

PLANNING COMMITTEE AGENDA

Tuesday, 27 April 2021 at 7.15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:
<http://www.braintree.gov.uk/youtube>

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor F Ricci
Councillor K Bowers	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor N Unsworth
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice Chairman)	

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item:

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, the order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

1 Apologies for Absence**2 Declarations of Interest**

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 13th April 2021 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

Where it has been agreed that the application listed under Part B will be taken “en bloc” without debate, this application may be dealt with before those applications listed under Part A.

PART A

Planning Applications:-

5a	App. No. 19 02196 FUL - Land at Cut Throat Lane, WITHAM	6 - 29
5b	App. No. 20 01739 FUL - Park Gate Farm, Park Road, RIVENHALL	30 - 52
5c	App. No. 20 02109 FUL - Fishing Lakes, Great Yeldham Hall, Toppesfield Road, GREAT YELDHAM	53 - 73
5d	App. No. 20 02161 FUL - Kelsale, White Horse Lane, WITHAM	74 - 88
5e	App. No. 21 00343 VAR - Crescent View, 2A Forge Crescent, BRADWELL	89 - 96

PART B

Minor Planning Application:-

6 Urgent Business - Public Session

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

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

Page

7 Urgent Business - Private Session

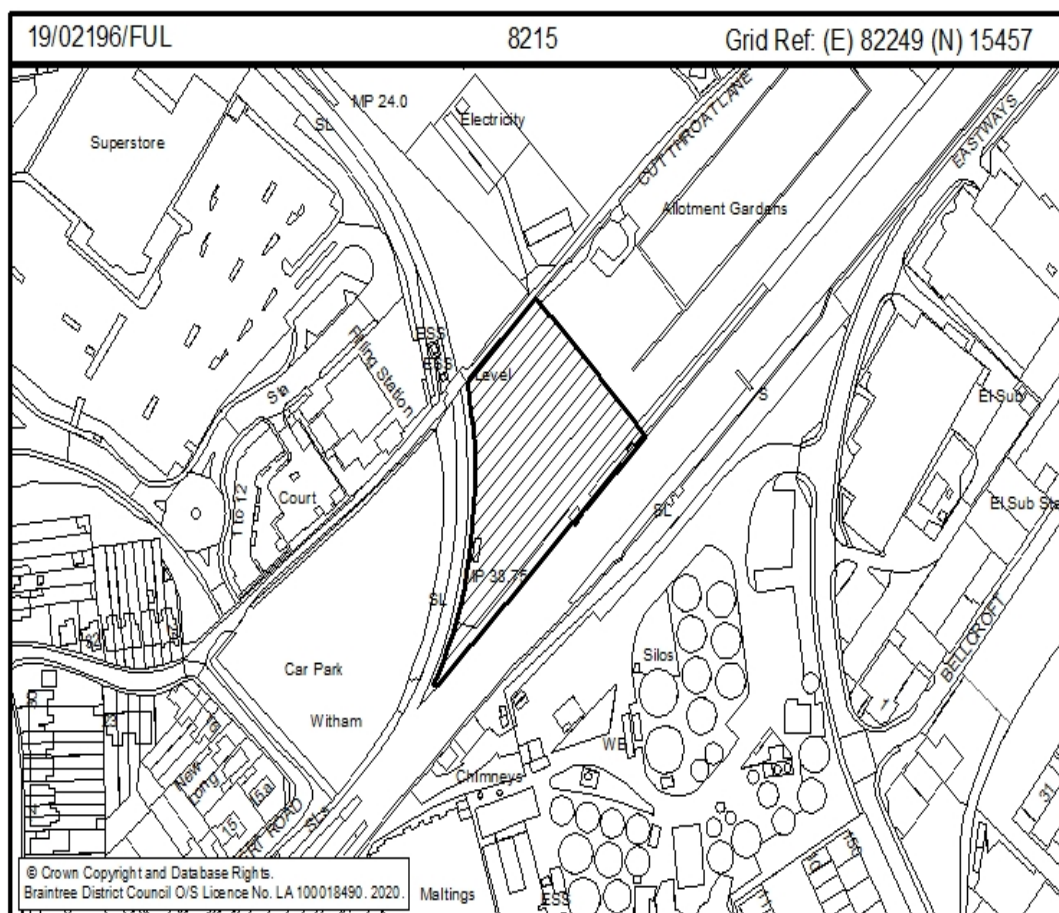
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/02196/FUL
 DATE: 04.12.19
 VALID:
 APPLICANT: Mr Phil Silk
 c/o Agent,
 AGENT: Pegasus Planning Group Ltd
 Mr Gareth Roberts, First Floor, South Wing, Equinox North,
 Great Park Road, Almondsbury, Bristol, BS32 4QL
 DESCRIPTION: Development of a standby gas powered generation facility,
 incorporating improved access provision, internal access
 tracks, security fence, gas generators and associated
 infrastructure.
 LOCATION: Land At Cut Throat Lane, Witham, Essex, CM8 2BY

For more information about this Application please contact:
 Timothy Havers on:- 01376 551414 Ext. 2526
 or by e-mail to: timothy.havers@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1ZWMUBFJQ200>

SITE HISTORY

06/00951/FUL	Construction of vehicular access	Granted	27.06.06
18/00009/PLD	Application for a proposed lawful development certificate - Proposed rear facing roof dormer and front facing roof window	Granted	28.02.18
03/00578/COU	Change of use of land to form temporary car park	Withdrawn	01.05.03
09/01082/FUL	Formation of new fencing to match existing 2.4m high with double gates to provide off road temporary parking to open gates	Granted	01.10.09

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP115	Accessibility
RLP161	Utilities Development

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
-----	--------------------------------------

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection

LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as the application is considered to be of significant public interest.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site lies within the Development Boundary of Witham and is located adjacent to the mainline railway. The site currently consists of an undeveloped parcel of flat land measuring approximately 0.5ha in size.

It is bounded to the south by the mainline railway line, to the west by a branch line, to the north by Cut Throat Lane and to the east by Allotments. In terms of the wider context, the Eastways Industrial Estate lies on the far side of the mainline railway, with the Maltings being situated immediately opposite the application site. To the North on the far side of Cut Throat Lane is an electricity substation beyond which lies an area of public open space which abuts a residential area. To the west, immediately beyond the branch line is a large car park and a petrol station, with a block of flats located to the west of the latter.

The site's vehicular access is taken via Cut Throat Lane. Cut Throat Lane is a public highway, although there is no through traffic, as the lane is intersected by the Witham to Braintree branch line. The lane is frequently used by cyclists and pedestrians to access Witham Station and the town centre and is also used to access the adjacent allotments site and Electricity sub-station.

PROPOSAL

The applicant seeks full planning permission for the construction of a standby gas powered electricity generation facility. The proposal would consist of 6 containerised gas fired generator engines each with associated radiator and additional supporting infrastructure including 3no. transformers, a gas kiosk, amenity cabin, battery storage containers and switch room. The facility would be contained within a secure fenced compound with internal access tracks. Landscape planting and biodiversity enhancement areas are also proposed.

The proposed gas engines would measure approximately 4.5m in height with vent pipes measuring approximately 7m in height.

The containerised gas engines would provide a balancing generation service to the local grid, being able to generate energy at short notice for the local area when additional capacity was required temporarily, due to for example fluctuations in output from renewable energy sources or peak hours surges in demand.

SUMMARY OF CONSULTATION RESPONSES

Network Rail

The Developer should contact Network Rail's Asset Protection Team to discuss the improvements to Cut Throat Lane/Motts Lane which are required in order to access the site from the east as these works may affect Network Rail assets and operational infrastructure.

The developer must ensure that their proposal, both during construction and after completion does not:

- Encroach onto Network Rail land;
- Affect the safety, operation or integrity of the company's railway and infrastructure;
- Undermine its support zone;
- Damage the company's infrastructure;
- Place additional load on cuttings;
- Adversely affect any railway land or structure;
- Over-sail or encroach upon the air-space of any Network Rail land; and
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Network Rail strongly recommends that the Developer complies with the following to maintain the safe operation of the railway and protect Network Rail's infrastructure:

1. All operations involving plant and materials working adjacent to Network Rail's property must be carried out in a failsafe manner to ensure no plant or materials are capable of falling within 3.0m on the boundary with Network Rail.
2. Any buildings should be located at least 2 metres (3 metres for overhead line and third rail) to allow space for construction and future maintenance without the need to access the operational railway environment.
3. Less than this distance may impact upon Network Rail's own maintenance and access to Network Rail land may not always be granted. Any works within Network Rail's land will need approval from the Network Rail Asset Protection Engineer.

Health and Safety Executive

This application does not relate to a relevant development on which to consult HSE as it does not fall within any consultation zones. Therefore HSE advise that they have no comment to make on this application.

Highways England

No objection.

ECC Highways

No objection subject to conditions relating to compliance with the agreed Construction Traffic Management Plan and a condition requiring details to be submitted and approved for the reinstatement of the construction route to its previous condition/works to be retained prior to its reinstatement/retention.

ECC Archaeology

No objection subject to conditions. Cut Throat Lane is considered a potential routeway to Chipping Hill Camp, a significant prehistoric settlement and Iron Age Hillfort. Planning conditions are therefore required relating to the archaeological monitoring of the site due to its proximity to this historic lane.

BDC Landscaping

No objection to the proposals in principle. The site is dominated by short-mown amenity grass but there is also some scattered shrub/scrub areas and boundary vegetation that has some biodiversity and screening value. The landscaping proposal submitted has been amended to incorporate changes recommended by the BDC Landscaping Team.

Construction Management Plan - BDC Landscape have walked the route covered by the Construction Traffic Management Plan and noted the points where there are varying extents of overhanging branching from the canopies of the trees growing along the verges on both sides of Cut Throat Lane. In most cases the requirements to provide highway clearance for the anticipated traffic movements will require the removal of minor lateral branching. The trees on the south east boundary/verge are for a large part of the length growing on a slightly elevated banking which is offset from the roadway keeping the main stems away from the roadway.

It is also noted that there is some evidence of dead or dying elm and a number of semi-mature ash of indifferent form showing signs of ash dieback within the extents of this lane.

On the roadside verge immediately opposite the site entrance there is a stand of blackthorn stems growing behind and over a galvanized security fence. The branching could be cut back to achieve clearance for vehicle traffic and to clear the existing lamp column, but given that the existing stems if left unattended will start to grow into and around the vertical bars of the fence panels it would be better management to coppice the stems immediately behind the fence line as part of this work (but the landowners consent would be a pre-requisite to any works).

Landscape Proposals - The revised landscape plan has a planting mix along the road frontage which is acceptable. The boundary with the railway line has been furnished with a native shrub mix rather than a formal hedge and I think given the composition with an evergreen component will provide a suitable screening mixture. There is a pinch point where the nearest radiator and gas engine almost touch the boundary so there will a level of visibility here that cannot be screened. The management regime should require this boundary to be coppiced on a regular cycle to ensure a wealth of stems growing up from the base of the plants which will give good screening up to about 2.5 to 3 metres.

This more informal planting style is probably more beneficial than a formal hedge which will need maintenance space on the outer edge between the fence and the planting which is not possible at the pinch point. Screening along this boundary could be strengthened further by increasing the depth of shrub planting and reducing the extents of grass cover on this part of the site. The palette of plants suggested for the boundary are suitable to the character of the area and other local planting; they will also establish/grow at a reasonable rate providing the scheme is undertaken by a competent landscaper.

Overall Landscape Services do not object to the application subject to the requirement for conditions relating to the following in the interests of maintaining the character and charm of this historic roadway:

- 1) A requirement for a pre-commencement site meeting between BDC Landscape Services and the Developer's Arboricultural Consultant and site manager to discuss the final details of the working procedures and required tree works prior to commencement of these works.
- 2) The submission of details of all pruning works to the LPA for approval prior to the commencement of these works.

BDC Ecology

No objection subject to securing ecology mitigation and enhancement measures as set out in the proposed Biodiversity Enhancement Strategy which includes bespoke enhancement measures for Bats, Reptiles, Nesting Birds, Invertebrates and Hedgehogs. It also includes the provision of appropriate native species hedgerows and wild meadow planting and outlines appropriate management of these features.

A condition relating to the requirement for a wildlife sensitive lighting scheme is also requested.

BDC Environmental Health

No objections to the proposal subject to conditions relating to noise levels, hours of construction and approval of any lighting.

Noise – The applicant's revised Noise Report accounts for the worst case scenario of all generators operating at once. In this scenario the maximum noise levels requested by BDC Environmental Health by way of a proposed standard planning condition to avoid an increase in background noise will not be met at Crittall Court.

The applicant's Noise Consultant has proposed an alternative to meeting this objective by using BS4142 (a method for rating and assessing industrial and commercial sound) which is an acceptable and respected assessment method. The Noise Report concludes that the existing continuous industrial noise from the Bairds Malting site will likely mask noise from the application site. As this is not a certainty, BDC Environmental Health require a condition requiring noise levels to be verified and approved at the time of commissioning the plant, with a further requirement for noise mitigation measures and re-verification if needed.

Air Quality – These generators are powered by natural gas rather than liquid or solid fuel and therefore the products of combustion are gaseous. There is potential for water vapour in the waste gas and in the air to mix with the carbon dioxide and nitrogen oxides to produce droplets that are acidic but the products are no different to a domestic boiler and typically will be diluted and disperse in the air as indicated by the air quality report so as to not exceed any objective levels. Section 2.5.2 of the air quality report confirms that no substances of concern are released in sufficient concentrations to need to be considered in terms of deposition to ground. Therefore environmental health raise no adverse comments in regard to human health risks due to air pollution from the proposed development.

PARISH / TOWN COUNCIL

Witham Town Council

No objection subject to the following:

- Clear and robust oversight by the LPA and ECC Highways
- An assurance from the LPA that the work will be duly inspected at all key points to ensure ecology and amenity is preserved as best as possible
- That all key steps of the Construction and Traffic Management Plans are adhered to
- That the appointed Planning Officer keeps Ward members fully apprised of ongoing developments in writing on a regular basis

REPRESENTATIONS

At the time of writing 29 letters of representation have been received (24 objections and 5 general comments) following the completion of two public consultations, the second taking place after revisions were made to the original proposal. Representations are summarised below and include comments from a number of members of the Witham Allotment & Leisure Gardeners Association:

- Concerns to impact of the development on adjacent allotments in terms of overshadowing; noise; airborne pollution to people and allotment produce; groundwater retention; soil pollution
- Concerns relating to the suitability of Cut Throat Lane as a construction access in terms of tree/hedge loss/damage; embankment cutting; pedestrian and cyclists safety; route passes too close to existing buildings; noise; odour; allotment use; impact on wildlife; impact on John Ray Walk and access to town centre
- Damage to historic Cut Throat and Motts Lanes
- Concerns relating to possible excavation required to link the generators to existing infrastructure
- Western access route should be taken over the branch line instead or other alternative route, including via rail
- Request rabbit proof fencing to boundary
- Development of brownfield site for a useful asset is supported
- Site should be developed for housing instead and the turbines put on industrial land elsewhere
- No notification from BDC to plot holders of allotments regarding the development
- Shallow mains electric cable serving east side of Witham located in proposed lane widening area
- Request financial assistance from BDC to re-locate my allotment plot further from the shared boundary
- Request Traffic Regulations Orders be placed on Motts Lane, Cut Throat Lane and parts of Cypress Road to prevent HGV use
- Impact on amenity of neighbouring premises
- Potential damage to existing dwellings adjacent to Cut Throat Lane
- Disruption to commuter parking on Forest Road and restricted access to Mulberry Gardens
- Planning documents refer only to the gas turbine site and not the whole application area
- Ecological impact
- Safety concerns relation to proximity to existing power generator and mainline railway, lack of emergency access to site
- Request a technical report/survey demonstrating the impact of exhaust pollution on Allotment users and their produce
- Scheme would perpetuate National Grid/UKPN reliance on gas making it harder for the UK to meet global warming targets
- Detrimental impact upon the semi-rural character and appearance of the area

Witham Tree Group

Serious concerns relating to damage to Cut Throat and Motts Lane caused by the proposed widening.

The Cut Throat Lane construction access would require the pruning back of all vegetation to 5.2m in height. Trees would be crown lifted to achieve this and many would be severely disfigured as a result.

No indication is given that the revised plans have the approval of Essex County Council's Arboriculturalist or that due consideration has been given to the historic status of Cut Throat Lane which dates back to pre-Roman times. Remedial work is identified only as hard surfacing and does not include re-planting of roadside vegetation.

Witham Tree Group continue to urge the Council to ensure that the Applicant explores fully the use of the western access including comprehensive discussions with Railtrack.

Witham and Countryside Society

Cut Throat Lane is a pre-Roman track and the hedgerows are over 2000 years old. Damage should be avoided, the lane should not be used for heavy plant access making the site location unsuitable.

Surprised that there is an application for a gas fired power station given national targets for carbon neutral; power sources. Location is inappropriate given exhaust gas emissions close to residential properties and a very busy footpath plus allotments. Nearby industrial areas would be more suitable. Alternatives to fossil fuel should be investigated.

REPORT

Principle of Development

The application site is located within the Town Development Boundary of Witham, where the general principle of development is acceptable, subject to compliance with other relevant policy criteria.

