issues.

**BDC Environmental Services** – No objection, subject to conditions controlling construction activity and ensuring that the development is constructed in the manner proposed to ensure suitable mitigation for road noise which would otherwise adversely affect residents of the development.

**BDC Housing Research & Development** – Initially raised concerns regarding some aspects of the way that the applicant proposed to provide Affordable Housing on the site – specifically in the following area:

Tenure – the proposed mix of Affordable Housing for rent and intermediate housing was not acceptable and the provision of all the Affordable Housing as houses would not be acceptable in terms of meeting recorded housing need. Some of the houses should be provided for rented tenure.

The location of the Affordable Units – this was not ideal from a management perspective.

Accessibility – to meet housing need the scheme should include a wheelchair accessible unit; and half of the ground floor flats should have level access showers and be capable of conversion to becoming wheelchair accessible.

The Housing Enabling Officer has been involved in discussions regarding the Affordable Housing provision and the applicant has amended their proposals. This is discussed in further detail within the main body of the report.

## **REPRESENTATIONS**

Three letters objecting to the development have been received. Listed below is a summary of the main issues raised

- There is a history of flooding in this area as a result of inadequacy in the foul sewage system. Ten flooding incidents are reported to have occurred since 2009 which has included pollution of the River Brain as well as damage to domestic dwellings
- Agricultural land should not be developed and retained for feeding a growing population
- The development does not propose any 1-bed dwellings
- Development will add to traffic congestion and hinder access to the A120
- Potential impact on ecology
- Development would be detrimental to setting of Grade II listed building
- Residents will be provided with the bare minimum of sheltered and secure cycle storage. Each dwelling should at least two spaces given the location of the site
- Cyclist access onto London Road should be improved - 30mph limit and a light controlled crossing at the north exit of the roundabout would be better

- Cycle routes in the site could be improved - the route from 'plot 2' to 'plot 42' is highlighted as it is a 'prime desire line'

In addition 3 representations have been received which state they neither support nor object to the application. These representations refer to a number of matters including;

- Concerns about additional congestion on London Road, particularly during rush hours, especially as the new roundabout is so close to the existing double roundabout for traffic exiting the A120
- Doctors surgeries are already difficult to access
- Creation of new junction and additional vehicle movements will make it even harder for pedestrians to cross London Road

## REPORT

### Principle of Development

### **Planning Policy Context – Housing**

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

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

It is however acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council had been working on the Site Allocations and Development Management Plan (ADMP), to build on the strategic policies set out in the Core Strategy, since the adoption of the Core Strategy in 2011. This was to complete the suite of documents required in the Local Development Framework to guide development in the District. This Plan was to provide detailed land use allocations across the District, including settlement boundaries and policies used in the determination of planning applications. The Plan applied the minimum housing targets set out in the Core Strategy (approved 2011). However, since work on the Plan began, national planning policy has changed substantially and the Regional Spatial Strategy, from which our housing target in the Core Strategy was derived, has been abolished. A key requirement specified in the NPPF is that local authorities should 'boost significantly' their supply of housing. As the Council began to gather evidence on what the new housing target would be, it became clear that it would be higher than that

which is presently set out in the Core Strategy and Site Allocations and Development Management Plan.

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

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

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

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

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

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

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

The application site is outside the Braintree town development envelope in the adopted Development Plan - Braintree District Local Plan Review 2005 (BLPR) & Core Strategy 2011 (CS). Members are advised that because the site does not form part of the adopted Development Plan the application has been advertised as a departure from the current Development Plan.

Whilst the proposed site is currently situated outside of the development boundary for Braintree - the Town Development Boundary encompasses the Tortoiseshell Way development to the east and the residential areas north of the cemetery (Acorn Avenue, Hazel Grove, Sycamore Grove). The application site has no specific designation / allocation in the current Development Plan.

Core Strategy Policy CS5 'The Countryside' states that '*Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside*'. One of the main aims of Policy CS5 is to establish clear areas where countryside policies apply and where development is restricted to protect the character and appearance of the rural landscape. This policy aim is considered to be consistent with the NPPF which indicates the intrinsic character and beauty of the countryside should be recognised, while supporting thriving rural communities within it.

However the site was identified for development in the Pre Submission ADMP. The site reference in the Pre Submission ADMP is BRCH7. The proposed designation in the Pre Submission ADMP was for the development to include residential development; Formal Recreation; Informal Recreation and a Cycle Way.

As Members will be aware in September 2014 the Council agreed that the Pre Submission ADMP as amended by Further Changes be adopted for use within development management decision making. In adopting the interim policy statement on this matter it was noted that the Pre Submission ADMP had been subject to Sustainability Appraisal / Strategic Environmental Assessment, Habitats Regulation Assessment, and extensive community engagement. The Council's view is that the document should be given appropriate weight in all matters under consideration and that these are material considerations for the Council.

Officers have recommended that the site be allocated for development within the new Local Plan. At their meeting on 9<sup>th</sup> May 2016 Members of the Local Plan Sub-Committee agreed with the Officer recommendation that the new

Local Plan allocation for the site be for residential development with informal recreation and cycleway designations. The formal recreation designation that had been proposed in the Pre Submission ADMP was removed and this is discussed later within this report.

This planning application has been made in advance of the District Council adopting a new Local Plan and as such the application must be assessed on the specific merits of the site and the proposals.

The Council's adopted Core Strategy groups Braintree, Bocking and Great Notley and together this is identified as one of three Main Towns in the District on which housing growth will be concentrated.

The Core Strategy notes that '*Braintree has a central location in the District, good transport links, key role as the largest Main Town and service centre for the District with a surrounding landscape that would allow for some potential for sustainable development and growth*'.

Whilst located on the edge of the existing settlement the sites location means that it has the potential to offer future residents more sustainable transport choices and reduce reliance on the private car.

For Pedestrian leaving the site London Road already has footways along both sides and is lit between the site and the town centre which provides access to a good range of local services and facilities. The nearest Primary and Secondary schools are approximately 1km from the site.

The site is also conveniently located to connect to National Cycle Route 16 which runs along London Road, coming up from south of the A120, then connecting to Tortoiseshell Way and an off -road shared footpath / cycle path towards the Flitchway and the town's railway station.

There are existing bus stops on London Road, located 40m / 100m from the proposed main site access. The stops are served by a number of services which provide for a relatively frequent service towards the town centre as well as providing connections to other settlements including Great Notley; Chelmsford (incl. Broomfield Hospital), Coggeshall, Colchester (incl. Tollgate Retail Park), Great Leighs, Great Notley, and Marks Tey Railway Station. Braintree railway station is also approximately a 1.45km (0.9 miles) walk from the site.

The applicants Transport Assessment states that the distance from the centre of the site to the bus stops would be approximately 275m / 295m. Whilst it is would mean that the majority of the dwellings on the site would be within the 400m walk distance recommended by the Essex Design Guide dwellings on the western side of the site will be further than a 400m walk from the bus stops. Whilst this is not ideal Officers still consider the site to be one that is relatively well served by public transport.

As the site is currently beyond the town development boundary of the Adopted Development Plan Officers have also considered the potential impact on Landscape Character of the proposed development of the site.

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

The Landscape Character Assessment undertaken in 2006 identifies that the application site is located within the *'Pods Brook River Valley'* and *'Felsted Farmland Plateau'* character areas with a Low-Medium landscape capacity to accommodate new development. The 2006 Landscape Character Assessment covered the whole district and the character areas covered large land areas which means the recommendations must be applied with care.

As part of the development of the evidence base that will support the new Local Plan the Council has commissioned a more detailed analysis of the capacity of the landscape around the District's key settlements to accommodate new development. This finer grain analysis by the Council's Landscape Consultants identifies that the site is one of 47 Parcels that have Medium-Low capacity to accommodate development on the fringes of Braintree/Bocking/Great Notley.

The study refers to the site's location on the River Brain's north facing valley side and comments that it contributes towards to maintaining separation between Great Notley and Braintree, however the development of the Meadow Park development (The Hawthorns) on the eastern side of London Road and the recent development east of the site (the Holiday Inn, Toby Carvery and 24 hour petrol service station) immediately south of the A120 have already altered the character of the immediate area.

The applicants own Landscape & Visual Impact Assessment (LVIA) notes that the combination of existing vegetation, landform and built development, views of the proposed development are reasonably localised and much of the site is well screened by existing vegetation that can be retained. Where the LVIA does identify adverse visual impacts (eleven out of twenty-eight surveyed viewpoints) the majority were either adjacent the site boundary or within close proximity of it, and all of them are taken from areas where recent housing or the A120 is visible and prominent. Where impacts have been identified then appropriate mitigation measures should be used to reduce adverse impacts. Officers are satisfied with appropriate design and layout there is no objection to the site's development due to impact on Landscape Character.

Having considered all these factors Officers conclude that the site offers an opportunity for Sustainable Development, as evidenced by the Sustainability Appraisal / Strategic Environmental Assessment completed as part of the Pre Submission ADMP process. It had been proposed that the Pre Submission ADMP would have allocated the site for development and as such there is no

objection to the principle of developing the application site, subject to consideration of other relevant matters including amenity, design, environmental and highway criteria.

Officers consider that in principle the development of the site for a development of housing and informal recreation could be considered a sustainable form of development. The delivery of this site will assist the Council in demonstrating the availability of a 5-year supply of housing land and reduce pressure to develop housing on sites not currently allocated for housing and which may not provide the opportunity to deliver such a sustainable form of development, well served by existing public transport services, adjacent to the District's primary settlement.

### Design, Appearance and Layout

Members will note that whilst the Core Strategy and Pre Submission ADMP had specified a maximum number of dwellings on some sites which were either allocated, or proposed to be allocated, no such restriction was proposed for this site. As a result it is for the applicant to demonstrate the number of units proposed is appropriate for the site in planning terms (design, highways access, etc.).

As the applicant has set out within their Design and Access Statement the site has a number of significant constraints to development. These include easements for underground utilities; noise from adjoining roads; and some significant changes in ground levels through the site.

The layout is structured around a loop road arrangement, with a single access point off London Road. The layout is subdivided into a number of small development perimeter blocks, with green routes running north to south through the site, following the existing hedgerow field pattern. The majority of the development is proposed to be 2 storeys, with 2 and half storey units utilised as key gateway buildings arranged in key locations throughout the layout. The exceptions to this are the apartment blocks which are proposed along the southern boundary, backing onto the A120. These blocks will be 3 storey in height.

As explained later in this report the applicant seeks to use the design and layout of the apartment blocks to ensure noise is managed to within acceptable levels for all dwellings within the site. Noise modelling work has shown that to achieve adequate noise mitigation the blocks need to be 3 stories high. Whilst the majority of the site will be 2 storey housing there is no objection to the principle of 3 storey apartment blocks in this location.

The apartment buildings with reference to old agricultural buildings but has used a range of materials – black and white boarding as well as brick – as well as incorporating architectural detailing in the design to provide variety and interest.



Parking for the flats is to be provided in relatively large parking courts to the rear of the flats. This area cannot be used to provide private amenity space, due to the road noise from the A120, so it could be argued this is a sensible and efficient use of the land. Officers had some concerns over the appearance of these areas and the applicant has proposed changes to the palette of materials used on the car parking areas along with the introduction of pergola features, changes in materials highlighting crossing points and increased planting.

The amenity areas to serve the flats are proposed on the northern side, in front of the flats. This is unusual and means that the areas will be less private than might usually be the case. It is proposed that these areas are extensively landscaped with perimeter hedges to provide a sense of enclosure and degree of privacy, along with new tree planting to add further visual interest and privacy. Paths through these areas will be permeable resin bonded gravel paths, with benches to provide somewhere for residents to sit outside.

To add interest and legibility across this development the scheme proposes 8 character areas which establish the key development criteria of the dwellings and how these relate to the characteristics of the site. The Council's Urban Design Adviser considers the design approach to be largely acceptable given the characteristics and constraints of the site.

The Council has consulted the Urban Design Team at Essex County Council, Place Services at both pre-application stage and on this planning application. They advise that in general terms the proposed layout has been well considered and has been shown to be designed to address the immediate context, constraints and character of the site.

Our Urban Design consultant identified a number of areas where the layout could be improved and the applicant has submitted revised plans which attempt to deal with many of these – including changes to the parking areas serving the flats on the southern side of the site (incorporating pergolas, landscaping strips and changes in materials highlighting crossing points); the arrangement of visitor parking spaces through the development (reducing the size of bays to maximum of two spaces and dispersing more widely); the realignment of a number of buildings to better address the streetscene; improved the central area of the site to create a better defined place, with more of a village green character with associated fences and surface materials and detailing.

The Urban Design consultant suggested further improvements could include seeking to introduce further variety to the different site character areas through a greater variety of design of frontages and streetscape. No significant changes to the layout have been proposed in response to this point and the applicant notes that the Urban Design consultant considers that overall the development is acceptable. The applicant has however accepted that a greater use of materials can be utilised to provide greater variety between character areas and this should be secured through planning conditions.

Similarly there is an opportunity to use a greater variety of surface materials, for example where access roads/turning heads encroach onto the green links/wedges. This matter should also be covered by condition.

The applicant has submitted a revised landscaping strategy which goes some way towards addressing issues raised by the Urban Design consultant and Landscape Officer. However it is recommended that a condition is applied requiring submission and approval of a more detailed landscaping scheme. There are a number of areas where there are opportunities to improve on the submitted landscaping strategy, for example more tree planting on the banks of the various attenuation basins to add character, interest and wildlife value. This will also allow the applicant to address some of the Landscape Officer's residual concerns about the proposed palette of planting.

The Landscaping Strategy has shown a number of indicative sculpture locations along the Open Space on the northern side of the site. It is suggested that these will be created through community projects. The Council's Landscape Services has recently commissioned a large wood carving for Hoppit Mead, near the site which will provide a detailed representation of the local ecology with a focus on the aquatic environment provided by the River Brain. Similar sculptures could be installed as part of this development and provide continuity, interest and focus within the development. The precise number and design of these works and their location would be agreed by Officers and controlled through the S106 agreement.

The majority of the land within the site is sloping. The site falls from the south (where levels range from circa 56.5m – 57.75m AOD) down to the northern boundary (circa 44.6m-48.45m) and on towards the river. On the eastern side of the site the land also falls towards the London Road where levels are circa 47m AOD. The steepest gradients within the site are stated to be in excess of 1:10.

There are some extensive changes proposed to levels within the site to ensure that properties have reasonable relationships; useable garden areas and roads and footways are built at gradients which are acceptable to the Highway Authority.

It is proposed that levels are altered within the site, although the applicant states that this will be achieved by moving material within the site and that there is no need to import and export materials to achieve this. Levels to the north of the development are to be raised – the extent of the change in levels varies across the site but in places will be circa 1.2m.

These ground works will mean that garden gradients will generally be less than 1 in 15, with an absolute maximum of 1 in 12. Even with the changes in levels there are some locations within the site where there will be retaining walls of circa 0.7m between plots.

The application includes a schedule detailing the private amenity space of the proposed dwellings. All the 2-bed houses have private amenity areas which meet, or exceed, the minimum standard for private amenity space specified in the Essex Design Guide of 50m<sup>2</sup>. Further analysis shows that 41 out of the 137 houses with 3 or more bedrooms would have private amenity spaces under the Essex Design Guide minimum of 100m<sup>2</sup>. However of the 41 houses which are under standard 19 are deficient by less than 5m<sup>2</sup> and a further 7 are deficient by <10m<sup>2</sup>. Whilst this means that there are 16 houses with amenity space deficiencies in excess of 10m<sup>2</sup> this is considered acceptable by Officers. The greatest deficiency is 24m<sup>2</sup> on a 3-bed house. Dwellings with private amenity space which is below standard are generally dispersed across the site and in some cases relate to corner plots where there is an acceptance in the EDG that garden sizes could reasonably be reduced. Many of the private amenity spaces exceed the minimum garden sizes by a considerable margin – with some plots in excess of 150m<sup>2</sup>. When assessed overall it is considered that the site layout provides dwelling houses with an acceptable level of private amenity space.

The private amenity space to serve the flats is shown to be in front of the blocks of flats. This is necessary to provide amenity space where noise levels will be acceptable as to the rear of the flats the road noise would mean that it would be unsuitable for this purpose.

Where a new development proposes that dwellings have private amenity space below the EDG standards this can often be an indicator of over-development. As stated above whilst a number of houses would be below standard this is often by a negligible amount. It is also noted that a significant number of dwellings have amenity space well in excess of standards so that when considered across the whole site the provision of private amenity space is considered to be acceptable. The application proposes 215 dwellings on a site of 9.3 hectares. This equates to a gross density of 23 dwellings per hectare; and a net density of 33.3 dwellings per hectare calculated on a developable area of 6.45 hectares. This is considered to be an appropriate density for development in this location and given the site characteristics.

#### Impact on Neighbour Amenity

Although on the edge of a town, there are a relatively small number of existing residential dwellings adjoining the site. Most of the existing dwellings that are near the site front onto London Road, although on the northern side of the site there is a single detached property – identified as Mill House on the Ordnance Survey map – which is set within a large plot, and stands over 200 metres from London Road. Officers consider that the proposed new dwellings would be located a sufficient distance from these properties to adequately protect their amenity. It is noted that the proposed shared footpath / cycle path would run near to the southern boundary of this property – within 6m at the closest point. This boundary is currently relatively open but the applicant proposes additional planting along the site boundaries with this property to reduce the impact on the occupiers of this property.

## Transport

It is proposed that access to the site for future residents will only be from London Road. A new vehicular access will be formed off a new 4-arm roundabout on London Road. This roundabout will provide two lane entries on the London Road approach arms and single lane entries on the Tortoiseshell Way and site access approach arms.

The application included a Transport Assessment and this has been assessed by Highways England and the Highway Authority (Essex County Council). Following initial assessment both bodies requested additional information in order that they fully assess the impact of the development on the strategic and local road networks.

In respect of the strategic road network the consultation response from Highways England states that they agree with the applicant's assessment which states that the impact of the development is not considered to be severe or to require that the developer fund upgrades to slips roads on the A120, near the site.

The initial assessment by ECC Highways raised several concerns, including the proposed construction access on Pods Brook Road; the size of some of the parking spaces; and some aspects of the modelling contained within the Transport Assessment. Following assessment of additional information from the applicant and extensive discussions ECC Highways are now satisfied that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions and planning obligations through the S106 legal agreement. They report *'It is acknowledged that there is existing traffic congestion along London Road and at the Clare Road/London Road traffic signals north of the proposed development site, and that queues periodically extend along London Road beyond the proposed site access. Following an extensive review of the information provided, it is accepted that the proposed development will have an impact on the existing local highway network, but that the extent of this is limited. Modelling results show a maximum increase of 3 vehicles in the queue during the pm peak hour period. In addition, deliverable mitigation at the signalised junction is difficult and costly to achieve, as such to require the applicant to fully fund any mitigation here would be disproportionate to the level of impact of the proposed development.'*

*The Highway Authority however do consider it absolutely appropriate to promote sustainable travel modes in-line with NPPF and to reduce the reliance on use of the private car as much as possible, particularly given the edge of town centre location.'*

Officers note that the NPPF states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'* and on this basis accept the recommendation of the Highway Authority that it is appropriate to mitigate the

impact on the highway network through promotion of more sustainable forms of transport.

Prior to submission of the application the applicant had investigated forming a vehicular access into the site from Pods Brook Road. This road is currently subject to a 60mph speed limit and due to the nature of the road and the proximity of the potential access to existing roundabout this was not supported by Essex County Highways and the application proposes that the whole development site is served by the one access on London Road.

Whilst the application did not propose a permanent vehicular access onto Pods Brook Road the application did seek permission for a temporary construction access from Pods Brook Road - in the location of the existing field access. This was so that the developer would be able to separate construction traffic from residents of the first phases of development when construction starts on the eastern side of the site. Countryside Properties PLC have advised that peak construction traffic will generate approximately 50 - 70 construction vehicles a day, of which 10 are anticipated to be HGV movements. ECC Highways have raised no objection to the applicant's proposal which will see a temporary junction formed which will only allow traffic to turn left into the site and left out. There will be a planning condition which requires the removal of construction access.

### Pedestrian & Cycle Links

National and local planning policies seek to promote sustainable forms of development. One important dimension of this is reducing reliance on the private car and promoting more sustainable modes of transport.

Where the site has been considered for allocation for housing development the Council has specified the inclusion of a shared footpath / cycle path crossing the site east / west adjacent the Open Space and this is included in the applicant's proposals. This will provide a strong, attractive pedestrian and cycle link running through the site towards London Road.

On the western side of the site at Pods Brook Road there are also no footways present alongside the road, with pedestrian and cycle crossings being via overbridges. Officers do not consider that cyclists should be encouraged onto Pods Brook Road at this location at this time. However following discussions the applicant has agreed to include within the Section 106 agreement, a mechanism to allow for a future cycle / pedestrian bridge over Pods Brook Road to be delivered, including through use of the applicant's land, if required in the future.

Officers have also sought improvements, beyond the application site, to improve connections to the existing cycle network. Whilst there are no formal cycle facilities to the north of the site, along London Road, in the direction of the town centre, National Cycle Route 16 runs near the site, from Great Notley to the south, along London Road and then eastbound along Tortoiseshell Way and towards the town centre and the Flitchway.

The width of London Road means there are very limited opportunities to introduce cycle lanes towards the town centre, however there are existing cycleways near the site which connect towards the railway station and town centre. Following discussions the applicant has agreed to provide new foot/cycleways to improve connections between the site entrance and existing cycleways. The applicant shall also be required to make a financial contribution of £75,000 which the District Council will use to fund a package of signage to help direct cyclists around the town's cycle network.

The applicant has stated that they are willing to provide connections between proposed footpaths within the application site and the Public Rights of Way network adjoining the site – on the southern site boundary, near one of the existing field boundaries, and in the southwest corner of the site. This will allow for leisure walking trips and access to the countryside.

### **Landscape and Ecology**

The proposed development would see the creation of over 2.6ha of Public Open Space. There are a number of trees and hedgerows on the site, many of which are protected. A row of TPOs are located north to south in the eastern parcel of the site and more centrally. There is also a band running east-west through the middle of the site and again on the northern boundary.

The proposal seeks to incorporate these within the development by integrating them into the Public Open Space. The location of TPOs has also been a consideration in setting out the most appropriate internal access arrangement to serve the development. Whilst the applicant has attempted to minimise the loss of trees and hedges the proposed scheme would require the removal of 3 TPO trees to gain access to the site. One of the TPO removals is an ash tree which is in terminal decline and would require felling irrespective of this development. The other two TPOs are categorised as being of lower quality in the tree report. One is declining and the other removal (another Sycamore) is required to achieve access within the site. The Council's Landscape Officer raises no objection to these removals.

As previously stated there will be changes to ground levels within the site. The changes in levels have been tied back in to the two lines of existing trees running north-south, which have to be protected as part of the development. Tree protection measures will be required to protect the retained trees.

The Council's Landscape Officer has highlighted work underway at Marshalls Park – on the opposite side of London Road as a mini-arboretum. The Open Space on this site can be viewed as an extension of that Open Space and the planting along this new Open Space should reflect this and include themed planting of groups of nos. 3-5 tree using more exotic or unusual varieties of tree along the length of the linear footpath link through towards the Flitch Way. This will further reinforce the links with the existing town as well as enhancing the character and appearance of the development.

**Ecology** – The application is supported by a Phase 1 Habitat Assessment and Phase 2 Species Specific Reports.

Whilst a substantial portion of the site is considered to have a relatively low ecological value due to its use for arable production there are a number of suitable habitats for protected species or those of nature conservation concern. These features include hedgerows; large mature standard trees; scrub; improved grassland; running water; dry ditches.

Whilst some of the species specific surveys concluded that the species were not present on the site, or likely to be adversely impacted by the development, other species were present. A summary of these impacts are listed below.

Badgers - A potential sett was located on the site within a section of hedgerow that will be retained, however it is proposed that there will be building in close proximity to it. If the sett is in use it is considered to be an outlier sett. Appropriate mitigation will be required to prevent damage to the sett or harm to badgers if the sett is in use.

Further survey work will be required to determine whether the sett is active and confirm its use by badgers. If the sett is active then it will need to be temporarily closed, subject to licence from Natural England.

Bats – Despite extensive surveys and investigation no roosting bats were observed on site or on the boundaries of the site. As some of the trees will continue to have the potential to support roosting it is recommended that if a significant amount of time has passed before development commences further surveys will be required to establish the presence/absence of roosting bats.

Whilst no roosts have been identified and the majority of the site (the arable fields) being largely unsuitable for bats surveys show that the site is utilised by foraging and commuting bats – mainly around the habitats on the site boundaries.

The applicant's Ecologist has highlighted the need to minimise the detrimental effects of light pollution on local bat populations through the implementation of a suitably designed lighting scheme. With the implementation of a sensitive lighting scheme, the retention of boundary habitats and mature trees and the inclusion of an open space 'buffer' along the northern boundary of the site it is considered unlikely that there will be a significant adverse effect on foraging and commuting bats.

**Biodiversity Action Plan (BAP) Mammals** – The applicant's ecologist concludes following analysis of the site that there is only potential habitat for the European hedgehog.

Given the retention of green corridors and creation of gardens and open spaces there will still be foraging habitats, however, access to garden resources can be affected by the installation of garden fences. This can be

overcome by providing cut-outs in fence panels and further mitigated through the enhancements (thickening of understorey vegetation, native planting and grass buffer strips) of the retained woodland, hedgerows and associated margins. Hedgehog Homes could also be provided in sheltered places around the development.

These matters can be covered by condition. Further recommendations are made regarding measures which should be employed during construction to prevent damaging the site's ecological value and it is recommended that this is covered by condition. The development also has the opportunity to enhance the biodiversity value of the site. These measures could include bird and bat boxes incorporated/integral to the fabric of the new residences, marginal planting around open water features; the inclusion of insect houses and night scented species of plants; provision of reptile habitat, such as reptile hibernacula and potentially the creation of otter holt. Details of these measures should be covered by condition.

## **Section 106 Legal Agreement**

### **Affordable Housing**

Policy CS2 Affordable Housing of the adopted Core Strategy (2011) states that the Council's policy is that there is *'A target of 30% affordable housing provision on sites in the urban wards of Braintree and Bocking and Witham;...and in Halstead, the parishes of Sible Hedingham and Great Notley'*. The application site falls within the Great Notley Ward.

The original application indicated the intention to provide 30% affordable housing provision on the site; however Officers were not satisfied with the manner in which the Affordable Housing was to be provided.

Policy 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. This is consistent with the *NPPF which states that LPA's should seek 'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.'*

National planning policies also highlight the importance of good design in new developments. National Planning Practice Guidance goes on to state that *'In well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site'*.

The Council's Housing Enabling Officer in his initial consultation response set out the mix of Affordable Housing that the Council would seek, based on information on local housing need. Initial concerns included the inclusion of accessible dwellings; the mix of tenure; and the concentration of the Affordable Housing within the south western corner of the site.



The applicant asserted that the Council's adopted Development Plan policies did not specify how developers address matters such as accessibility, tenure mix and the location of Affordable dwellings. Following extensive and protracted negotiation the applicant has amended the Affordable Housing to be provided as part of the development.

A total of 65 Affordable Homes will be provided, of which 20 dwellings will be provided as Intermediate Housing (such as Shared Ownership) and the remaining 45 units as Affordable Rent. The housing mix is: 18 x 1-Bed Flats; 29 x 2-Bed Flats; 1 x 3-Bed Flat; 8 x 2-Bed Houses; 6 x 3-Bed Houses; and 3 x 4-Bed Houses.

Whilst the majority of the Affordable Housing is still provided within the south western corner of the site there are two other areas where it will be provided within the site.

The applicant has also agreed that the Affordable Housing provided will include 1 x 3-bed five person ground floor flat and 1 x 2-bed four person ground floor flat which will be constructed and fitted out as a fully wheelchair accessible accommodation. Officers also requested that at least half of the ground floor flats should have level access showers. The applicant has agreed that all ground floor flats will be constructed to this standard.

Furthermore, the applicant has stated that the flats will comply with the guidance set out in the Building Regulations to make these accessible and adaptable dwellings. By complying with Part M4(2) of the Building Regulations this will allow for simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs. This will provide greater flexibility in the Affordable Housing stock available to the Council and assist in meeting the future needs of those in need of Affordable Housing.

Overall Officers consider that the arrangements for the provision of Affordable Housing within this development are acceptable and should be secured through the S106 legal agreement.

## **Education**

The County Council has stated that there is sufficient provision for early years and childcare provision to meet demand from the proposed development and that there will be sufficient capacity within secondary schools to meet demand arising from the proposed development.

With regard to primary school provision, ECC advise that schools within the town area already in part rely on temporary accommodation and that there is forecast to be a deficit in the number of primary school places in 2018-19. The proposed development will further increase the demand for places and as a result a financial contribution is sought towards the provision of additional primary school places. The consultation letter states that the contribution would be approximately £785,094, however this calculation is not accurate as it assumed there were no 1-bed dwellings proposed as part of the

development. The actual level of contribution would be calculated using the County Council's standard formula based upon the number and size of dwellings constructed.

## **Healthcare**

NHS England advises that the proposed development would be likely to have an impact on the services of 5 GP Practices operating within the town. The proposed development will therefore give rise to a need for additional healthcare provision. NHS England is promoting the development of Primary Healthcare Hubs with co-ordinated mixed professionals. As this development will have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area a financial contribution of £60,600 is required. The contribution should be used towards funding improvements to, or the relocation of Mount Chambers or St Lawrence surgery.

## **Open Space**

Policy CS10 requires new development to make appropriate provision for publically accessible open space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares. In addition the Council's Open Spaces SPD states that new development should contribute towards the provision of allotments at 0.23 hectares per thousand population.

The Council's Open Space SPD sets out further details on how these standards will be applied and on a development of this size most of these open space typologies would be provided on-site, with the exception of Allotments and Outdoor Sport, for which financial contributions would be required to either increase provision, or improve existing provision to meet demand arising from the new development.

As previously stated in this report the allocation within the Pre Submission ADMP for this site was a mixed residential development along with formal/informal recreation and a cycle path. The inclusion of informal recreation within the allocation was due to the site's proximity to the river and the desire to create open space which would add to the green corridors which are a feature of the town. The formal recreation allocation was a response to existing deficiencies in this type of provision within Braintree town identified in the Council's Green Spaces Strategy.

The Pre Submission ADMP did not specify the precise quantum of land that the Council required for formal and informal open space within the site but the Officer's report to the LDF Sub-Committee for this site stated that of the 9.3 hectares, approximately 1.2 hectares of land could be allocated for 'formal recreation' and 1.5 hectares for informal recreation and a cycleway. The remaining 6.6 hectares would be for housing and associated infrastructure.

At their meeting on 9<sup>th</sup> May 2016 Members of the Local Plan Sub-Committee considered the allocation of sites around Braintree for inclusion in the new Local Plan. This consideration including reviewing the proposed allocation of this site – referred to as GNB264 in the Local Plan Sub Committee Report. The Sub Committee accepted the Officer recommendation that the site have a residential allocation, with informal recreation and cycleway designations. Whilst this designation was similar to that which had been proposed in the Pre Submission ADMP there was one significant difference. Members accepted the Officer recommendation that the formal recreation designation that had been included in the Pre Submission ADMP was not maintained.

This planning application proposes approximately 2.62 hectares of open space will be provided on-site, consisting mainly of a green corridor along the northern site boundary with the Open Space incorporating a cycleway, SuDS features as well as an equipped play area.

The applicant in their original submission calculated that the quantum of Open Space being offered would exceed the quantum of Open Space required to meet the Council's standards. Whilst Officers consider their population calculation to be low given the proposed mix of housing it is accepted that based on the standards requiring a total of 4.2 hectares per thousand population the provision of 2.62 hectares offered would be almost 8% higher. Whilst this is to be welcomed the level of provision is dictated to some degree by the nature of the site (trees and hedges which need to be retained, topography, river corridor). The proposal would also mean that no space would be provided on-site for formal recreation, such as sport pitches.

When the application was submitted Officers considered that the proposed allocation in the Pre Submission ADMP for formal recreation on the site was a material consideration. As the application did not propose any formal recreation on-site Officers considered that it would be appropriate for an enhanced financial contribution to be made, in lieu of on-site provision. This money would have been used to help address the identified deficiencies within the town by providing new or improved sports facilities elsewhere.

Officers have reconsidered the level of financial contribution that the applicant should be required to pay in light of the designation that the Local Plan Sub Committee agreed for inclusion in the Draft Local Plan. It is no longer considered appropriate to rely on the designation within the ADMP and as such the Council's normal policies in respect of Public Open Space should be applied.

The Council's Open Spaces SPD specifies that the Council's policy is to require Outdoor Sports provision on-site where a development exceeds 350 dwellings. On a site of this size, where there are deficiencies in provision which would be exacerbated by new development, the applicant should make a financial contribution based on the number and size of dwellings proposed. Based on the number and mix of housing proposed the financial contribution sought is £194,828.04.

In terms of off-site contributions, the Open Space SPD also requires a financial contribution towards allotment provision to either assist in making new provision or through improvements to existing facilities. The contribution would be £6182.75 and it would be secured through the S106 Agreement.

For the Public Open Space within the site there will be a requirement within the S106 that the developer will transfer this land to a Management Company who will be responsible for its on-going maintenance. The Management Company will be funded by future residents of the development. Details of the equipped children's play area and installations encouraging natural play and fitness would need to be covered by planning condition.

## **Highways and Transport**

The majority of the works that the Highway Authority require to be undertaken will be covered by planning condition, including the new vehicular access to the site; the construction access; and cycleway improvements on London Road.

A financial contribution will be secured to provide a package of signage designed to promote and support cycling around the site and the town. In addition the agreement will make provision whereby the Council could construct a pedestrian / cycle bridge over London Road at a later date if this were desired / required.

## **Socio-Economic Impacts**

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

- Creation of jobs - both direct and indirect during construction of the development and indirectly through increased on-going demand for goods and services as a result of the occupation of the proposed dwellings
- Estimated Planning Contributions, through S106 legal agreement & planning conditions
- Additional income to the Council from Council Tax & New Homes Bonus - this is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is paid annually over the course of six years and is based on the amount of additional council tax revenue raised for new-build homes. The applicant estimates that the Council's would receive approximately £2m over the six year period.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of 'local financial consideration'.

The NPPF states that *'Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body'*.

Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

### **Other Matters**

#### **Air Quality**

The submitted Air Quality report does not identify any reasons that the development of the site should not be acceptable. The predominant change in air quality levels as a result of the development will be due to the change in number of vehicles on the local highway network associated with the development, however modelling indicates it will have no perceptible effect on nearby sensitive receptors. The report identifies the potential for air quality to be affected due to construction activity however these impacts can be limited through working practices. This matter can be controlled by a planning condition which will require the work to be undertaken in accordance with a Construction Environmental Management Plan.

#### **Noise**

As noted elsewhere the site has a number of constraints but noise is considered to be one of the most significant constraints. The main noise source is the surrounding road network – particularly the A120 to the south of the site and Pods Brook Road to the west.

The applicant's acoustic consultants have measured existing noise levels. Existing and projected future noise levels have then been modelled across the proposed development. The noise monitoring and modelling was agreed with the Council's Environmental Services Officers.

Given the proximity of busy roads and the topography of the site it is not surprising that the applicant's assessment demonstrates that the site currently experience relatively high levels of noise. Monitored noise levels on the site, close to the A120 and Pods Brook Road were approximately 66.1 – 67.2 LAeq (daytime) and 60.3 – 61.7 LAeq (night-time)

British Standard 8233:2014 guidance on sound insulation and noise reduction for buildings recommends the control of noise both in and around buildings. It suggests noise levels do not exceed the following values between 07:00 – 23:00 hours-

Living room	35 dB LAeq,16hour
Dining room / area	40 dB LAeq,16hour
Bedroom	35 dB LAeq,16hour

A lower level is recommended to ensure residents can sleep well so between 23:00 & 07:00 the noise level is recommended to be 30 dB LAeq,8hour.

In relation to outdoor amenity areas, such as garden areas, the guidance suggests an upper limit of 55 dB LAeq,T.

It is therefore clear that some form of mitigation will be required if development is to proceed and provide suitable conditions for future residents to live in. A number of options were considered including a noise barrier adjacent to the A120, or noise bund. These options were discounted as for a noise barrier to be effective it would need to be located on land controlled by Highways England and they would not allow the developer to erect such a barrier on their land and a bund would not provide suitable mitigation given the topography of the site and the fact that the A120 is elevated passing the site.

The applicant has therefore sought to use design – through the site layout and height of buildings to provide some of the required mitigation. Central to the design solution has been the use of 3-storey buildings along the southern boundary. Whilst the buildings are spread along the boundary they effectively form a noise barrier to shield the remainder of the site.

In addition to the proposed layout the applicant's Noise Assessment identifies a range of further mitigation measures that should be implemented to ensure noise levels within the site are within acceptable limits. These measures include designing the internal layout so that bedrooms are not on the façades directed exposed to the road noise and on the majority of dwellings providing sound insulation to the building envelope of the proposed dwellings which could include main wall construction as well as glazing and ventilation. To ensure acceptable internal noise levels the proposed mitigation for the buildings on the southern and western boundary will be required to keep windows closed and mechanical ventilation will be required. However windows may still be '*openable for purge ventilation or at the occupant's choice*' as specified within BS8233. The Noise Report concludes that with mitigation, the future residents will all have as, worst case, a Lowest Observed Adverse Effect due to the noise levels.

The assessment of noise levels to external living areas shows that the combination of the 3-storey buildings to the south of the site and the acoustic barrier fencing on Pods Brook Road will mean that the majority of the areas within the Proposed Development achieve the recommended upper level of 55 dB LAeq,T.

Whilst one of the amenity areas to the flats and a couple of houses on the western side of the site would have noise levels in excess of the recommended upper level it is noted that in specifying these noise levels

BS8233 does state that: *'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.'*

Having considered all these factors and following discussions with the Council's Environmental Services Officers it is considered that the proposed development is acceptable, in respect of the noise environment, subject to mitigation measures.

Officers were concerned that the noise mitigation offered by the 3-storey buildings to the south of the site would be provided to ensure suitable living conditions for residents who might be living in properties before all these buildings were constructed. The applicant has undertaken further modelling using a phasing plan which identifies how the development would be built out. Models have been prepared for each of the proposed phases of construction and the Council's Environmental Services Officer has confirmed that they are satisfied that this arrangement would result in acceptable noise levels for residents.

The Council will require proportionate delivery of Affordable Housing during the development so the Phasing Plan submitted would not be acceptable as it would see the majority of the Affordable Housing being produced at the end of the development. The consultants phasing plan is in effect dealing with a 'worst case' scenario, with housing built before all the flats are constructed. Proportionate delivery of the Affordable Housing will mean earlier delivery of housing in the south-west corner and this will further improve the noise environment within the site.

It is recommended that the S106 agreement include a phasing plan and that the development be built out in accordance with this plan.

## **Archaeology**

The applicant submitted a desk-based archaeological assessment of the site. The Council's Historic Environment Adviser has reviewed the submitted information and other records. They consider that the site may contain archaeological remains and they recommend that a condition is attached to any planning permission granted which requires the implementation of a programme of archaeological work in accordance with a written scheme of

investigation submitted to and approved by the Local Planning Authority prior to the commencement of any development.

### **Flood Risk and Surface Water Drainage**

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant proposes to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface run-off water from the proposed development. The ground conditions at the site are such that infiltration drainage is not practical, so the applicant proposes to discharge surface water into the River Brain but at a controlled rate through a series of sustainable drainage systems (SuDS). This will mean that there should be no increase in flood risk downstream of the site. The SuDS features proposed include on-site attenuation basin and pond and swales.

The Lead Local Flood Authority (Essex County Council) initially objected to the application as the applicant's initial Flood Risk Assessment and Drainage Strategy failed to provide sufficient information to demonstrate that the proposals would adequately deal with surface water drainage. The applicant has in response submitted further information and the LLFA now have no objection to the application, subject to a number of conditions.

### **CONCLUSION**

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

The Council have previously proposed that residential development be allocated at this site through the plan. The Council included this site within the SADMP and Members of the Local Plan Sub-Committee approved the inclusion of the site in the new Local Plan which has been published for public consultation.

Whilst the Council continues to work on the new Local Plan, the applicant wants to bring the site forward for development without further delay.

Officers consider that the site is in a relatively sustainable location, being on the edge of Braintree and relatively close to shops, schools, services and employment. The scheme is considered to provide *economic benefits* (development will involve design and construction work), as well as helping to support local services, facilities and employment), *social benefits* (financial contributions towards improvements to health care and education; housing –



which will contribute towards meeting the Council's supply of housing and the national requirement to have a 5-year supply of land. Other benefits include affordable housing, new Public Open Space and measures to promote the use of more sustainable form of transport and *environmental benefits* (enhancing the ecological value of the site; provision of open space of environmental benefit; additional planting).

The presumption in favour of sustainable development is at the heart of national planning policy, as articulated through the NPPF. Sustainable development is development that can demonstrate that it balances economic, social and environmental factors and in this case it is considered that the development can be considered to be a more sustainable form of development, subject to planning conditions and the S106 agreement.

Having assessed the proposed development Officers consider that the limited adverse impacts of granting planning permission would not outweigh the benefits and accordingly this application recommended for approval.