The site is not allocated or safeguarded for any particular use in the Adopted or the Draft Local Plan.

Sustainability

Paragraph 148 of the NPPF states that *'the planning system should support the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability, improve resilience and support renewable and low carbon energy and associated infrastructure'*.

Policy RLP161 of the Adopted Local Plan is supportive of development required for the operational need of utilities serving the public (including electricity and gas). There is also clear policy support for renewable energy.

Policy LPP75 of the Section 2 Plan recognises the general need for decentralised energy networks and Policy LPP74 of the Section 2 Plan states that the Council *'will adopt strategies to mitigate and adapt to climate change'*

and that the Council '*intends the District to meet part of its future energy needs through renewable or low carbon energy sources*'.

The applicant's proposal would consist of the construction of a standby gas powered electricity generation facility. The gas engines would provide a balancing generation service to the local grid, being able to generate energy at short notice for the local area when additional capacity was required temporarily, due to for example fluctuations in output from renewable energy sources or peak hours surges in demand.

Critically, this energy would be generated only when it was required and would form an essential part in securing the resilience of the local grid. This ability to top up the grid or breach gaps caused by a surge in demand would form an important part of the general transition to the larger scale incorporation of renewable energy sources into the grid. Whilst centralised energy generation traditionally relies on large power stations which lack the flexibility to respond quickly to local need, a decentralised proposal such as that proposed allows local need to be met quickly and efficiently for a short time period. In turn, this facilitates the greater integration of renewable energy sources into the grid, such as solar and wind, because the grid has the resilience at the local level to cope with periods of insufficient output from renewable sources caused for example by wind speeds being too low or too high to generate power.

Therefore, whilst the proposal itself would be gas powered, it would act as a local enabler for greater renewable energy integration into the grid system. Officers therefore consider that the principle of the development is acceptable in sustainability terms and that in addition to complying with Policy RLP161 of the Adopted Local Plan it would also assist the integration of renewable energy into the local grid network, in accordance with the aims of Policies LPP74 and LPP75 of the Section 2 Plan and the NPPF.

Noise and Air Pollution

Policy RLP36 of the Adopted Local Plan and Policy LPP73 of the Section 2 Plan state that planning permission will not be granted for new development which has an unacceptable impact in terms of noise/air or other pollution or contamination. The applicant has submitted an Air Quality Assessment and Noise Impact Assessment in support of their application.

A number of objections have been made by residents and allotment plot holders in relation to concerns about the potential impact of the proposal with regard to noise and air pollution, including in relation to exhaust gas emission/particles from the gas generators.

The application has been assessed in detail by the Councils Environmental Health Officer (EHO) who is also aware of the above concerns. With regard to air quality, the BDC EHO raises no objection and specifically advises of the following:

‘These generators are powered by natural gas rather than liquid or solid fuel and therefore the products of combustion are gaseous. There is potential for water vapour in the waste gas and in the air to mix with the carbon dioxide and nitrogen oxides to produce droplets that are acidic but the products are no different to a domestic boiler and typically will be diluted and disperse in the air as indicated by the air quality report so as to not exceed any objective levels. Section 2.5.2 of the air quality report confirms that no substances of concern are released in sufficient concentrations to need to be considered in terms of deposition to ground’.

In relation to noise, the BDC EHO has assessed the applicant’s Noise Report which has been revised to take account of the re-location of the generators further into the site and is based on the worst case scenario of all generators running simultaneously. Whilst broadly in agreement with the findings of the report in terms of the acceptability of noise impact on the locality, in order to ensure that there would be no undue impact upon the occupiers of Crittall Court a specific noise verification condition is required. Subject to this condition no objection is raised on noise impact grounds.

Overall, Officers do not therefore consider that there are any grounds upon which to recommend that planning permission is refused in relation to noise, air pollution or contamination.

Amenity

The potential impact of the proposal in terms of noise and air pollution has been addressed above.

With regard to lighting, the development would be an unmanned facility and continuous lighting would not therefore be required. Motion sensor activated security lighting would be necessary and at other times task specific lighting may be required to allow Engineers to complete a specific maintenance task. A lighting condition is recommended to cover both Ecology impact and general light spillage control from the site as a precaution, although it is acknowledged that the site would be unlit for the majority of the time.

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require a high standard of design and layout in all developments.

The proposal is for a piece of functional infrastructure and is therefore comprised of set components. However, in terms of site layout the applicant has responded to a number of considerations and concerns which have been raised in order to present the highest quality layout.

In response to concerns expressed by allotment users, particularly with regard to potential overshadowing of allotment plots, the compound layout has been re-orientated with the nucleus of the development now being more centrally positioned within the application site and no longer along the north easterly

boundary adjoining the allotments. It is also now proposed that instead of a 3 metre high fence along this boundary a landscape and ecological buffer zone will be created and planted with a low native thicket shrub maintained at 1.5 - 1.8m in height.

The site's boundary fence is now proposed as a green rather than silver palisade to reduce its visual impact.

Additional landscape planting has been included which is discussed in more detail below under the landscape section of this report.

Overall, Officers consider that the proposed layout is acceptable and strikes the correct balance between its functional requirements and the need to respond to its surrounding environment.

With regard to design, the scheme would consist of a fixed piece of functional infrastructure. The applicant has submitted CGI images to assist with the visual assessment of the proposal on the wider area. The application site sits immediately adjacent to the mainline railway on a piece of undeveloped land sandwiched between the mainline and a branch line. On the far side of the mainline, immediately to the south-east of the application site and at a distance of approximately 50m the Maltings are located, with the Eastways Industrial Estate beyond. The immediate character of the area is heavily dominated by the Maltings, which are of a substantial height and massing creating an Industrial skyline in the locality. This industrial character is compounded by other buildings on the Eastways Estate and the site's proximity to the mainline railway.

To the north, Morrison's Petrol Station and the existing electricity substation also sit in very close proximity to the site. The adjacent Allotments are softer in character but the setting of the application site overall is one of an Industrial nature.

In this context, Officers consider that the applicant's proposal is in overall terms acceptable and would be in keeping with the established character of the area in addition to being located on a piece of land which is appropriate for such a use.

There would be an impact upon the adjacent section of Cut Throat Lane, with the proposal bringing infrastructure development much closer to the Lane, however it would continue to be viewed against the substantial backdrop of the Maltings and it is not considered that the degree of harm would be such that it would warrant the refusal of planning permission in this regard.

Landscaping

The site layout has been amended to respond to the concerns of adjacent Allotment users. The generators have been moved significantly further from the shared Allotment boundary and a landscape/biodiversity planting area specifically created to act as a buffer but avoid overshadowing of allotment

plots. In addition, at the request of Officers additional planting has been secured along the frontage with Cut Throat Lane in the form of native hedgerow planting with shrub and tree planting along the south-western boundary.

This landscape planting would provide a degree of visual softening to the development and has maximised the site's opportunities in this regard. The two existing Walnut trees on the site and associated hedgerow along the site's southern boundary would also be retained.

The Council's Landscape Officer having reviewed the application in detail and visited the site and surrounding area, including Cut Throat and Motts Lane has no objection to the proposal on landscape grounds.

Trees and Highway Matters

The retention of the existing Walnut trees on the site and the proposed planting of new trees has been discussed above under the landscape section of this report.

In order to construct the development the applicant would require access to the site from Cut Throat Lane with a new, wider access than the existing proposed. Access to the site would then be required for operational and maintenance reasons although this would normally be in the form of a transit van; small van or car on a comparatively infrequent basis (the applicant advises in the region of one visit a week at most).

Cut Throat Lane is an adopted public highway and currently provides vehicular access to the Allotments and the existing electricity substation located to the north of the application site. The ongoing access required to the site is not therefore considered to be of particular concern and would be in line with the current use of the lane.

The construction access required to the site is more complex and requires detailed consideration. Cut Throat Lane is bounded on both sides by established and in some areas overgrown vegetation in the form of trees and hedgerows. In parts its width is also below 3 metres. In order for construction vehicles to be able to access the site, this vegetation would need to be cut back and in places the lane would need to be widened.

The Lane also forms a direct and well used cycle and pedestrian link to the town centre and the safety of people using the land in this manner is also of particular concern.

The applicant has, following detailed discussion with Essex County Council as the Local Highway Authority who are responsible for Cut Throat Lane, submitted a detailed Construction Traffic Management Plan. This document describes the construction route to the site, proposed access arrangements and the temporary highway improvements that would be carried out to Cut Throat Lane to accommodate construction vehicles.

It is anticipated that the construction programme would take approximately 32 weeks. Heavy good vehicles, light good vehicles and a crane would be required to transport the generators and associated equipment to the development site. The HGVs would be expected to be in the form of a ten tonne tipper lorry measuring approximately 10.2 metres in length and 2.5 metres in width and a 120 tonne mobile crane which is approximately 14.18 metres long and 2.75 metres wide.

Works required in the provision of adequate access onto the site would include the slackening of the junction radii at the corner between Motts Lane and Mulberry Gardens with surfacing to match existing and a limited degree of lane widening at the junction between Motts and Cut Throat Lane. Any overhead trees/vegetation along the Lanes would need to be cut back to the edge of the carriageway and/or crown lifted so that a clear height of 5.2m from the highway ground level was achieved. Areas of inadequate width would be widened to three metres minimum in agreement with ECC Highways.

An accompanying pre-commencement survey would be required by way of planning condition and would be carried out with Essex County Council Highways to assess the baseline condition of the adopted highway before construction activities commence. The survey would include photographic records and would be followed by a post-construction survey to identify and agree remedial work relating to any damage reasonably attributable to construction activities.

Officers acknowledge that there is as strong degree of public concern over the suitability of the access onto the site and the damage which may occur to Cut Throat Lane. In addition, there are concerns that there will be disruption and inconvenience to the many pedestrians, cyclists and allotment holders that use the lane.

The applicant has explained that there is no practical alternative route to the site and has worked closely with the highway authority to achieve an acceptable construction traffic management plan. The applicant advises that they met with Network Rail specifically to discuss access to the site from the west, however there is a Stopping Up Order in place which prevents vehicles from crossing the level crossing. In addition to this, changes would need to be made to the level crossing itself in terms of weight restriction; width and clearance height of the Over Head line. The applicant further advises that the Over Head Line was a key restrictor as for every HGV delivery the line would need to be disconnected and made safe which would be both impractical and disruptive and with significant financial compensation liable to the train franchises who would be unable to operate during these periods.

The Traffic Management Plan states that in the first 6 weeks there would be a maximum of 8 (LDV/HDV) journeys per day along the lane (4 in and 4 out) reducing down to 4 per day (2 in and 2 out) for the remaining 26 weeks. Site working hours would be Monday to Friday from 08:00 to 18:00 and Saturday to 14:00 with no working taking place on Sundays or public holidays. Delivery

times for anything over 7.5 tonnes would be carried out from Monday to Saturday but would be limited to between 09:30 and 15:00.

In addition, there would be a banksman present at both the site access at Cut Throat Lane, and Cut Throat Lane's junction with Mulberry Gardens. There would also be a walking banksman to manage the pedestrian accesses along the route.

The proposed measures are extensive and have been set out in agreement with Essex County Highways. Cut Throat Lane, whilst narrow is a public highway and the measures would facilitate its safe use for construction vehicles to access the site.

Essex County Highways have no objection to the proposal, subject to the detailed safeguarding measures set out. Highways England have also been consulted and have no objection to the proposal in relation to the strategic road network.

Overall, Officers consider that very detailed consideration has been given to the above matters and that given that the Highway Authority are content that the safeguarding measures proposed are acceptable and will result in the safe usage of the lane that the highway impact of the proposal is acceptable in this regard.

The second critical matter in relation to the highway access is the impact upon the trees and hedges which would need to be cut back along the Lane. The Council's Landscape Officer has reviewed the proposal in detail, including two site visits where the relevant section of Cut Throat and Motts Lane was inspected at length.

It is not proposed that any of the existing trees or hedges would be removed. Regarding the extent of the works, the Council's Landscape Officer considers that the cutting back of the existing vegetation would remain within acceptable parameters and would not be likely to cause the loss of trees or hedgerows or any unacceptable degree of damage. As an additional precaution, two conditions are required, the first to require a pre-commencement meeting on the site with the applicant's Arboricultural Consultant, Site Manager and the Council's Landscape Officer to discuss the detail of the requirements of the cutting back of the vegetation set out in the Construction Management Plan. Secondly, a condition requiring that the precise details of the cutting back (facilitation pruning) are submitted to and approved by the Local Planning Authority, following the above site meeting and prior to the commencement of the works.

With these safeguards in place Officers do not consider that the proposal would have an unacceptable impact upon the existing trees and hedges along the Lanes, nor that there are any grounds to recommend that planning permission is refused on this basis.

Ecology

Policy RLP80 of the Adopted Local Plan and Policy LPP68 of the Section 2 Plan seek to ensure that protected species are appropriately safeguarded. Policy LPP70 of the Section 2 Plan seeks Biodiversity enhancement in development proposals.

The applicant has submitted an Ecological Report and associated Biodiversity Enhancement Strategy in support of their application. The Ecology Report identifies that the majority of the site is dominated by short mown grassland and is therefore of limited biodiversity value with some trees, scrub and vegetation of moderate value at its periphery. Peripheral vegetation has the potential to offer some suitability to reptiles, habitat for nesting birds and the site is identified as being likely to be used by foraging or commuting bats to some extent.

Whilst the existing site is of low biodiversity value, the submitted Biodiversity Enhancement Strategy contains a range of bespoke enhancement measures to change this. These include native species hedgerow, shrub and meadow grassland planting; the erection of house sparrow terraces and Black Redstart nesting boxes; the erection of a bat box; a hedgerow dome; invertebrate box and log pile hibernaculum.

The Council's Ecology Officer has been consulted and has no objection to the proposal, confirming that a measurable net gain in biodiversity will be achieved subject to the securing of the proposed range of bespoke biodiversity enhancements and relevant precautionary measures plus a condition requiring a wildlife sensitive lighting scheme.

Overall Officers therefore consider that the proposal would result in a clear net gain in the biodiversity value of the site and that this weighs in its favour in the planning balance.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding and the requirement for the submission of a SUDs scheme for a development of this size is not triggered.

PLANNING BALANCE AND CONCLUSION

The proposed development is located within the Town Development Boundary of Witham where the general principle of development is acceptable, subject to compliance with relevant Policy criteria. The site itself is not allocated or safeguarded for any specific use within the Adopted or Draft Local Plans.

Policy RLP161 of the Adopted Local Plan is supportive of development required for the operational need of utilities serving the public (including electricity and gas). Policy LPP75 of the Section 2 Plan recognises the

general need for decentralised energy networks. The proposed containerised gas engines would provide a balancing generation service to the local grid, being able to generate energy at short notice for the local area when additional capacity was required temporarily, due to for example fluctuations in output from renewable energy sources or peak hours surges in demand. The proposal accords, in general terms with these policies.

Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate including minimising vulnerability, improving resilience and supporting renewable and low carbon energy and associated infrastructure. Again, whilst the proposal itself is gas powered, its purpose is to minimise vulnerability and improve resilience in the local network, in accordance with the aims of Paragraph 148.

Officers consider that there is therefore clear Policy support for the proposal and that it would serve a well-defined function which would help to facilitate the transition to and greater employment of renewable energy sources within the local grid network.

In terms of harm, the proposal would result in the loss of an undeveloped site although a clear biodiversity net gain has been identified as being able to be secured. The proposal would have a visual impact upon the area but this would be set against a strong and dominant existing industrial and commercial setting in the locality.

The noise, air quality and amenity impact has been assessed and found to be acceptable subject to relevant planning conditions and the applicant has actively made amendments to the proposed layout to respond to the concerns raised by Allotment holders on the adjacent site.

In terms of access to the site, Essex County Council Highways have assessed the proposal in detail and are satisfied that with the proposed comprehensive safeguards in place the use of Cut Throat and Motts Lane as a construction access is acceptable. With regard to the cutting back of trees/hedges along the Lanes, the Council's Landscape Officer has, after completion of a detailed site inspection, concluded that the works would not result in the loss of existing trees/hedges, nor that they would result in an unacceptable degree of damage, provided that the required safeguarding conditions were put in place.

Overall, Officers therefore consider that the clear benefits of the proposal would outweigh the limited degree of harm identified and that the planning balance falls in favour of the development. 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

Supporting Documents Plan Ref: Biodiversity Enhancement Strategy (Tim Moya Associates Ltd, April 2020)

Supporting Documents	Plan Ref: Construction Traffic Management Plan	
	Version: Rev A April 2020	
Location Plan	Plan Ref: Site Location Plan	
	Version: 2 July 2019	
Elevations	Plan Ref: WIM-EP-01	Version: B
Site Layout	Plan Ref: WIM-PSP-01	Version: C
Site Layout	Plan Ref: WIM-PSP-02	Version: C
Landscape Masterplan	Plan Ref: P19-2587_01	Version: Rev D

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

Reason

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

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

Reason

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

- 3 No above ground construction shall commence until a schedule of the types and colour of materials to be used in the external finishes of the development hereby permitted and for the perimeter fence has 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 Prior to the installation of any external lighting at the site a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 During the first landscaping season post commencement of development, the landscaping scheme shall be carried out in full as shown on Drawing No. P19-2587_01 D. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species and the landscaping shall be maintained as set out in the maintenance regime details on this drawing for the duration of the operational period of the site. The existing hedge line located along the site's south-eastern boundary, between the retained Walnut Trees and the Allotment boundary, adjacent to the mainline railway shall also be retained and incorporated within the above approved landscape scheme.

Reason

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

- 6 The development construction phase and the subsequent long term Ecological Enhancement measures shall be carried out in full accordance with the details contained within the approved Preliminary Ecological Appraisal (Tim Moya Associates Ltd, October 2019) and the Biodiversity Enhancement Strategy (Tim Moya Associates Ltd, April 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 7 Prior to the commencement of development, a pre-commencement meeting shall be held on site and attended by the developer's arboricultural consultant, the site manager and a tree officer/representative from the Local Planning Authority to discuss details of the working procedures and the requirements of the Tree Cutting Plan (Fig. 6) within the Construction Management Plan (Revision A - April 2020) and the details of all Access Facilitation Pruning submitted as part

of the Tree Pruning Condition (Condition 8) detailed below.

Reason

The site meeting is required prior to the commencement of development in order to ensure that there is an additional safeguard in place to ensure that the Local Planning Authority is satisfied that the required tree/hedge works will be carried out in an acceptable manner.

- 8 Prior to the commencement of the development, details of the proposed Access Facilitation Pruning (BS5837:2012) shall be submitted to and approved in writing by the local planning authority. The submitted details shall accord with the details agreed during the site visit required by Condition 7 above. The approved tree pruning works shall only be carried out in accordance with the approved details and BS3998:2010. The development thereafter shall also be implemented in strict accordance with the approved details and excludes the removal of existing trees and hedgerows.

Reason

To details are required prior to the commencement of development to ensure that the works undertaken avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect the character and appearance of Cut Throat Lane.

- 9 The construction phase of the development hereby permitted shall be carried out only in accordance with approved 'Construction Traffic Management Plan Revision A April 2020.'

Reason

To protect highway efficiency of movement and safety.

- 10 Prior to the commencement of development, an accompanied pre-commencement survey of Cut Throat Lane shall be carried out with Essex County Council Highways Officers to assess the baseline condition of the adopted highway before construction activities commence. The survey shall include photographic records taken by the Developer which shall be submitted to and approved by the Local Planning Authority within 3 weeks of the survey date and prior to the commencement of development.

Reason

To ensure the management of the construction traffic route in the interests of highway safety.

- 11 Prior to the first operational use of the generators and prior to the commencement of any re-instatement works to Cut Throat Lane, a post-construction survey to identify and agree remedial work relating to any damage to Cut Throat Lane reasonably attributable to construction activities shall be submitted and approved in writing by the local planning authority which shall include timescales for such work to be completed. The remedial work shall subsequently be completed by the Developer in

accordance with the approved details and timescales.

Reason

To ensure the management of the construction traffic route in the interests of highway safety.

- 12 At the time of commissioning the site, the noise emanating from the application site when all standby generators and associated equipment are operating shall be assessed to confirm the content of the applicant's Noise Report (Document Reference: Inacoustic Noise Assessment Report, 23rd March 2021) for both night time and day time scenarios for all relevant receptors. The verification report shall be submitted to the Planning Authority for approval within 30 days of the commissioning of the site.

If the Verification Report determines that the conclusions of the applicant's above Noise Report are not met then further mitigation shall be implemented to satisfy that requirement. A further Verification Report/Addendum shall then be submitted to the Local Planning Authority for approval within a timescale agreed with the Local Planning Authority in writing upon the point of the original Verification Report being deemed by the Local Planning Authority to be unacceptable.

The Development shall thereafter continue to operate in accordance with the approved Verification Report.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1400 hours

Bank Holidays & Sundays - no work

Delivery times for any vehicles over 7.5 tonnes shall only be carried out on Monday to Saturday between the hours of 09:30 and 15:00.

Reason

In the interests of the amenity of residents of the locality.

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

Reason

To enable full investigation and recording of this site of archaeological importance. The monitoring/recording scheme is required prior to the commencement of development to ensure that archaeological safeguards are in place from the outset.

- 15 Prior to the first operational use of the gas powered electricity generators, a report detailing the results of the archaeological monitoring programme, as identified and agreed in the Written Scheme of Investigation, shall be submitted to and approved by the local planning authority and the applicant shall confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

Reason

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

- 16 No Development shall commence until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Management Plan shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction including a dust assessment carried out in accordance with IAQM guidance;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason

To protect the amenity of the surrounding area. The Construction Management Plan is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

INFORMATION TO APPLICANT

1 It is specifically requested that the Applicant keeps Witham Town Council updated in writing on the progress of the development at key stages throughout the construction process. This should include the start date for construction works, tree pruning works and highway works and information relating to notable construction vehicle movements to and from the site and with regard to specific milestones throughout the construction phase.

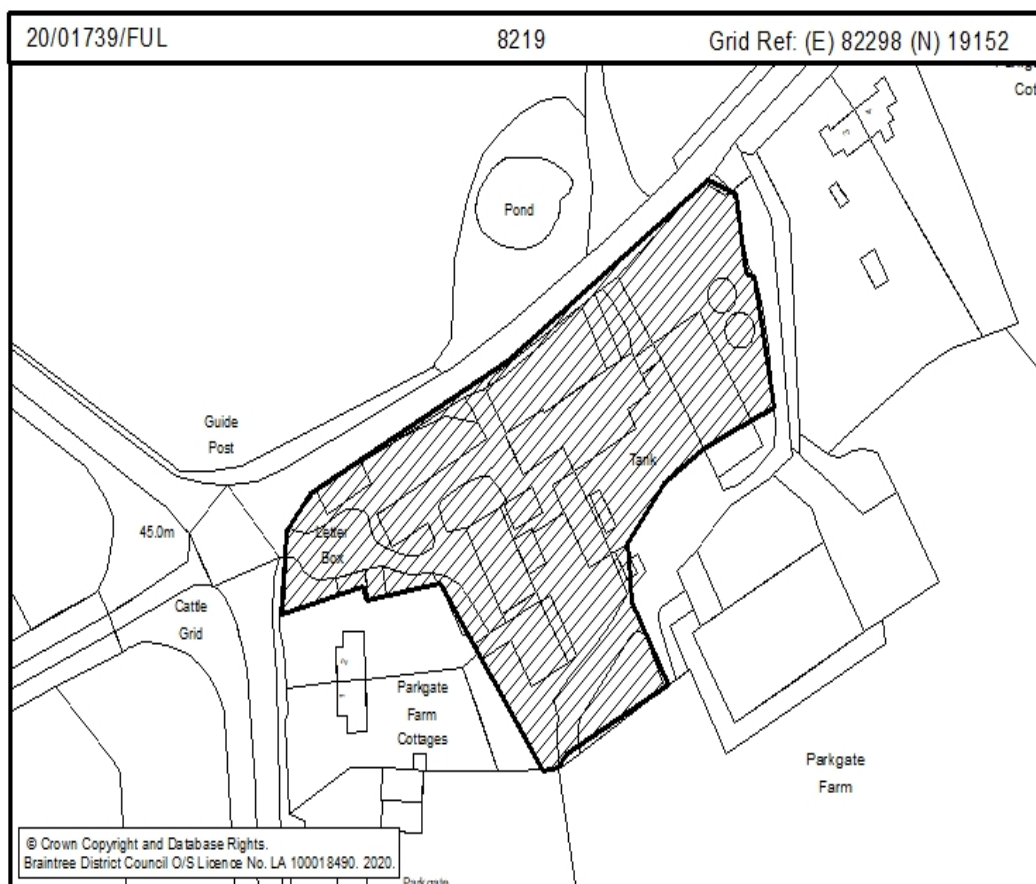
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01739/FUL DATE: 28.10.20
 VALID:
 APPLICANT: Mr Oliver Brice
 Colemans Farm, Little Braxted Lane, Witham, CM8 3EX
 AGENT: Mr Olivier Spencer
 Town Mill, Mill Lane, Stebbing, Dunmow, CM6 3SN
 DESCRIPTION: Redevelopment of site involving the conversion of existing buildings and erection of new buildings to provide 7 single-storey office buildings to provide 916sqm of Use Class E floorspace, with associated plant room, car and cycle parking, outdoor amenity space, landscaping and surface water attenuation basin.
 LOCATION: Park Gate Farm , Park Road, Rivenhall, Essex, CM8 3PS

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to: mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QII9STBFHA900>

SITE HISTORY

88/01647/P	Erection Of Grain Drying, Cleaning & Storage Plant, Plus General Purpose Building, For Agriculture Farm Use	Granted	21.10.88
88/02253/P	Erection Of Single Rail And Projecting Posts Above 1 Metre Close-Boarded Fence	Granted	23.12.88
09/01366/OUT	Redevelopment of agricultural buildings to 5 no. live work units with one unit (Unit 3) to be an affordable unit	Withdrawn	27.01.10
18/01090/COUPA	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure - Change of use of agricultural buildings and land within their curtilage to a flexible business use.	Prior approval required, not given	07.08.18
18/01916/COUPA	Notification for prior approval for a proposed change of use of agricultural buildings and land to offices (Class B1a) and/or storage (Class B8).	Prior Approval Required and Given	18.12.18
19/00444/AGR	Application for prior notification of agricultural or forestry development - Erection of steel framed agricultural building.	Permission not Required	29.03.19
20/01743/FUL	Got stuck in portal so no UNIFORM email	Application Returned	
20/02113/HH	Part single, part two-storey rear extension and 2 rear dormer windows	Granted	03.02.21

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP39	Expansion of Local Firms
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand

RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP2	Location of Employment Land
LPP44	Sustainable Transport
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan

Other Material Considerations

Essex Design Guide
Essex Parking Standards/Urban Space Supplement
Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as the application was Called In by Cllr Abbott for the following reasons:

- The scale of the proposal in a rural area.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site comprises a collection of agricultural buildings and is located off of Park Gate Road in Rivenhall Parish. The site currently has three access points, two from Park Gate Road and one from the junction of Western Road, Park Road and Park gate Road. In terms of heritage, there are no heritage assets near the site.

The buildings on the site vary in age; most are older farm buildings of various shapes and sizes including some silos. There is also one larger agricultural building which has recently been erected at the very rear of this site. Further afield there are residential dwellings fronting Park Road to the west of the site and a residential dwelling accessed from Park Gate Road to the East of the site. The site generally speaking is remote from Silver End and Rivenhall villages.

PROPOSAL

The application in this case follows on from an approved Change of Use Prior Approval application (Application Reference 18/01916/COUPA) which allowed 479sq.m of floor space within existing buildings to become offices without requiring planning permission. This consent however excluded two large agricultural buildings that would have remained on the site. It also retained all three access points.

This current application by contrast proposes a comprehensive redevelopment of the site. It seeks to retain two of the better units for conversion, while the other agricultural units, including the larger two buildings, would be demolished, in favour of replacing them with 5 single storey buildings. In total, there would therefore be 912sq.m of employment floor space created at the site, with just over 1000sq.m in terms of footprint. The existing footprint of the agricultural buildings by contrast is approx.

1,367sq.m, as such there would be a reduction in the amount of overall footprint/floor space at the site.

As part of the comprehensive redevelopment approach, the access onto the junction of Western Road, Park Road and Park Gate Road would be blocked up, while the existing access from Park Gate Road would also be closed, and instead a single point of access created for the development from Park Gate Road. The third access point would be outside of the red line and serve the newly constructed grain store at the rear.

SUMMARY OF CONSULTATION RESPONSES

BDC Environmental Health

No objection subject to a Phase 2 Contamination Report as recommended within the submitted Phase 1 Contamination Report.

BDC Ecology

Initially required additional information regarding further ecological surveys. This information was subsequently provided and the Ecology Officer had no objection subject to conditions. HRA was also requested however this is not able to be secured on commercial development.

BDC Waste Services

Require indemnity against any damages to the road from waste collection. Initially raised some concerns regarding manoeuvrability.

Highways England

Offer no objection.

ECC Highways

No objections subject to conditions including the closure of the access between Park Gate Road and Western Road, and also the inclusion of a workplace travel plan.

ECC Archaeology

No objection but recommend a condition for archaeological field work to be carried out.

PARISH / TOWN COUNCIL

Rivenhall Parish Council

Rivenhall Parish Council did not raise an objection to the application however made the following observations when the application was first submitted:

- Site only accessible by motorists – closest bus stop 900m away on 60mph road
- Hotspot for accidents in this area
- Light pollution in the open countryside
- Question the need for additional office accommodation

REPRESENTATIONS

No representations have been received in connection with this application.

REPORT

Principle of Development

The NPPF states in Paragraph 83 inter alia that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

The NPPF in Paragraph 84 also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It also states that in these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The site in this case is located outside of the adopted settlement boundary. Policy RLP2 of the Adopted Local Plan states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies apply. Policy CS5 of the Core Strategy states that development outside of defined boundaries will be strictly controlled to uses appropriate to the countryside in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity value of the countryside.

Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development, extensions or changes of use which have an unacceptable impact on the surrounding area. Policy RLP38 of the Adopted Local Plan states that the conversion of rural buildings for business re-use will be permitted providing that they are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction; their form, bulk and general design are in keeping with their surroundings; there would be no unacceptable impact on the landscape or

protected species or historic environment; safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking to the Council's standards and lorry manoeuvring without detriment to the setting of the building residential amenity and the landscape within which it is located and the scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside.

Furthermore, Policy RLP40 of the Adopted Local Plan states that the new industrial and commercial development in the countryside is acceptable providing it is on a small scale compatible with the surrounding area. Policy LPP8 of the Draft Section 2 Plan echoes the above and states that where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against the criteria above.

The site in this case seeks to comprehensively develop the site for Class E Office accommodation; it would involve the conversion of two buildings and the erection of 5 new buildings with associated landscaping and parking.

In considering the principle of development at this site, is important to note that it benefits from a Change of Use Prior Approval (COUPA) Reference 18/01916/COUPA for the conversion of units B1-B5 from agricultural to residential (COUPA Plan attached as an Appendix at the end of the report for reference). The COUPA however excluded the two larger agricultural units to the east due to floor space restrictions. As part of this application, these buildings are now proposed to be demolished and small scale offices erected in their place. Some of the other buildings also approved for conversion under the COUPA would also be removed due to impracticalities of the layout. The application therefore attempts to propose a holistic and comprehensive approach to developing the site.

It is also important to consider the site context; the site is approx. 890m road distance away from the edge of Silver End, and approx. 1700m road distance from the edge of Rivenhall. The site is therefore in a relatively remote location, far outside of the settlement limits of Silver End and Rivenhall. The site does however constitute previously developed land, which at the time of the Officer site visit was not in an overly good state of repair. Silver End is also a higher order village, which does have access to some services and facilities.

Finally, it is considered that a comprehensive approach to redeveloping the site would likely be beneficial to avoid a future conflict of uses between the offices and agricultural uses. A comprehensive development could also better allow the site to function effectively to serve its needs and provide a better quality environment for future occupiers.

As such, in principle, taking into account the COUPA fall-back position, as well as national and local policy support for the re-use of previously developed land, re-use of rural buildings for commercial purposes and erection of small scale new buildings, Officers consider that the principle of re-developing the site comprehensively is acceptable in this case. This is however dependent on the impacts and scale of the proposed new offices. This is explored more below and concluded at the end of the report.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Government's 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

In addition to this, Policy RLP90 of the Adopted Local Plan 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, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy RLP56 of the Adopted Local Plan states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009 which state for a B1 use there should be a maximum of 1 space per 30sq.m. Essex Highways Development Management policies also focus on parking provision but also include vehicular access. This is again supported by RLP36 of the Adopted Local Plan.

The application in this case proposes to create 912sq.m of new employment floor space, with a total footprint of just over 1000sq.m. Of this 912sqm, 273sq.m would be utilised within two retained units (No.3 and No.4), while the remaining 639sq.m would be within five new single storey units. It should be noted that the site has been subject to extensive negotiations; two pre-applications and changes secured through the life of this current application.

The existing footprint of the agricultural buildings is approx. 1,367sq.m. As such, even though there would be five new buildings, the overall amount of built footprint at the site would actually be reduced. The visual bulk at the site would also be reduced; the agricultural buildings on the eastern aspect of the site are vast in their nature and visually dominant in the street scene. The replacement office units by comparison would be single storey, and propose a distinct rural character with weatherboarding and other appropriate rural materials.

It should also be noted that the Change of Use Prior Approval Application (18/01916/COUPA) allowed 479sq.m of floor space within five existing buildings on the site to become offices. This consent however excluded two large agricultural buildings that would have remained on the site, as well as the other associated paraphernalia such as the silos. It also did not effectively address the issue of the three access points. Because of this, and other more general layout deficiencies, it is considered that the COUPA scheme did not provide an overly or cohesive layout. This application by contrast seeks to demolish three of the five buildings which have permission to be converted, in order to secure a better design/layout solution for the site.