### RECOMMENDATION

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

- **Affordable Housing** (30% provision; 70/30 tenure split (rent over shared ownership); in accordance with Affordable Housing Mix Plan; delivered without reliance on public subsidy; all ground floor flats to be fitted with level access showers; 1x 3-bed five person ground floor flat and 1 x 2-bed four person ground floor flat to comply with Part M4(3) of the Buildings Regulations (wheelchair user dwellings); flats to comply with Part M4(2) of the Building Regulations (accessible and adaptable); all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction); and in accordance with a Phasing Plan which is to be agreed and which will require proportionate delivery of affordable and market housing through the development of the site
- **Allotments** – financial contribution of £6182.75 towards allotment provision improvements at Rose Hill, Braintree
- **Cycleway / Pedestrian Link** – provision for the Council to be able to construct a footbridge and / or cycleway bridge in the north-west corner of the site, near Pods Brook Road, to allow for the Council to create new pedestrian / cycle connections to adjoining land
- **Off-Site Cycleway Signage / Improvements** - Prior to occupation of the first dwelling the applicant shall make a contribution of £75,000 towards improvements to cycleway signage and off-site cycle parking to include but not be limited to signs within the vicinity of the site and towards the town centre, Flitchway and train station.

- **Education** - financial contribution for primary education
- **Footpath connection** to connect footpaths within the site to the Public Right at the south western corner of the site (between Plots 150-155 and 156-161) and to connect the new footpath running to the southern boundary (between Plots 107-112 and 101-106) with the Public Right of Way (Footpath 73) to the south of the site.
- **Health** (financial contribution of £60,600 to be used towards improving capacity or the relocation of either the Mount Chambers or St Lawrence surgeries.
- **Public Open Space – On Site** – The provision of land to be used as Public Open Space, as shown on the submitted layout, and which will be transferred to a Management Company (funded by future residents) for on-going maintenance.
- **Public Open Space – Off Site** - financial contribution of £194,828.04 toward outdoor sports provision, to be spent on the provision of a 3G Artificial Training Pitch in the town of Braintree
- **Public Art** – A package of ‘sculptures’ to be designed with input from community groups and created and installed at locations along the Public Open Space within the site

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

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

### 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:-

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

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

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

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

Reason

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

- 4 Prior to construction of the dwellings hereby permitted a scheme for protecting the proposed dwellings from noise from the surrounding road network shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of windows, doors and means of ventilation to be used in the construction of the dwellings. All works which form part of the approved scheme shall be completed before any dwelling is occupied and permanently maintained as such.

Reason

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

- 5 Prior to occupation of the first dwelling details of the design and precise location of the proposed 2.5 metre high boundary fencing and 2.5m high acoustic barrier which are to be installed parallel to Pods Brook Road shall be submitted to and approved in writing by the local planning authority. The fencing and barrier shall be erected in accordance with the

approved details before any dwelling is occupied and shall be permanently maintained as such.

Reason

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

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

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

Reason

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

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

Reason

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

- 8 No development shall take place, including any ground works or site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall provide for the following all clear of the highway:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. safe access to/from the site, including the routeing of construction traffic and delivery times, for construction traffic in connection with the site clearance or construction of the development
  - d. storage of plant and materials used in constructing the development
  - e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - f. wheel and underbody washing facilities
  - g. measures to control the emission of dust and dirt during construction
  - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - i. a scheme to control noise and vibration during the construction phase, including details of any piling operations
  - j. Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities, sensitive working hours

The Construction Management Plan should seek to incorporate recommendations within Section 7 'Mitigation Measures and Residual Impacts' of the Noise Assessment (dated August 2015 by Mayer Brown).

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to commencement of development because they relate to construction arrangements.

- 9 No development shall be commenced until a survey of the application site has been carried out by a suitably qualified and experienced ecologist no more than 50 days prior to commencement of the works to investigate the potential presence on the application site of badgers or bats, as specified in the Phase 2 Ecological Surveys & Assessment (SES, August 2015). Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval prior to the commencement of development.

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

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

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

Reason

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

- 10 Prior to the commencement of development hereby permitted, a wildlife protection plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats within that Phase. The plan shall include:

- a) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
- b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) capturing and translocation of common lizards and slow-worms away from these areas will be implemented to mitigate injury or destruction. The plan will identify the receptor site. The capture and translocation of animals will be undertaken following best practice guidelines
- d) details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;
- e) a person responsible for:
  - (i) compliance with legal consents relating to nature conservation;
  - (ii) compliance with planning conditions relating to nature conservation;
  - (iii) installation of physical protection measures during construction;
  - (iv) implementation of sensitive working practices during construction;
  - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - (vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

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

#### Reason

To protect features of recognised nature conservation importance. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 11 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 should include, but not be restricted to, the provision of nest/roost sites for bats and birds within the fabric of buildings as well as

within trees; enhancement of reptile habitats, through features such as log piles and reptile hibernacula; management of the retained hedgerows; provision of hedgehog homes and insect houses and night scented species of plants; the provision of 'cut-outs' within fences to allow hedgehogs to move around the site; cutting regime for grassland; marginal planting around open water features; measures to remove Himalayan Balsam from the banks of the River Brain (following advice from a specialist contractor) and the potential creation of an Otter holt on the River Brain.

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.

- 12 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. New tree planting should include themed planting of groups of nos. 3-5 tree using more exotic or unusual varieties of tree along the length of the linear footpath link crossing the site east / west.

The scheme of landscaping shall include a phasing scheme for the proposed landscaping.

The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) within that phase of the development; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase.

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

written consent to any variation.

Reason

To ensure a satisfactory landscaped setting for the development, the retention of existing important landscape features and to enhance the appearance of the development and in the interests of amenity and privacy.

- 13 Development shall not be commenced, including site clearance, ground / enabling works, until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority.

The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, details of the design and construction of new footpaths that are proposed within root protection areas (as specified in Section 6 of the Arboricultural Report and Pre-Development Tree Condition Survey by Ruskin's dated August 2015), areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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

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

Reason

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

- 14 The garages and car ports hereby permitted shall only be used for the



parking of vehicles or for domestic storage associated with the dwelling and shall not be used for living accommodation.

Reason

To ensure that the garages remain available for use for the parking of cars and to ensure that the level of car parking available to future residents will comply with the Council's current car parking standards.

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

Reason

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

- 16 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 along the boundary with Pods Brook 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

The boundary fencing and acoustic barrier to be installed along the boundary with Pods Brook Road is required in order that an acceptable noise environment is provided for residents of this development. If this fence or barrier were to be altered, reduced or replaced future residents of the development could be adversely affected by increased noise levels from road noise.

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

Reason

To ensure that an appropriate palette of materials is used which will help provide variation between the proposed character areas and produce a high quality development, consistent with the Council's Planning policies.

- 18 Prior to construction the location and detailed design of all means of enclosure, including boundary walls, screens, fences, railings, gates,

adjoining or facing the public realm shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

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

Reason

In the interests of visual amenity.

- 20 Prior to installation of any external meter cupboards on the dwellings details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

In the interests of visual amenity.

- 21 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

In the interests of visual amenity.

- 22 Prior to construction of the first dwelling on the development hereby approved plans specifying how all areas of public realm will be treated shall be submitted to and approved in writing by the local planning authority.

The plans shall include, but not be limited to, of all ground surface finishes, details of road kerbs/edging, street furniture, pergolas, walls and railings, .

The agreed public realm strategy shall include a delivery plan that will identify the phasing of the development and identify the public realm works that will be undertaken within each phase of the development.

The development hereby permitted shall be carried out in accordance with the following approved public realm strategy.

Reason

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

- 23 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

In the interests of visual amenity.

- 24 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate parking space is provided to serve the proposed dwellings and to reduce the amount of on-street parking which can be to the detriment of highway safety.

- 25 All single garages should have a minimum internal measurement of 7m x 3m. Any garage erected with its vehicular door(s) facing the highway shall not be set back more than 1.5m from the highway boundary, unless a full 6m parking space is provided in front of the garage.

Reason

To encourage the use of garages for their intended purpose and also to enable vehicles using the garage to stand clear of the highway whilst the doors are being opened / closed and prevent vehicles parking and overhanging the highway.

- 26 No part of any building shall overhang the public highway.

Reason

To prevent buildings overhanging the highway and potentially obstructing it, which could adversely affect highway safety.

- 27 Prior to the occupation of the development the details of the number, location and design of a covered parking facilities for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to occupation of each dwelling that the parking facility will serve and shall thereafter be retained at all times.

Reason

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

- 28 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

- 29 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

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

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

- 30 Prior to occupation of the first dwelling a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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.

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

Reason

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

- 32 Development shall not be commenced until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason

This information is required prior to the commencement of groundworks to ensure that the correct underground infrastructure is in place and to prevent environmental and amenity problems arising from flooding.

- 33 The visitor car parking spaces, identified on Approved Plan ref. PL-008 Rev.B, 'Parking Layout, shall be provided in accordance with the approved plans and thereafter be kept available at all times for the parking of vehicles of visitors to the development hereby permitted.

Reason

To ensure that adequate provision is made for visitor car parking, to prevent highway safety issues, and to ensure that the visitor parking spaces are retained for their intended purpose.

- 34 Prior to occupation of the first dwelling the provision of the cycleway improvements shall be implemented as shown in principle on drawing 14-358-015 (dated JUNE 16), details of which shall have been submitted to and approved in writing with the Local Planning Authority. These improvements shall include but not be limited to a new section of 3 metre wide cycleway on the western side of London Road between the proposed site access roundabout and the A120, widening of part of the footway to a 3 metre cycleway on the eastern side of London Road and relocation of the bus shelter.

Reason

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

- 35 Prior to first use of the construction access, the access and associated highways works shall be implemented as shown in principle on drawing 14-358/010 dated DEC 15, ), details of which shall have been submitted to and approved in writing with the Local Planning Authority. The works shall include but not be limited to visibility splays of 4.5 metres by 215 metres and a kerb island in the centre of Pods Brook Road to prevent right turning.

Reason

To ensure that vehicles can enter and leave the highway in a safe and controlled manner and in the interests of highway safety.

- 36 Prior to occupation of the first dwelling the provision of the proposed roundabout on London Road shall be implemented as shown in principle

on drawing 14-358-002 (dated JUNE 15), details of which shall have been submitted to and approved in writing with the Local Planning Authority.

Reason

To provide a suitable vehicular access to the development site and in the interests of highway safety.

- 37 Prior to occupation of the 200th dwelling the provision of the cyclepath / footway shall be implemented as shown in principle on drawing PL-001 Rev A dated July 2015, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

Reason

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

- 38 Prior to occupation of the development the bus stops on London Road, adjacent and opposite the site, shall be upgraded to provide with real time passenger information. Details of this work shall have been submitted to and agreed in writing with the Local Planning Authority and provided thereafter only in accordance with the details approved.

Reason

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

- 39 Prior to first 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 fostering sustainable travel patterns and reducing reliance on motor vehicles.

- 40 Prior to occupation of any of the dwellings hereby approved detailed plans that show details of the proposed new Children's Play Area; fitness equipment and natural play installations, at appropriate scales shall have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and completed prior to occupation of the 150th dwelling and shall be permanently maintained as such.

## Reason

To ensure adequate provision of amenity/open space to serve and to ensure that it is constructed in an appropriate manner that will enhance the development.

## INFORMATION TO APPLICANT

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ
- 2 The public right of way (Footpath 73) must be kept open and available for use by members of the public at all times. No construction work must impede the route for users and no construction operations or apparatus must be allowed to overhang the route of Footpath 73. If any construction works are likely to encroach on the existing route of this footpath, arrangements must be made for a temporary diversion order to accommodate the route by way of an application submitted to Essex County Council.
- 3 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)
- 4 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.
- 5 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial

implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Team (Teresa O'Connor, 03330 136850).

- 6 You are advised that trees on the site are the subject of a Tree Preservation Order. No tree, the subject of a Tree Preservation Order may be lopped, topped, felled or uprooted without permission under the Order. It is an offence to carry out any works to a preserved tree without such consent having previously been obtained from the local planning authority.
- 7 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 8 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 9 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.

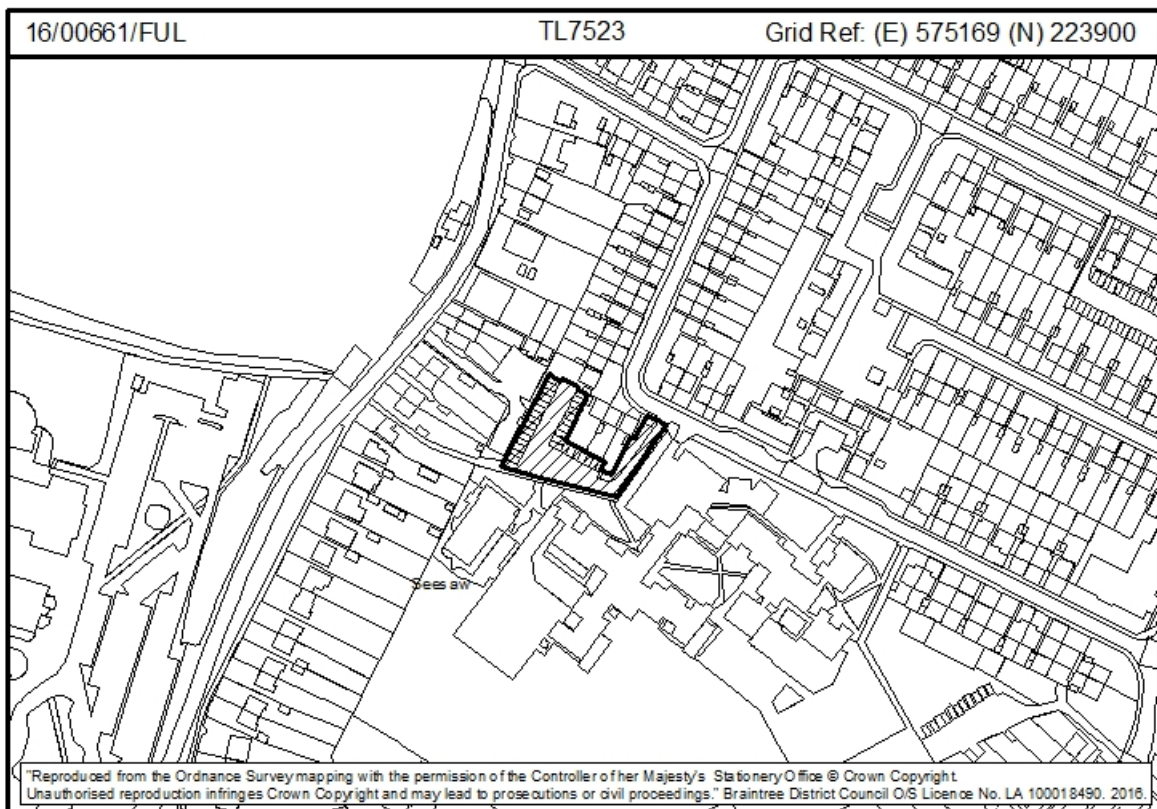
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 16/00661/FUL DATE: 25.04.16  
 VALID:  
 APPLICANT: Mr M Looker  
 Green Lane Lodge, Green Lane, Merston, Chichester,  
 PO20 1EQ  
 AGENT: DAP Architecture  
 Mr David Plant, 200 Avenue West, 120 Skyline, Great  
 Notley, Essex, CM77 7AA  
 DESCRIPTION: Demolition of existing garages and erection of 7 no.  
 apartments contained within one block  
 LOCATION: Garage Site, Lancaster Way, Braintree, Essex

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



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS7 Promoting Accessibility for All  
CS9 Built and Historic Environment

### Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes  
RLP3 Development within Town Development Boundaries and Village Envelopes  
RLP9 Design and Layout of Housing and Mixed Use Areas  
RLP10 Residential Density  
RLP51 Cycle Parking  
RLP56 Vehicle Parking  
RLP69 Sustainable Urban Drainage  
RLP74 Provision of Space for Recycling  
RLP90 Layout and Design of Development

### Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards

## INTRODUCTION

This application is brought before the Planning Committee as it is considered potentially significant in its impacts.

## NOTATION

The site falls within the town development boundary.

## SITE DESCRIPTION & PROPOSAL

The site is located in a residential area to the west of Braintree and falls within the Town Development Boundary. It is a former garage court and has no designation in the Local Plan Review. The site is bounded by residential development to the northern and western sides and John Bunyon School and

Seesaw Children's Centre are located to the eastern and southern sides. A public footpath runs along the eastern and southern boundaries of the site which connects Lancaster Way to Panfield Lane.

This application seeks planning permission for the erection of 7no. apartments in a linear form of development on the western part of the site. The majority of the building would be two storeys in height, with a single storey element closest to the northern boundary. The external materials will comprise brick, render and weatherboard. The existing access would be retained and would serve the new development. 13 off road parking spaces would be provided.

### CONSULTATIONS

Environmental Services – No objection subject to conditions.

Engineers – Unaware of any surface water issues affecting the site.

Waste Services – No response at the time of writing.

Highways – No objection subject to conditions.

Public Rights of Way – No response at the time of writing. The Highway Authority has advised that an informative should be added reminding the applicant that the rights of way over public footpath 59 shall remain free and unobstructed at all times.

Essex County Fire and Rescue Service – The nearest fire hydrant is within an acceptable distance of the proposed development. If a fire appliance is unable to gain access to within 45 metres of a dwelling an Automatic Water Suppression System will need to be incorporated into the design.

### REPRESENTATIONS

Site notices were displayed and neighbouring properties were notified by letter. Six letters of objection have been received raising the following points:

- No sheltered and secure cycle storage;
- Will cause overlooking and overshadowing of 25-29 Lancaster Way and dominate outward views from rear windows;
- Obscure glazed windows could be changed to clear windows in the future;
- Security issues to rear gardens if garages are demolished;
- Will increase noise and traffic in the area;
- Will increase school in-take;
- Public right of way to nursery would be restricted;
- Would restrict access for emergency vehicles;
- Concern regarding access and parking for the school;
- The site is used for staff parking for the nursery and school;
- HGVs delivering to the school are not allowed to unload on the main road (restriction imposed by ECC);

- The site was sold by Greenfields without public consultation.
- The Council should be requiring affordable housing from the development;
- Will cause overlooking of the rear garden of 1 Baileybridge Road & loss of views;
- Security concerns as there will more activity;
- Would result in a loss of access to two back gates to No.1 Bailey Bridge Road;
- May impact upon house values;
- Site notice was not displayed.

A letter of representation has also been received from the Chair of Braintree Urban District Children's Centre Advisory Board and governor at John Bunyon Primary School raising the following concerns:

- Safeguarding of children from overlooking;
- Public rights of way should be retained;
- Access for emergency vehicles;
- Safety of children using the footpath during construction;
- Access for construction vehicles;
- Loss of the site & parking will jeopardise the running of the school and children's centre;
- Query how the site will be boarded off;
- Service entrance and right of way now restricted.

Following the submission of revised plans reducing the northern most part of the building from two storeys to single storey a re-consultation exercise was carried out. One letter was received stating that the objections raised are still relevant. In addition, comments have been made stating that since the garages have been shut off from the public traffic and congestion has increased as the site was formerly used for parking when dropping children off at the school. It will also affect access for emergency services.

## REPORT

### Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that applications should be considered in the context of a presumption in favour of sustainable development.

The site falls within the village envelope and has no specific land-use designation in the adopted Local Plan Review. In accordance with Policies RLP 2 and RLP 3, the principle of development on this site is acceptable, providing it satisfies amenity, design, environmental and highway criteria and subject to compliance with other relevant Local Plan policies. These issues are discussed below.

Information within the application indicates that the site has recently been purchased with vacant possession. Therefore none of the garages are currently occupied and re-provision does not need to be made.

### Design and Layout

Policies RLP 3, 9, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 9 states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

With regard to amenity space, guidance set out in the Essex Design Guide indicates that flats with two bedrooms or more should be provided with a minimum area of 25sqm per flat. A similar provision is welcomed for one bedroom flats.

The site is capable of accommodating the proposed development without appearing cramped and overdeveloped. Parking and amenity space can be provided in accordance with the Council's adopted standards. The building is of a good design. The bulk has been broken up by using subordinate elements and different materials, and is well articulated. The building has been designed in such a way that the front elevation gives the appearance of dwellings rather than a flatted development. Sections have been provided which show that the building would be approximately 0.36 metres greater in height than No.1 Bailey Bridge Road and 0.52 metres greater in height than No's 25-29 Lancaster Way. It is not considered that the proposal would have an adverse impact upon the character and appearance of the surrounding area.

A bin store would be provided close to the entrance to the site. Details of the design of this can be required by condition.

Conditions can also be imposed to control detailed matters such as materials, external landscaping, hard surfaces etc. These are set out on the draft decision below.

### Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP 3 and RLP 90 of the Local Plan Review seek to ensure that there is no undue, or unacceptable impact on the amenity of any nearby residential properties.