For example, on the approved COUPA layout, Barn 1 and Barn 2 would not have adequately terminated the space at the end of the vista, which could have meant that the access onto the junction of Western Road, Park Road and Park Gate Road may have been able to be re-opened in future. This access is understood to be problematic locally. The current proposed layout seeks to address this by demolishing and re-siting Barns 1 and 2 to provide a barrier to the access point on the Western Road, Park Road and Park Gate Road junction, while also providing an appropriate terminating feature along the vista. It also allows for better structural landscape planting and parking distribution comparatively to the COUPA scheme. Barn 5, which is opposite retained Barns 3 and 4, would also be removed, and instead replaced by parking spaces and landscaping. This would allow for more homogeneity with the layout overall. The application proposes to compensate for the loss of Barn 5, and the loss of the two large agricultural units, with the erection of three new single storey office buildings (Units 5, 6, and 7) on the eastern aspect of the site. Unit 7 would provide a terminating feature at the end of the vista, while Units 5 and 6 would be consistent with proposed Units 1 and 2 in that they would give the site a presence in the street scene, and allow for sufficient parking and landscaping to be created.

The site would also be to accommodate 30 new parking spaces (including three parking spaces for disabled users) which would accord with the maximum parking standards. These parking spaces would also be able to be broken up by structural landscaping, as well as having sufficient space for planters, cycle parking and bin stores. The layout also includes parking and rear access for No.1 and No.2 Park Gate Farm Cottages. Due to the potential for anti-social behaviour outside of office hours, Officers requested the addition of a gate at the site entrance, which could be closed at night to prevent any unauthorised access. Bollards have also been included outside Units 1 and 2 to provide protection to pedestrians.

The proposed buildings are varied in their form and size, but would create a consistent rural theme throughout the development. The layout would also allow for a large shared amenity space to be created to the south and east, while the buildings will facilitate enough space to provide some structural landscaping on the other boundaries. These areas of landscaping will be beneficial and allow for users of the Offices to relax etc. The layout also includes space for a mobile vendor – the aim of this would be to provide food on the site so that future users would be less likely to travel out of the site at lunchtimes etc. The layout would also be able to accommodate refuse collections; albeit an indemnity will need to be agreed to absolve the Council of any damage costs. A condition is recommended to ensure that this happens.

Taking into account all of the above, it is considered that a need for new buildings to secure a comprehensive layout has been demonstrated. In terms of the scale of these new buildings, while 639sq.m is not a small amount of new floor space, it allows for a homogenous layout that would be far less visually imposing comparatively to the existing buildings on the site. This amount of new floor space however likely represents the upper threshold of what the site is able to accommodate without being in breach of the relevant policies. The site is also previously developed, therefore would be classified as a brownfield site, which the re-use of is encouraged.

As such, in this case Officers are satisfied that the scale of development proposed would not be inappropriate at this site and thus accord with the scale and design elements of the NPPF and Policies RLP38 and RLP40 of the Adopted Local Plan.

Impact on Neighbour Amenity

Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development which will have an unacceptable impact on the surrounding area as a result of a number of specified factors, including noise, traffic generation and air contamination. Policy RLP90 of the Adopted Local Plan requires all developments to have no undue or unacceptable impact on the amenity of any nearby residential properties.

In this case, owing to the scale, location and use of the buildings/site, it is considered that neighbouring amenity would not be detrimentally affected by the proposal. It is however recommended that a condition be attached to limit the buildings to an Office use only.

Highway Issues

In this case the proposed new access would have a visibility splay of 2.4m by 120m to the East and 2.4m by 66m to the West. Essex Highways have reviewed the access plan as well as the transport assessment submitted with the application, and have not raised an objection.

Essex Highways did however recommend a number of conditions; the most notable is the closure of the problematic Western Road, Park Road and Park Gate Road junction, as well as a requirement for the developer to submit a workplace travel plan. The workplace travel plan would include incentives to future occupiers to use other means of transport opposed to the private motor car such as cycling, or even encourage car sharing once things return to normal (post Covid-19). As such, while the site is not in an accessible location by public transport, there will be strategies put in place to mitigate this as far as possible.

One final point to note is that the site technically falls within a large buffer zone for the new A120 safeguarded route. However, Highways England have been consulted on the application and have not raised an objection.

As such, taking into account all of the above, it is considered the proposal is acceptable from a highways perspective.

Landscape & Ecology

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

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment.

The application was supported by a Preliminary Ecological Appraisal and a provisional bat licence to carry out works. The Ecology Officer has considered the application and raises no objection, subject to the imposition of a number of conditions. The Ecology Officer also asked for HRA to be included however Officers are unable to secure HRA payments for commercial schemes.

In respect of trees, an arboricultural report and tree protection plan has not been submitted with the application. However, from Officer site visits, the site appears generally devoid of vegetation other than scrub due to its brownfield nature, apart from an early mature sycamore tree which is located in the corner of the north-west entrance to the site. In any case, an arboricultural report and tree protection plan have been recommended via condition to ensure that if there are any other important species that these are protected as appropriate. In addition, the requirement of a detailed landscape scheme through condition will be more than able to compensate for any losses at the site with the planting of new trees and hedges.

As such, from an ecological and arboricultural perspective, it is considered that the proposal is acceptable.

Lighting

Policy RLP65 of the Adopted Local Plan states that proposals for external lighting which require planning permission will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users and there is no unacceptable harm to natural ecosystems.

A lighting condition has been imposed to ensure that any future lighting in the area is adequately controlled taking into account the rural nature of the site.

Broadband

It has been confirmed that the site can be provided with superfast broadband within the Design and Access statement. This is important to secure for future occupiers of these units.

Sustainable Urban Drainage Systems (SUDS) & Flood Risk

The site in this case falls below the threshold for a consultation to Essex SUDS. However, the site is located within Flood Zone 1 which has the lowest probability of flooding. The development would also bring in a number of green areas which would likely lead to a net reduction in hard standing comparatively to the existing situation.

As such, from a SUDS/flood perspective, it is considered that the proposal is acceptable and no conditions are considered to be necessary in this case.

PLANNING BALANCE AND CONCLUSION

As set out in Paragraph 8 of the NPPF, sustainable development has an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; a social objective, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and an environmental objective, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural

resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In this case, the site would redevelop a brownfield site and bring about some additional employment in the District, over and above what was approved through application reference 18/01916/COUPA. The proposals by virtue of the new buildings would also allow for far greater homogeneity than the COUPA approval and lead to a visual reduction of built form at the site, as well as provide a good environment for future users of the offices. The scheme would also facilitate the closure of the Western Road, Park Road and Park Gate Road junction.

In terms of harms, the site would be remote from public transport and from any nearby settlement. The amount of new office floor space is also greater than what would usually be acceptable, however these harms are mitigated sufficiently by the other improvements that would be generated.

Overall, taking into account the COUPA permission, coupled with the benefits of the application, it is considered that the harms of the development would not be sufficient enough to warrant the refusal of planning permission. As such, it is recommended that the application be approved subject to conditions.

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	
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.1
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.2
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.3
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.4
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.5 Version: A
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.6 Version: A
Proposed Elevations and Floor Plans	Plan Ref: 3438.010.7 Version: A
Proposed Site Plan	Plan Ref: 3438.02 Version: Q
Street elevation	Plan Ref: 3438.04 Version: B
Access Details	Plan Ref: IT1877/TS/02 Version: D

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

Reason

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

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

Reason

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

- 3 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

Bank Holidays & Sundays - no work

Reason

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

- 4 No above ground development shall commence until a schedule and samples of the materials to be used on the external finishes of the building shall be 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.

- 5 No above ground development shall commence until details of all new hard landscaping, including colour and type of material for all hard surfaces areas and method of laying, shall be submitted to and approved in writing by the local planning authority. All areas of hardstanding shall be constructed using porous materials laid on a permeable base. The hard landscaping shall only be carried out in accordance with the approved details and shall be completed prior to the first use of the building hereby granted planning permission.

Reason

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

- 6 No above ground development shall commence until 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.

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.

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.

Reason

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

- 7 (A) No development or preliminary groundworks can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.
- (B) No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
- (C) Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which 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.

- 8 Prior to the commencement of any above ground work, details of the number, location and design of covered, secure and convenient parking

facilities for powered two wheelers and bicycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to occupation and retained at all times.

Reason

In order to provide attractive alternative options to the private car for future occupiers and employees.

- 9 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.

- 10 Prior to the occupation of the hereby approved development, details of shower facilities showing location and specification, shall be submitted to and approved in writing by the LPA. The facilities as agreed shall be provided in accordance with the approved details prior to first occupation of each respective unit and retained for the life of the development.

Reason

In order to make cycling to work as attractive as possible to reduce the use of the private car.

- 11 Prior to above ground work, details of refuse collection arrangements, the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

In the interests of visual amenity.

- 12 No development or any site clearance shall commence until an Arboricultural Report has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural report shall list and categorise all trees on the site, and include a Tree Protection Plan indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. 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.

Reason

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

- 13 The access onto Park Gate Road at its centre line shall be provided with a clear to ground visibility splays of 2.4m x 120m to the East and 2.4m x 66m to the West (to the junction of Park Gate Road and Western Road). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic associated with the proposal and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 15 The existing access at the junction of Park Gate Road and Western Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge immediately the proposed new access is brought into first beneficial use, as shown in submitted drawing 3438:02 Q.

Reason

To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 16 Prior to first occupation, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9

and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- 17 Prior to the commencement of development a phase 2 comprehensive survey shall be undertaken to better 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 (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any unit 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.

- 18 No development shall commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

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

- 19 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority, in line with the submitted Ecological Impact Assessment (MLM Consulting Engineers Limited, December 2020). This shall contain the details and location of a temporary Barn Owl box to be erected 30 days prior to demolition.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as

amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 20 No development shall commence until a Biodiversity Compensation and Enhancement Strategy for Protected and Priority species is submitted to and approved in writing by the local planning authority, following the details contained within Ecological Impact Assessment (MLM Consulting Engineers Limited, December 2020).

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed compensation and enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the compensation and enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 21 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as

amended) and s40 of the NERC Act 2006 (Priority habitats & species)

- 22 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall only be used for Offices (Class E(g)(i) and for no other purpose within Class E.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding areas, and also restrict other inappropriate uses in the countryside.

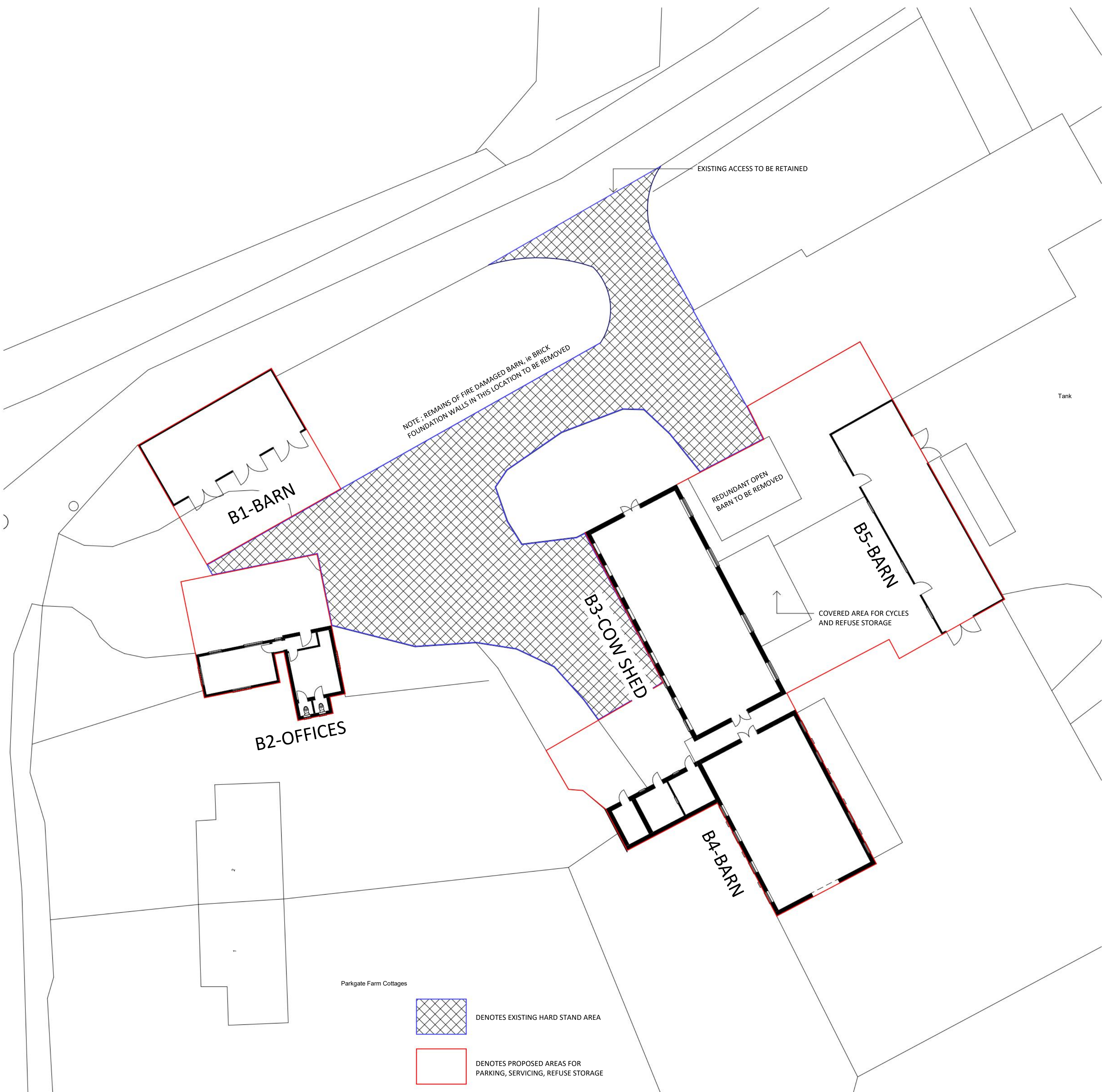
INFORMATION TO APPLICANT

1 Please note - Condition 11 will require the developer to enter into a legal agreement which would waive any damage liability from carrying out refuse collection by Braintree District Council. Please contact the case officer for further details when necessary.

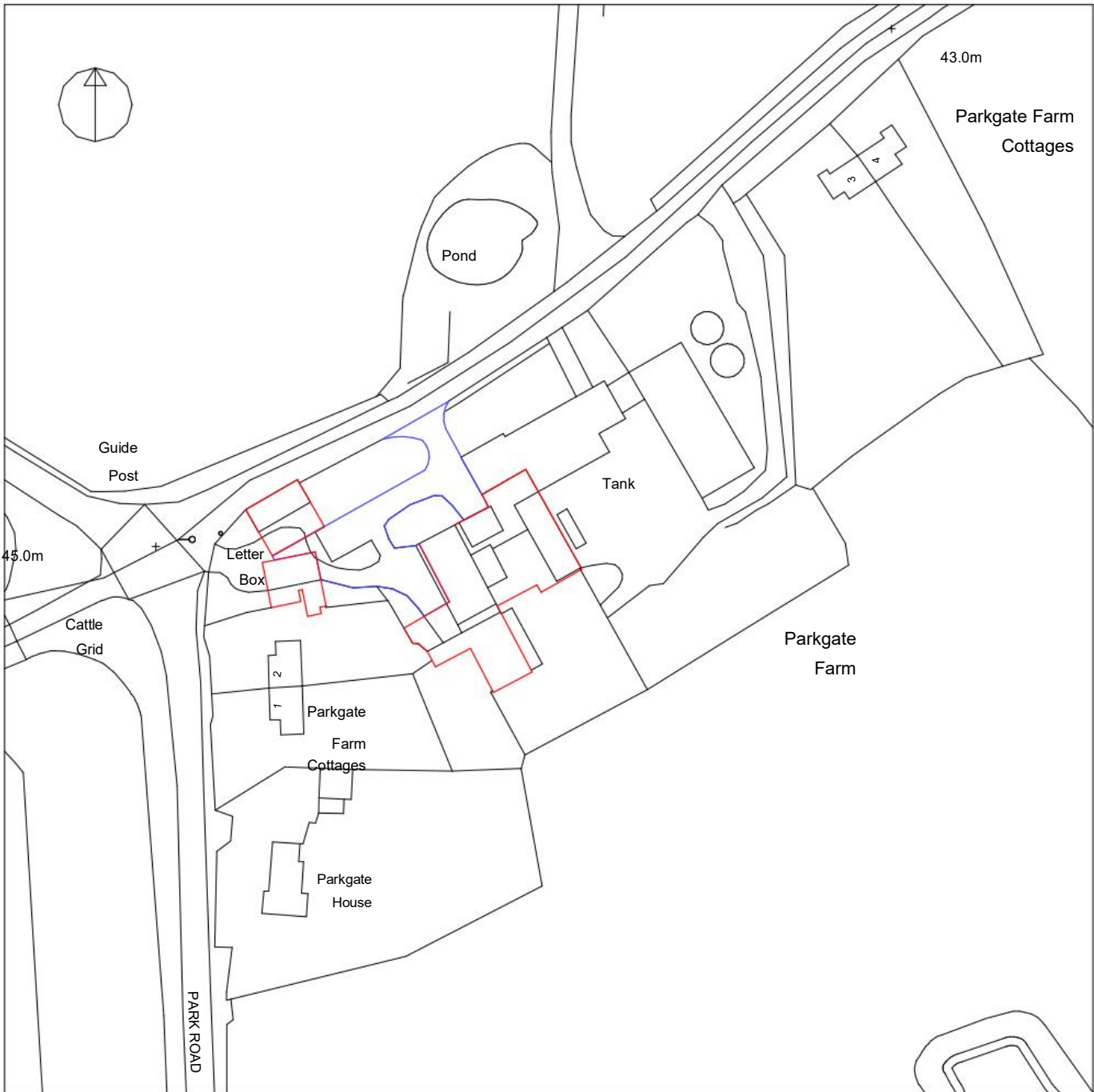
2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

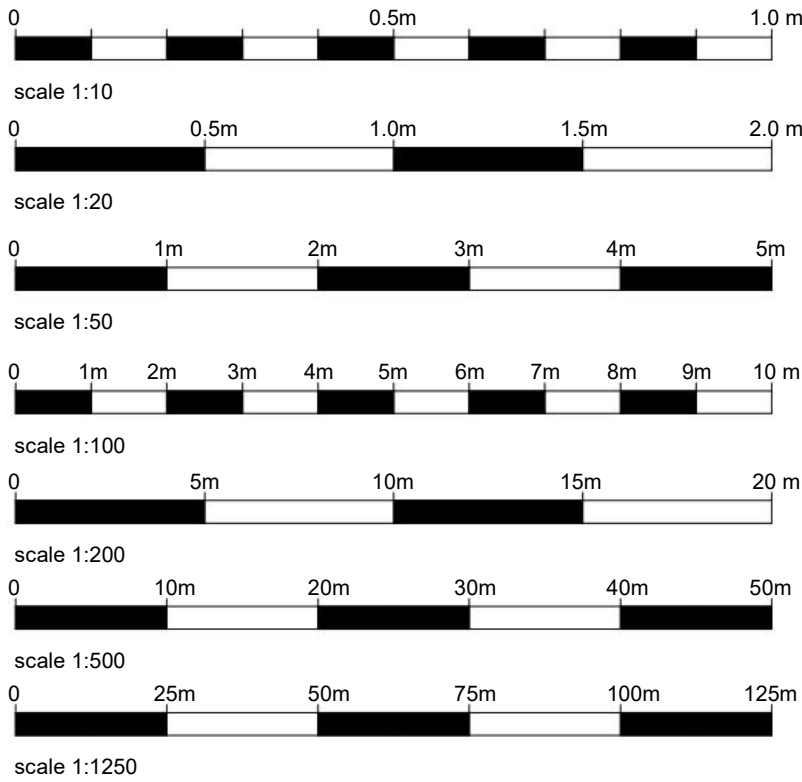
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER




PROPOSED BLOCK PLAN
1 : 200



SITE LOCATION PLAN
1 : 1250





Dean McLeod MCAT, ACIOB
TEL: 01245 363421
MOB: 07733 784035
EMAIL: deanmcleoddesign@hotmail.co.uk
www.dlmdesign.co.uk
DLM Design, Croston's Mill, Blastford Hill, Little Waltham
Chelmsford, Essex CM3 3PU

This drawing is copyright of DLM DESIGN and is not to be reproduced or copied without permission from the author.

Do not scale from drawing.

All dimensions and levels are indicative and are to be checked on site by Builder prior to any works commencing.

Any errors or discrepancies must be reported prior to any works being carried out.

No	Description	Date
Revisions		

**PARKGATE FARM
RIVENHALL
ESSEX**

**CHANGE OF USE OF
REDUNDANT FARM
BUILDINGS TO
OFFICES/STORAGE**

PROPOSED SITE PLANS

Project number	329
Date	Issue Date
Drawn by	DM

PA-329-04

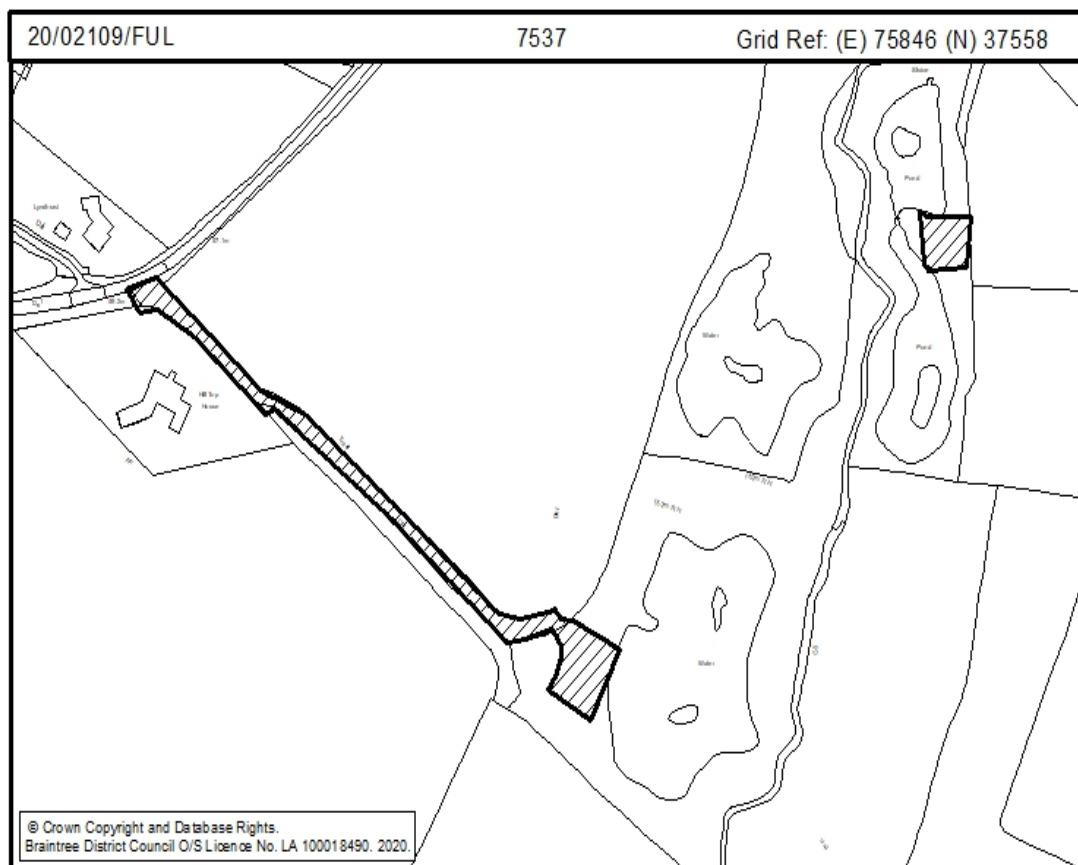
Scale Sheet Size A1	As indicated
---------------------	--------------

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/02109/FUL DATE: 11.12.20
VALID:
APPLICANT: Mr D Hilton
Hilton Valley Carp Fishery, Toppesfield Road, Great Yeldham, CO9 4HB
AGENT: Fenn Wright
Mr Tom Good, 1 Tollgate East, Stanway, Colchester, CO3 8RS
DESCRIPTION: Retention of Fishery Manager's Temporary Dwelling and fish hatchery.
LOCATION: Fishing Lakes, Great Yeldham Hall, Toppesfield Road, Great Yeldham, Essex

For more information about this Application please contact:
Melanie Corbishley on:- 01376 551414 Ext. 2527
or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QL60YTBFI8F00>

SITE HISTORY

18/00746/FUL	Planning application for the enlargement of two existing fishing lakes to create one larger fishing lake; the creation of a parking area; the change of use of land for siting four mobile units to provide anglers' toilets, a tea room, a tools shed; office with family cabin. Retention of new electricity supply and enclosure.	Refused	07.11.18
18/02165/FUL	Enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area and laying of hardstanding, and change of use of the land for siting of two mobile units to provide anglers' toilets and tools shed.	Granted	05.08.19
18/02167/FUL	Retention of new electricity supply and enclosure.	Application Returned	
19/00058/FUL	Retention of electricity supply and enclosure	Granted	02.08.19
19/01673/DAC	Application for approval of details reserved by conditions 4, 5, 6, 7, 8, 9, 12, 13 and 14 of approval 18/02165/FUL - Enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area and laying of hardstanding, and change of use of the land for siting of two mobile units to provide anglers' toilets and tools shed.	Granted	20.11.19
19/02189/DAC	Application for approval of details reserved by conditions 10 and 11 of approved application	Refused	03.01.20

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP12	Permanent Agricultural Dwellings
RLP13	Temporary Agricultural Dwellings
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP67	Flood Risk in Undeveloped Areas

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

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP40	Rural Workers Dwellings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage

Neighbourhood Plan

None

Other Material Considerations

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as the application was Called In by Cllr van Dulken for the following reasons:

- The introduction (or retention) of permanent habitation by staff and family, as well as obtrusive polytunnels at the other end of this long established wildlife site, is inappropriate overdevelopment, and which was never

envisaged when the initial planning applications were granted in 2018 and early 2019.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the south of Great Yeldham and currently contains two fishing lakes. The site is located wholly within the countryside and the vast majority of the site lies within Flood Zone 2 and 3.

The site is designated as a Local Wildlife Site and is accessed via a narrow unmade access track from Toppesfield Road. A public right of way runs along this access track and there are a number of other nearby public rights of way.

The Toppesfield Brook runs along the eastern portion of the site.

Planning permission (Application Reference 18/02165/FUL) was granted in August 2019 for the following:

Enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area and laying of hardstanding, and change of use of the land for siting of two mobile units to provide anglers' toilets and tools shed.

The parking area has been created and the two mobile units have been placed on the land.

In addition to this a third mobile unit containing a full kitchen has been placed on the site and is trading as a cafe for the anglers. This matter is currently being investigated by the Council's Planning Enforcement team.

Last summer two mobile homes (subject to this planning application) were placed on the site, close to the mobile units and are currently occupied by the applicant, his partner, daughter and mother.

PROPOSAL

This application is seeking to retain the two caravans on a temporary basis to house a fishery manager. The initial temporary period would be three years. The applicant hopes that by the end of this period, the business will be trading for a sufficient period to justify the permanent consent.

The application is also seeking planning permission for the erection of a polytunnel to be used as a hatchery, which would be located by existing stock ponds on the eastern side of the site.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

Having considered all the information submitted with the application, the highway authority has no objection to make on this proposal.

BDC Ecology

We have reviewed the additional information submitted by the Planning Agent via email on 17th February 2021, relating to the likely impacts on the development impacting on designated sites, Protected and Priority Species / Habitats for this development.

The additional information submitted confirms that no trees will be required to be felled to facilitate the proposals, and there are no proposals to undertake any works to the existing stock ponds or for any clearance of vegetation. We also note that the Managers temporary accommodation is sited in an area of the Local Wildlife Site close to the previously permitted development. Therefore, given the scope and scale of the proposed works and, the impacts of development to designated sites, protected species, priority species and habitats can be predicted.

We therefore recommend that a Preliminary Ecological Appraisal will not be required in respect of this application and that the holding objection previously submitted can be removed.

A condition is suggested regarding the submission of a wildlife sensitive lighting design scheme.

Environment Agency

Holding objection to the application on flood risk and biodiversity grounds.

Essex Wildlife Trust

No comments received.

Essex Fire and Rescue

Access for Fire Service purposes would normally be considered in accordance with the Essex Act 1987 - Section 13 and would be deemed to be acceptable subject to satisfactory compliance with Building Regulations B5. However, in this instance it is noted that the temporary dwelling and fish hatchery are already in situ and that there are no changes to the existing access arrangements. Therefore, there are no further comments to make.

PARISH / TOWN COUNCIL

Great Yeldham Parish Council

The Parish Council wishes to object. It should be recalled that the original Application 18/00746/FUL, which included mobile buildings on the scale of the current static caravans, was refused planning permission as the proposed “buildings” would be contrary to Policies CS5 (Countryside) and CS8 of BDC Local Development Framework Core Strategy and 170 and 83 of the National planning policy framework, in that the development would fail to contribute to and enhance the landscape character of the local environment within the countryside, the applicant has failed to mention this on this application for the same land. In application 18/00746/FUL the “buildings” were described in the Officers’ Report as allowing no concession at all to a ‘high standard of design and layout’ - the large mobile units were at the time described as “of utilitarian design and appearance that would be alien additions to the countryside and harmful to the landscape character of this location”.

This application, 20/02109/FUL, retention of the Fishery Manager's Temporary Dwelling (the current static caravans on site are located in flood plains 2/3 and not flood plain 1) and fish hatchery combined with the increased activity would not protect and enhance the landscape character and amenity of the countryside nor have regard to the character of the landscape and is therefore contrary to policies CS5 (Countryside) and CS8 of BDC Local Development Framework Core Strategy and 170 and 83 of the National planning policy framework.

The addition of the poly tunnel for breeding fish, the proposed size 14.4 m x 9 m with a height of 2.6 m is in our opinion obtrusive and again, would be contrary to policies CS5 (Countryside) and CS8 of BDC Local Development Framework Core Strategy. The site and current static caravans can be seen from three footpaths, a bridleway and the highway, due to the nature of this site any development would have a detrimental effect causing high light pollution more movement of traffic in and out of the site and increased noise levels this would all have a negative impact to the local wildlife. There is no mention of the only access to the proposed hatchery which the applicant uses for vehicles and machinery. The access is situated at the opposite end of the site from the lakes. The access comes from Toppesfield Road and runs in between two houses and then carries alongside an old railway embankment over a river bridge and then turn right into mature woodland following the access road /track to the two ponds and the proposed hatchery. Returning from the proposed hatchery along the access road /track it becomes narrow in between two houses and then uphill to Toppesfield Road a high hedge to the right and a high fence to the left obscure the view from the right and left on Toppesfield Road. The access road/track also has a footpath running along its length. If the hatchery is approved how will this affect the amenity of the residents living either side of the road/track now and in the future? Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that the Council will seek a high standard of layout and design in all

development, large and small in the District. It sets out a number of criteria which includes that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Paragraph 127 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants.

The proposals would lead to a significant increase in vehicular traffic along the access track than currently experienced. This increase in vehicular activity, both related to the fishing hatchery would be detrimental to the amenity of any nearby residential properties.

Originally there was to be a septic tank to deal with toilet waste, this appears to have been relegated to a cesspit in the Application 20/02109/FUL.

The Parish Council would also like to comment that the applicant continues to dismiss planning regulations and non-compliance with previous planning applications:

- Acted improperly in siting static caravans and living in them without planning permission, how/where is human/refuse waste being disposed?.
- Flood and drainage issues connected to the proposed location of the caravans, these still do not appear to have been addressed.
- The view from the highway is currently blocked by a man made embankment 4 metres high 200 meters long and is a non-compliance with a planning condition 14.

Toppesfield Parish Council

Following discussions, a vote was taken and by majority vote it was decided to object to this application for the following reasons.

- The mobile units are not in keeping with the rural surroundings.
- The poly-tunnels are of a sizeable construction, out of place for a wildlife haven and will be visually obtrusive from the road and footpaths.

REPRESENTATIONS

33 objections received from 13 addresses making the following comments:

- The site is located in Flood Zone 2 and 3.
- Designated local wildlife site containing several species of protected wildlife, and contains 8 confirmed species of bat.
- Manager accommodation located in Flood Zone 2 and 3.
- Toppesfield Brook runs through the site, but this is not mentioned.
- Non-compliance with a previous planning condition.
- Concerns about access for the hatchery which would along a PRow that runs from Toppesfield Road, where visibility is restricted.
- The site has a state of the art security system that also uses drones.
- Concerns about use of lighting used since the caravans have been placed on the site.

- Concern about the spread of development across the site.
- Mud and debris on Toppesfield Road due to more comings and goings from the site.
- The two mobile units are harmful to character of the wider area.
- The fishery has been running for over 25 years in all that time there has never been a need for someone to live on site there are also bailiffs that work at the fishery who live locally.
- Application fails to mention the selling of food to the fisherman, does this comply with the regulatory standards?
- The selling of food from the site requires planning permission and removes business from a local cafe.
- The caravans contravene the ruling of the planning committee that this was a site which was not to be used for residential purposes.
- The caravans are visible from the road and PRow.
- Concerns about the height of the soil being placed along the NW boundary of the site, which is an eyesore, and should only be 1.5m high.
- Unaware of any fishery that has and temporary or permanent living quarters and am unsure why you would need to.
- Two static caravans do not comply with Paragraph 80 of the NPPF.
- There are a number of properties for sale and rent within the 10 minute golden window with regards fish welfare.
- It is a shame that a great amount of the trees had to be cut down, a lot of the birds that used to frequent that area no longer have the perches and shelter.
- The applicant and extended family have been living in static caravans at the site for over 6 months despite his previous application for dwellings being refused. This shows a lack of regard to any planning laws and regulations.
- The caravans are not in keeping with the natural habitat and can be clearly seen from the public footpath and this now sadly appears to look like a traveller's site.
- This site known as Yeldham Station Marsh is a complex of planted wood, grassland, marsh, scrub and open water which forms a valuable recognised wildlife site and corridor. It supports many different types of birds, mammals and reptiles and a biodiverse flora.
- Overdevelopment of the site.
- Use of PRow 87-25 to transport machinery to and from the site. This has previously caused considerable damage to our newly installed fence, the track and the bridge over the river, none of which were repaired.
- Damage to the PRow has created a dangerous walking environment.
- Concerns that the site would flood and that not only the swims but the new hatchery would be effected.
- Personal details of objectors shared by applicant on social media.
- Contrary to Policies CS5 and CS8 of the Braintree Local Development Framework Core Strategy in that the development would fail to contribute to and enhance the landscape character of the local environment within the countryside.
- Cess pit - water contamination? Not sure what is being done at present but sometimes smells awful.