The site is bounded to two sides by residential development. To the rear (west) are residential dwellings which front on to Panfield Lane. The site is separated from the rear boundaries of these dwellings by a parking/turning area. The rear elevations of the new development would be approximately 13 metres from the rear garden boundaries and over 40 metres from the dwellings themselves. This is considered an adequate separation so as not to cause any undue or unacceptable impacts upon residential amenity. The Essex Design Guide acknowledges that at normal urban densities some overlooking is inevitable.

To the north and east of the site are residential dwellings which front on to Bailey Bridge Road and Lancaster Way. In order to address concerns regarding overbearing and overlooking the northern most part of the proposed development has been reduced from two storeys to single storey. The single storey element would be approximately 7 metres from the side boundary of No.1 Bailey Bridge road. The eaves height of this part of the building would be approximately 2.8 metres and it would have a hipped roof. An area of amenity space/landscaping would separate the new dwelling from the side boundary. The two storey part of the new building, with its varying roof forms and heights would be more than 14 metres away from this boundary. The relationship between the proposed development and No.1 Bailey Bridge Road is considered acceptable.

Part of the front elevation of the building would face towards the rear gardens which serve No's 25, 27 and 29 Lancaster Way. As indicated above, the part of the building which would be closest to these gardens has been reduced to single storey and accordingly initial concerns regarding overlooking and overbearing have been overcome. The main two storey part of the new development would face towards the lower part of these gardens. The internal layout has been designed in such a way that the first floor window which would directly face towards the gardens would serve a bathroom (a non-habitable room). The submitted plans indicate that the window would be obscure glazed. A condition can be imposed to ensure that this form of glazing is permanently retained as such. The two first floor windows within the central part of the front elevation would serve kitchens and would predominately overlook the proposed parking area. Again, these windows would be obscure glazed and would be at an oblique angle to the existing gardens. On balance therefore, it is considered that efforts have been made to minimise any impacts of overlooking, and the extent of any overlooking would not be harmful to the extent which could substantiate withholding permission.

To the south of the site is a primary school and children's centre. There is only one first floor window within the elevation which faces these facilities. This would be a secondary window and the plans indicate that this window would be non-opening and obscure glazed.

The existing garages to the rear of 25-29 Lancaster Way currently form the rear garden boundaries to these properties. The concerns raised in the letters of representation about the removal of these are noted. A condition can be imposed requiring details of the proposed new boundary enclosures and requiring these to be in place at the time that the garages are demolished.

It is inevitable that there will be some noise and disturbance during construction; however this will not be long term. Conditions can be imposed which seek to minimise such impacts and also requiring a construction management plan to demonstrate how the deliveries, parking and storage will be managed during construction.

### Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for one bedroomed dwellings one off road parking space should be provided and for two bedroomed dwellings two spaces per dwelling should be provided. Visitor spaces on the basis of 0.25 spaces per dwelling should also be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m. One secure, covered cycle space per dwelling should also be provided.

13 parking spaces are proposed within the site which would accord with the above standards. A cycle store to the front of the building is also shown.

Concerns have been raised in the letters of representation about the loss of parking and the existing right of way. Clearly the garage court has been used by parents and visitors to the primary school and children's centre when visiting or dropping off/picking up children from these facilities. The site is in private ownership and therefore members of the public have no right to use the site in such a way. Whilst the site may previously have been used in this way for convenience, it is not the responsibility of the owner to provide off-road parking to serve buildings or uses which are in a different ownership. Any access/parking issues associated with the school & children's centre are a matter for the operators of these facilities. The existing footpath around the eastern and southern boundaries of the site is however a public right of way. This provides a pedestrian access to the aforementioned facilities and a link to Panfield Lane. This must be kept free and unobstructed at all times. Although, it is noted that this is not included within the application site. Any obstruction of a public right of way is a matter for the Highway Authority.

### Other Matters

The following points address other issues raised in the letters of representation:

Affordable Housing – The site falls below the thresholds for affordable housing as set out in Policy CS2 of the Council's Core Strategy. Furthermore, a recent

judgement by the Court of Appeal states that developments of 10 dwellings or less should be excluded from affordable housing and tariff based requirements/contributions.

School in-take – Essex County Council are responsible for delivering school services and would not require a contribution for a development of this size.

Security concerns – The site has previously been unsecure and the public have been able to access it freely. The development would bring a large part of the site into private residential use. There is no reason to believe that the development of the site would give rise to any security issues.

Access to the site from No.1 Bailey Bridge Road – Any access arrangements between the landowner and a third party are a private matter and cannot be controlled by the planning system.

Impact of development upon property values – This is not a material planning consideration.

Asbestos – The applicant has a legal duty to manage asbestos. The demolition of buildings at risk of asbestos is controlled by the Health and Safety Executive under separate legislation to planning legislation. Any asbestos present would need to be removed by a licensed contractor.

Site notice – The Council has a statutory requirement to either notify neighbours or display a site notice. In this case both were done and the Council has a photographic record to show that a site notice was displayed.

Sale of the site – This is not a material planning consideration. There is no requirement to carry out public consultation prior to the sale of land.

## CONCLUSION

The site is located within the Town Development Boundary where the principle of new residential development is acceptable. The siting, scale and design of the proposed flats are considered acceptable and would not have an unacceptable impact upon the character of the area or the amenity of residents nearby. Sufficient off-road parking would be provided and detailed matters such as external materials, landscaping, enclosures etc. can be adequately dealt with by condition.

## RECOMMENDATION

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

## APPROVED PLANS

Proposed Site Plan

Plan Ref: 544.200

Version: 01



Proposed Plans  
Street elevation

Plan Ref: 544.201  
Plan Ref: 544.202

Version: 01  
Version: 01

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

Reason

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

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

Reason

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

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

Reason

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

- 4 The building shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. The satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used.

Reason

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

- 5 Prior to installation, details of all windows and doors shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

Reason

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

- 6 At the time of works the windows coloured blue on the approved plans listed above shall be obscure glazed and permanently maintained as such.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

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

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

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

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

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

Reason

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

- 8 Prior to demolition of the garages to the rear of Nos. 25-29 Lancaster Way and to the southern side of No.1 Bailey Bridge Road details of new boundary enclosures in these locations shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials. The means of enclosure shall be provided at the time of the demolition of the garages and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the area and in order to protect the privacy of the occupiers of adjoining dwellings.

- 9 With the exception of the boundary enclosures referred to in Condition 8, details of all other gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to first occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

- 10 The development shall be constructed so as to ensure that there shall be no discharge of surface water onto the highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 11 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 12 Prior to occupation of the development a minimum of 8 bicycle parking spaces shall be provided in the location shown on the approved plans listed above. The facility shall be secure, convenient and covered and shall be permanently maintained as such.

Reason

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

- 13 The vehicular hardstandings shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

In accordance with the Council's adopted Car Parking Standards.

- 14 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

In the interest of promoting sustainable forms of development and

minimising the environmental and amenity impact.

- 15 The development shall not be occupied until the area for bin storage indicated on the approved plans is provided. The area shall be retained and available for use as approved at all times.

Reason

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

- 16 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i.) a survey of the extent, scale and nature of contamination;
- ii.) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- iii.) an appraisal of remedial options, and proposal of the preferred option(s).

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. These details are required prior to the commencement of development as the results of the survey work may result in the need for modifications to the development hereby approved.

- 17 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.

- 18 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.

- 19 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to commencement because they concern the method by which any development is to be undertaken.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 21 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;
- Delivery, demolition and construction working hours.
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to commencement because they concern the method by which any development is to be undertaken.

- 22 Prior to first occupation of the development details of the design of the bin store and cycle store shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details and permanently maintained as such.

Reason

In the interests of visual amenity.

INFORMATION TO APPLICANT

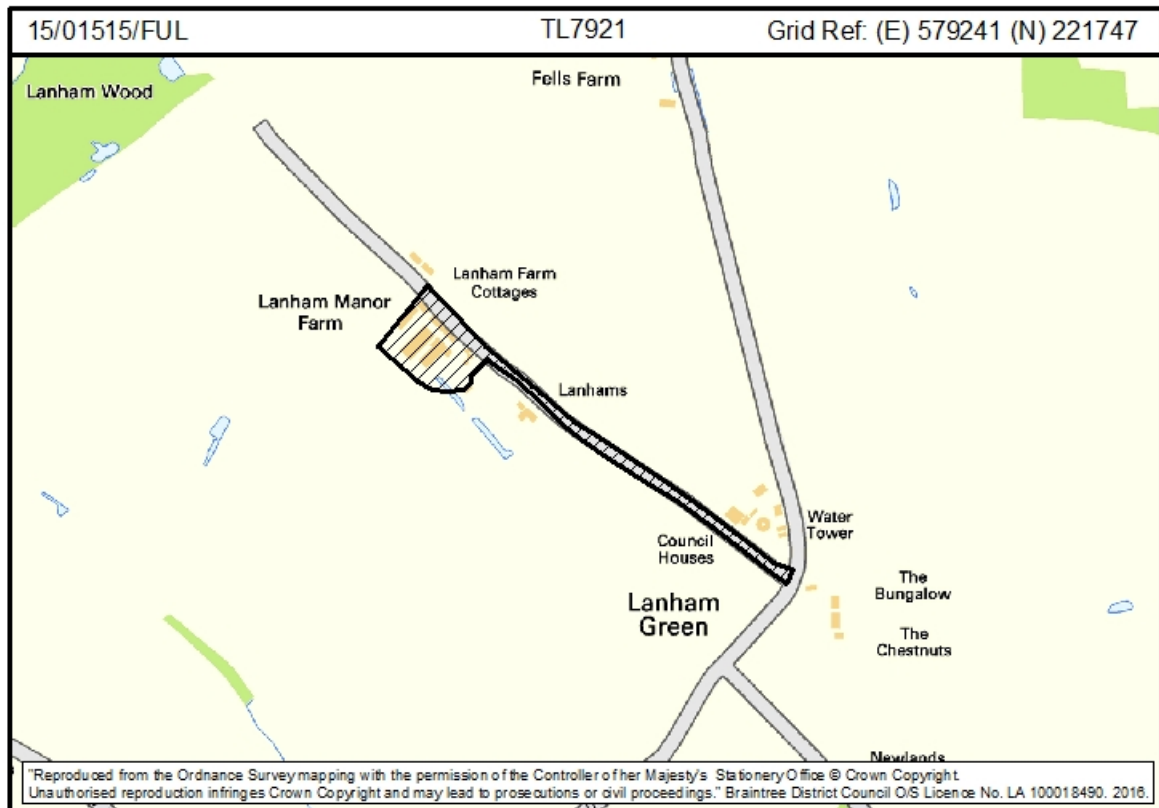
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 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)
- 3 The public's rights and ease of passage over public footpath 59, Braintree shall be maintained free and unobstructed at all times.
- 4 You are advised that if a fire appliance is unable to gain access to within 45 metres of all parts of a dwelling, an Automatic Water Suppression System (AWSS) will need to be incorporated into the design of the building.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01515/FUL DATE: 09.12.15  
 VALID:  
 APPLICANT: Mr Simon Dixon-Smith  
 Lyons Hall, Lyons Hall Road, Braintree, Essex, CM7 9SH  
 AGENT: Sue Bell Planning Consultant  
 Mrs Sue Bell, Ropers Hall, 9 Lodge Road, Writtle,  
 Chelmsford, Essex, CM1 3HY  
 DESCRIPTION: Demolition of barns (B) and (E), construction of new building (F), use of building for Class B1 and change of use of agricultural buildings for Class B1 use, replacement of building E for parking, proposed new internal road, creation of parking spaces and landscaping.  
 LOCATION: Lanham Manor Farm, Lanham Farm Road, Cressing, Essex, CM77 8DX

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



## SITE HISTORY

04/02302/COU	Change of use of farm buildings to B1 use	Granted	22.02.05
09/01494/FUL	Change of use of farm buildings to B1 use	Granted	13.01.10
14/00620/HDG	Notice of intent to remove part of a hedge - Remove 6 metres of hedgerow	Pending Consideration	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

### Braintree District Local Plan Review

RLP36	Industrial and Environmental Standards
RLP38	Conversion of Rural Buildings
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility



RLP105      Archaeological Evaluation  
RLP106      Archaeological Excavation and Monitoring

### Supplementary Planning Guidance

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

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

This application is brought before the Planning Committee as the Parish Council has objected to the proposal, contrary to the Officer recommendation.

### SITE DESCRIPTION

The application site is located in the countryside and lies to the north of Cressing Village. It measures approximately 0.68 hectares and consists of a complex of agricultural buildings with associated curtilage. The site is bounded to the front (north-east), rear (south-west) and on one side (north-west) by agricultural land. To the south-east it sits adjacent to Lanhams, a detached dwelling. No's 1 – 4 Lanham Farm Cottages are also positioned in close proximity to the north of the site.

Vehicular access is currently achieved by via Lanham Farm Road, which adjoins Lanham Green Road further to the south-east. Lanham Farm Road is initially a metalled road but becomes an unsurfaced stone track as it passes the frontage of the majority of the application site becoming Byway 1 (Cressing).

### PROPOSAL

The applicant seeks planning permission for the use of the site in a Use Class B1 (business) capacity with the conversion of 3 of the existing buildings, the demolition and replacement of another existing building, the erection of a new building and the demolition of a final existing building. An internal access road with parking layout and landscaping is also proposed, with a one way access road routing vehicles into and out of the site from Lanham Farm Road using the existing access points.

### CONSULTATIONS

#### Cressing Parish Council

Objection. Parish Council also objected to the previously approved 2009 application and current scheme is an expanded version of this. Cressing already has two industrial areas, Apple Tree Farm and Cordons Farm. Cordons Farm has a history of creeping development. Parish Council unable to support the long term intensive activity now proposed in a tranquil rural setting, especially in view of the intensification at both existing industrial sites.

Concerned about impact on biodiversity and protected species and note residents' concerns in relation to barn owls, bats and an ancient Oak Tree. Also note proximity of Lanham Wood Local Wildlife Site.

Particularly concerned about safe vehicle access and scale and frequency of traffic which will be generated, but cannot be accommodated on the road system. Lanham Farm Road is a narrow road leading to a byway. Also concerned about the inability of the wider road network in the area to accommodate the proposed development in terms of highway safety.

Amount of traffic generated by the development would also have an adverse impact upon the countryside amenity of this tranquil setting with regard to existing residents. A B1 use will also change the character of the countryside irrevocably – even quiet noises are easily heard in the presence of a quiet backdrop.

The site is located in Landscape Setting Area B10 (Braintree Settlement Fringes Landscape Area 2015). Erection of new farm buildings could have an adverse impact on the character area. Also object on the grounds of impact upon the historic environment. Site can also be seen from public highway. Lanham Farm Road is an intensively used Byway and additional vehicular traffic would endanger pedestrians, a resident's dog has already been killed by a vehicle.

The structural survey/submitted plans show that 3 buildings are to be converted, two outbuildings demolished and a new building constructed. When only half the buildings are to be converted we question whether Policy RLP38 can be used to support this application.

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

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

Lead Local Flood Authority (Essex County Council)

No objection.

BDC Landscape Officer

No objection. Planning condition requiring a Tree Protection Plan showing root protection zones of trees to be retained and specifying no dig construction where required is necessary. Also request a condition requiring a landscape scheme that provides opportunities for wildlife habitat, such as new hedging for nesting birds and provision of bird/bat boxes.

#### BDC Environmental Services

No objection subject to conditions relating to; noise levels; hours of operation; details of sewage treatment system; details of external lighting; provision of contaminated land assessment; dust control scheme; green travel plan and restriction on hours of construction/demolition/associated deliveries.

#### Essex County Council Highways

No objection subject to conditions relating to the section of Byway 74 (Cressing) which runs from the end of Lanham Farm Road to the most north-western part of the application site (opposite No.1 Lanham Farm Cottage) being constructed to full depth and to a requirement for wheel washing facilities during construction.

#### Historic Buildings Advisor (Essex County Council)

No objection.

#### Ramblers Association

Comment. Request that plans are updated to show adjacent footpath Cressing 36 which runs past the north-eastern boundary of the site. Dimensions on plans would be useful. Site can be seen from public highway – application form states it cannot. Question whether it is proposed to carry out a count of vehicular traffic along Lanham Green Road and Lanham Farm Road.

#### Essex County Council Rights of Way Officer

No objection subject to a s106 Agreement requiring the adoption of an identified section of Byway 1 (from the end of Lanham Farm Road to the last property comprising the row of Lanham Farm Cottages). The Byway must also be kept open at all times unless a temporary diversion order is applied for.

#### District Councillor (Councillor Abbott)

Objection.

- Significant intensification of use in open countryside to detriment of nearby residents who enjoy a very quiet rural situation and outlook
- Site not allocated for commercial/business/employment use in Draft Local Plan
- Access wholly unsuitable. Narrow single track lane serving scattered houses. Becomes non-metalled near proposed development site. Development would strongly conflict with byway use and harm resident's amenity. Byway well used by local people for leisure/dog walking

- Water tower site is already used as skip hire use. Assessment of cumulative impact with proposed development required
- Existing barns host protected species – bats and owls. Erecting boxes near such a large scale re-development with likely light/noise would carry significant risk of failing to provide protection/mitigation
- Development risks introducing significant light pollution

## REPRESENTATIONS

17 letters of objection and 4 letters of comment have been received. The main material and non-material reasons of objection stated are set out below:

- Highway safety
- Inability of existing road network to accommodate proposed traffic levels
- Inability of Lanham Farm Road itself to accommodate proposed traffic levels
- Safety improvements required at Lanham Farm Road/Lanham Green Road junction
- Lanham Farm Road only 2.9m wide and 2 domestic vehicles cannot pass. Widening/passing places required
- Pedestrians must be considered
- Will experience significantly higher traffic levels than low levels currently experienced
- Lanham Green Road used as rat run from A120 to Galley's Corner Real safety concerns with further increased traffic. Restricted Road with weight limit and 25mph speed limit
- Concerned about HGV's using Lanham Green Road
- Junction of Lanham Green Road and The Street is already an accident blackspot
- Other local junctions are very dangerous
- Impact of vehicle movements on rural landscape and residents amenity
- Lanham Green Road already used as dangerous rat run and no ability to accommodate proposed development traffic
- Application refers to Light Goods Vehicles giving impression these are small vans/lorries. Can actually be up to 3,500kg. LGV also stands for Long Goods Vehicles so clarity required
- Application also states parking for x7 Heavy Goods Vehicles
- Increased carbon emissions
- Noise pollution, in particular from significantly increased traffic movements
- No requirement for employment land in the countryside. B1 use not appropriate for countryside location
- B1 use allows office use, light industry or research and development type uses – impossible to assess impact of such a general proposed use
- Historical value of farm buildings should be preserved
- Is archaeological monitoring still required?
- Appears that ditch alongside Lanham Farm Cottages would be used for drainage/sewerage – health hazard

- Poplar Trees and ancient Oak Tree on site should be protected
- Have repeatedly witnessed Barn Owls using Building A. Alternative owl and bat accommodation required
- Detrimental landscape impact
- Contrary to Policy 38 as there is a new building so not a conversion
- Design of buildings proposed is very urban and industrial, out of keeping with rural environment
- Public consultation insufficient
- Site visible from public highway – application form states it is not

## REPORT

### Principle of Development

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

The application site is located in the countryside. Core Strategy Policy CS5 states that development in the countryside will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance its landscape character, biodiversity, geodiversity and amenity.

Adopted Local Plan Policies RLP38 (Conversion of Rural Buildings) and RLP40 (Minor Industrial and Commercial Development in the Countryside) set out forms of development which are considered appropriate in countryside locations. RLP38 permits the conversion of rural buildings, including modern buildings. Such buildings should be capable of conversion without major extension or complete reconstruction, their form, bulk and design should be in keeping with their surroundings and there should be no unacceptable impact on the landscape, historic environment, or protected species. Safe vehicular access and parking must also be provided without detriment to the setting of the buildings, residential amenity and landscape. The scale and frequency of traffic generated must also be able to be accommodated on the road system.

Policy RLP40 permits small scale Industrial and Commercial proposals within the countryside which would secure significant improvements to the local environment and the extension of existing industrial and commercial development providing it is on a small scale compatible with the surrounding area.

The National Planning Policy Framework (NPPF) is explicit in its instruction that (para. 28) *'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'*. It goes on to state that plans should *'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-*

*designed new buildings*'. Subject to the relevant criteria set out in Local Plan Policies RLP38 and RLP40, the principle of the proposed development is therefore considered acceptable.

### Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments.

The applicant proposes to convert 3 of the existing buildings, identified as buildings A, C and D. A Structural Survey has been submitted in support of the application which demonstrates that each of these buildings is capable of being converted to a B1 use without the need for major extension or complete reconstruction.

Building A is a traditional timber framed barn. The proposed conversion would primarily utilise existing openings for door and window provision. A new mezzanine floor would replace the existing and would be supported by a separate steel mezzanine structure. The existing corrugated metal sheeting/corrugated asbestos cement sheeting on the roof would be replaced with composite corrugated roofing sheets and the open fronted single storey lean to positioned across the front of the barn would be enclosed. Existing black feather edged boarding to the walls would also be replaced. These changes are minor in nature and the overall form, bulk and design of the building would remain in keeping with its surroundings.

Building C is a more modern steel framed barn with a profiled sheet /concrete asbestos cement roof and brick infill walls. Again the proposed conversion would primarily utilise existing openings for door and window provision. The existing ventilation upstand to the roof would be removed reducing the buildings highest point by approximately 0.4m and the buildings main ridge line would then be raised by approximately 0.3m. The proposed changes are minor in nature and the overall form, bulk and design of the building would remain largely unchanged.

Building D is a steel framed barn with corrugated asbestos cement sheeting roof and corrugated metal sheeting walls. The proposed conversion would require the creation of new roller shutter openings and doors on the north-east and south-east elevations. The existing corrugated asbestos cement sheeting roof and corrugated metal sheeting walls would be replaced with composite profiled roof and wall panels. The overall form, bulk and design of the building would remain largely unchanged.

Building E, a single storey open fronted timber framed barn with an asbestos cement sheeting roof would be demolished and replaced with a similar but slightly smaller structure. The new barn would also be clad in black feather edge weatherboarding but would have a brown tile roof as opposed to the existing building's asbestos cement sheeting. The design of the proposed structure is considered in keeping with that of the existing and the form and bulk would be slightly reduced.

Building B, a timber clad single storey structure with corrugated asbestos roof would be demolished, in addition to 3 existing circular metal grain silos. An unidentified single storey building in very poor condition located on the site's northern boundary would also be demolished. A new building, Building F would then be erected. Building F would consist of a single storey building clad in composite profiled panels. Its design and form would be in keeping with existing buildings on the site, in particular buildings C and D.

In terms of proposed site layout, buildings A, C and D would remain in their current positions. Building E would be replaced by a slightly smaller structure in the same location and building F, the new building would be located on the south-eastern side of the site. Buildings A, C, D and F would therefore form the core of the site, being located in close proximity and contained by the one way internal access road.

### Ecology and Landscape

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

The applicant has submitted an Ecology Survey in support of the application which has been reviewed by the Council's Landscape Officer. The survey identified buildings A and B as providing ecological habitat with the presence of low numbers of two bat species and the presence of roosting barn owls although nesting was considered unlikely. Two old swallow nests were also recorded. Mitigation is recommended in the form of the erection of 4 bat boxes and two bat adapted tiles to be installed on the roof of building B1, minimisation of external lighting and the retention of hedges and the veteran Oak Tree on the site. Precautionary measures in the form of the erection of two barn owl boxes and four swallow nesting cups and the erection or re-location of a large rotting stump which is of primary ecological value for invertebrates on the site are also required. It is recommended by the Council's Landscape Officer that these mitigation and precautionary measures are secured by way of condition.

With regard to landscape impact, it is not considered that the conversion of buildings A, C and D and the replacement of Building E with a similar but slightly smaller structure would have any significant impact. Building F would be a new structure, however this must be balanced against the demolition of building B and the 3 circular metal grain silos. Building F would measure approximately 5.6m in height and would be shielded by buildings A, C and D to the north and west, which would measure approximately 6.6m, 6.2m and 6.5m in height respectively. To the south and east the building would be more visible but it is not considered that its form and bulk would be out of keeping

with the existing buildings on the site. It is recommended that a condition is attached to any permission granted to require samples of the external materials of all the buildings to be submitted to and approved in writing by the Local Planning Authority and also for the submission of a hard and soft landscape scheme to bolster/soften the existing site's boundaries as appropriate.

The Council's Landscape Officer has no objection to the application but has recommended that the protection and retention of the veteran Oak Tree on the site, in addition to other trees identified for retention is secured by way of condition.

### Highways

The applicant proposes to utilise the existing site access points to create an internal one way system. Vehicles would exit the building complex onto Lanham Farm Road which subsequently joins Lanham Green Road. The northern existing access point leads onto the unsurfaced section of Byway 1. A number of local residents have objected to the development on a wide range of highway grounds, including the level of traffic generated by the proposed development and the ability of Lanham Farm Road to accommodate traffic from the proposed scheme, in terms of its surfacing and its width.

Both Essex County Council Highways and Essex County Council Rights of Way Officers have been consulted with regard to the highway impact of the proposal. A survey of the section of Byway 1 adjacent to the application site was also completed by the County Council during the course of the current planning application. The County Council do not object to the planning application, however County Rights of Way Officers originally requested that the proposed development be subject to a s106 Agreement, requiring the adoption of the unsurfaced section of Byway 1 which runs adjacent to the application site and on to Lanham Farm Cottages. County Council Highway Officers however stated that as the remainder of Lanham Farm Road is not built to adoptable standards a planning condition should instead be used, requiring the section of unsurfaced Byway which runs adjacent to the application site's north-western boundary to be constructed to full depth. This condition is therefore recommended. It is also recommended that a condition requiring vehicle passing places to be constructed along Lanham Farm Road is attached to any planning permission granted.

It is accepted that the proposed development will result in an increased number of vehicle movements to and from the site, however the Highway Authority have no objection to the proposal and it is not considered that the application could reasonably be refused on the basis of increased vehicular traffic which the Highway Authority consider the road network is capable of accommodating. With regard to residential amenity and vehicle movements, it is recommended that in accordance with the Council's Environmental Health Officers consultation response, the hours of opening of the site are limited to those stated in the application ( 0700 – 1900 Monday to Friday and 0800 – 1800 on Saturdays with no Sunday or Bank Holiday opening). A condition



restricting the use of the site to uses which fall within use Class B1 (Business) only is also recommended to ensure that the site cannot be used for B8 (Storage and Distribution) uses at a later date, as the General Permitted Development Order allows some movement between the two classes (as permitted development) if unrestricted by way of condition.

In terms of impact upon the character of the countryside, the NPPF is clear in its direction that economic growth in rural areas is to be supported. Officers do not consider that any negative impact upon the character of the countryside caused by increased traffic would outweigh the significant economic benefits of re-developing this rural site.

With regard to parking, the development proposes a total of 53 car parking spaces (3 being blue badge spaces), 7 loading bays for lorries, 4 motorbike parking spaces and 25 bicycle parking spaces. The level of parking proposed complies with the Essex Parking Standards which would require a maximum of 56 parking spaces for the site. In addition, the replacement Building E would provide 5 car parking spaces which would be allocated to Lanham farm Cottages to replace the 5 spaces in the existing building.

#### Impact Upon Neighbour Amenity

Lanham Farm Cottages are situated to the north of the application site and Lanhams, a detached dwelling to the south-east. The Council's Environmental Health Officer has recommended that a condition is attached to any permission granted restricting noise levels emitted from the site to not exceed background noise levels. A condition restricting the hours of opening to those applied for (0700 – 1900 Monday to Friday and 0800 – 1800 on Saturdays with no Sunday or Bank Holiday opening) is also recommended, in addition to a requirement for details of any external lighting to be approved by the Local Planning Authority. With these measures in place it is not considered that the proposed development would have a detrimental impact upon neighbour amenity.

The Use Classes Order defines Use Class B1 (Business) as offices (other than those used for Financial and Professional services); research and development of products and processes and light industry appropriate in a residential area. The applicant will be restricted to uses which fall within this Use Class and are appropriate in residential areas.

Residential amenity in relation to vehicular traffic has been previously addressed in the above report.

#### Other Matters

##### Heritage

Neither the Historic Building's Advisor, nor the County Council's Historic Environment Officer (Archaeology), objects to the application. A condition requiring the securing of the implementation of a programme of archaeological

work in accordance with a written scheme of investigation submitted to and approved by the Local Planning Authority prior to the commencement of any development is recommended by the Historic Environment Officer.

#### Construction Activity

The Council's Environmental Services Team have no objection to the proposal subject to a number of conditions which include, in relation to construction activity, conditions to control hours of working, require a dust control scheme and the undertaking of a contaminated land survey.

#### Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The Lead Local Flood Authority (Essex County Council) has no objection to the proposed development.

#### Section 106

#### Open Space

Policy CS10 requires new development to make appropriate provision for publically accessible green space or the improvement of existing accessible green space. The applicant has submitted a Unilateral Undertaking, which in accordance with the adopted standards (as set out in the Open Spaces SPD) specifies a financial contribution of £8,214.54. The Parish Council have identified that this money will be used towards the expansion and modification of the playing fields and equipment and development of new facilities at Rainbow Field, The Street, Cressing.

#### CONCLUSION

The proposed development would accord with the NPPF's emphasis on supporting economic growth in rural areas. There are no technical objections to the proposal and the scheme is considered to comply with the relevant adopted Local Plan Policies.

The proposed layout, access and parking provision is considered acceptable and mitigation measures have been identified to address potential impacts upon residential amenity. Officers consider that the proposed development would be sustainable and it is therefore recommended that planning permission is granted.

#### RECOMMENDATION

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

## APPROVED PLANS

Existing Plans	Plan Ref: 001
Existing Site Plan	Plan Ref: 002
Existing Plans	Plan Ref: 003
Existing Plans	Plan Ref: 004
Existing Plans	Plan Ref: 005
Existing Site Plan	Plan Ref: 006
Proposed Plans	Plan Ref: 010
Proposed Plans	Plan Ref: 012
Proposed Plans	Plan Ref: 013
Proposed Plans	Plan Ref: 014
Proposed Plans	Plan Ref: 015
Proposed Site Plan	Plan Ref: 016
Proposed Block Plan	Plan Ref: 017
Refuse Information	Plan Ref: 018
Location Plan	Plan Ref: 019

- 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 Prior to commencement of development, byway 74 Cressing from its start (from the end of Lanham farm Road) shall be constructed to full depth (with a base, sub base and hard surface) to the most north western part of the site (opposite No 1 Lanham Farm Cottage). Full details of the proposed works shall be submitted to and agreed in writing by the local planning authority and the works shall be implemented in accordance with the approved details and permanently maintained as such.

### Reason

In the interests of highway safety. The works are required to be completed prior to the commencement of development to ensure that the existing unsurfaced byway and site accesses are capable of carrying construction traffic during the development phase.

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

planning authority.

Reason

The site may be of archaeological interest. The implementation of a programme of archaeological work is required prior to the commencement of development to ensure that any archaeology on the site is recorded before development groundworks commence.

- 5 Development shall not be commenced until details of the means of protecting all of the existing trees and hedges to be retained on the site as identified on Proposed Site Layout Plan 016 from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

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

Reason

To ensure the protection and retention of existing/remaining trees and hedges. The protection measures are required prior to the commencement of development to ensure that they are in place before works commencement on site which may otherwise cause the loss of or damage to the trees and hedges.

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

Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures to mitigate risk from land contamination, if required are in place before work commences on site.

- 7 Development shall not be commenced until a dust control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

#### Reason

In the interests of the amenity of residents of the locality. These details are required prior to the commencement of development because they relate to the method of construction.

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

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

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

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

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

Reason

To enhance the appearance of the development.

- 9 No above ground construction of any new/replacement buildings and no external works to any existing buildings to be converted shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure an appropriate choice of materials having regard to the location of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

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

Reason

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

- 11 Prior to first occupation details of a scheme for the provision of nest/roost sites for bats and birds shall be submitted to and approved in writing by the local planning authority. The provision of roost sites shall be implemented in accordance with the approved details prior to the first occupation and thereafter so maintained.

Reason

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

- 12 The parking spaces provided by replacement Building E, as identified on Proposed Site Layout Plan 016 shall be permanently retained for use by the occupiers of Lanham Farm Cottages only.

Reason

To ensure that the development does not result in any loss of existing parking to the occupants of Lanham Farm Cottages.

- 13 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) the site shall be used for uses falling within use Class B1 only.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to allow the Local Planning Authority to assess the impact of any alternative use on the highway network.

- 14 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

- 15 Prior to occupation of the site details of the sewage treatment system for the site shall be submitted to and approved in writing by the Local Planning Authority. The works/scheme shall be carried out in their entirety, in accordance with the approved details before the development is first occupied and shall be permanently maintained as such.

Reason

In order to ensure that the development is served by an adequate sewage treatment system.

- 16 The use of the site as approved by this decision shall only take place between the hours of:-

Monday to Friday 0700 hours - 1900 hours  
Saturday 0800 hours - 1800 hours  
Sundays, Public and Bank Holidays - closed

Reason

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

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

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

Reason

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

- 18 Following occupation of the site the rating level of the noise emitted from the site shall not exceed the background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements shall be made in accordance with BS4142:2014 methods for rating and assessing industrial and commercial sound.

Reason

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

- 19 Prior to commencement of development details of a wheel washing facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of development and maintained during the period of construction.

Reason

To ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. These details are required prior to the commencement of development because they relate to the way in which construction will be undertaken.



- 20 Prior to occupation of the development a Travel Plan which shall include monitoring shall be submitted to and approved in writing by the Local Planning Authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development.

- 21 Prior to occupation of the site details of vehicle passing places to be constructed along Lanham Farm Road between the junction with Lanham Green Road and the entrance to the proposed one way system on the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure that vehicles using Lanham Farm Road are able to pass one another without having to reverse back onto Lanham Green Road.

INFORMATION TO APPLICANT

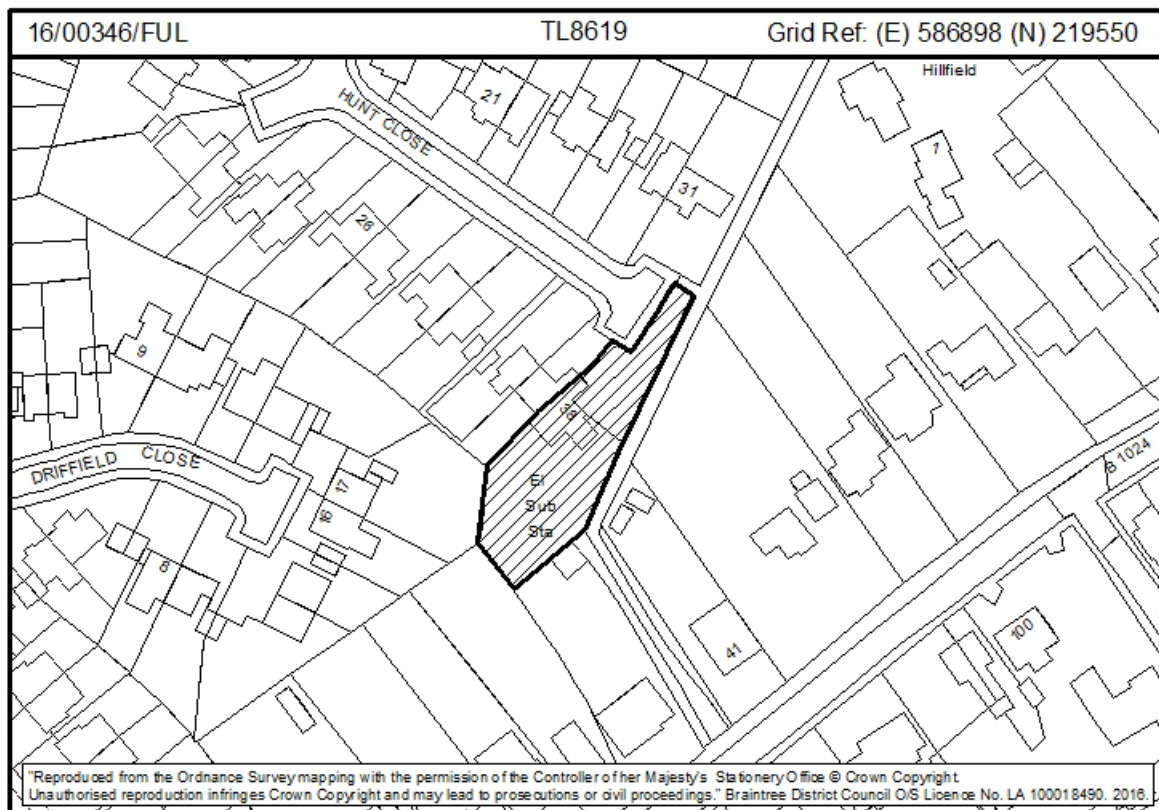
- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION 16/00346/FUL DATE 23.03.16  
 NO: VALID:  
 APPLICANT: Mr & Mrs A Parr  
 38 Hunt Close, Feering, Essex  
 AGENT: CPC  
 George Cressall, 29 Bittern Close, Kelvedon, Essex, CO5 9PQ  
 DESCRIPTION: Erection of one no. dwelling  
 LOCATION: Land Adjacent 38 Hunt Close, Feering, Essex

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



## SITE HISTORY

01/02033/FUL	Erection of house and garage	Refused	05.03.02
75/008180P	Residential development	Refused	23.09.75

## 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
RLP56	Vehicle Parking
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

## SITE DESCRIPTION

The site is located on a residential estate within the Feering development boundary. It is not within a Conservation Area or subject to any listing. The site is situated at the end of a cul-de-sac and currently forms part of the residential curtilage of No.38 Hunt Close; lying to the side (east) of the existing house.

The plot is bounded on its eastern side by the section of Footpath 16 that runs from Feering Hill to Rye Mill Lane. The site is screened from the same by a close board timber fence approximately 1800mm in height. There is an electricity substation adjacent the south-eastern boundary. There is an outbuilding associated with No.41 Feering Hill on the other side of the Footpath to the proposed dwelling.

## PROPOSAL

It is proposed to demolish an existing side extension on the side of No.38 and to divide the amenity space between No.38 and the new dwelling. A separate drive will lead from the hammerhead to an integral garage at the front of the new four bedroom detached dwelling.

## CONSULTATIONS

ECC Highways – the proposal is acceptable subject to conditions.

BDC Engineers – not aware of any surface water issues affecting this site

BDC Environmental Services Pollution – No adverse comments to make; conditions recommended in respect of controlling hours of construction, provision of a contaminated land report, provision of a dust control scheme, and provision of piling details (if applicable).

Feering Parish Council – The proposed dwelling does not conform to RLP90 and RLP17. The revised design is out of character with the other houses on Sherwood Way as it is rendered and has a different/complex roof line. Concerns about possible loss of privacy, overshadowing and/or loss of light between the 2 houses, although the plans have been revised the only difference is a reduced size in the family room.

## REPRESENTATIONS

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

In response, three letters of representation have been received from: 16 Driffield Close, Feering; 2 Tees Close, Witham; 39 Feering Hill, Feering who have objected to the application on the following grounds:

- The estate has bungalows at the end of each close, such as Driffield Close, Hunt Close and Packe Close.
- Proposed layout not in keeping with the layout of the estate which has the advantage of not being overlooked by any second storey dwellings.
- Worry that it will set a precedent for future building projects that could change the level of privacy enjoyed by bungalow residents.
- No sheltered and secure cycle storage.
- The proposed garage is too narrow and without alternative external access to be of any utility for storage of cycles.
- The design is not in keeping with the design and character of the adjacent houses on the same estate.
- Two storey house not appropriate in this location.
- Overlooking of rear gardens of No.41 and 43 Feering Hill that are not currently overlooked.

## REPORT

### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development. There is therefore no objection in principle to an appropriately designed dwelling in this location, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

### Design, Appearance and Layout

The adopted development plan requires that proposals for new development be in harmony with the character and appearance of the surrounding area. RLP90 seeks a high standard of layout and design in all developments, large and small in the district. There should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the development should be in keeping with the character of the area. There shall also be no undue or unacceptable impact on the amenity of any nearby residential properties.

There is a mixture of one and two storey dwellings in Hunt Close, with two storey properties adjacent and opposite the site. The neighbouring properties feature attached garages to the front of the dwellings. There is a mix of brick, render, and tile hung finishes in use in the vicinity.

It was originally proposed to render the new dwelling. Following discussions with the applicant a revised proposal has been submitted that features a mix of brick and rendered elements. The eastern elevation has also been simplified and the side protrusion housing the family room and bedroom<sup>1</sup> above reduced. A reduced canopy and larger windows are now shown on the north (front) elevation. The new dwelling respects the existing building line. It is considered that the revised proposal is acceptable being in keeping with the scale of the plot, and the character of the area, and will not be detrimental to the street scene.

### Impact on Neighbour Amenity

The private amenity area immediately to the rear of numbers 41 and 43 Feering Hill is approximately 30 plus metres from the proposed new dwelling. Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

### Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces to the current adopted standard. The garage does not meet the internal dimensions (7x 3 metres) to be counted as a parking space. However it is considered that sufficient driveway in curtilage parking is provided in addition to the “substandard” garage. It is considered that there are no highways impacts associated with the proposal.

### Other Issues

An objection has been raised in respect of sheltered and secure cycle storage. However, the applicant could store cycles in the garage or in the private rear garden should they wish to do so. It is not considered reasonable to refuse the application on these grounds.

### CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan

Tree Plan

Plan Ref: 1

Proposed Floor Plan

Plan Ref: HC.11

Version: B

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

Reason

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

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

Reason

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

- 3 No above ground works shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in

writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

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

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

Reason

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

- 5 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.

- 6 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to the commencement of the development in order to ensure these adequate mitigation measures are provided.

- 7 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.

- 8 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess

the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Reason

These details are required prior to commencement 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.

- 9 The development shall be carried out in accordance with the approved Arboricultural Impact Assessment listed above, undertaken by Southern Ecological Solutions, dated 8th March 2016, including the Tree Survey & Protection Plan.

#### Reason

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

- 10 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.



Reason

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 The applicant is advised that if the construction of the development permitted affects or in any way obstructs Footpath 16, Feering, it may be necessary to divert the footpath to allow the safe passage of users and to enable the works to take place. In this event, the developer will need to make an application for a diversion of those lengths of public right of way affected under Section 257 of the Town and Country Planning Act 1990 this will take some months to process because of the extensive periods of public consultation that have to take place. Such an Order cannot be made retrospectively and must be in place before development works begin. During the period of processing, the definitive line of the path must not be permanently obstructed otherwise this precludes the use of Planning Act powers, potentially making the diversion significantly more difficult to achieve.

The aforementioned public right of way must be kept open and available for use by members of the public at all times. If any construction works, such as the work described above or for any other construction procedures, are likely to encroach on the existing route of this footpath, arrangements must be made for a temporary diversion order to accommodate the route by way of an application submitting to the Highway Authority.

Any damage caused by construction vehicles is to be repaired to the satisfaction of the Highway Authority following construction.

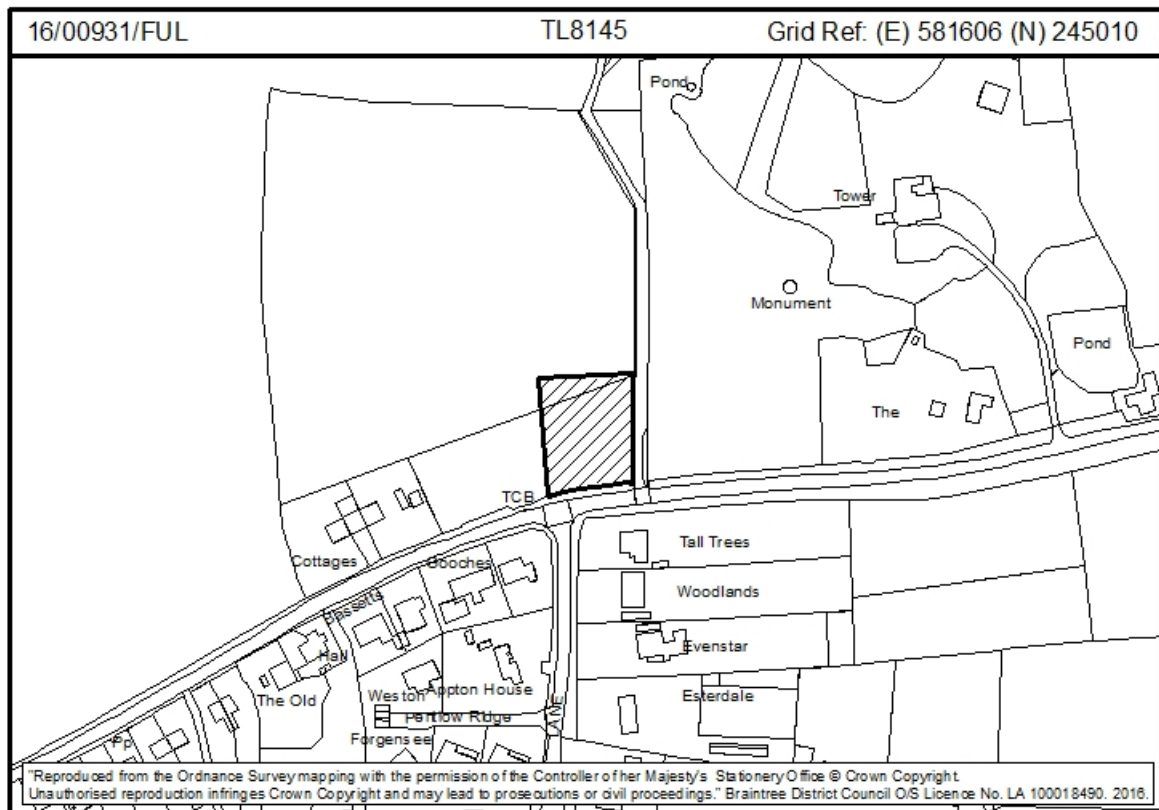
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/00931/FUL DATE: 31.05.16  
 VALID:  
 APPLICANT: New 2U Homes Ltd  
 C/o Agent  
 AGENT: Whymark & Moulton Ltd  
 14 Cornard Road, Sudbury, Suffolk, CO10 2XA  
 DESCRIPTION: Erection of 1 no. detached and 2 no. semi-detached two storey dwellings with a detached cartlodge outbuilding together with new vehicular accesses  
 LOCATION: Land North Of, School Road, Pentlow, Essex

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



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee, as in consultation with the Chairman and Vice Chairman the proposal was considered potentially significant in its impacts.

## SITE DESCRIPTION

The application site is located to the northern side of School Road within the settlement of Pentlow. Pentlow does not have a development boundary or village envelope and is therefore located within the countryside for planning purposes. The site currently comprises grassland which is contained by post and rail fencing on the northern and eastern boundaries and an established hedgerow to the southern boundary.

Beyond the eastern boundary of the site is a single track road which leads to a couple of residential properties and a farm. This access is a designated public footpath. Beyond this road east of the site are the residential properties of Pentlow Tower and The Coach House, both of which are grade II listed buildings. Pentlow Tower and The Coach House are screened by a wooded area and thus are not visible from the application site.

Immediately opposite the site and to the west, separated by a parcel of land are residential properties.

## PROPOSAL

This application seeks planning permission for the erection of 3no. dwellings, comprising 1no. detached 4 bedroomed house and a pair of semi-detached 3 bedroomed houses. The properties are orientated fronting on to School Road. The semi-detached pair (plots 1 and 2) would be served by a vehicular access off School Road and have integral garages. The detached property (plot 3) would be served by a vehicular access off the road to the east of the site and benefits from a detached garage.

The existing hedging along the southern boundary of the site is shown to be retained, other than where the vehicular accesses are to be provided. Hedging is proposed along the western boundary. Each property is served by a private amenity space.

## CONSULTATIONS

BDC Environmental Health – No objections

BDC Engineers – No objections

Essex County Highways – No objections

## REPRESENTATIONS

Five letters (two in objection, three making comments) have been received in response to the neighbour notification, the contents of which are summarised below:

- Garages are less than 3m x 7m
- No sheltered cycle storage
- All vehicles involved in the construction process should be parked in the site and not on the road
- Concerns with access
- Conflicts with public footpath
- The track to east of the site often sees vehicular conflict. Access should be taken from School Road for all three properties

Any further comments received will be reported to the Committee.

## REPORT

### Principle of Development

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5

of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council acknowledges that it cannot demonstrate a 5 year supply of housing land as required by Paragraph 47 of the NPPF. The Council accepts that the absence of a 5 year deliverable supply of land for housing means that, subject to impact being judged to be acceptable and the usual tests of sustainability being satisfied, as required under paragraph 14 of the NPPF, development cannot be rejected as a matter of principle. This does not mean that sites outside of existing development boundaries are automatically appropriate for new development. Officers recommend that the Council should determine this application on its merits, having regard to the principles of sustainable development set out in the NPPF and other relevant national and local planning policies and guidance.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In order for development to be truly sustainable it must achieve an economic, social and environmental role simultaneously. As a core principle planning should recognise the intrinsic character and beauty of the countryside and in order to promote sustainable development in rural areas, paragraph 55 of the NPPF advises that housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF also advocates the need to promote travel choice.

Paragraph 55 of the NPPF continues to advise that Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances. The special circumstances are: it is required to meet the essential need for a rural worker; it represents the optimal viable use of a heritage asset; it would re-use redundant or disused buildings and lead to the enhancement of the immediate settings; it represents a design of exceptional quality or innovation.

The NPPF does not define or limit the meaning of 'isolated'. An Inspector in a recent appeal decision within the District (ref: APP/Z1510/W/16/3145145 – Ewell Hall Chase) suggested that there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.

The site is located within close proximity to existing residential development such it is reasonable to conclude that the site is not isolated in this respect given that it is physically related to the existing settlement.

Notwithstanding this, there are no facilities or amenities, other than a village hall within Pentlow or within reasonable walking distance of the site and the settlement does not appear to benefit from a bus service. It can be argued therefore that the site is isolated in terms of its functional connectivity to services. The development would not fulfil any of the special circumstances as

specified by paragraph 55 of the NPPF, such to justify new development within a rural location and thus would fall contrary to the NPPF in this regard.

Given the assessment above, the site is not considered to be within a sustainable location. Development in this location would undoubtedly place reliance upon travel by car to access everyday services, facilities and employment and therefore would fall contrary to the aims of the NPPF to promote sustainable modes of transport.

The proposal is small scale in nature and therefore is not considered to fulfil the requirements of paragraph 55 of the NPPF which requires new housing in rural areas to be located where it will enhance the vitality of the community. No evidence has been put forward which demonstrates that a net gain of three dwellings would meet the requirements of paragraph 55 in this regard. The development of three dwellings would have a negligible influence on the vitality of the community and the development would not be large enough such to bring about the creation of new services within the village. Accordingly it is considered that the proposal would fail to fulfil the requirements of paragraph 55 of the NPPF.

In addition to failing to satisfy paragraph 55 of the NPPF, it is not considered that the proposal performs an economic, social or environmental role such to be considered as truly sustainable development. The development will perform a marginal economic role, i.e. the short term employment related to construction of the development, however the addition of three dwellings does not coordinate development requirements by ensuring the provision of infrastructure. This adhoc approach to development would not provide any additional infrastructure and given the limited amenities within the village would only seek to encourage further households to be dependent upon travel by car. The proposal would therefore be the antithesis of sustainable development.

In providing a social role development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being. There is no evidence that the development would perform a social role and as will be discussed below the proposal is not considered to secure a high quality environment. In providing an environmental role development should contribute to protecting and enhancing the natural, built and historic environment. As will be discussed below the proposal is not considered to secure a high standard of design and would impinge adversely upon the landscape character afforded to the area and thus would fail to achieve the environmental dimension of sustainable development.

In conclusion the proposal does not secure sustainable development and would fail to enhance the vitality of the rural community contrary to the NPPF.

### Design, Appearance and Layout

The NPPF requires planning to always seek to secure high quality design as a key aspect of achieving sustainable development. Paragraph 60 of the NPPF states that planning should not impose architectural styles, however it is proper to seek to promote, or reinforce local distinctiveness.

Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

Pentlow comprises of a small collection of residential properties which are relatively eclectic in design. Within the immediate vicinity, to the west of the application site is a terrace of three houses which have a distinct cottage appearance and simple form. Immediately opposite the site are a series of bungalows of differing designs. School Road has a strong linear form with dwellings fronting the street.

The properties proposed take a two storey form, which is not necessarily objectionable however consideration has to be given to the relationship between the proposed properties and those which they will be viewed in association with. In this case the site will be viewed in association with the bungalows opposite and to some extent the terrace of houses further west. The properties are large and would introduce a significant bulk of built form to the site. Given their two storey height, together with their scale, the properties would be prominent in the street scene and fail to relate to the more modest size and form of the properties immediately adjacent, such they would appear as incongruous and oversized additions within this specific context.

In addition, the design of the properties is considered rather suburban for this location, failing to respect the rural and undeveloped nature of the site and wider area. The NPPF is clear that local distinctiveness should be reinforced and that the successful integration of new development with the surrounding context is an important design objective. The proposed dwellings do not present a design, in appearance or form, which respects the rural character or the form and features of the existing properties within Pentlow, such in Officer's opinion the development would fail to successfully integrate in to the existing context and would be harmful to the visual amenity afforded to the countryside as a result.

The proposal fails to secure a high standard of design and thus would not be sustainable development for this reason. The proposal falls contrary to the NPPF, policy CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

### Landscape Impact

The NPPF requires planning to recognise the intrinsic character and beauty of the countryside.

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside. Policy CS8 of the Core Strategy requires all developments to ensure the protection and enhancement of the natural environment. Developments must also have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Local Plan Review seeks to ensure that development is not detrimental to distinctive landscape features and advises that development which fails to integrate into the local landscape will not be permitted.

The site is on the convergence of two character areas (Stour River Valley and the Belchamp Farmland Plateau) as set out within the Landscape Character Assessment (2006), commissioned by the Council. It is considered that the Farmland Plateau is more relevant to the application site and its immediate surroundings. This area is characterised by large regular arable fields which allow for panoramic views across the farmland, punctuated by intermittent lines of mature trees. The quiet rural roads and public rights of way form a comprehensive network across the area and this is particularly relevant at the application site. It is concluded that the sense of tranquillity within the character area is sensitive to change and potential new development.

The site is currently undeveloped land and is viewed in association with a much larger parcel of land to the north. This larger parcel is enclosed by planting and thus is not physically open to the wider undeveloped countryside beyond, however views further afield are possible. In addition the site is screened from the south by an existing hedgerow, although some of this will be removed to accommodate the vehicular accesses. In the winter months when this hedgerow is mostly bare it does not provide such an effective screen and the site and further beyond is visible. No details are provided within the application as to the exact works proposed to the hedgerow.

The proposal would introduce three new dwellings of a sizable scale to an area of open countryside and of landscape quality which positively contributes to the rural character of the settlement and wider countryside. Although the existing and proposed hedgerows would screen the development to some extent the dwellings would be visible above this and the existing undeveloped nature of this part of School Road would be lost. The above mentioned policies are clear that the purpose of the countryside designation is to keep land undeveloped and protected from inappropriate development, this is not contingent upon the undeveloped nature being visible to the general public.

The proposed development would erode the rural nature of the site and School Road. Views beyond the site in to the countryside would be radically altered and urbanised, of detriment to the amenity afforded to the character of the landscape and the countryside and contrary to the above mentioned policies. It is also of note that the site is alongside an undeveloped plot of similar size whose development for residential purposes would be difficult to resist if the development of this site were considered acceptable.



### Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 requires consideration to be given to the amenity of neighbouring properties.

The proposed dwellings would be well separated from existing residential properties and would not give rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

### Highway Issues

The application proposes new vehicular accesses to the site off School Road and also the road to the east of the site.

Officers have discussed the proposals with the Highways Authority who raise no objections in principle to the accesses; however details would be required to be submitted in respect of visibility splays to each access, to ensure highway safety.

The site can accommodate sufficient car parking to comply with the adopted standard.

### Section 106 Contributions

In light of a recent Court of Appeal decision, which overturned a decision by the High Court, Planning Practice Guidance (PPG) has been amended in respect of planning obligations to state that there are specific circumstances whereby contributions for affordable housing and tariff based contributions should not be sought. One of these circumstances is for schemes of 10 or less dwellings. As such contributions in respect of affordable housing and public open space cannot now be sought in respect of a proposal for a three dwellings.

### Other Matters

#### Impact on Heritage Assets

The NPPF places great weight on the conservation of heritage assets. Policy RLP100 of the Local Plan Review and policy CS9 of the Core Strategy both seek to ensure the protection of listed buildings and the historic environment.

The site is located to the west of two listed buildings as mentioned above. The site is however well distanced from these heritage assets and separated and screened by a substantial wooded area. The site is not viewed in association with the adjacent heritage assets and thus it is not considered that the character or setting of the listed buildings would be adversely affected by the proposed development.

## CONCLUSION

In conclusion, the proposal introduces three new dwellings in the countryside, which would be contrary to paragraph 55 of the NPPF which in seeking sustainable development requires housing in rural areas to be located where it will enhance or maintain the vitality of rural communities. Given the location and lack of local amenities/facilities the development would result in harm when considering the social and environmental dimensions of sustainable development. Future occupants of the proposed dwelling would be largely reliant on a private vehicle with limited travel choices. Moreover, the proposal would conflict with the NPPF's aim of reducing unnecessary travel by car.

The proposal would not significantly enhance its setting or be sensitive to the defining characteristics of the local area as it also required by the NPPF. The proposed development fails to relate to the more modest size and form of the properties immediately adjacent, such they would appear as incongruous and oversized additions within this specific context. In addition the proposed design and scale of the properties is overly urban for this location and would fail to successfully integrate in to the existing settlement and would be harmful to the visual amenity afforded to the countryside as a result. The proposal falls contrary to the NPPF, policy CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

In addition the proposal would introduce a sizable new development to an area of open countryside and of landscape quality which positively contributes to the rural character of the settlement and wider countryside. The proposed development would erode the rural nature of the site and School Road of detriment to the amenity afforded to the character of the landscape and the countryside and contrary to the NPPF, policies CS5 and CS8 of the Core Strategy and policy RLP80 of the Local Plan Review.

## RECOMMENDATION

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

- 1 Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The National Planning Policy Framework (NPPF) requires development to secure an economic, social and environmental role in order to achieve sustainable development. Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas housing should be

located where it will enhance, or maintain the vitality of rural communities.

The proposal introduces three new dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. The proposal fails to perform an economic, social or environmental role and thus does not achieve sustainable development. There are very limited amenities within walking distance of the site and development in this location would undoubtedly place reliance upon travel by car. Furthermore the net increase of three dwellings would have a negligible effect on enhancing or maintaining the vitality of the area.

The proposal fails to secure sustainable development and therefore falls contrary to paragraph 55 of the NPPF.

It is acknowledged that the District Council does not currently have a five year housing land supply. However the limited contribution that the proposed three dwellings would deliver is not considered to outweigh its adverse impacts in terms of the locational disadvantages, the impact on the character of existing development and the detriment to the character of the countryside.

- 2 The NPPF requires planning to always seek to secure high quality design as a key aspect of achieving sustainable development. Paragraph 60 of the NPPF states that planning should not impose architectural styles, however it is proper to seek to promote, or reinforce local distinctiveness.

Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

The proposal, by way of its design, scale and form would not significantly enhance its setting or be sensitive to the defining characteristics of the local area as is also required by the NPPF. The proposed development fails to relate to the more modest size and form of the properties immediately adjacent and as a result would appear as incongruous and oversized additions within this specific context. In addition the proposed design and scale of the properties is overly urban for this location and would fail to successfully integrate into the existing cluster of dwellings, harmful to the visual amenity afforded to the countryside as a result.

The proposal falls contrary to the NPPF, policy CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

- 3 The NPPF requires planning to recognise the intrinsic character and beauty of the countryside.

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside. Policy CS8 of the Core Strategy requires all developments to ensure the protection and enhancement of the natural environment. Developments must also have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Local Plan Review seeks to ensure that development is not detrimental to distinctive landscape features and advises that development which fails to integrate into the local landscape will not be permitted.

The proposal would introduce three new dwellings, of a sizable scale to an area of open countryside and of landscape quality which positively contributes to the rural character of the settlement and wider countryside. The proposed development would erode the rural nature of the area and disturb and urbanise views of the countryside beyond the site, of detriment to the amenity afforded to the character of the landscape and the countryside and contrary to the NPPF, policies CS5 and CS8 of the Core Strategy and policy RLP80 of the Local Plan Review.

#### SUBMITTED PLANS

Proposed Plans

Plan Ref: 16/009-05

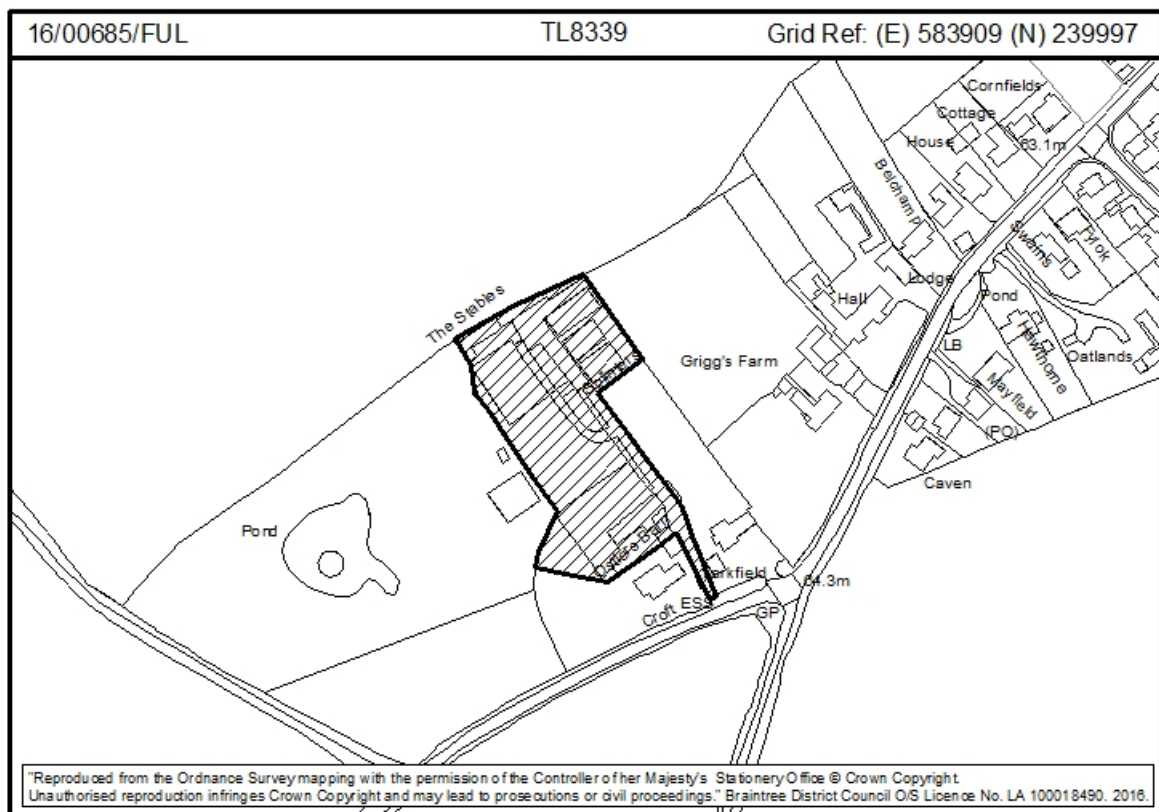
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION 16/00685/FUL DATE 20.05.16  
NO: VALID:  
APPLICANT: F Dawson  
Ostlers Barn, Bulmer Street, Bulmer, Essex, CO10 7EW  
DESCRIPTION: Proposed replacement of "turkey shed" with new steel  
framed building  
LOCATION: Ostlers Barn, Bulmer Street, Bulmer, Essex, CO10 7EW

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



## SITE HISTORY

08/02274/FUL	Erection of detached dwelling design in the style of a converted Essex barn	Withdrawn	02.04.09
09/00627/FUL	Erection of detached dwelling design in the style of a converted Essex barn and provision of a new vehicular access to serve the new dwelling and existing commercial enterprise	Refused	22.07.09
09/01007/FUL	Erection of a detached dwelling designed in the style of a converted Essex Barn	Granted	29.09.09
10/00032/DAC	Application for approval of details reserved by condition no.1- 16 of approval 09/01007/FUL	Granted	26.04.10
11/00063/FUL	Variation of conditions 3 & 4 following planning permission 06/02456/FUL	Granted	15.03.11
11/00677/FUL	Installation of three roof lights to rear slope of main dwelling	Granted	01.09.11

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP80        Landscape Features and Habitats  
RLP90        Layout and Design of Development  
RLP95        Preservation and Enhancement of Conservation Areas  
RLP100       Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION

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

## SITE DESCRIPTION

The site is located to the south west of Bulmer. Ostlers Barn (a residential dwelling) falls just within the village envelope. To the north of the dwelling are a range of single storey outbuildings located in a row on the opposite side of the access drive which serves the dwelling. The building subject of this application is a former turkey shed. It measures approximately 10 metres by 15 metres, 1.8 metres to the eaves and 3.2 metres to the ridge.

## PROPOSAL

The application seeks planning permission for the replacement of the existing building. The building would measure 10 metres by 15 metres, 2.5 metres to the eaves and 4 metres to the ridge. The building would be steel framed and the external materials would comprise insulated corrugated steel panels (olive green in colour) and polycarbonate insulated panels to the roof.

## CONSULTATIONS

Historic Buildings Consultant – No objection. The proposal would not affect the setting of the Conservation Area or the listed building.

Parish Council – Object. The building is large and would go all the way across the garden of the neighbouring property (Larkfield). The shed will be of metal construction. It will be used to restore a 1950's tractor and is likely to be noisy as lots of grinding will be involved. The residents of Larkfield are very concerned and have sent a letter to the Parish Council.

## REPRESENTATIONS

A site notice was displayed at the front of the property. No representations have been received in connection with this application.

## REPORT

### Principle of Development

The location of the site is outside of the village envelope and therefore countryside policies apply. Policy CS5 of the Core Strategy states that development outside village envelopes will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Information within the application indicates that the existing building has been derelict for some time and is beyond repair and insecure. It is stated that the building would be used to store machinery in connection with the maintenance of land within the applicant's ownership. It would also include a workshop and garage space. Although the building is located outside the curtilage of the dwelling, it falls within the applicant's ownership and would be used for ancillary purposes. The proposed building would be a replacement for the existing. It would be located on the same footprint, the only difference would be an increase in height. On this basis it is considered that the principle of the proposal is acceptable.

### Design, Appearance and Layout

Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context.

Policy RLP90 of the Braintree District Local Plan Review also states that the Council seeks a high standard of layout and design in all developments. Planning permission will only be granted where, inter alia, the scale, density, height and massing of buildings reflects or enhances local distinctiveness. Designs should be sensitive to the need to conserve local features of architectural, historic and landscape importance.

In addition, Policies RLP95 and RLP100 seek to preserve and enhance the character and appearance of the designated Conservation Areas and the settings of listed buildings.

As stated above, the footprint of the proposed building would be the same as the existing. The difference in scale would be the increase in height. The new building would be 0.7 metres higher to the eaves and 0.8 metres higher to the ridge. The other difference would be the external materials which would change from fibre board cladding and timber boarding to insulated steel panelling. The building would be located at the end of an access track which serves the applicant's dwelling and one other. The site is not visible from the road and is well screened to the boundaries meaning that the building would not be prominent from the wider area.

The Conservation Area boundary is located along the north eastern boundary of the site and the farmhouse at Griggs Farm to the south east of the site is a Grade II listed building. The new building would be over 65 metres from the listed building with trees and mature vegetation between. The Council's Heritage Consultant does not consider that the building would have an adverse impact upon the setting of the Conservation Area or the nearby listed building.

Having regard to the location, modest increase in height and proposed use, it is not considered that the building would be harmful to the character of the area.



### Impact on Neighbour Amenity

Policy RLP90 of the Local Plan Review states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed building would be located approximately 7 metres from the boundary of Griggs Farm to the east and 4 metres from the lower part of the garden which serves Larkfield to the south east. In both cases the building would be over 40 metres from the amenity areas to the rear of both dwellings. The building would be closer to the lower parts of both large gardens and both boundaries benefit from mature trees and landscaping. The concerns raised regarding noise are noted. However the existing building could be used for similar purposes and is potentially less well insulated. Having regard to this and the separation distance it is not considered that the development would have an adverse impact upon amenity to the extent which could justify withholding planning permission. If it materialised that the use of the building did give rise to unacceptable noise levels, the issue could be dealt with by the Council's Environmental Health Department using the appropriate environmental legislation.

### Highways Impacts

The site is served by an existing access. The building would be used by the owners of Ostlers Barn in connection with the existing house and maintenance of the land. The proposal does not give rise to any highway concerns.

### CONCLUSION

Although the site is located in the countryside it would replace an existing building which is used for the same purposes. Having regard to the modest increase in height and siting of the building, it is not considered that it would have an adverse impact upon the character of the area, heritage assets or residential amenity.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan

Block Plan

Site Plan

Plan Ref: 001

Version: A

Proposed Plans

Proposed Plans

Proposed Plans

Proposed Floor Plan  
Proposed Sections  
Proposed Elevations  
Proposed Elevations

- 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 building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of, and in connection with the maintenance of the land associated with, the dwelling known as Ostlers Barn. It shall not be sold, transferred, leased or otherwise disposed of without first obtaining planning permission from the local planning authority.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 4 The external materials and finishes shall be as indicated on the approved plans and shall be dark green in colour unless otherwise agreed in writing by the local planning authority.

Reason

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

- 5 Details of any external lighting to the site shall be submitted to, and approved in writing by the local planning authority prior to installation. All lighting shall be installed in accordance with the approved details and thereafter so maintained. There shall be no other sources of external illumination.

Reason

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

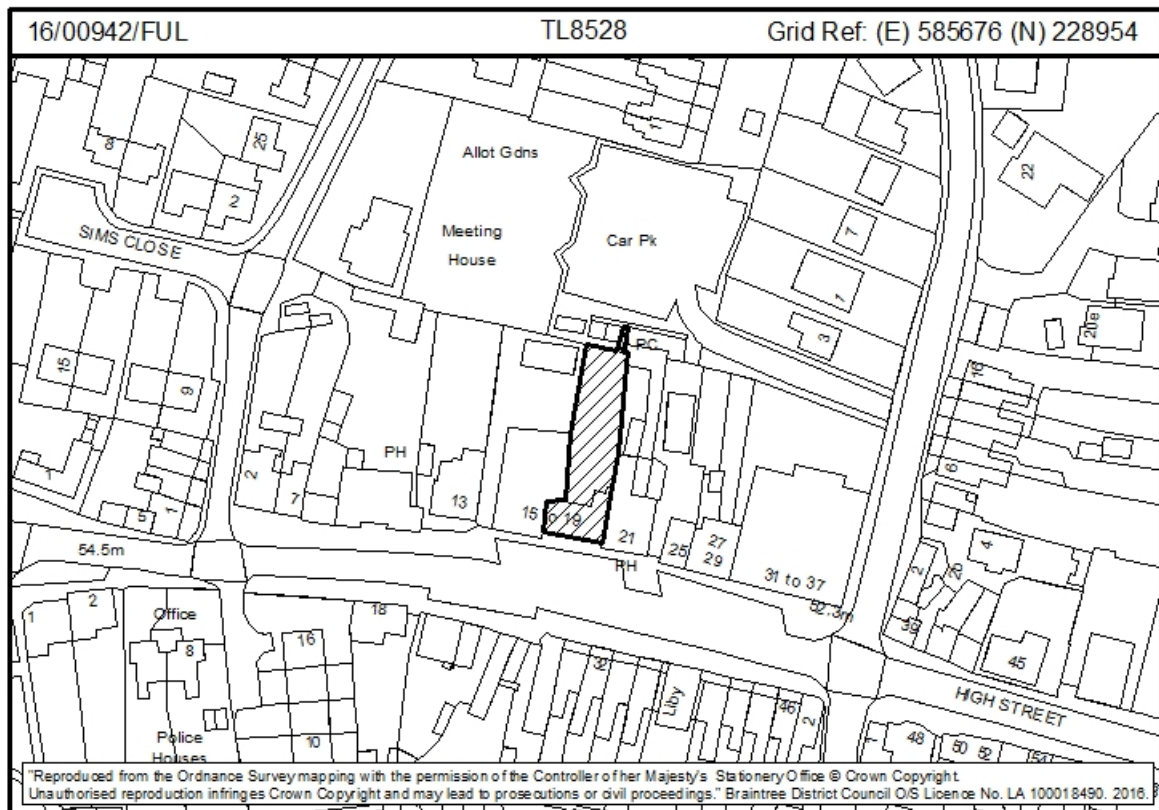
TESSA LAMBERT  
DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5h

## PART B

APPLICATION NO: 16/00942/FUL DATE: 01.06.16  
 VALID:  
 APPLICANT: Mr & Mrs Preston  
 17 - 19 High Street, Earls Colne, Essex, CO6 2PA,  
 AGENT: Nigel Chapman Associates Ltd  
 Kings House, Colchester Road, Halstead, Essex, CO9 2ET  
 DESCRIPTION: Erection of single storey rear extension  
 LOCATION: 17 - 19 High Street, Earls Colne, Essex, CO6 2PA,

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



## SITE HISTORY

90/00280/PFHS	Change Of Use To Rented Accommodation	Granted	18.05.90
90/00575/PFHS	Proposed Alterations To Alter Doorway To Window	Granted	15.05.90
90/00576/PFHS	Proposed Alterations To Alter Doorway To Window	Granted	15.05.90
90/01364/PFHS	Internal Alterations	Refused	30.10.90
91/00074/PFHS	Internal Alterations	Granted	27.02.91
97/00500/COU	Change of use to residential and alteration to front elevation	Granted	30.06.97
97/00501/LBC	Change of use to residential and alteration to front elevation	Granted	30.06.97
97/01192/FUL	Demolition of existing rear lean-to and erection of rear extension	Granted	23.10.97
97/01193/LBC	Demolition of existing rear single storey lean-to extension and erection of rear extension	Granted	23.10.97
16/00943/LBC	Erection of single storey rear extension	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION

This application is brought before the Planning Committee due to the agent being related to a Braintree District Council employee.

## SITE DESCRIPTION

The application site is located within the village envelope and within the Conservation Area. The property is Grade II Listed and is located in a prominent High Street location within Earls Colne.

## PROPOSAL

The applicant seeks planning permission to erect a single storey rear, lean-to extension, consisting of a wet room, lobby area and access to the rear amenity space. It is proposed to add roof lights to the existing lean-to roof to create additional light and provide ventilation. The proposed extension is modest in size measuring 2.4 metre in length, 1.8 metres in width and 3.2m in height.

## CONSULTATIONS

Historic Buildings Consultant – No objection. The consultation response stated that the proposed extension is relatively small in scale and will connect into the modern rearward extension. By virtue of its size and location the proposal would not alter the way in which the building is understood or would harm its historic and architectural significance. The Historic Building Consultant has no objection to the proposal subject to conditions relating to materials.

Parish Council – No objection

## REPRESENTATIONS

A site notice was displayed at the front of the property and a neighbour notification letter was sent to The Drum Inn, 21 High Street; 15 High Street and 15A High Street, however no representations have been received in connection with this application

## REPORT

### Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review reiterates this, allowing for the extension of an existing

dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

When determining an application for listed building consent, the NPPF allows for alterations and works to a listed building. However where the development or works would lead to “substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”. Policy RLP100 of the Braintree District Local Plan Review states development involving internal or external alterations, extensions and partial demolitions to a listed building will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

### Design, Appearance and Layout

The proposed extension is located at the rear of the property and would provide additional living space. The property has previously been extended (under planning application reference 97/01192/FUL) to create a single storey lean-to extension which provided an additional kitchen area for the host dwelling. It is proposed to create an extension adjacent to the existing kitchen, which will be linked to the existing sitting room/bedroom to provide access to the wet room. The extension is relatively small in scale. However, it has been designed to complement the host dwelling and the previously approved extension. It is not considered, that the proposed extension would have a detrimental effect on the heritage asset or Conservation Area, by way of its siting, size and bulk. The property is a Grade II Listed building and as such the proposed materials would need to be sympathetic and in keeping with the host dwelling. No objections have been raised by the Historic Buildings Consultant subject to a condition to require samples of the materials to be submitted to the Local Planning Authority for approval. In this case, it is considered that the proposal would not have a detrimental impact upon the character and appearance of the host dwelling and Conservation Area.

### Impact on Neighbour Amenity

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

### Highway Issues

There is existing parking at the rear of the property. The proposed extension would affect the existing parking arrangements at the property. Therefore, it is considered that there would be no highway implications associated with this application and moreover, sufficient parking provision would be retained at the property.

### CONCLUSION

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

### RECOMMENDATION

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

### APPROVED PLANS

Proposed Plans

Plan Ref: 16/402/2

Version: A

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

#### Reason

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

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

#### Reason

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

- 3 No development shall commence until samples of all external materials have been submitted and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved plans.

Reason

The details are required prior to the commencement of development to ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 4 No development shall commence until drawings showing the proposed new windows and doors have been submitted and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved plans.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 5 The windows should not include trickle vents. All glazing bars should be integral and not surface applied.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

TESSA LAMBERT  
DEVELOPMENT MANAGER

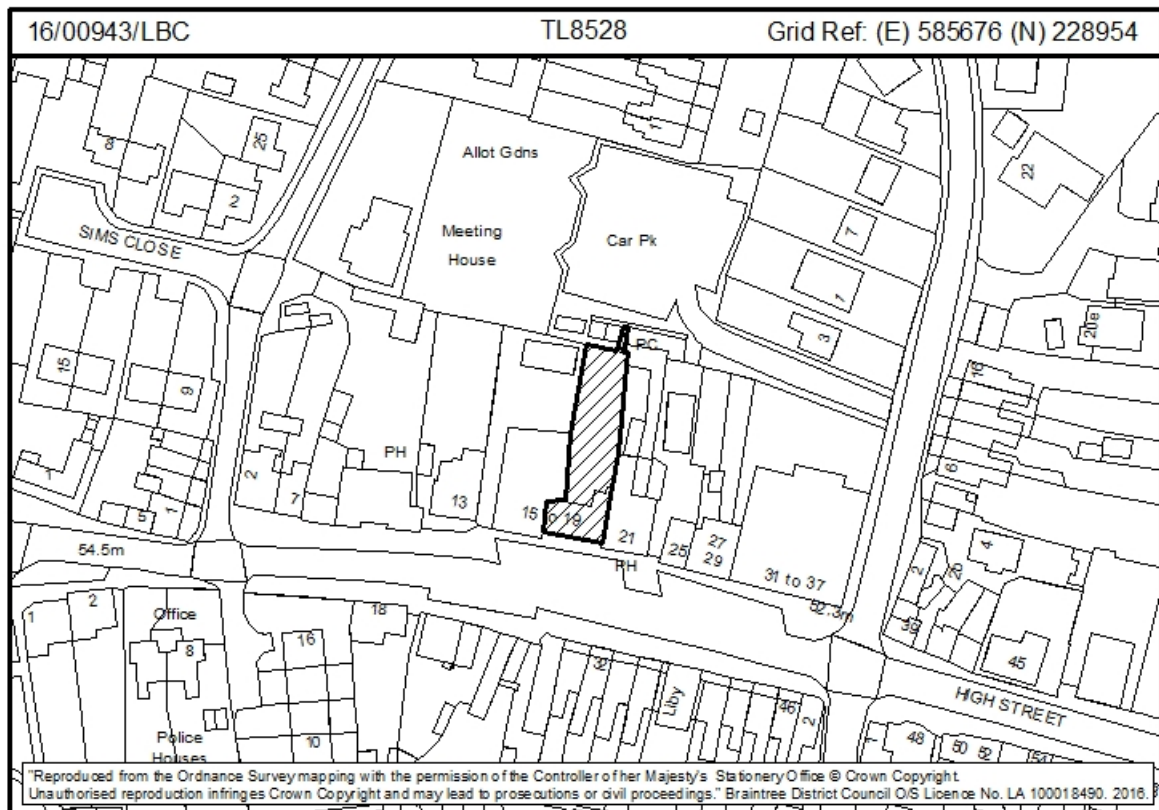


# AGENDA ITEM NUMBER 5i

## PART B

APPLICATION NO: 16/00943/LBC DATE: 01.06.16  
 VALID:  
 APPLICANT: Mr & Mrs Preston  
 17 - 19 High Street, Earls Colne, Essex, CO6 2PA  
 AGENT: Nigel Chapman Associates Ltd  
 Kings House, Colchester Road, Halstead, Essex, CO9 2ET  
 DESCRIPTION: Erection of single storey rear extension  
 LOCATION: 17 - 19 High Street, Earls Colne, Essex, CO6 2PA

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



## SITE HISTORY

90/00280/PFHS	Change Of Use To Rented Accommodation	Granted	18.05.90
90/00575/PFHS	Proposed Alterations To Alter Doorway To Window	Granted	15.05.90
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97/00500/COU	Change of use to residential and alteration to front elevation	Granted	30.06.97
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97/01192/FUL	Demolition of existing rear lean-to and erection of rear extension	Granted	23.10.97
97/01193/LBC	Demolition of existing rear single storey lean-to extension and erection of rear extension	Granted	23.10.97
16/00942/FUL	Erection of single storey rear extension	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION

This application is brought before the Planning Committee due to the agent being related to a Braintree District Council employee

## SITE DESCRIPTION

The application site is located within the village envelope and within the Conservation Area. The property is Grade II Listed and is located in a prominent High Street location within Earls Colne.

## PROPOSAL

The applicant seeks planning permission to erect a single storey rear, lean-to extension, consisting of a wet room, lobby area and access to the rear amenity space. It is proposed to add roof lights to the existing leant-to roof to create additional light and provide ventilation. The proposed extension is modest in size measuring 2.4 metre in length, 1.8 metres in width and 3.2m in height.

## CONSULTATIONS

Please see previous report.

## REPRESENTATIONS

Please see previous report.

## REPORT

Please see previous report.

## CONCLUSION

In conclusion, it is considered that the proposal is acceptable, would not have a detrimental impact upon the character and appearance of the host dwelling and the Conservation area and would comply with the aforementioned policies.

## RECOMMENDATION

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

## APPROVED PLANS

Proposed Plans

Plan Ref: 16/402/2

Version: A

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

Reason

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

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

Reason

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

- 3 No development shall commence until samples of all external materials have been submitted and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved plans.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 4 No development shall commence until drawings of the proposed new windows and doors have been submitted and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved plans.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 5 The windows should not include trickle vents. All glazing bars should be integral and not surface applied.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

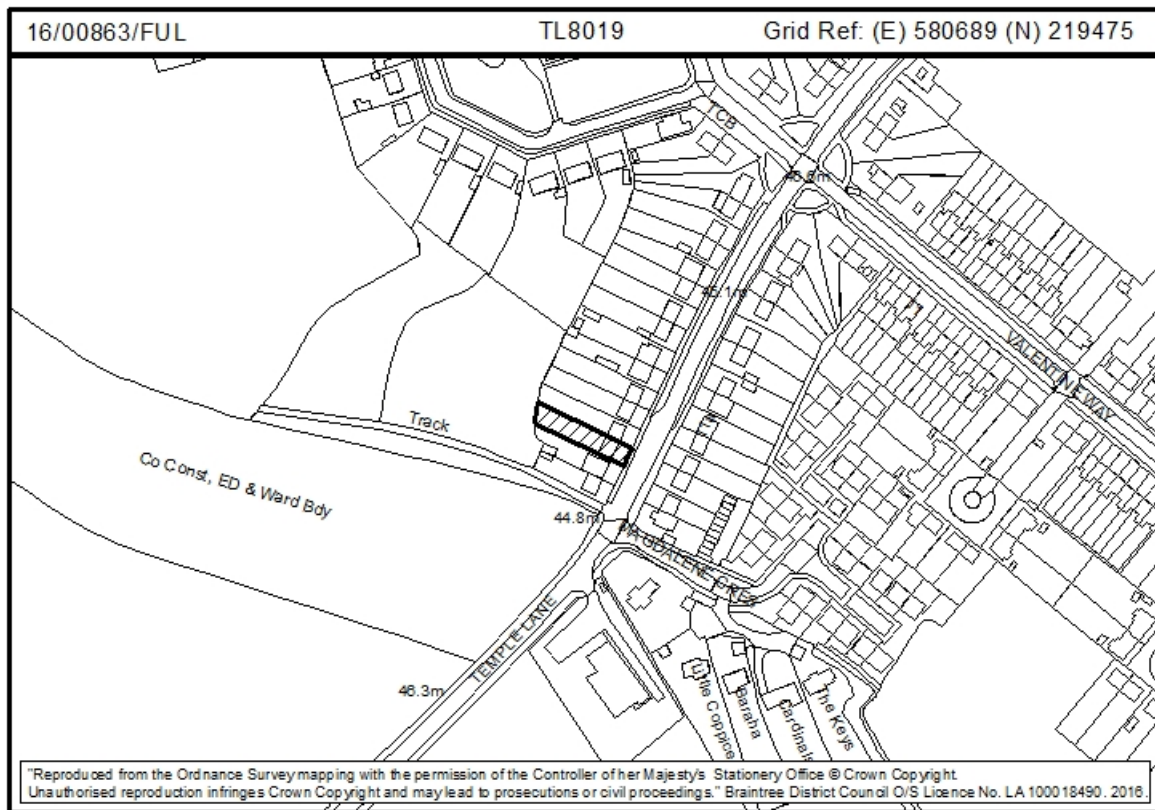
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION NO: 16/00863/FUL  
DATE: 26.05.16  
VALID:  
APPLICANT: Mrs T Whitfield  
6A Temple Lane, Silver End, Essex, CM8 3QY  
AGENT: Mr Simon Walls  
7 Brook Hill, Little Waltham, Chelmsford, Essex, CM3 3LN  
DESCRIPTION: Replacement of 7 no. windows  
LOCATION: 6A Temple Lane, Silver End, Essex, CM8 3QY

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



## SITE HISTORY

16/00181/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Fell 1 Cherry tree	Pending Consideration
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

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

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

## SITE DESCRIPTION

6A Temple Lane is a two store dwelling house located within the original garden village founded by Crittall Window Company which is a designated Conservation Area, which is also subject to an Article 4 Direction.

## PROPOSAL

The application seeks to replace 7no. existing Crittall windows with white aluminium heritage windows. The existing windows in the kitchen and lounge situated on the ground floor and the bedroom windows on the first floor are to be replaced.

## CONSULTATIONS

Historic Building Consultant – no objections. The Historic Building Consultant commented that the windows proposed have been approved for use elsewhere within the Conservation Area. Therefore, it is considered that the proposed windows would be acceptable for use within the Conservation Area.

## REPRESENTATIONS

Parish Council – Objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End Conservation Area Guide.

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

## REPORT

### Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” Braintree District Local Plan Review Policy RLP95 states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings.

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 or historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

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

## DESIGN, APPEARANCE AND LAYOUT

The property lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. This means the replacement of windows, which would normally constitute 'permitted development' under Schedule 2, Part of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), requires consent in this instance. The Silver End Conservation Guide (1999) gives details of appropriate window designs and materials within this area.

It is recognised that the proposed window design differ from those adopted in the Silver End Conservation Guide, however, as referenced above, the replacement windows have been approved elsewhere within the Conservation Area. Any replacement windows must provide the best visual match possible in order to ensure the character of the building is maintained. The proposed window section shows a thickness of 24mm which is considered to be acceptable and reflects consents granted in recent years for replacement windows. The principle of replacing Crittall windows with windows of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Buildings Consultant has raised no objections to the proposal from a heritage perspective. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area.

### Impact on Neighbouring Amenity

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

## CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan  
Window details

Plan Ref: 1



Window details

Plan Ref: 2

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

Reason

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

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

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Monthly Report of Planning and Enforcement Appeal Decisions Received – June 2016</b>		<b>Agenda No: 6</b>
<b>Portfolio</b> Planning and Housing <b>Corporate Outcome:</b> A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure <b>Report presented by:</b> <b>Report prepared by:</b> Liz Williamson – Planning Technician		
<b>Background Papers:</b>		<b>Public Report</b>
Appeal decisions summary		<b>Key Decision: No</b>
<b>Executive Summary:</b>  This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
<b>Recommended Decision:</b>  That the report be noted.		
<b>Purpose of Decision:</b>  To note a report on appeal decisions.		
<b>Corporate Implications</b>		
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Safeguarding:</b>	N/A	
<b>Equalities/Diversity:</b>	N/A	
<b>Customer Impact:</b>	N/A	
<b>Environment and Climate Change:</b>	N/A	
<b>Consultation/Community Engagement:</b>	N/A	
<b>Risks:</b>	N/A	
<b>Officer Contact:</b>	Liz Williamson	
<b>Designation:</b>	Planning Technician	
<b>Ext. No:</b>	2506	
<b>E-mail:</b>	lizwi@braintree.gov.uk	

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **June 2016**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	<b>Application No/Location</b>	15/00323/FUL – Bardfield Centre, Braintree Road, Great Bardfield
	<b>Proposal</b>	Conversion of existing commercial building to form 10 no. residential units with associated landscaping, creation of vehicular access and demolition of unit 13 and a storage building to facilitate amended car parking provision.
	<b>Council Decision</b>	Refused at Committee – RLP2, RLP38, RLP56, RLP90, RLP95 and RLP100
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposed development on employment land supply in the district;</li> <li>2. Whether the proposals provide for satisfactory living conditions for future residents, with particular regard to private amenity space, outlook, internal space and noise and disturbance;</li> <li>3. Whether the proposal makes adequate provision for vehicle parking, with reference to car parking space provision and size, cycle parking and disabled parking;</li> <li>4. The effect of the proposed development on the character and appearance of the area; including the character and appearance of the Great Bardfield Conservation Area and the setting of High Barn a Grade II* listed building; and</li> <li>5. Whether the proposal makes adequate provision for infrastructure and facilities arising from the development, including affordable housing and open space.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The appeal site is located on the edge of the village of Great Bardfield. The site is located outside of the settlement boundary. The site accommodates a mix of predominantly single storey former agricultural buildings of brick and tile that have been converted to commercial use. High Barn is a Grade II* listed building, not part of the appeal site but within the complex of buildings. Further to the north, Great Bardfield Hall and the Church of St Mary which are both listed buildings.</p> <p>The appeal site currently provides 13, 735 sq ft of B1 commercial floor space sub-divided into small units. Policy CS4 of the Core Strategy sets out the aim to support the economy of the district by providing a minimum 14,000 net additional jobs. To achieve this, the policy notes that</p>

	<p>employment sites in current or recent use will be retained for employment purposes. Policy RLP38 requires a reasonable effort to secure employment, which is consistent with Para 22 of the NPPF and therefore the Inspector affords its full weight. The appellant has provided details of on-going marketing, which suggests that demand for these units has been declining. The evidence would suggest the lack of interest in the units is the rural location and poor broadband connectivity. On the basis of the evidence provided, it is accepted that the appellant has taken reasonable efforts to secure employment or community use as is required by Policy RLP38.</p> <p>Policy RLP90 of the Braintree District Local Plan seeks a high standard of layout and design in all developments in the district. The concerns of the LPA relate to the poor living conditions of future residents given the level of outdoor amenity space provided, the separation distances between the properties potentially compromising privacy, and the small size of the units providing for units of sufficient internal space. Added to this was the proximity of the High Barn, a building which has recently been granted a new premises licence allowing it to be used for live and recorded music and the supply of alcohol. The Inspector has considered the evidence and concluded that the proposed development would not provide satisfactory living conditions for future residents, with particular regard to private amenity space, outlook and internal space. Consequently the proposal would conflict with Policy RLP90 and the advice in the Framework.</p> <p>Policy RLP56 of the Braintree District Local Plan requires development to provide parking in accordance with the Council's adopted parking standards and Policy RLP38 requires adequate parking when allowing residential conversions. The Inspector concludes that the proposed development makes adequate provision for car parking associated with the residential and commercial uses and that, subject to the imposition of suitably worded conditions, could make adequate provision for disabled and cycle parking provision.</p> <p>The proposed development would result in the demolition of existing large scale industrial style buildings and the refurbishment of the existing more historic buildings. The removal of the larger industrial buildings would open up the centre of the site and provide for more open views of the Grade II* listed High Barn. The Inspector states that the proposed development would not result in material harm to the character and appearance of the area; and would enhance the character and appearance of the Great</p>
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		<p>Bardfield Conservation Area and the setting of High Barn. When the application was determined the Government's advice was that affordable housing and planning obligations to provide financial contributions should not be sought on developments providing 10 or less units, amongst other things. The Council therefore, did not seek any such provision.</p> <p>In conclusion, the Inspector found that the proposed development would not result in material harm to the supply of employment land in the district, or to the character and appearance of the area, or highway safety. Also that the proposal would enhance the setting of the High Barn and would enhance the Great Bardfield Conservation Area and would make adequate provision for vehicle parking. Furthermore, the Inspector was satisfied that the proposal could not viably support affordable housing or open space provision, and that in any event it would not be appropriate to seek such provision given national planning policy advice. However, against these aspects the Inspector considers that the proposed development would not provide for adequate living conditions for future residents with poor internal space, inadequate external amenity space, poor outlook and insufficient privacy. The poor living conditions of future residents compromise the environmental and social roles required to provide good quality housing and therefore the proposals do not represent sustainable development.</p>
2	<b>Application No/Location</b>	15/01357/FUL – 53 St Mary's Road, Rivenhall
	<b>Proposal</b>	Erection of single storey stand-alone annex connected to existing dwelling
	<b>Council Decision</b>	Refused under delegated authority – RLP3, RLP17 and RLP90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the host building and also the surrounding area.
	<b>Inspector's Conclusion</b>	The appeal property is a semi-detached two-storey dwelling which has a substantial piece of land to its side dropping down to the site's boundary enclosure with Church Road. Currently contained within its residential curtilage, the proposal would involve the erection of a wide-fronted single-storey building on this area of land which, described as an annexe, would be attached to the main dwelling via an internal link. The Inspector concludes that the development would give rise to an incongruous and obtrusive form of development. Policy RLP90 of the Braintree District Local Plan requires amongst other things that the layout, mass and overall elevational design of a new building should be in harmony with the character and

		appearance of the surrounding area. The proposal would not meet with this requirement and it is considered that the building's proposed width, relative to the main dwelling, would make for awkward relationship. The proposal would be harmful to the character and appearance of both the host dwelling and the surrounding area and would conflict with the aims and requirements of Local Plan Policies RLP3, RLP17 or RLP90 and Policy CS9 of the Council's Core Strategy.
3	<b>Application No/Location</b>	16/00012/FUL – 2 Mill Green, Halstead
	<b>Proposal</b>	To remove existing white wooden overlapped weatherboarding and replace with white cement-based overlapped hardiplank weatherboarding
	<b>Council Decision</b>	Refused under delegated authority – RLP3, RLP17, RLP90, RLP95
	<b>Appeal Decision</b>	Allowed
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the host building and also the surrounding area, with particular regard to its conservation area location.
	<b>Inspector's Conclusion</b>	<p>The cladding issue covers a single-storey extension to the side of a recently built dwellinghouse. Set back from both the front and rear building lines, and under a pronounced pitched-roof, it is a modest addition but which, in its setting, does appear as a rather incongruous feature given that the main dwelling is brick built. In the interests of maintenance cost it is proposed that the timber weatherboarding be dispensed of and replaced with cement based weatherboarding cladding.</p> <p>The LPA raises concern that the fibre cement board does not replicate the traditional appearance of timber weatherboarding. It is considered that the weatherboarding would detract from the streetscene due to the proximity of the extension that is proposed to be clad. Nonetheless, any future proposal in the immediate locality for the use of alternative cladding would need to be assessed on its own particular merits and circumstances. In conclusion, the Inspector considers that the proposal would not be harmful to the character and appearance of either the host dwelling, or the Conservation Area within which it falls. Having regard to all other matters raised the appeal is allowed. In terms of conditions, apart from the statutory time limit, a condition will be imposed requiring adherence to the submitted plans.</p>
4	<b>Application No/Location</b>	15/01124/OUT – Land at London Road, Great Notley (Land adjacent to Peacehaven, London Road, Black Notley)
	<b>Proposal</b>	Outline planning application for the erection of 8 no. market and affordable dwellings

<b>Council Decision</b>	Refused under delegated authority - RLP2, RLP6, RLP10, RLP51, RLP56, RLP81 and RLP90
<b>Appeal Decision</b>	Appeal Dismissed
<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. Whether the proposal would amount to a sustainable form of development in this location, taking into account local and national planning policies.</li> <li>2. The effect on the setting of the listed buildings in the vicinity.</li> </ol>
<b>Inspector's Conclusion</b>	<p>The appeal site lies upon the east side of London Road with its junction of Bakers Lane. The site is roughly rectangular in shape and has an extensive frontage to both highways. The site is generally laid to grass and open in character, albeit it wraps around a building within the appellant's ownership which lies just beyond the southeast corner of the red-edged site. The application was submitted was for outline with all matters reserved for future consideration. An indicative layout shows plots 1-5 positioned close to the two main road frontages, whilst plots 6-8 are shown recessed within the main body of the site. The adjacent building is to be retained.</p> <p>Weighing all relevant considerations in the planning balance, it is concluded that the proposal is contrary to the existing settlement policy for the area. The Inspector further concludes that even if the current proposal is to be considered against the NPPF, the adverse environmental impact of the scheme would significantly and demonstrably outweigh the considerations advanced in favour of the proposal. Overall the Inspector has concluded that the development constitutes an unsustainable form of development.</p> <p>The LPA is concerned about the effect of the proposal on the setting of 'The Friary' a Grade II listed building, and 'Cards' a Grade II* Listed building which is situated further along Bakers Lane on its south side.</p> <p>Although the Inspector agrees that the proposal would harm the character and appearance of the area, he concludes that it would not intrude upon the setting of the listed building. A similar view is taken in relation to the effect of the proposal on the setting of 'Cards' especially given its greater separation from the site. Therefore, the setting of the listed buildings would be preserved and the proposal would not conflict with Policy CS9 of the Core Strategy in this respect or with the objectives of the NPPF.</p> <p>The Inspector has found in favour of the appellant on the second issue. However, the overall conclusion is that this consideration is outweighed by the planning objection to the proposal and by its adverse impact upon the character and appearance of this area.</p>

5	<b>Application No/Location</b>	15/00031/COU3 – Land at 3 Waterfall Cottages, Park Road, Rivenhall
	<b>Proposal</b>	Breach of planning control is alleged 'Without planning permission, a change of use of the land from that of being solely residential to a mixed use of residential and use as a base for a landscaping business; the erection of two metal column mounted CCTV cameras and the installation of a hard standing in association with the commercial business'.
	<b>Council Decision</b>	A notice was issue on 9 November 2015
	<b>Appeal Decision</b>	Appeal dismissed and the enforcement notice is upheld
	<b>Main Issue(s)</b>	The issue under this ground of appeal is whether or not the various matters alleged in the enforcement notice have occurred as a matter of fact.
	<b>Inspector's Conclusion</b>	<p><u>The appeal on ground (b)</u></p> <p>There appears to be no dispute that the operational development alleged in the enforcement notice has been carried out, namely the erection of two metal column-mounted CCTV cameras and the provision of a hardstanding. The submission lodged on the appellants' behalf claim this work has not been carried out in association with a landscaping business. The Inspector concludes that the matters alleged in the enforcement notice have taken place, as a matter of fact. The ground (b) appeal therefore fails.</p> <p><u>The appeal on ground (c)</u></p> <p>The onus is on the appellants under this ground of appeal to make out the case that there has not been a breach of planning control. In effect, the appellants need to demonstrate that development has not occurred for the purposes of section 55 of the Town and Country Planning Act 1990, or that planning permission is not required for the alleged works because they could be carried out as 'permitted development'. It is well established in planning law that the onus rests with the appellant(s) to make out his or her case. The Inspector concludes that a material change of use and associated operational development has taken place upon the land without the necessary planning permission and a breach of planning control has occurred as alleged in the enforcement notice. I conclude the appeal on ground (c) should not succeed.</p> <p><u>The appeal on ground (a) and deemed application</u></p> <p>The submission on the appellants' behalf indicates that planning permission is not sought for the mixed use of the property, only for the CCTV and hardstanding. However,</p>



		<p>the ground (a) appeal and deemed application arise from the matters alleged in the notice, namely, 'a change in the use of land from that of being solely residential to a mixed use of residential and use as a base for a landscaping business; the erection of two metal column mounted CCTV camera's and the installation of a hard standing in association with the commercial business'. In conclusion, the Inspector has stated that the ground (a) appeal and deemed application should not succeed as any objections to the unauthorised development could not be overcome by any planning conditions.</p> <p><u>Other Matters</u></p> <p>The submissions for the appellants indicate their names are spelt incorrectly on the enforcement notice. This is an unfortunate typographical error and does not render the notice a nullity or invalid. The appellants received a copy of the notice, were aware of its vital contents and were able to exercise their right of appeal. Notwithstanding the unfortunate nature of these errors, no formal corrections to the notice are required.</p>
6	<b>Application No/Location</b>	15/01149/FUL – 20 Mill Lane, Cressing
	<b>Proposal</b>	Erection of 2 dwellings on land adjacent 20 Mill Lane
	<b>Council Decision</b>	Refused under delegated authority – RLP3, RLP56, RLP69, RLP90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	The effect on the character and appearance of the appeal site and surrounding area
	<b>Inspector's Conclusion</b>	<p>The appeal site is comprised of the grassed side garden area of a semi-detached house within the residential area of the village envelope of Tye Green. The site is in a prominent position at the junction of Mill Lane and Claud Ince Avenue. The surrounding area has a mix of house types, including bungalows and 2 storey houses.</p> <p>The proposal involves a substantial side extension to the existing semi-detached house to form two additional houses. The dwellings would not project further forward than the existing frontage and they would replicate the design of the frontage of the current dwelling. However the proposed frontages would be narrower than the house property and this would make them appear squashed into the site. Planning permission has been granted for a two storey extension to form on house, however, this was significantly less bulky than the appeal proposal and so its visual effect would have been materially less. The extant permission does not justify the appeal. Also a previous application for 2 houses on the same site was refused, this was partly due to substandard garden sizes and car</p>

		<p>parking layout.</p> <p>The proposed development does not secure the highest standards of design or layout as it appears as a cramped contrived and squeezed into the corner plot. The two dwellings proposed do not make a better use of the site than one dwelling and together with the parking area they would dilute the spacious appearance of the area and would therefore not harmonise with the character of the existing streetscene. The proposal conflicts with Policy VS9 of the Braintree District Council Core Strategy and Braintree District Local Plan Policies RLP3 and RLP90 which seek among other aims to secure the highest standards of design and layout which should be in harmony with the character of the existing street scene.</p> <p>Although the provision of two houses would provide some economic and social benefits, this does not outweigh the significant environmental harm which would be caused to the character and appearance of the appeal site and the surrounding area. Consequently, the proposal would not be sustainable development.</p>