- The Mobile Units are not in keeping with the rural location and planning permission has already been refused previously (but the applicant wilfully disregarded this).
- The Shower Block and Tool Shed are not compliant with the original application with regards materials.
- Work has already started on clearing part of the site for the hatchery.
- Concerns about the impact the proposals would have on Great Crested Newts on the site.

6 representations supporting the application making the following comments:

- Recent works to the site have created an abundance of wildlife.
- The site manager and his partner are invaluable to the fishery, and their constant presence on site is significant.
- Having them on-site increases security for anglers, the fish and the upkeep of the surrounding nature.
- Having a presence on site has avoided a disaster last year when the swims could have flooded due to a large downpour of rain further up the river.
- The food service provided is essential in maintaining angler satisfaction and providing a helpful service above and beyond.
- Their presence on site really makes safety and satisfaction of the highest level.
- A full service is provided to anglers, including the provision of food, assistance with photography and advice on techniques and more.
- I have seen the site being developed in an environmentally friendly manner and have been fortunate enough to see both the flora and fauna on and around the site flourish.
- Having the applicant on-site provides peace of mind regarding security.

REPORT

Background

In November 2018 planning application reference 18/00746/FUL was reported to Planning Committee and related to the following development:

Planning application for the enlargement of two existing fishing lakes to create one larger fishing lake; the creation of a parking area; the change of use of land for siting four mobile units to provide anglers' toilets, a tea room, a tools shed; office with family cabin. Retention of new electricity supply and enclosure.

The Committee report for this item concluded with the following paragraphs:

The site is located within the countryside in an area where new development is restricted to appropriate uses to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside in accordance with Policy

CS5 of the Adopted Core Strategy. Policy CS8 Adopted Core Strategy states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change.

Whilst the Council acknowledges the applicant's business aspirations for the site, the introduction of the 'mobile' units, the over engineered vehicular access and the retention of the electricity enclosure would be harmful to the character and appearance of the countryside. Furthermore the siting of the 'cafe' in this isolated location, some distance from the village of Great Yeldham would result in an unsustainable form of development, conflicting with the policies outlined above and guidance from the NPPF.

The application fails to provide detailed information with regards flood risk and drainage and a holding objection is maintained by the Local lead Flood Authority. It is therefore considered that the proposal conflicts with the guidance contained within paragraphs 163 and 170 of the NPPF.

The item was refused for the following reasons:

1. The proposal is contrary to Policies CS5 and CS8 of the Braintree District Local Development Framework Core Strategy in that the development would fail to contribute to and enhance the landscape character of the local environment within the countryside.

Furthermore the proposals would result in an unsustainable form of development, conflicting with the policies outlined above and paragraphs 170 and 83 of the National Planning Policy Framework with regards to failing to respect the character of the countryside.

2. The application has failed to provide detailed information with regards to flood risk and drainage contrary to Policy LPP78 of the publication draft local plan and therefore conflicts with the guidance contained within paragraph 163 of the National Planning Policy Framework.

Following this refusal, a second application (18/02165/FUL) was submitted and related to a reduced level of development:

Enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area and laying of hardstanding, and change of use of the land for siting of two mobile units to provide anglers' toilets and tools shed.

Planning permission was approved in August 2019 and has been partially implemented with regards the two mobile units.

Principle of Development - Temporary Managers Dwelling

Policy CS5 of the Core Strategy, 'seeks to control uses outside of development boundaries to uses appropriate to the countryside'.

Paragraph 79 of the PPF states that:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.'*

Policy RLP13 of the Adopted Local Plan permits temporary agricultural dwellings if the criterion of Policy RLP12 (Permanent Agricultural Dwellings) are fully met. It further states, *'at the end of the period for which the temporary permission is granted, the temporary dwelling will need to be removed, unless the requirements for a permanent permission to be granted are met'.*

Policy RLP12 of the Adopted Local Plan states that, *'new dwellings for agricultural workers should satisfy the following criteria,*

- (a) There is a clearly established existing functional need;*
- (b) The need relates to a full-time worker;*
- (c) The unit and agricultural activity have been established for three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;*
- (d) The functional need could not be fulfilled by another dwelling on the unit; or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned;*
- (e) Other normal planning requirements, for example on siting and access, are satisfied; If it is demonstrated that a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation, satisfying the criteria (a), (b), (d) and (e) above and criteria (f) and (g) below.*
- (f) There is clear evidence of a firm intention and ability to develop the enterprise concerned;*
- (g) There is clear evidence that the proposed enterprise has been planned on a sound financial basis'.*

Whilst the temporary dwelling is not being used by a traditional agricultural worker, Officers consider that the criteria set out on Policy RLP12 are an appropriate test to assess the acceptability of the current proposals at the fishing lake. A similar set of criteria can be found in Policy LPP40 of the Draft Section 2 Plan. It is noted that the NPPF refers to rural workers which is more diverse than agricultural worker.

(a) There is a clearly established existing functional need

During the life of the application the Council has sought to obtain expert advice with regards the retention of the temporary manager's dwelling. The expert provided the Council with the following commentary:

Applications for agricultural and other rural occupational dwellings are currently assessed under the National Planning Policy Framework (the Framework), Paragraph 79 of the revised Framework states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) There is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside;" –

Planning Practice Guidance was also provided in July 2019 at Paragraph 010 which deals with the need for rural workers' dwellings in the countryside, and which sets out considerations which may be relevant to take into account when applying paragraph 79(a).

Paragraph 010 sets out five considerations which may be taken into account when applying paragraph 79(a) these are:-

1. "Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land based rural enterprise (for instance where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);" – I do not consider there is sufficient evidence of the necessity for a rural worker to live at, or in close proximity to their place of work at the current time; as the fishery is operated as a fishing enterprise with visiting anglers paying for day tickets. This type of enterprise does not have an essential/functional need for a person to live on the site.

The applicant's agent has set out in a supporting document a number of reasons as to why a person needs to live on site. A number of these reasons relate to the proposed hatchery and will be dealt with later in this section. Other reasons include providing a presence on site for anglers should they fall into the water or get into difficulties, monitoring fish health, crime prevention, preventing predation by cormorants and monitoring and maintaining water quality and general fish welfare. Whilst these are valid concerns for the applicant, Officers do not consider that these matters require a 24 house presence and the site can adequately be monitored by a manager or managers who work on the site during the day/evening hours.

Therefore based on the current situation at the fishing lakes, there is no evidence to support or justify that a rural worker is required to live on site.

The current application also relates to the construction of a new hatchery close to two existing stock ponds on the eastern side of the site. The applicant's agent has set out that the management of the hatchery and in particular the failure of the life support equipment is the main reason for the requirement for a 24 hour presence.

The Council's expert has indicated that the creation of a hatchery could be justification for a rural workers dwelling, however he states that the current location of the dwelling, being some 230m from the proposed hatchery, would be unacceptable, and that in order to justify it the dwelling should be sited much closer to the new hatchery.

Officers are of the view that the dwelling and the hatchery cannot be moved closer together as the dwellings are already in situ and are located close to existing structures on the site. Furthermore it is considered that there positioning elsewhere on the site would be harmful to the countryside. The hatchery is proposed near the existing stock ponds where there would be insufficient space to accommodate a temporary caravan. Officers are therefore of the view that it would be impractical for the two to be located close to each other and on that basis there is no justification for a dwelling on the site.

At present the hatchery does not exist on the site, and even if Members were minded to approve the details for the hatchery, the Local Planning Authority would not be able to impose a planning condition requiring these works to be carried out. In such a situation therefore, the temporary dwellings would have the benefit of permission without any recourse to ensure that the hatchery that has justified their presence/need would be introduced to the site. Therefore we have a situation where two caravans have already been placed on the site (last summer) and are occupied for residential purposes and subsequently now a hatchery is proposed in order to provide a justification for their retention. The Council's expert has advised that the fishing lakes business is viable and does not require the hatchery to remain viable. Therefore given the reasons above Officer's are concerned that the introduction of the proposed hatchery, which the Council cannot insist is provided on site, is a means to secure the retention of the temporary dwellings, rather than the hatchery, needed to ensure the longevity of the business, creating the demand for a rural worker to be present/live on site.

Further assessment of the siting of the hatchery is set out below.

(b) The need relates to a full-time worker

Officers are of the view that whilst a full time worker may be necessary to oversee the day to day running of the fishing lakes, as set out above, this work can be carried out during the day and does not require a 24 hour presence.

(c) The unit and agricultural activity have been established for three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so

Financial information submitted by the applicant indicates that the business has been operating as Hilton Valley Carp Fishery since 2020 and 6 months' worth of incomes figures from 2nd June 2020 were provided. With only 6 months' worth of financial information (which covers a period of national restrictions due to the Covid pandemic) it is difficult to make a judgement on whether the operation of the fishing lakes would be profitable and are based on a financially sound business plan. However regardless of this, the Council's expert has indicated that the viability fishing lakes, based on how they are currently run, are not reliant on the introduction of the proposed hatchery.

(d) The functional need could not be fulfilled by another dwelling on the unit; or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned

There are no existing dwellings on the site and the applicant's agent has indicated that there are no suitable dwellings in the area to accommodate the manager.

Much has been made of the 'golden window' of ten minutes following a power failure to ensure that fish in the hatchery do not die. There are many villages within a 6 minute drive of the fishing lakes, including Great Yeldham, Toppesfield, Castle Hedingham, Sible Hedingham, Ridgewell and Little Yeldham, that could provide alternative accommodation for the fishery manager. Therefore even if the hatchery were supported, it is considered that alternative accommodation would be available in a nearby village which would negate the need for a dwelling, temporary or otherwise, on the site.

Members are advised that the proposed hatchery would be located close to two existing stock ponds to the eastern side of the site. Presently the stock ponds and the proposed location for the hatchery is separated from the remainder of the site by the Toppesfield Brook. The separation would be even greater once the two lakes are joined together, as previously approved. Officers consider therefore the only access route from the caravans to the hatchery would be via the access road, Toppesfield Road and PRow 87_25, which is located to the north of the site. Therefore access via this route would require the manager to leave the site and travel along both Toppesfield Road and the PRow. Officers are of the opinion that if the hatchery could be monitored from the other side of the site, requiring travel by car to reach it in an emergency as proposed within this application, that the site could be adequately be monitored from a dwelling in a nearby village and accessed quite as quickly by car travel.

Many representations have made comments about the applicant using the above footpath as an access to the stock ponds and the proposed hatchery and the damage caused by vehicles using this PRow. Essex County Council

has advised the Local Planning Authority that in order to be able to legally drive along a footpath (or bridleway) the person must have “lawful authority”. That is to say they must either be the landowner, or have consent from the landowner, or vehicular access is in their title deeds. At this time, it is not known if the applicant has this ‘lawful authority’ however Officers are concerned that the increased use of this PRoW, particularly by a vehicle, would have a detrimental impact on the character and appearance of the countryside in this specific location.

It is noted that two caravans have been placed on the site, and these accommodate the applicant and his extended family, including his partner, daughter and mother in law. Should a case have been made for a rural worker to live on the site, which it hasn’t, the placing of two caravans is considered to be excessive and that there would be no need nor justification for the applicant’s mother in law to live on the site.

(e) Other normal planning requirements, for example on siting and access, are satisfied; If it is demonstrated that a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation, satisfying the criteria (a), (b), (d) and (e) above and criteria (f) and (g) below.

Officers are not content that a case can be made for the retention of the temporary manager accommodation.

These matters are dealt with under the sections relating to ‘Design, Appearance and Layout’, ‘Impact on Neighbour Amenity’ and ‘Highways’.

(f) There is clear evidence of a firm intention and ability to develop the enterprise concerned

(g) There is clear evidence that the proposed enterprise has been planned on a sound financial basis

These matters are dealt with earlier in this report.

Officers are therefore not content that the application complies with the Policies outlined above and the retention of the caravans cannot be supported.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LLP50 of the Draft Section 2 Plan all seek a high standard of design and layout.

Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates

better places in which to live and work and helps make development acceptable to communities’.

The two caravans have a utilitarian design and appearance that appear as alien additions in the countryside, however as they are temporary it would be difficult to argue harm to the landscape character in this location. Officers would not wish to see a permanent structure proposed for a temporary building. Likewise the proposed caravans would not be acceptable as permanent structures on the site.

The proposed hatchery would have a footprint of 130sqm (14.4m wide and 9m deep) and a maximum height of 2.6m. It is proposed that the hatchery would have the appearance of a polytunnel and a barrel shaped roof. Officers consider that the new structure would be partially visible from Toppesfield Road, and extremely visible from PRoW 87_24, which runs to the west of the site.

Officers do not consider that the appearance of the new hatchery would sit comfortably within the existing landscape and would be an incongruous addition to the rural character of the site, and would conflict with the NPPF, Policies CS5 and CS8 of the Core Strategy, Policies RLP80 and RLP90 of the Adopted Local Plan and Policy LPP71 of the Draft Section 2 Plan.

Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Policy CS8 of the Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding and a similar sentiment is repeated in Policy LPP78 of the Draft Section 2 Plan.

The site lies in Flood Zone 2 and 3 and following the submission of additional information the Environment Agency raise an objection on flooding grounds.

The submitted flood risk assessment (FRA), referenced 2162/RE/09-18/04 and dated February 2021, does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change.

This FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and we are raising a holding objection. In particular, the submitted FRA fails to:

- Identify the impacts of fluvial flood risk from the Toppesfield Brook designated main river.
- Assess the impact of climate change using appropriate climate change allowances. In this instance, according to 'Flood risk assessments: climate change allowances', the allowances that should be assessed are the Higher Central of 35% and the Upper End of 65%.
- This development has been classified as 'highly vulnerable' by the LPA therefore once it has been modelled caravans must be sited outside of flood zone 3.

Given this holding objection, the proposal conflicts with guidance from the NPPF, Policy CS8 of the Core Strategy and Policy LPP78 of the Draft Section 2 Plan and the application can be reasonably refused on this basis.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Section 2 Plan states that the Council will seek and high standard of layout and design in all development, large and small in the District. It sets out a number of criteria which includes that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Paragraph 127 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants.

The closest residential dwelling lies 220m from the nearest lake, and is located adjacent to the access track that serves the site from Toppesfield Road. Whilst there would be a small increase in vehicular traffic along the access track than currently experienced, it is considered that this increase would not be detrimental to the amenity of the neighbouring occupier.

With regards to the impact of the proposals on residential properties located to the north of the site along Toppesfield Road, it is considered that there is sufficient distance between these dwellings and the lake area to ensure the amenity levels for these residents are not materially affected.

Ecology

Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Draft Section 2 Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft Section 2 Plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

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

The Council's Ecologist has reviewed the additional information submitted by the Planning Agent via email on 17th February 2021, relating to the likely impacts on the development impacting on designated sites, Protected and Priority Species / Habitats for this development.

The additional information submitted confirms that no trees will be required to be felled to facilitate the proposals, and there are no proposals to undertake any works to the existing stock ponds or for any clearance of vegetation. The Managers temporary accommodation is sited in an area of the Local Wildlife Site close to the previously permitted development. Therefore, given the scope and scale of the proposed works and, the impacts of development to designated sites, protected species, priority species and habitats can be predicted.

No objections are raised, subject to a condition requiring a wildlife sensitive lighting scheme.

Highway Issues

ECC Highways state that from a highway and transportation perspective the impact of the proposal is acceptable given the existing access, the scale of the proposed development and the area to be available for parking within the site.

Other Matters

A number of other matters have been raised in the representations received regarding the height and scale of the earth bund, the serving of food, the siting of a three mobile units being used as a kitchen, the creation of an access track to serve the proposed hatchery and the cladding for the two approved mobile units. These matters are currently being investigated by the Council's Planning Enforcement team and are not for consideration within the scope of this application.

CONCLUSION

The site is located within the countryside in an area where new development is restricted to appropriate uses to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside in accordance with Policy CS5 of the Core Strategy. Policy CS8 Core Strategy states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change.

Whilst the Council acknowledges the applicant's business aspirations for the site, as set out above, Officer's do not consider that the case put forward by the applicant is sufficient and that the retention of the temporary manager's accommodation does not comply with Policies RLP12 and RLP13 of the Adopted Local Plan. Furthermore the proposal would cause harm to the character and appearance of the countryside, contrary to Policies CS5 and CS8 of the Core Strategy.

Further harm to the character and appearance of the countryside would be caused by the siting of the proposed hatchery to the eastern side of the site.

The application fails to provide detailed information with regards flood risk and a holding objection is maintained by the Environment Agency. It is therefore considered that the proposal conflicts with the guidance contained within Paragraph 170 of the NPPF.

RECOMMENDATION

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

- 1 The application site is located within the countryside and as such residential development should not be accepted unless it has been demonstrated that the dwelling (temporary or otherwise) is required to meet an essential functional need associated with a rural worker.

The applicant has not adequately demonstrated that there is a full time essential functional need to be at the site. The fishery business can operate viably without the need for a hatchery. The temporary dwelling is already present on site has and thus its need has not been brought about by the proposed hatchery. Furthermore the dwelling is distant from the siting of the hatchery, only accessed by leaving the site and thus is impractical and arguably no closer than a dwelling within a nearby village.

In addition the temporary dwellings proposed house the applicant and his extended family. Even if it had been demonstrated that

there was a need for a rural worker to reside on site, there is no justification for a dwelling to house extended family.

To conclude the case put forward by the applicant is not sufficient and the retention of the temporary manager's accommodation does not comply with Policies RLP12 and RLP13 of the Adopted Local Plan, Policy CS5 of the Core Strategy and the NPPF.

- 2 The proposed hatchery by way of its design, size and siting would be harmful to the character and appearance of the countryside, partially visible from Toppesfield Road, and extremely visible from PRoW 87_24, which runs to the west of the site. The proposal conflicts with Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5 and CS8 of the Adopted Core Strategy, Policy LPP71 of the Draft Section 2 Plan and the NPPF.
- 3 The application has failed to provide detailed information with regards to flood risk and therefore conflicts with the guidance contained within paragraph 170 of the National Planning Policy Framework, Policy CS8 of the Adopted Core Strategy and LPP78 Draft Section 2 Local Plan (2017).

SUBMITTED PLANS

Location Plan	
Site Plan	Plan Ref: Hatchery
Site Plan	Plan Ref: Dwelling
Proposed Elevations & Floor Plans	Plan Ref: Hatchery Version: FPV458
Proposed Elevations & Floor Plans	Plan Ref: Caravan 1 Version: FP458/001
Proposed Elevations & Floor Plans	Plan Ref: Caravan 2 Version: FPV458/002

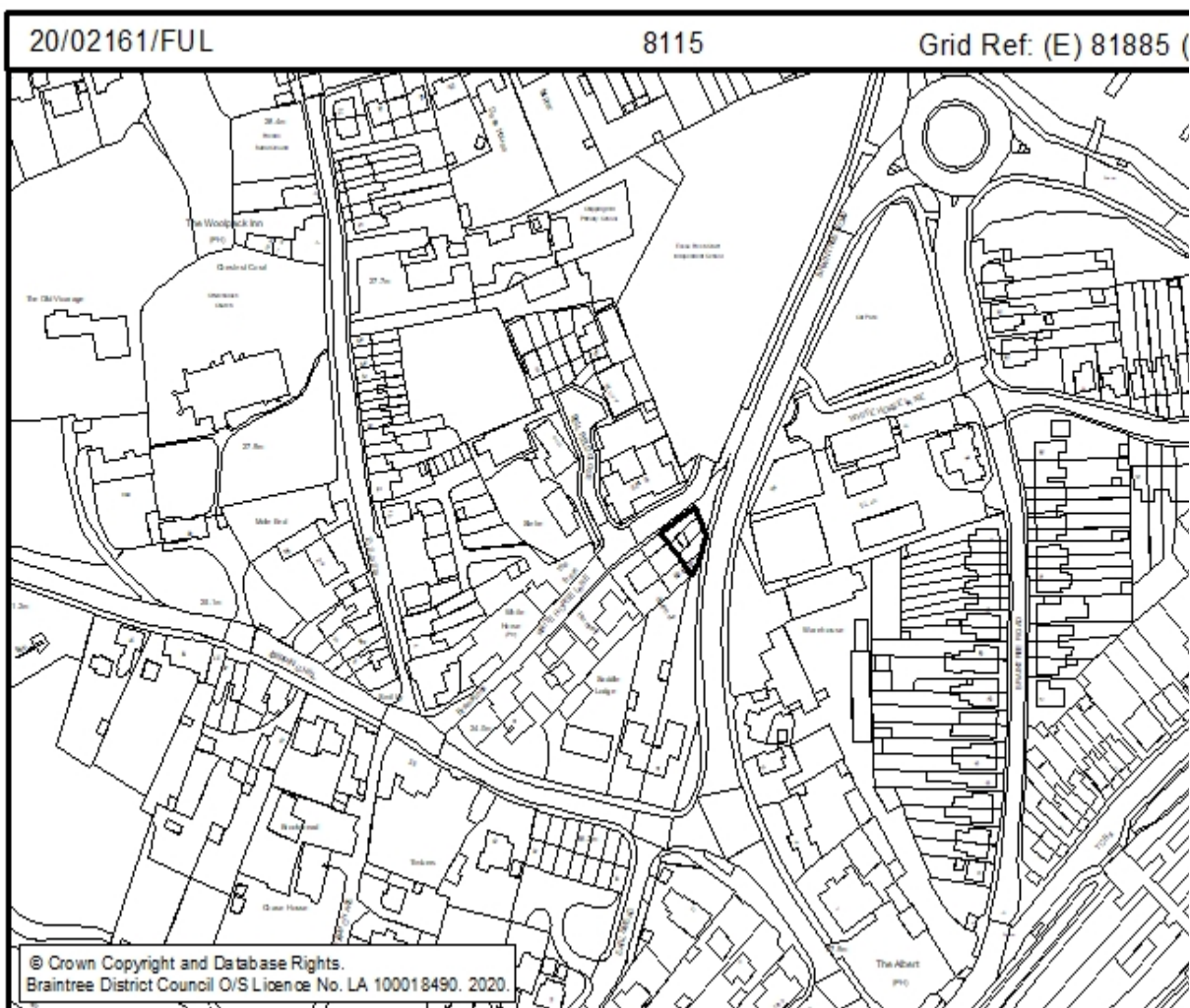
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/02161/FUL
DATE VALID: 14.01.21
APPLICANT: Worster
17 Booth Avenue, Colchester, CO4 3BB
AGENT: Mr Ben Finch
154 Wood Street, Chelmsford, CM2 8BN
DESCRIPTION: Erection of single-storey 1 bedroom detached bungalow adjacent to existing property.
LOCATION: Kelsale, White Horse Lane, Witham, Essex, CM8 2BU

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext. 2521
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLHLNDBFI/CO00>

SITE HISTORY

None

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage

Witham Neighbourhood Plan

No plan has yet been submitted for consideration and therefore no weight can be attributed.

Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as

Witham Town Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site as existing comprises the amenity area for Kelsale. The site currently comprises a garage for Kelsale. White Horse Lane features a variety of house styles, with properties adjacent to the plot consisting of semi-detached bungalows. The site is situated towards the end of the cul-de-sac and is bordered by Kelsale to the south west, and the B1018 to the north east.

The site is not located in the Witham Conservation Area and is approximately 70m away from the closest Listed Building.

PROPOSAL

The application in this case seeks planning permission to erect one detached one bedroom dwelling. Revisions were sought throughout the lifetime of the application to reduce the property from a two bedroom dwelling to a one bedroom dwelling. The proposed dwelling would be single storey in height, with an internal floor area of 67sq.m. The proposals feature an amenity area to the rear of the property, and a single parking space to the front of the dwelling. The proposals would see the retention of one parking space for the neighbouring dwelling at Kelsale.

SUMMARY OF CONSULTATION RESPONSES

Essex Highways

No objection subject to a number of conditions relating to the parking area, no loose materials, provision of cycle parking and provision of travel packs.

Essex Fire and Rescue

Raise no objection.

ECC Archaeology

No objection subject to conditions regarding the submission of a written scheme of investigation.

BDC Environmental Health

No response received.

PARISH / TOWN COUNCIL

Witham Town Council

Object to the application for the following summarised reasons:

- Overdevelopment of site
- Inadequate amenity space contrary to the Essex Design Guide
- Contrary to Essex Highways opinion that the roadway would not support further development
- Inadequate parking

REPRESENTATIONS

No representations received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Shared Strategic Section 1 Local Plan (2021) and the Braintree District Core Strategy (2011).

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is located within the Witham town development boundary and as such, in accordance with the above policies, the principle of developing the site for residential is acceptable subject to other detailed material considerations.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However there have been a number of factors which the Council must now take into account since this trajectory was published which have an impact on the Council's 5 year housing land supply position.

At its full Council on the 22nd February 2021 Braintree District Council approved the adoption of the Section 1 Plan. On its adoption the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013 - 2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and

can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The housing land supply position has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that: *'In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures'*. Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. That decision was made at a time before the adoption of the Section 1 Plan (and thus calculations of housing need were based on the Standard Method), and before the publication of the latest HDT results.

Nonetheless, focusing on her conclusions on the Council's claimed supply, the Council accepts the Inspector's finding within that inquiry in respect of four of the sites which the Council had previously included within its trajectory. The expected supply from those four sites should be removed from the claimed supply, which has the effect of removing 516 homes from the supply.

Given all of the evidence before it – including the use of the new housing requirement from the Section 1 Plan, the use of a 5% buffer, and the adjustment to supply, the Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the housing land supply position as at the 31st March 2021, which it will publish as soon as it is complete.

As the Council cannot demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date.

SITE ASSESSMENT

Location and Access to Services and Facilities

The NPPF encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103). Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. The NPPF encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103).

In this case, the application site is located in Witham, which is a 'main town' in the settlement hierarchy, meaning that significant development is expected in the area. The main towns are locations which are most sustainable in the District and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible location which is a benefit that weighs in favour of the application.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In addition to this, Policy RLP90 of the Adopted Local Plan 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, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with one bedroom should be provided with a private rear garden of 50sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The application proposes to demolish the existing garage for the neighbouring property Kelsale, and erect a single storey one bedroom property. In terms of size, the proposed property would have an internal floor area of 67sq.m. The proposed dwelling would be situated towards the end of the cul-de-sac of White Horse Lane, between the property of Kelsale and the boundary with the

B1018. Access to the property would be provided from White Horse Lane, with a single parking space to the front of the property.

The proposed dwelling would be sited in line with the existing properties of Kelsale and Serenus, both of which are modest semi-detached bungalows with pitched roofs. The proposed dwelling would not look out of character in the area, being modest and traditional in terms of its form and appearance.

In terms of the proximity to the site boundaries, the proposed dwelling would be set back from the road, maintaining the building line of adjacent dwellings. To the rear of the property is a retaining wall which would be retained, and the proposed form of the dwelling enables the living accommodation to be set away from the boundaries.

Concerns have been raised by Witham Town Council in respect to the size of the property comparative to the plot, in terms of overdevelopment and amenity area. Throughout the lifetime of the application, the proposal has been reduced significantly in terms of form, and has been reduced from a two bedroom dwelling to a one bedroom dwelling. Taking this into account, Officers are satisfied that the proposed dwelling would be successfully accommodated within the site without detriment to the street scene, and would provide an appropriate level of accommodation to future occupiers. The applicant utilised the Council's pre-application advice service and positively engaged with Officers.

In terms of internal amenity, the quality of accommodation would be of a suitably high standard, exceeding the relevant minimum standards for internal space set out in the Nationally Described Space Standards (NDSS). Revisions were sought with regards to the internal layout, in order to overcome concerns over proximity to the boundary wall and provision of light to the living accommodation. The proposed bedroom benefits from a dual aspect to the front and rear with provision of a roof light to the rear. The habitable spaces proposed would benefit from a suitable provision of light, outlook, and privacy. It is therefore considered that the proposal would provide suitable living accommodation for any future occupiers.

In terms of external amenity, the Council has adopted the Essex Design Guide (EDG) which recommends minimum garden sizes of 50sq.m for a one bedroom dwelling. The dwelling would be provided with 51sq.m of private garden space. Whilst this includes area to the side of the property, the dwelling benefits from 45sq.m of usable amenity space to the rear. While this measurement does fall short of the EDG, the dwelling is in a town centre location in close proximity of local public green spaces. The areas to be provided are useable, private and not unusual in the context of such a town centre location. On balance, it is not considered that the shortfall would warrant refusal of the application due to their central location and proximity to green space.

Overall, from a design, amenity and layout perspective, on balance, it is considered that the proposed dwelling is acceptable and would not be detrimental to the character and appearance of the area.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development 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 RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The plot currently forms amenity space for the neighbouring property of Kelsale. As part of the proposals, the amenity area for Kelsale would be reduced to 62sq.m. As Kelsale is a two bedroom dwelling, the property would maintain amenity space in accordance with the standards, in excess of 50sq.m.

The proposal has been designed to minimise neighbouring impact on Kelsale by removing side elevation windows along the boundary with the neighbouring property. Whilst the proposal would be in close proximity to the neighbouring property, the proposed roof form and orientation of the property to the north east of the existing dwelling would prevent a detrimental impact on neighbouring amenity.

Taking all of the above into account, it is considered that the proposed dwelling would not have a detrimental impact on the amenity of neighbouring properties by virtue of overshadowing, overbearing or loss of privacy.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan both require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

The site proposes to utilise parking arrangements to the front of the proposed dwelling. Whilst the proposal sees the reduction in parking for the existing dwelling of Kelsale to one parking space, due to the town centre location Officers consider a reduction in parking to be acceptable. Both the existing and proposed parking spaces would be situated parallel to White Horse Lane, however due to the cul-de-sac location and lack of footways to the front of the properties this is deemed acceptable. Furthermore, ECC Highways have considered the application and raise no objection to the development, subject to conditions. It is recommended that these conditions be imposed.

Ecology & Trees

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

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Section 2 Plan.

There is very little by way of existing vegetation within the site where the dwellings would be located. The proposal would therefore not give rise to any material harmful impacts upon ecology or existing trees/hedgerows.

Overall from a landscape and ecology perspective, it is considered that the development is acceptable.

Habitat Regulations Assessment (HRA / RAMS)

The site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. New development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites. It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of securing of a financial contribution of £125.58 per new dwelling erected towards offsite visitor management measures at the above protected sites. This financial contribution has been secured by way of an upfront card payment made under S111 of the 1972 Local Government Act.

Archaeology

The site has the possibility of containing archaeological remains. As such, in accordance with the recommendations of the Archaeological Officer, conditions would be attached to secure appropriate investigation and mitigation where appropriate.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In this case, the proposal would bring in a number of benefits to the economic and social objectives of sustainable development; including employment during construction, contribution to the vitality of the town and one additional dwelling towards the housing supply, although these benefits are limited given the scale of development proposed. There would also be an environmental benefit in that the site is in a reasonably accessible location. The proposal would not have a detrimental impact upon neighbouring residential amenity and is considered to be acceptable in highway terms, subject to the imposition of conditions.

When considering the planning balance, having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

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 Block Plan	Plan Ref: 20015-102 Rev P3
Proposed Elevations and Floor Plans	Plan Ref: 20015-100 Rev P4
Location Plan	Plan Ref: 101

- 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 development shall commence unless samples of the materials to be used on the external surfaces 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 proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 6 Cycle parking shall be provided in accordance with the current Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason

To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 7 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council., (to include, where available, six one day travel vouchers for use with the relevant local public transport operator).

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 8 a. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured

in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

b. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (a) above.

c. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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

The site may be of archaeological interest.

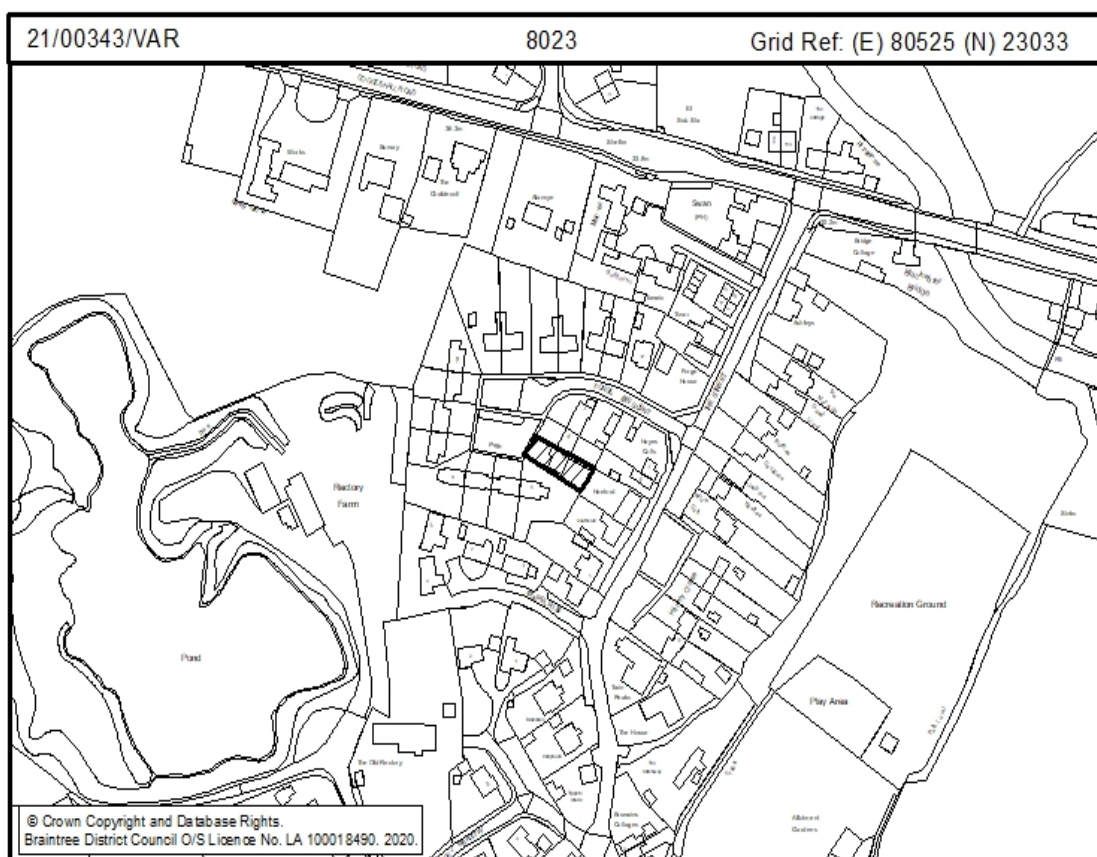
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 21/00343/VAR DATE: 18.02.21
 VALID:
 APPLICANT: Ashlong Developments Ltd
 Mr Andrew Munday, 25 Ashlong Grove, Halstead, CO9 2QH, United Kingdom
 DESCRIPTION: Variation of Condition 2 (Approved Plans) and removal of Condition 3 (Samples), Condition 4 (Boundary Treatment), Condition 8 (Dust & Mud Control Scheme) of permission 17/01187/FUL granted 21.11.2017 for Erection of dwelling with off road parking. Variation would allow:- increase in building height and solar panels.
 LOCATION: Crescent View, 2A Forge Crescent, Bradwell, Essex, CM77 8EQ

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to: mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNW6B0BFJ7R00>

SITE HISTORY

17/01187/FUL	Erection of dwelling with off road parking	Granted	21.11.17
--------------	--	---------	----------

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

Braintree District Shared Strategic Section 1 Local Plan (2021)

Braintree District Draft Section 2 Local Plan (2017)

Neighbourhood Plan

Bradwell with Pattiswick Parish Neighbourhood Plan 2017-2033

- Policy 1 - Protecting and Enhancing the Natural Environment and Green Infrastructure
- Policy 7 - Housing
- Policy 9 - Transport
- Policy 10 - Design

Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement
Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to Planning Committee in accordance with the Council's Scheme of Delegation as the applicant is an elected Member.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site formerly comprised a parcel of garden land associated with 2 Forge Crescent in Bradwell. The site now consists of a new dwelling, approved under application reference 17/01187/FUL.

Forge Crescent comprises a mixture of two storey and single storey dwellings with a similar character and appearance.

PROPOSAL

This application seeks to regularise retrospective works carried out to the dwelling:

- Amend Condition 2 (Plans) to include Solar Panels on the rear roof and increase the height of the house by 10cm
- Remove Condition 3 (Materials) as the property is now built
- Remove Condition 4 (Boundary Treatments) as the property is now built
- Remove Condition 8 (Dust and Mud) as the property is now built

SUMMARY OF CONSULTATION RESPONSES

Essex Fire and Rescue

No objection.

Environmental Health

No comment.

PARISH / TOWN COUNCIL

Coggeshall Parish Council

No objection

Bradwell Parish Council

Comments neither in support or object:

- Roof was completed before it was noticed it was too high
 - o Due to damn course it seemed
- New house does not look out of place in the street scene

REPRESENTATIONS

None received.

REPORT

The Planning Practice Guidance states that in deciding an application under Section 73 of the Town and Country Planning Act 1990, the local planning authority must only consider the condition(s) that are the subject of the application – it is not a complete re-consideration of the application. It also states that the original planning permission will continue to exist whatever the outcome of the application under Section 73.

Condition 2

This application seeks to vary a number of conditions. The first of which is Condition 2 of application reference 17/01187/FUL which related to the approved plans.

The application seeks permission to regularise a 10cm increase in the roof height, as well as the addition of solar panels on the roof at the rear of the property. Everything else remains the same as previously approved.

Officers consider that these changes are minor in nature and do not detrimentally affect the character and appearance of the area, or the amenity of neighbouring properties. As such, no objections are raised to the variation of Condition 2 and the approved plans in this regard.

Condition 3

The application seeks permission to remove Condition 3 from application reference 17/01187/FUL.

Condition 3 related to materials and required:

“No above ground development 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.”

In this case, the condition was not discharged prior to the construction of the dwelling. Although the materials were listed on the approved elevation drawings, as samples were not provided pursuant to Condition 3, the developer is in breach of this condition.

The developer has confirmed that the materials are as follows:

- Roof tiles: Marley Ludlow Plus Antique Brown
- Render: Smooth finish render with cream paint finish
- Brickwork: Wienerberger Warnham red facing brick
- Gutter/Downpipes: White uPVC
- Windows/Doors: White uPVC with full DocQ security package
- Driveway: Permeable pavers Bradstone red with charcoal pavers

As the dwelling is built, the application seeks to remove Condition 3 from the Decision Notice. Officers consider that the materials used are appropriate. Moreover, it is considered that the development is not out of keeping with the character and appearance of the area. As such, Officers are recommending that this condition be removed.

Condition 4

The application seeks to remove Condition 4 from application reference 17/01187/FUL.

Condition 4 related to boundary treatments:

“Prior to their installation 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 screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently retained as such.”

In this case, the condition was not discharged prior to the construction of the dwelling. The boundary treatments were however indicatively shown on the site plan. The only difference is that the hedge which existed at the front has been removed. It is understood this was due to its poor health.

Having visited the site, the boundary treatments consist of timber fencing of various heights; approx. 1m at the frontage and 1.8-2m at the rear. It is considered that the boundary treatments installed do not look out of character with the remainder of Forge Crescent. As such, Officers are recommending that Condition 4 can also be removed.

Condition 8

This application seeks to remove Condition 8 from application reference 17/01187/FUL.

Condition 8 referred to dust and mud control during construction:

“No development shall commence until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority. The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction phase of the development.”

This condition was also not complied with as no details were submitted prior to the construction of the dwelling. A supporting statement has however been provided setting out the measures that were used during construction to minimise dust and mud (notwithstanding the condition). These included inter alia; a weekly sweep of the entrance, no on site transit (delivered from the road instead), weekly tidy of external areas etc.

It is understood that no complaints were received during the construction of the dwelling, other than it being built taller than approved.

Given that the dwelling has been constructed, and given that the condition was to mitigate the construction impacts of the development, the condition no longer serves any purpose and therefore Officers consider that this condition can also be removed.

CONCLUSION

Officers consider that the request to remove Conditions 3 (Materials), 4 (Boundary Treatments) and 8 (Dust and Mud) are acceptable. Officers also consider that the request to amend the previously approved plans pursuant to Condition 2, to include solar panels and slightly raise the roof are also acceptable. As such, it is considered that the proposals are acceptable. Consequently, the application is recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Elevations	Plan Ref: Sht 1	Version: B
Elevations	Plan Ref: Sht 3	Version: B

- 1 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.

- 2 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.

- 3 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 areas.

- 4 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 areas.

- 5 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-houses / provision of any building within the curtilage of the dwelling-houses / alteration of the dwelling-houses, as permitted by Class A, B, C & 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

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

- 6 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 to ensure accordance with Essex Highways Policies.

- 7 The vehicular parking spaces shall have minimum dimensions of 2.9m by 5.5m and shall be permanently retained as such.

Reason

To ensure adequate space for parking off the highway is provided in the interests of highway safety.

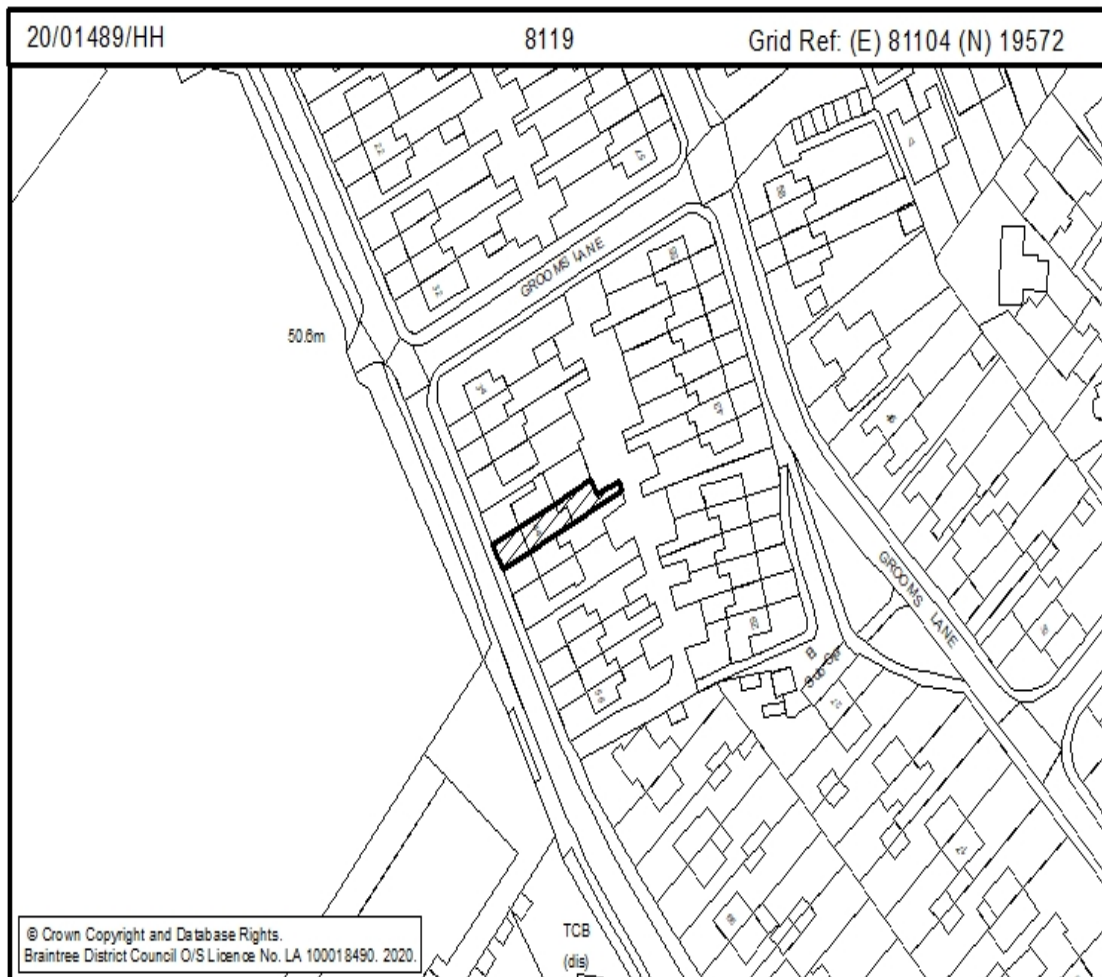
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/01489/HH
DATE: 09.09.20
VALID:
APPLICANT: Mrs Claydon
44 Western Road, Silver End, CM8 3SF
AGENT: Bluemanor Windows
Miss Ruby Zammit, Unit 4, Chilford Court, Braintree, CM7 2QS
DESCRIPTION: Replacement of windows and door to front elevation
LOCATION: 44 Western Road, Silver End, Essex, CM8 3SF

For more information about this Application please contact:
Ellen Cooney on:- 01376 551414 Ext. 2501
or by e-mail to: ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGE1CXBFGK700>

SITE HISTORY

07/00690/FUL	Erection of single storey rear extension	Granted	14.06.07
07/01158/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - Fell 3 conifer	Granted	06.07.07
16/01968/FUL	Proposed replacement of 3 windows at front of property	Refused	03.02.17
18/00290/FUL	Replacement windows from Crittall steel windows to conservation approved aluminium windows	Withdrawn	14.04.21

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Silver End Conservation Area Guide 1999

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

No.44 Western Road is a semi-detached property located within the village boundary of Silver End. The property is located within the Silver End Conservation Area and is situated within the area which is subject to an Article 4 Direction. Amongst other matters, the Article 4 Direction requires that planning permission is required for the replacement of windows.

PROPOSAL

The application seeks planning permission for the replacement of three front elevation windows and the front door of the dwellinghouse.

SUMMARY OF CONSULTATION RESPONSES

Historic Building Consultant

The Historic Buildings Consultant has objected to the application, partially in relation to a proposed replacement door that has been removed. A summary of their response is set out below:

This application is for the replacement of windows to front elevation. The application site is located within the Silver End Conservation Area, 44 Western Road is a mid-terrace house, built in brick with a pitched roof. The submitted heritage statement is poor no assessment of the contribution 44 Western Road Street makes to the significance of the Conservation Area has been provided.

No details of the proposed door have been provided. Whilst the proposed windows will feature surface mounted glazing bars which fail to fully replicate the appearance of windows first installed when the property was constructed in the early twentieth century. There is some benefit to the proposed use of glazing bars as they imitate the appearance of original windows, however the loss of existing windows, which benefit from being authentic and indicative of a phase within the Conservation Area's history must be weighed in the balance. In the absence of a current design guide or formal adopted approach, which stipulates the appropriate replacements for windows within Silver End, I remain unable to support this application.

Therefore, I cannot support this application, which will cause low level less than substantial harm to the Conservation Area in this individual instance. Therefore section 196 of the NPPF must be considered. It is noted that Silver End is currently on the Heritage at Risk Register published by Historic England; the local authority must decide upon a consistent approach for applications such as this to prevent the special interest of the Conservation Area being lost.

Subsequently the door has been revised to which the Historic Buildings Consultant stated: 'The proposed door is similar to some original doors in the area so until an updated guidance note is published the revised proposal is acceptable'. Sectional drawings will be provided by way of condition.

PARISH / TOWN COUNCIL

Silver End Parish Council

Silver End Parish Council have stated that they object to the application as the proposals are in contravention of the current published Conservation Guidelines.

REPRESENTATIONS

Adjoining neighbouring properties were consulted and a site notice was displayed outside No.44 Western Road for a period of 21 days. No neighbour representations have been received.

REPORT

Both the NPPF and the NPPG require all new forms of development to be well designed. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Section 2 Plan reiterate 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.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Section 2 Plan require 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, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP50 of the Draft Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

In addition to this, Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Section 2 Plan state 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. Furthermore development should ensure architectural detailing on significant buildings within the conservation area are retained both physically and in their significance.

No.44 Western Road is located within the Conservation Area of Silver End where an Article 4 Direction is in place. Silver End was designed as a “garden village” with different areas designed by various architects. The original layout and much of the landscaping survives, however, many of the buildings are in poor condition cosmetically. The houses in this part of the village were

designed by The Silver End Development Company. They are arranged in terraces as groups of four, and are constructed in a gault brick.

The application seeks to replace the existing windows within the front elevation and the front door. Whilst the proposed door would be composite material rather than timber, the design reflects original door designs within the area and therefore this element of the proposal is acceptable. Sectional details have not yet been submitted for the latest revision of the new door, but have been requested from the agent. An update in this regard will be provided to Members at Committee.

With regard to the windows, the non-contemporary 1960s windows are proposed to be replaced with aluminium double glazed units which would reflect, as closely as possible, the original Georgian pattern. Whilst the Historic Buildings Consultant raises objections to the replacement windows, affording the proposal 'less than substantial harm' as defined in Paragraph 196 of the NPPF, it is considered that the surface mounted glazing bars proposed would reinstate the appearance of the original windows when the village was first built and provide a more authentic appearance than replacing the windows on a like-for-like basis.

In purely applying Paragraph 196 of the NPPF, harm to the significance of the heritage asset (Silver End Conservation Area) should be weighed against public benefits. It is considered that the proposal would have little public benefit. The proposal would generate jobs at the installation stage although this is considered to have significantly limited benefit due to the small scale nature of the work involvement. As such it is considered that the proposal would be contrary to Paragraph 196 of the NPPF and weighs against the proposal in the overall planning balance.

However, the use of double-glazed aluminium framed windows in Silver End has been established with many previous approvals within the Conservation Area in recent years. It has also been acknowledged by the Historic Building Consultant that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives due to their age, condition and current performance. The fact that this proposal seeks to replicate the Georgian style windows that were originally installed at the property is considered to be in keeping with the host dwelling and is positive. Whilst the Georgian style windows would disrupt the current uniformity across the street, it is considered that as future properties on this street and in the wider Conservation Area look to replace their windows, this style would be most appropriate. This would bring back uniformity and ensure that the terrace and wider Conservation Area would be of an appearance that is more in keeping with the original design concept of Silver End. The response of the Historic Building Consultant also concludes that the current proposals '*aesthetic benefits should be weighed accordingly by the local authority against the harm*'. It is therefore acknowledged by the Historic Building Consultant that what is being proposed, represents the most appropriate solution in current circumstances. The most recent Silver End Conservation Guide was

published in 1999. In the current context every application should be considered on a case by case basis.

Therefore, on balance, whilst it is acknowledged that there may be 'less than substantial harm' to the Silver End Conservation Area, it is considered that harm would be minimised in the current application. The Georgian style windows are of a style that reflect, as closely as possible, the windows that were originally part of the properties in this street and therefore would be in keeping with original the designs. The new front door also attempts to represent the original door designs in the village and would therefore be in keeping with the original character of the dwelling and the street scene. As such the proposal is considered acceptable in this instance.

CONCLUSION

It is concluded that the proposals, on balance, are acceptable from a design, appearance and heritage perspective. It is considered that the proposals would minimise harm to the Silver End Conservation Area and the proposed Georgian style windows and door would be more in keeping with those which were originally found at properties in this street.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: Received: 09.09.2020
Block Plan	Plan Ref: Received: 09.09.2020
Window details	Plan Ref: Received: 18.01.2021
Door Details	Plan Ref: Received: 18.04.2021

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved

plans and/or schedule.

Reason

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

- 4 Prior to installation, additional drawings that show details of proposed new door to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER