

PLANNING COMMITTEE AGENDA

Tuesday, 11 April 2017 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

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

Membership:-

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor T Cunningham	Councillor Mrs I Parker
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

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.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (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

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak 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 to registered speakers and the order in which they may speak.

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

WiFi: Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

Health and Safety: Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones: Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

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

PUBLIC SESSION

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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 28th March 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications. There are no minor applications listed under Part B for determination.

PART A

Planning Applications:-

5a	Application No. 16 00655 FUL - Land adjacent to 2 Toldish Hall Cottages, Toldish Hall Road, GREAT MAPLESTEAD	5 - 14
5b	Application No. 16 01653 OUT - Land East of Boars Tye Road, SILVER END	15 - 52
5c	Application No. 16 02095 FUL - Land North of A131, Seybourne Park, Avenue East, Skyline 120, GREAT NOTLEY	53 - 74
5d	Application No. 17 00026 FUL - Land at Cobbs Fenn, SIBLE HEDINGHAM	75 - 94
5e	Application No. 17 00102 VAR - The Oast House, Codham Little Park Drive, WETHERSFIELD	95 - 104
5f	Application No. 17 00103 VAR - The Oast House, Codham Little Park Drive, WETHERSFIELD	105 - 118

5g Application No. 17 00196 FUL - Land adjacent to Kingsmead, 119 - 127
School Road, WICKHAM ST PAUL

PART B

Minor Planning Applications:- There are none.

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.

7 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

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8 Urgent Business - Private Session

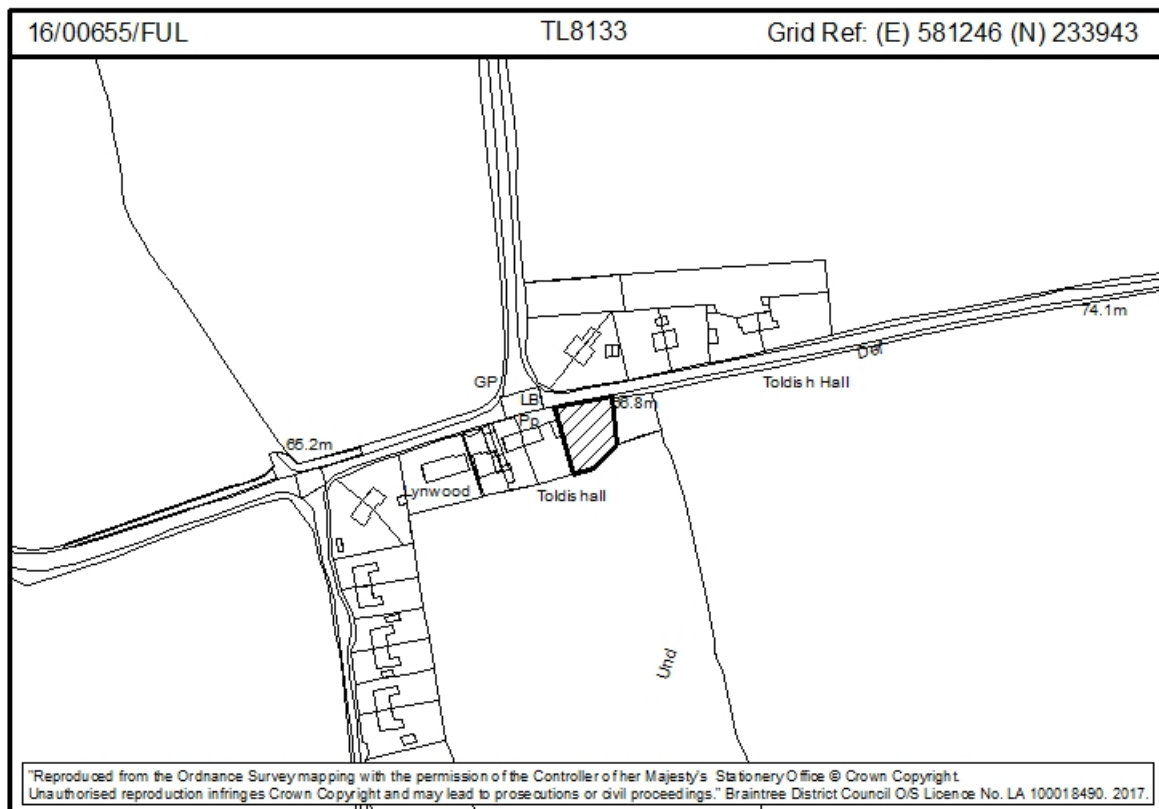
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 16/00655/FUL DATE: 05.05.16
 VALID:
 APPLICANT: Mr S Boreham
 116 Nunnery Street, Castle Hedingham, Halstead, Essex,
 CO9 3DR
 AGENT: Mr P Dodds
 Westmount Property Services, Burrowdown, Church Street,
 Gestingthorpe, Halstead, Essex, CO9 3AZ
 DESCRIPTION: Proposed detached dwelling with garage
 LOCATION: Land Adjacent To 2 Toldish Hall Cottages, Toldish Hall
 Road, Great Maplestead, Essex

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

88/02487/P	Erection Of Dwellinghouse	Refused then dismissed on appeal	20.01.89
90/01373/PFHN	Stationing Of Mobile Home For Temporary Residential Use	Granted	23.10.90

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local 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 can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity
CS9 Built and Historic Environment

Braintree District Local Plan Review

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

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
SP2 Meeting Housing Needs
SP5 Place Shaping Principle
LPP28 Housing Type and Density
LPP37 Parking Provision
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development
LPP68 External Lighting

Other Guidance

Essex Design Guide 2005
Essex Parking Standards 2009
Great Maplestead Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being taken to the Planning Committee, as Great Maplestead Parish Council has objected to the proposals, contrary to officer recommendation.

SITE DESCRIPTION

Land Adj. 2 Toldish Hall Cottages is a plot of land located off Toldish Hall Road, adjacent to an existing row of dwellinghouses. The plot is currently used by 2 Toldish Hall Cottages as residential amenity space. The dwellinghouse benefits from a particularly large garden; something which is unique on this side of the road. The site is located half within and half outside the village envelope of Toldish Hall Road. The existing dwelling is located within the village envelope, and half of the garden to the side is also within. Adjacent to the site is open countryside, and opposite the site is the junction of Lucking Street and Toldish Hall Road.

On the other side of the road there is a row of dwellinghouses, which don't have a particularly strong relationship with the row of dwellings which include the application site.

PROPOSAL

The proposals include the erection of a single new dwelling. The dwelling would be two storey, set back from the road and include a garage. There would also be a new access off of Toldish Hall Road. The new dwelling would be located within the village envelope, and the garden area which would serve the new dwelling would be outside the village envelope.

CONSULTATIONS

Essex Highways – Following revisions to the proposals, no objections are raised by the Highway Authority.

Fire & Rescue – No Objections.

Drainage Engineers – No Objections.

REPRESENTATIONS

Great Maplestead Parish Council – Object as application is outside of village envelope.

REPORT

Principle of Development

Paragraph 49 of the National Planning Policy Framework states “housing applications should be considered in the context of the presumption in favour of sustainable development”, and favour residential development in sustainable locations where there is an identified need for additional housing; for example within existing towns and villages. Policy RLP3 of the Braintree District Local Plan permits new residential development within village envelopes and town development boundaries 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. Policy

LPP 28 of the Braintree District Draft Local plan states development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need.

Part of the objection raised by Great Maplestead Parish Council relates to the extension of the village envelope. It is noted and respected that when the Great Maplestead Village Design Statement was produced, the residents of Great Maplestead decided to retain the village envelope of this area in its current form. This application does not propose to extend the village envelope; the proposed dwelling would sit within the envelope, as detailed on the submitted block plan. Therefore whilst this point is taken on board, it is considered that the proposal is acceptable in this regard.

Taking this into account, it is considered that the principle of the proposed development is considered acceptable.

Design, Appearance and Layout

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, policy RLP90 of the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Draft Local 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.

The proposed dwelling would take a traditional form, two storeys in height with a front facing dormer. The submitted street scene elevation shows that it would mirror a similarly designed dwellinghouse on the other side of the 1 & 2 Toldish Hall Cottages. There would be a rooflight element in the rear facing roof plane which would look less than attractive; however it would not be visible in the street scene and would therefore not warrant a refusal.

The proposed dwelling would benefit from a private amenity space of approximately 280m²; well in excess of the required 100m². The existing dwelling would retain a garden of approximately 275m². Both spaces would be private and useable.

Taking the above into account, it is considered that the proposals are acceptable in terms of design and appearance.

Impact on Neighbour Amenity

The NPPF states that new 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”. RLP90 from the Braintree District Local Plan Review allows for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

The proposed new dwelling would be located adjacent to a dwelling on one side. On the side that faces it, the proposed house would contain no windows. The dwelling would be set back slightly from No. 2, so the windows on the rear elevation wouldn't overlook their rear garden. It is considered that the proposal would result in no unacceptable overlooking.

There would be a sufficient amount of separation between the existing and proposed dwellings which would prevent any overbearing impacts from occurring.

It is considered that the proposal would result in no unacceptable impact on neighbouring residential amenities due to its siting, orientation and window positions.

Highway Issues

Parking

The Council refers to the latest adopted version of Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The submitted plans indicate that the proposed dwelling would benefit from two parking spaces (in tandem layout) of adequate sizings. Further to the rear of the parking spaces is proposed a single garage, which would also conform to the required 3m x 7m in the Essex Parking Standards.

The existing dwelling currently has parking at the front, which would not be affected by the proposals.

Access

The proposal includes the provision of a new access off of Toldish Hall Road to serve the new dwelling. Initially, the access was adjacent to the existing access for 2 Toldish Hall Cottages. The Highway Authority objected to the access as it could not be demonstrated that the necessary visibility splays could be achieved. The plans were subject to a number of revisions and a speed survey carried out. Following this and feedback from the Highway

Authority, the access was moved 5 metres to the east and a drawing prepared which shows 2.0 metres x 46.1 metres in one direction and 2.0 metres x 43.0 metres in the other.

Following re-consultation, the Highway Authority has rescinded their objection subject to a number of conditions.

The existing access to no. 2 Toldish Hall Cottage will not be altered as part of this application.

Therefore the proposals are considered acceptable from a highway safety perspective.

CONCLUSION

Officers consider that the proposal, for a new residential dwellinghouse which would be located within an existing village envelope, would be acceptable. The dwelling would be of acceptable design and the standard of living would be acceptable. It would not have an unacceptable impact on neighbours and it would include a new access which Essex Highways have found to be acceptable subject to a number of conditions.

It is recommended that the application should be granted for the reasons given above.

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: WPS/2TC/2A
Proposed Plans	Plan Ref: WPS/2TC/2 REV. B
Visibility Splays	Plan Ref: 1333/D/01 REV. C

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

Reason

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

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

Reason

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

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

Reason

To conform with the pattern of the existing development in the locality.

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

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

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

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

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

Reason

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

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

Reason

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

- 6 Prior to occupation of the development, the access at its centre line shall be provided with clear to ground visibility splays with dimensions of 43 (to centre line of carriageway) x 2 x 43 (to nearside edge of carriageway) metres. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

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

- 7 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.

- 8 Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason

To prevent hazards caused by flowing water or ice on the highway.

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

Reason

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

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

Reason

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

- 11 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.

INFORMATION TO APPLICANT

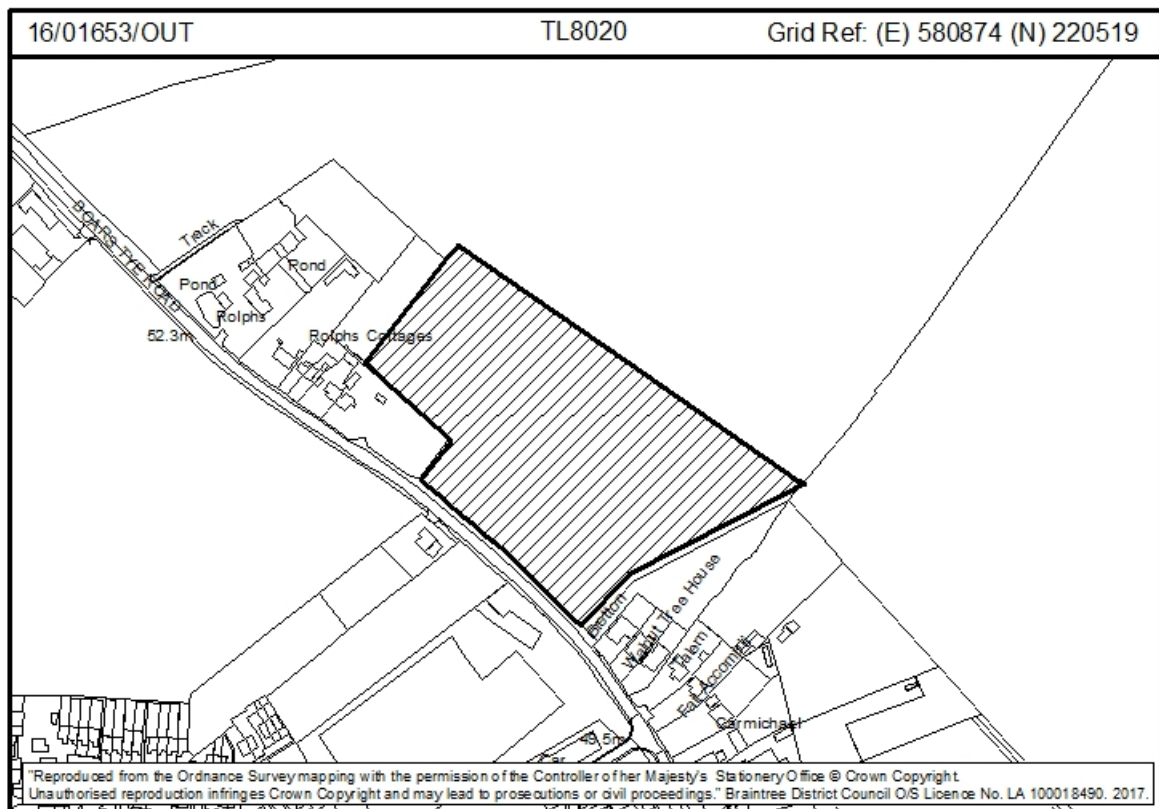
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 In terms of the access element of the proposal, all work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01653/OUT DATE: 11.10.16
 VALID:
 APPLICANT: Mr Rob Scott
 M. Scott Properties, Suite 5 Oyster House, Severalls Lane,
 Colchester, CO4 9PD
 AGENT: Mr Richard Clews
 Strutt & Parker, Coval Hall, Chelmsford, CM1 2QF
 DESCRIPTION: Outline planning permission for the erection of up to 50
 dwellings, public open space and supporting site
 infrastructure with all matters reserved apart from access
 LOCATION: Land East Of, Boars Tye Road, Silver End, Essex

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



SITE HISTORY

None.

POLICY CONSIDERATIONS

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National Planning Guidance

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Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP43	Health and Wellbeing Impact Assessment
LPP44	Provision for open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas and Demolition within Conservation Areas
LPP50	Alterations, Extensions and Changes of use to Heritage Assets and their Settings
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

Supplementary Planning Guidance

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

Other Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications.

NOTATION

The application site is located outside the Silver End Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is not allocated for development in the Emerging Draft Local Plan.

The application has been advertised as a Departure from the Council's adopted Development Plan.

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Village Envelope of Silver End and lies to the north of the existing settlement.

It measures approximately 2.38 hectares and consists of agricultural land with the site forming part of a large arable field. The site is bounded to the south-west by Boars Tye Road and to the north-east by the remainder of the agricultural field of which it forms part. To the north-west a group of around 6 dwellings are situated adjacent to the site boundary, one of which (Rolph's Farmhouse) is Grade 2 listed. To the south-west the site sits adjacent to existing dwellings within Silver End Village.

The site boundaries are partly enclosed by low level hedges and partly open, in particular to the north-east where the site boundary is arbitrary and there is no physical demarcation on the ground. The boundary does however sit in line with a well-established mature tree/hedgeline to the east and a hedgeline and boundary fence forming the outer limit of the curtilage of the group of dwellings located to the north of the site.

There is no formal vehicular access to the site at present.

In terms of topography, the site is relatively flat with a slight fall of approximately 4m from west to east.

PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except for access, for the erection of up to 50 dwellings with associated public open space and supporting site infrastructure.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The proposed vehicular and pedestrian access point would provide access to the site from Boars Tye Road, on the site's south-western boundary. Besides access all other matters regarding the proposed development (appearance; landscaping; layout and scale) are Reserved Matters.

The applicant has submitted a site location plan and a proposed access drawing for full consideration. An illustrative Parameter Plan and two illustrative Masterplan's have been also been submitted to demonstrate how the site might accommodate the quantum of development proposed.

The application is also supported by a suite of documents which include:

- Planning Statement/Statement of Community Involvement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment and Drainage Strategy
- Utilities Statement
- Contaminated Land Assessment
- Landscape and Visual Appraisal
- Ecology Report
- Arboricultural Impact Assessment
- Heritage Statement
- Sustainability Assessment

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to contaminated land survey; dust control scheme during construction; provision of electric vehicle charging points and hours of construction. Applicant should also provide a footpath from the site to join the existing footpath in Boars Tye Road to promote walking and assist with reducing the impact on air quality from the new development in accordance with planning practice guidance.

BDC Landscape

No objection subject to conditions including the submission of a Landscape Masterplan and a Reptile Survey. The current proposals within the illustrative masterplan for this site include strong boundary planting of hedgerow and copse which serve to acknowledge the landscape setting found within this locality.

The proposed residential scheme is considered to have a limited impact on the local landscape setting and has the potential with a suitable and well-executed planting scheme to provide a generous level of enclosure, which will in time provide a context not dissimilar to the screening provided by other adjacent properties with mature gardens, as viewed from the countryside and those nearby public rights of way that link through to Sheepcote's Lane.

The proposal offsets the development from the approach road into the village and although there will be the loss of all or some of the roadside hedgerow the visual amenity on the approach to the village should be maintained by the landscape proposals for the roadside frontage, albeit forsaking the momentary views into the open countryside currently afforded to the traveller when passing the site.

The Preliminary Ecological Appraisal confirms that given the current use and location of the site close to a roadway the boundary features are the main source of biodiversity and wildlife value. It is regrettable that the proposals will require the removal of all or most of the roadside hedge which has been identified as species rich. The Reserved Matters submission for landscaping should aspire to provide a suitable replacement using a mixture of native species occurring locally if sections of the existing boundary hedgerow cannot be retained.

The report also highlights the need for a further survey to identify the presence or absence of reptiles particularly in the context of the adjacent boundary features. This will be required to confirm the status of mobile protected species that might have moved, increased or decreased within the site.

BDC Landscape External Consultant – Wynne-Williams Associates Ltd

In addition to the assessment made by the Council's Landscape Officer, BDC commissioned an independent report on the landscape impact of the proposed development by an external Landscape Consultant. The Consultant's comments are summarised as follows:

My view is that there would not be landscape harm of sufficient magnitude to refuse the development on landscape grounds. There would be an impact of the development on the landscape locally. This is a visual rather than a landscape character impact, as the development is of a relatively small scale and constrained in the context of the wider landscape of the countryside around Silver End.

The view of open countryside from Boars Tye Road immediately outside of the village would be lost and there would be some impact on views from footpaths to the east of the development and on the intermittent views from Sheepcotes Lane.

However, this impact is fairly localised and the development is not of a large scale. The change to residential dwellings from arable field could be

successfully mitigated by a well-designed scheme which provides an effective landscape buffer to the adjacent countryside and creates a soft landscape frontage to Boars Tye Road to compensate for the loss of the existing hedgerow.

BDC Housing Research and Development

No objection. 40% affordable housing required which equates to 20 homes. Details of the mix would be subject to a reserved matters application. Recommend that a 70/30 tenure mix (affordable rent over shared ownership) is secured.

All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction. Affordable houses to be delivered without reliance on public subsidy and should be compliant with either Lifetime Homes Standards or Part M Cat 2 of Building Regulations.

BDC Operations

No objection and no comment.

NHS England

No objection. Due to the size of the proposed development and the capped number of contribution requests we can make for capita cost contribution in a particular area there is not an intention to seek Primary Healthcare mitigation on this occasion.

ECC Economic Growth and Development

No objection. Proposed development is located within the Silver End Ward. There is 1 pre-school within the ward which is full and a small childminding network which is not currently accepting additional children in the 0 – 5 age range. A developer contribution of £62,685 index linked to April 2016 is therefore required to facilitate additional early years and childcare places to meet the need generated by the development.

The development is located within the priority admissions area for Silver End Primary School which is forecast to have a surplus of 47 places by the school year 2019 -20. No primary contribution is therefore requested.

The development is located within the priority admissions area for Alec Hunter Secondary School which is forecast to have a surplus of 184 places by the school year 2019 – 20. No secondary contribution is therefore requested.

ECC Archaeology

No objection. Site is located in an area of archaeological interest. Condition requested requiring the submission and approval of a scheme of archaeological investigation.

Highways England

No objection.

Historic England

Notified of the proposal during the application. No response received at the time of writing this report.

ECC Historic Buildings Advisor

No objection subject to conditions relating to the submission of detailed drawings relating to design, building height and masterplan layout.

Site is situated to the north of the Conservation Area but occupies an important gateway location on the northern entrance into the Conservation Area. Rolph's Farm House (Grade 2 listed), a much altered seventeenth century timber framed and plastered farmhouse is located to the north of the site in relatively close proximity.

Rolph's Farmhouse, along with Boars Tye Farmhouse and Bowers Hall forms part of the historic settlement plan of the area, prior to the construction of Silver End in the late 1920's and early 1930's. This is characterised by the group of farmsteads along Boars Tye Road. The construction of Silver End substantially changed the prevailing landscape pattern and the setting of these buildings however Rolph's Farmhouse to the north and Bower Hall to the south remained distinctively outside the settlement boundary which was significant to the way in which they were understood and experienced. The proposed development has the potential to cause harm to the setting and significance of Rolph's Farmhouse if the new development is brought up to the road frontage with Boars Tye Road thereby creating a continuous ribbon of development along Boars Tye Road. This would move the historic, more isolated setting of the Farmhouse to forming part of the village envelope.

Following a pre-application discussion the development has been set back from the road, thereby allowing a physical break between the Rolph's Cottages and the run of houses to the south. This amendment minimises the visual and physical intrusion in the setting of the Listed Building, particularly in avoiding integrating Rolph's Farmhouse into the wider settlement boundary of Silver End. I would therefore not object to the application on the basis of its impact on the setting of the Listed Building.

Proposal would also have the potential to have a negative impact upon the character of the Conservation Area by harming the character of the already poor northern entrance into the Conservation Area which has already been harmed by modern development and a car repair centre. In particular it could further blur the sense of entry, by creating a long section of modern development. However, the approval of application 15/01004/OUT last year, which relates to the residential development of the site directly across Boars Tye Road means this stretch of road already has permission to be developed and the approval of the current site will reflect this rather than exacerbate it. The proposed set back from the road also allows the site to be screened in longer views when entering the Conservation Area from the north, thereby greatly reducing its impact. I therefore would not object to the application from a Conservation perspective.

ECC Highways

No objection subject to conditions relating to the provision of a Construction Traffic Management Plan; a gateway feature at the 30mph limit change to the south of the site; visibility splays for the proposed access; upgrading of the two bus stops closest to the site on Boars Tye Road; the installation of a 2m wide footway to link the site to the existing footway on Boars Tye Road and the provision of Residential Travel Information Packs.

ECC SUDs

No objection following submission of further detailed information relating to drainage. Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application we consider that an outline surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding elsewhere. Standard conditions required relating to drainage strategy details.

Anglian Water

No objection. Development would be in the catchment of Witham Water Recycling Centre which has capacity for foul drainage. Development would lead to an unacceptable risk of flooding downstream however a Drainage Impact Assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation strategy. We will request a condition requiring compliance with this agreed foul water strategy.

Silver End Parish Council

Objection.

- Loss of Grade 2 Agricultural Land.
- Access to the site is unsafe – fatal accidents have occurred on this corner. Land opposite has been granted planning permission for 60 homes making the road even more dangerous.

- Doctor's Surgery and school are already at full capacity without taking into account the 60 new homes already agreed to.
- Site is located outside the Village Boundary and is not in the Local Plan.
- There are two brownfield sites that have not been built on in Silver End.

Councillor Abbott

Objection. Silver End has two good brownfield sites plus another allocated site. Villagers strongly support the redevelopment of the old factory site in particular. No need therefore to develop the surrounding countryside.

Draft allocation for up to 160 houses is sufficient with potential for community space on the largest site. Would also run contrary to the principles of sustainable development in that it was not chosen during the democratic Local Plan process which Silver End engaged with and does not have the support of the Parish Council or the community.

Particular concern in the village about adding a new access and further traffic to Boars Tye Road which has seen several fatalities near the proposed site entrance.

Proposal is essentially yet another housing estate with no on-site service provision. Silver End has grown modestly in recent years (joinery site and behind co-op) but with minimal expansion to services and it remains the case that the GP Surgery is under significant pressure. Strong need for more meeting space and a second pre-school, primary school cannot expand anymore on its current site and there is a growing issue with parking in the village centre. Also no evening or Sunday bus service and walking/cycling outside the village to main centres such as Braintree is heavily constrained by fast roads with no footways.

Silver End is an important village with a core made up of a Conservation Area and is surrounded by very attractive farmland, parkland and meadows. Proposal would be an incursion into open countryside well beyond any logical extension which the Cemex site at least had a nod towards given the layout of housing on 2 sides around it.

REPRESENTATIONS

Objections were received from 14 residential addresses. In addition a second person from one of these addresses submitted a second, independent objection letter.

The main material and non-material reasons of objection stated are set out below:

- The site is not in the Local Plan
- The village does not have the infrastructure to support this large development

- School cannot extend any further
- Doctor's Surgery already under strain
- A larger brownfield site is currently vacant within the village envelope and should be developed first
- Proposal, combined with other applications currently pending would increase housing stock in the village by approximately 400 homes in addition to two brownfield sites in the village totally approximately 170 homes and a further 60 homes on the opposite side of Boars Tye Road
- Highway safety concerns regarding the access position
- Existing road network cannot cope
- Insufficient street lighting along Boars Tye Road
- Gravel and extraction and incinerator developments would be in close proximity to these houses
- No mains gas, sewer or footpath on/to the site
- Electricity black outs are already becoming more frequent in the area
- Insufficient early years education in the village
- Children are struggling to get into secondary schools
- If permission is granted for 50 houses this will later increase with further development
- Site provides a much needed clear border to the village
- Local people will not be able to afford these houses
- Location of development wouldn't connect with the existing village it would be a satellite development
- Loss of wildlife on existing site
- No jobs in the village
- Development would be very prominent as there are no trees or hedges to screen the site
- Lack of demand for new houses in the village

REPORT

Principle of Development

5 Year Housing Land Supply

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at the time of writing is, therefore, that its forecast supply for the period 2017 - 2022 is 4.12 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'*.

The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

Site Assessment

Draft Local Plan Assessment

The application site is located immediately adjacent to but outside the Village Envelope of Silver End and is situated in the countryside. Silver End is identified in the adopted Core Strategy as a key service village, one of six within the District. Key Service Villages sit below the main towns but above Other Villages within the settlement hierarchy, and are defined within the Core Strategy as *'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*.

The designation of Silver End as a key service village has not however been carried forward into the draft Local Plan and the Village has been downgraded to a secondary village (the new proposed hierarchy in the emerging Local Plan being Key Service Village; Secondary Village and Tertiary Village rather than the existing two tier hierarchy of Key Service Village and Other Village) due to its more limited facilities, lack of employment and more limited public transport in comparison to the other 5 Key Service Villages. Three allocations for residential development are however proposed in the draft Local Plan, totalling a minimum of 152 dwellings and at a strategic level the settlement is considered capable of sustainably accommodating this level of new development under the emerging Local Plan.

Historically, the application site has been considered through the draft Local Plan process. It was assessed as Site SILV386 and was not allocated for residential development. Officers considered that the site was in a particularly prominent position on the entrance to Silver End and that the development of the site would have a negative impact upon the character of the village and its rural nature. It was concluded that development of the site would amount to unwarranted encroachment into open countryside with a negative effect upon the visual character of the village and the site was not allocated for residential development under the emerging Local Plan with other more suitable sites selected for allocation.

Notwithstanding this, a planning application has now been submitted which includes detailed illustrative layout plans which seek to address the above concerns identified under the Local Plan process. It is therefore necessary to assess the application on its merits and as a freestanding proposal, rather than under the comparative approach which is taken during the Local Plan process.

Location and Access to Services and Facilities

The application site is located directly opposite a site which is allocated for residential development in the emerging Draft Local Plan and was granted planning permission in March 2016 for the erection of up to 60 dwellings (15/1004/OUT). The current application site is also considered to be positioned in a sustainable location with good access to the services and facilities of Silver End.

The Village centre with its associated services and facilities is located approximately 800m walking distance from the site. As a whole, Silver End is well equipped with a range of facilities including a Doctor's Surgery, Primary School, Children's Centre, garage, library, chemist, co-op and Post Office, pub, takeaway, a range of groups and clubs and a village hall. The proposed development would be directly linked to the existing pedestrian network within the village by way of a short footpath link from the proposed site access to the existing footway on the northern side of Boars Tye Road.

Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 56) that 'good design is a key aspect of sustainable development' and that (para 58) developments should 'function well and add to the overall character of the area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping'.

The current application is an outline application with all matters reserved except access. The applicant has submitted a site location plan, a parameter plan and two illustrative masterplans showing how the site could accommodate the level of development proposed. A detailed access drawing has also been submitted which identifies where the proposed main vehicular access which would be taken from Boars Tye Road.

It is proposed that up to 50 dwellings would be erected on the site which measures a total of approximately 2.38 hectares, giving a gross density of approximately 21 dwellings per hectare based on a development of the full 50 dwellings.

The submitted parameter plan demonstrates how the site could accommodate, in accordance with adopted Core Strategy Policy CS10 areas

of open space and structural landscaping. The parameter plan would be for formal approval and identifies the developable area, the site access, 0.73ha of informal open space, the position of tree belts and landscaping and the storey heights of the proposed dwellings. These matters would be fixed and any Reserved Matters application would have to accord with these fixed layout features.

The applicant has also submitted two illustrative site masterplans. These would not be for formal approval but demonstrate two different layouts which can achieve a development of 50 units, each complying with the above parameter plan. The key features of the layout include the location of open space at the front of the site to allow the built form of the development to be set back from Boars Tye Road and a second area of open space with a tree belt located on the north-western side of the layout to ensure that a stand off from Rolph's Farmhouse is clearly maintained. These areas of open space have been designed in accordance with comments made by the Council's Historic Buildings Consultant and will be discussed in more detail under the Heritage section of this report. In addition, a landscape buffer with associated tree belt is positioned on the north-eastern site boundary with a SUD's lagoon and footpath link positioned adjacent. The footpath link would connect to the existing public right of way which runs in close proximity to the eastern boundary of the site.

In terms of the built form, the first option proposes a linear primary access road which leads straight into and across the site terminating at the outer boundary. A circular secondary access road would provide access to the houses on the north-western side of the site with two smaller secondary access roads leading to the dwellings on the south-eastern side of the site. This layout would allow the use of a main linear access road, with the linear street scene being in keeping with the formal planned layout characteristic of Silver End and would also allow the new dwellings to face outwards towards the countryside beyond, with the landscape buffer positioned in-between.

The second option uses a layout which orientates the dwellings towards Boars Tye Road, whilst maintaining the same set back from the edge of the highway. The primary access road is still straight but terminates at the outer line of built form, leading to a row of dwellings. This is less characteristic of Silver End but has the advantage of the new dwellings facing onto the proposed area of open space adjacent to Boars Tye Road.

Officers consider that both options are acceptable in general design and layout terms. Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered acceptable.

Landscape

Core Strategy Policy CS8 *Natural Environment and Biodiversity* states that *'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to*

enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment’.

The Council's Landscape Officer has assessed the application and has no objection on landscape grounds, stating that the landscape character assessment commissioned by the District Council in 2015 noted the rural setting around the settlement edge for Silver End was defined by a mosaic of fields, hedgerows and small copses. The current proposals within the illustrative masterplan for this site include strong boundary planting of hedgerow and copse which serve to acknowledge the landscape setting found within this locality.

The Landscape Officer also advises that the proposed residential scheme is considered to have a limited impact on the local landscape setting and has the potential with a suitable and well-executed planting scheme to provide a generous level of enclosure, which will in time provide a context not dissimilar to the screening provided by other adjacent properties with mature gardens, - as viewed from the countryside and those nearby public rights of way that link through to Sheepcote's Lane.

The proposed set back from Boars Tye Road is identified as ensuring that the visual amenity on the approach to the village will be maintained by the landscape proposals for the roadside frontage with only momentary views to the passing traveller into open countryside being lost. Officers also acknowledge the loss of the species rich hedgerow at the site frontage, however this is an incomplete hedgerow and suitable mitigation in the form of re-planting has been identified.

In addition, and given the site's edge of settlement location the Council also commissioned an external landscape consultant (Wynne-Williams Associates Ltd) to carry out an independent review of the applicant's Landscape and Visual Impact Appraisal and the landscape impact of the proposed development. This external review concluded that there would not be landscape harm of sufficient magnitude to refuse the development on landscape grounds. The development would have an impact on the landscape locally but this would be a visual rather than a landscape character impact, as the development is of a relatively small scale and constrained in the context of the wider landscape of the countryside around Silver End.

The review goes on to state that the view of open countryside from Boars Tye Road immediately outside of the village would be lost and there would be some impact on views from footpaths to the east of the development and on the intermittent views from Sheepcotes Lane. However, this impact is fairly localised and the development is not of a large scale. The change to residential dwellings from arable field could be successfully mitigated by a well-designed scheme which provided an effective landscape buffer to the adjacent countryside and created a soft landscape frontage to Boars Tye Road to compensate for the loss of the existing hedgerow.

Having made their own assessment of the site and having considered both the applicant's Landscape and Visual Impact Assessment (LVIA) submitted in support of the application, the Council's own Landscape Capacity Analysis study of the site and the independent landscape review carried out on behalf of the Council by Wynne-Williams Associates Ltd) Officers do not consider that there is an objection to the proposed residential development on the grounds of landscape impact.

The submitted parameter plan and the two illustrative masterplans demonstrate how the site could accommodate the proposed quantum of development whilst incorporating a landscape buffer and tree belt around the periphery of the site. This would ensure that the visual impact of the site was contained and softened and that it would appear in keeping with the existing character of the area when viewed from the north-east.

Ecology

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

The site consists primarily of agricultural (arable) land which is considered to be of low ecological value but includes some existing trees, hedges and semi-improved grassland along its boundaries.

The applicant submitted an Ecology Survey Report in support of their application. The Report states that no evidence of Badgers were found during the survey and the site is not considered suitable for Water Vole, Otter, roosting Bats or Dormice. Two ponds are located to the north-west of the site at the front and rear of a residential property. Only one was viewed during the survey (which contained a large population of Geese) however the application site is an arable field which is intensively managed and sprayed regularly and it is not considered suitable terrestrial habitat for Great Crested Newts.

The Report also found that the habitats on site are likely to be suitable for low numbers of common invertebrates only but that the scattered trees and hedgerows are considered suitable for foraging and nesting birds. The field margins were also considered likely to be suitable for transient populations of reptile, providing a suitable wildlife corridor to the wider area.

The Report recommends that species rich hedgerow and grassland field margins be incorporated into the northern boundary of the proposed layout in order to maintain connectivity with the wider area. In addition a survey is recommended to confirm the presence of reptiles. Other identified mitigation/enhancement measures include the inclusion of bat bricks and log

piles within the development and inclusion of House Martin colony boxes in the eaves of buildings.

A Tree Survey was also submitted in support of the application. There are a small number of trees located along the site boundary, none of which would be affected by the proposed development.

A section of the existing broken hedgerow along the site frontage with Boars Tye Road would need to be removed to facilitate the proposed site access and associated visibility splays. The remainder of this hedgerow could either be retained and bolstered or replaced with a more integrated landscape scheme to serve the area of informal public open space which would be located directly behind it.

A small section of hedgerow would also need to be removed to facilitate the proposed footpath link to connect to the existing public right of way to the east of the site boundary.

The Ecology Report and the Tree Survey have been reviewed by the Council's Landscape Officer who has no objection to the proposal on Arboricultural or Ecological grounds. The loss of the roadside hedge which has been identified as species rich is identified as the main detrimental impact in Ecological terms, although mitigation in the form of re-planting is identified. A Reptile Survey is also required as identified in the applicant's Ecology Report.

Highways and Transport

The applicant seeks full permission for the proposed access point to the site from Boars Tye Road. The vehicular access would measure 5.5 metres in width with adjacent 2.0 metre wide footways to each side, the south-eastern one linking in to the existing footpath on Boars Tye Road.

The submitted access drawing demonstrates to the satisfaction of the Highway Authority that the access can be safely achieved with adequate visibility splays and having assessed the application the Highway Authority has no objection to the application on highway safety grounds. A gateway feature at the 30mph limit change (south of the site) has however been requested and is required under the proposed Section 106 Agreement.

The Highway Authority also require the upgrading of the two bus stops located closest to the site, the provision of a 2 metre wide footway connecting the site access to the existing footway on Boars Tye Road (as shown on the proposed access drawing) and the provision of Residential Travel Information Packs.

The applicant's Transport Assessment identifies the requirements of the Essex County Council Parking Standards (2009) as being the relevant standard for on-site parking provision. Officers consider that the proposed quantum of development could accommodate a layout which meets the

required parking standards. It is recommended that this level of provision is required by way of planning condition for the purpose of clarity.

In terms of its physical location, the site is well positioned to provide future residents of the development with access to public transport services. The nearest bus stops are positioned approximately 200m from the proposed entrance to the site. These stops benefit from regular bus services (twice hourly) throughout the day to Braintree and Witham although there is no service on Sundays.

The Village centre with its associated services and facilities is located approximately 800m walking distance from the site. As a whole, Silver End is well equipped with a Doctor's Surgery, Primary School, Children's Centre, garage, library, chemist, co-op and Post Office, pub, takeaway, a range of groups and clubs and a village hall.

Overall, it is considered that the site is positioned in a location which would provide reasonable access to both public transport and to the village's facilities and services.

Impact Upon Neighbour Amenity

There are existing dwellings located adjacent to the site boundary both to the south-east and to the north-west. The parameter plan includes an area of single storey development adjacent to the south-eastern boundary and does not propose any development adjacent to the north-western boundary which would consist of open space and a tree belt. The detailed design and layout would be considered at the Reserved Matters stage however it is Officers view that a scheme could be presented which would not cause any undue impact upon the amenity of existing neighbouring residents.

Heritage

The application site is located to the south-east of Rolph's Farmhouse, a Grade 2 listed building and is located to the north-west of the Conservation Area.

At the national level, Section 66 of the 1990 Listed Buildings and Conservation Areas Act requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings and their settings. The NPPF provides specific guidance relating to heritage assets and decision making. Paragraph 132 states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'*.

Paragraph 134 provides clear instruction that *‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’*.

The Essex County Council’s Historic Buildings Advisor has been consulted and has no objection to the proposal on Heritage grounds. He has identified that the development of the application site has the potential to harm the setting of Rolph’s Farmhouse if the development is brought up to the road frontage, thereby creating a continuous ribbon of development along Boars Tye Road.

The layout of both the parameter plan has been specifically designed to respond to the heritage constraints of the site. The development would be set back from Boars Tye Road with a large, usable area of open space located between the highway and the proposed dwellings. This would ensure that the development would not compromise the comparatively isolated position of the listed Farmhouse and maintain a degree of physical separation between the existing built form of Silver End and the farmhouse itself. In addition, a second area of open space with an associated tree belt would be positioned on the north western side of the site. Again, this would maintain a physical distance and a clear separation between the listed farmhouse and its setting and the new development. The Historic Buildings Advisor has stated that this design and layout approach minimises the visual and physical intrusion into the setting of the Listed Building, particularly in avoiding integrating Rolph’s Farmhouse into the wider settlement boundary of Silver End.

In terms of the Conservation Area, the outer boundary is located further south along Boars Tye Road, being positioned approximately 170m from the applicant’s site boundary.

The setting back of the proposed development from Boars Tye Road will also assist with reducing the potential impact of the development on the character of the Conservation Area. The Essex County Council’s Historic Building’s Consultant has advised that the development of the application site has the potential to have a negative impact upon the character of the Conservation Area, in particular by blurring the northern approach to it by creating a long section of modern development. However, he states that the approval of the residential scheme (15/01004/OUT) directly across the road from the application site means that this stretch of road already has permission to be developed and that approval of the current scheme will reflect this rather than exacerbate it. Furthermore he goes on to state that the set back from Boars Tye Road proposed under the current scheme will allow the site to be screened in longer views entering into the Conservation Area from the north, thereby partly reducing its impact. No heritage objection is therefore raised.

Overall, Officers consider that the proposed development has the potential to cause a low degree of harm to the setting of the listed building and to the character of the Conservation Area. This harm would be less than substantial and more specifically at the lower end of the less than substantial category.

The impact of the development would be greatly reduced by its set back from Boars Tye Road and the positioning of further open space with associated tree belt on the north western side of the site. The public benefits of a development of 50 dwellings, providing both market and affordable housing to help meet the District's identified shortfall are significant. There is no objection to the development from the Historic Building's Consultant and Officers consider that the public benefits of the proposal clearly outweigh the low degree of harm which it could potentially cause in heritage terms.

Other Matters

Availability of Services and Facilities

Essex County Council (Economic Growth and Development) have raised no objection to the proposed development with regard to early years/childcare and education provision. A financial contribution has been requested via the S106 Agreement to facilitate additional early years and childcare places to meet the need generated by the development. A surplus in primary school places and in secondary school places has been identified and no mitigation is therefore required.

With regard to healthcare provision within the locality the NHS has not raised any objection to the proposal and due to the size of the proposed development and the capped number of requests which can be sought for capital cost contribution has not requested a financial contribution towards Primary healthcare provision.

A financial contribution toward outdoor sports provision, the provision of equipped children's play space and allotments would also be required under the S106 Agreement.

Archaeology

Essex County Council Place Services (Archaeology) was consulted and have identified that the site lies within an area with cropmark evidence for archaeological activity. There is also the potential for medieval activity. Essex County Council Place Services has no objection to the application, subject to the imposition of a condition relating to the securing of a programme of archaeological investigation of the site to the satisfaction of the Local Planning Authority.

Contamination and Construction Activity

The Council's Environmental Services Team have been consulted regarding the proposed development and have no objection subject to a number of conditions. These require a further intrusive survey in respect of contaminated land as identified in the applicant's Geotechnical Report; submission of a dust and mud control scheme for approval and conditions to control hours of working.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding).

The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and proposes to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface run-off water from the proposed development with a SUDs lagoon located at the periphery of the site.

The Lead Local Flood Authority (Essex County Council) consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage. The County Council have specified conditions which it is recommended are attached to any permission granted relating to the required content of this scheme.

Agricultural Land

The application site is located on best and most versatile (Grade 2 'very good') Agricultural land and its development would result in the permanent loss of this land. However, in the wider context of the District the site measures only 2.38ha and Officers do not consider this to constitute a significant loss of such land.

Reserved Matters Timescales

The applicant has agreed, at Officer's request, to reduce the time period for the submission of Reserved Matters from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and would result in the development being brought forward earlier than could normally be expected, which in turn would assist the Council to address the current shortfall in the 5 year housing land supply.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner and the extent to which the services and facilities needed to serve the development would be available, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse effects.

Section 106

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

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 50 dwellings this equates to 20 homes.

The application site is located in the countryside adjacent to the village of Hatfield Peverel where the provision of 40% affordable housing accords with the requirements of Policy CS2.

The Council's Strategic Housing Team recommend that a 70/30 tenure mix (affordable rent over shared ownership) is secured.

All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction; should be deliverable without reliance on public subsidy and should be compliant with either Lifetime Homes Standards or Part M Cat 2 of Building Regulations.

This is an outline application where design and layout are reserved matters. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the types of affordable housing that is required to meet local need. It is recommended that the S106 Agreement specify that an Affordable Housing Strategy be submitted to the Council for approval prior to the submission of the first application for Reserved Matters.

Open Space

Policy CS10 requires new development to make appropriate provision for publically accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for informal and casual open space on site with a financial

contribution towards the provision of off-site outdoor sports facilities, equipped playgrounds and allotments.

In terms of off-site contributions, the Open Space SPD requires a financial contribution of approximately £63,254 toward the off-site provision of, or improvements to existing outdoor sports facilities, equipped children's play space and the provision of allotments. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

Highways and Transport

The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. These works consist of the provision of a gateway feature at the 30mph limit change to the south of the site; upgrades to the two bus stops on closest to the site on Boars Tye Road; the installation of a 2m wide footway to link the site to the existing footway on Boars Tye Road and the provision of Residential Travel Information Packs.

Footpath Link

The site's eastern corner sits adjacent to an existing public footpath which runs along the boundary of the adjacent agricultural field. The illustrative masterplans submitted indicate a potential footpath link from the application site to this footpath and it is recommended that this is required as part of any Section 106 Agreement.

Education

Essex County Council have advised that the proposed development is located within the Silver End Ward. For the County Council to meet its statutory duties it must facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision so that different needs can be met. A Developer contribution of £62,685 index linked to April 2016 is therefore required to facilitate additional early years and childcare provision within the ward to meet demand from the development.

CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework. 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.

In terms of economic and social sustainability, the development would bring significant public benefits including a substantial number of both market and affordable houses; the provision of public open space on site; financial contributions towards the off-site provision of outdoor sports facilities; children's play space and allotments and the upgrading of the two nearest existing bus stops on Boars Tye Road.

It would also generate construction jobs during the build phase in addition to providing new residents to Silver End to provide further support for existing services and facilities.

Environmentally, the site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape. The site is capable of providing strategic landscaping and public open space in according with Braintree District Council's adopted policy requirements. It is well positioned for access to the facilities of Silver End and for access to bus services to the wider hinterland. Officers consider the site's location to be sustainable.

Importantly, the development would make a notable contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. The applicant has submitted a suite of detailed documents which demonstrates to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

The adverse impacts of the proposed development are limited and would include the loss of greenfield (agricultural) land; a degree of harm (considered by Officers to be at the lower end of less than substantial) to the setting of the Grade 2 Listed Rolph's Farmhouse and the Silver End Conservation Area; and limited landscape and ecological impact. There are however no objections from any statutory consultees and Officers consider that the significant benefits of the proposal outweigh any adverse impacts.

Having assessed the specific merits of the site and the public benefits which the proposal would bring against the Council's policies and the requirements of the NPPF both individually and as a whole, Officers consider that the proposed development would be sustainable. Accordingly it is recommended that this application is approved.

RECOMMENDATION

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

- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); delivered without reliance on public subsidy; to be compliant with either Lifetime Homes Standards or Part M Cat 2 of

Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.

- **Affordable Housing Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of affordable housing provision).
- **Education** (financial contribution toward Early Years and Childcare required based on the County Council's standard formula, index linked to April 2016. Trigger point for payment being prior to commencement of development).
- **Public Open Space** (financial contribution toward outdoor sports provision; provision of equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Trigger point for payment being prior to first occupation).
- **Provision of a Gateway Feature** (at the 30mph limit change on Boars Tye Road (south of the site). To be approved by the Local Planning Authority. Trigger point for provision being prior to commencement of development).
- **Residential Travel Information Pack** (to be approved by the Local Planning Authority. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Upgrading of bus stops** (two stops located on Boars Tye Road to the south of the site. Provision of raised kerbs; telematics and shelters. Details to be approved by the Local Planning Authority. Trigger point for provision being prior to commencement of development).
- **Provision of a Footway** (a 2m wide footway shall be provided from the site access continuing south to join with the existing footway along Boars Tye Road. Details to be approved by the Local Planning Authority. Trigger point for provision being prior to commencement of development).
- **Provision of a Footpath Link** (from the eastern corner of the site to the public footpath (PROW 108_52) which runs along the boundary of the adjacent agricultural field. To include a footbridge to provide access across the intervening ditch).

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the

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

APPROVED PLANS

Location Plan	Plan Ref: LOC 01 A
Parameter Drawing	Plan Ref: PP01 REV C
Access Details	Plan Ref: R531/201 REV 4
Topographical Survey	Plan Ref: 401/008/01
Topographical Survey	Plan Ref: 401/008/02
Topographical Survey	Plan Ref: 401/008/03

1 Details of the:-

(a) scale, appearance and layout of the building(s); and the

(b) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 50 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above and broad compliance with the illustrative Masterplans SK04 REV C and SK06.

Reason

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

- 3 No Reserved Matters application shall be submitted until a site wide strategy for the following has been submitted and approved in writing by the local planning authority:

- details of a landscape strategy for the development to include details of open space provision; strategic landscaping and SUDs features

Reserved Matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved strategy.

Reason

The particulars submitted are insufficient for consideration of the details mentioned.

- 4 Prior to the first occupation of the development the primary access shall be implemented as shown on drawing R531/201 REV 4.

Reason

To ensure the access is constructed to an acceptable standard and in the interests of highway safety.

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

Reason

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

- 6 No development shall commence unless and until a suitable Reptile Survey as recommended in the submitted Ecological Appraisal completed by Geosphere Environmental Ltd dated 16th June 2015 has been undertaken in the months of April, May or September. The results will inform an appropriate mitigation strategy and the mitigation strategy (including timescales for implementation) and Reptile Survey shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Reason

To safeguard protected species and minimise the impact of the proposal on biodiversity. The survey is required prior to the commencement of development to ensure that appropriate mitigation measures are identified before development commences on site.

- 7 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy.

- 8 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 3 years from the date of the planning consent, the approved ecological measures secured through Condition 6 shall be reviewed and, where necessary, amended and updated. The review shall be informed by a further ecological surveys commissioned to a) establish if there have been any changes in the presence and/or abundance of reptiles and b) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason

To safeguard protected species and minimise the impact of the proposal on biodiversity.

- 9 Any Reserved Matters application relating to scale and appearance shall be accompanied by a drawings showing the proposed new elevation at a scale no greater than 1:50; drawings showing street scene elevations from Boars Tye Road at an appropriate scale and drawings showing the new window and door types at a scale no greater than 1:20.

Reason

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

- 10 Any Reserved Matters application relating to landscaping shall be accompanied by a landscape masterplan showing the site layout and levels, supported by cross section drawings showing the relative heights of the proposed dwellings in association with landscape features. The masterplan should also include measures to support the biodiversity enhancement recommendations identified in the submitted Ecological Appraisal completed by Geosphere Environmental Ltd dated 16th June 2015.

Reason

To ensure the level of enclosure is appropriate to screening an edge of

settlement development which mitigates for the visual impact on views from the open countryside and to support biodiversity.

- 11 Any Reserved Matters application relating to landscaping shall be accompanied by a landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local authority prior to the commencement of the development but subsequent to the approval of the landscape scheme. The content of the LEMP shall include:
- a) Description and evaluation of features to be managed.
 - b) Ecological constraints and opportunities that will influence management.
 - c) Appropriate management options for achieving aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled over a five year period).
 - f) Details of the management company responsible for the implementation of the plan.

Reason

To ensure the areas of open space are maintained appropriately for their biodiversity and landscape value in the long-term.

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

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

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

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the relevant building which it serves.

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

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

details.

- 13 No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason

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

- 14 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:
- a minimum of 1 car parking space per 1 bedroom dwelling;
 - a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
 - a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and to include a minimum of 4 blue badge bays plus 4% of total capacity; and
 - standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 15 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 interests of highway safety

- 16 Prior to any Reserved Matters application relating to layout or landscaping details of any proposed external lighting to the site for each phase of the development 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.

- 17 No vehicular movements relating to the construction of the development to, from, or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays- no work

Reason

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

- 19 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

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

- 20 a) Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.
- b) 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.
- c) 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 residential 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 property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

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

before any on-site work commences.

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

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological works is required prior to the commencement of development to ensure that any archaeologically on the site is recorded before construction works start.

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

The scheme shall include but not be limited to:

- Limiting the discharge rate from the developed site to the greenfield 1 in 1 year rate for all storms events up to the 1 in 100 plus climate change
- Provision of infiltration test results in line with BRE365. If infiltration is found unviable, the runoff discharged from the development should be limited to 2.2l/s as calculated in the FRA, September 2016, Cannon Consulting Ltd ref CCCE/R531/FRA-01.
- Provide detailed modelling of the different SUDs features i.e. source control features dimensions and storage volumes including design drawings
- Provide runoff treatment from all parts of the development in accordance with the CIRIA SUDs Manual C753.
- Provide details of the final outfall from the development/pond including the wider connectivity of the outfall
- Provide a drainage layout showing the exceedance flow routes and management thereof.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SUDs features over the lifetime of the development, to reduce the risk of flooding from overloading the surface water pipe network and to mitigate environmental damage caused by runoff during a rainfall event. The Surface Water Drainage Scheme is required prior to the commencement of development to avoid a system being installed that is not sufficient to deal with surface water occurring during rainfall events which may lead to increased flood risk and pollution hazard for the site.

- 23 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved by the Local planning Authority. The scheme shall subsequently be implemented as approved.

Reason

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

- 24 No development shall commence until a Maintenance Plan detailing the maintenance arrangements for each phase of the development, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that a system is not installed that is not properly maintained and may therefore increase flood risk or pollution hazard from the site.

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

Reason

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

- 26 Development shall not be commenced until details of the means of protecting all of the existing trees and hedges on/adjacent to the site to be retained from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any

building, engineering works, or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

- 27 No above ground works shall commence until a schedule and samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 28 All electrical and telephone services to the development shall be run underground.

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 30 Prior to installation of any meter cupboards on the dwellings details of the location, design and materials for the relevant phase of the development shall be submitted to and approved in writing by the local planning

authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

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

Reason

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

- 32 No above ground works shall commence until details of 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 only 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

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 33 No removal of hedgerow, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed. Any such confirmation should be submitted to the local planning authority.

Reason

To safeguard protected species and minimise the impact of the proposal on biodiversity.

- 34 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 3 years from the date of the planning consent, the approved ecological measures secured through Condition 9 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and farmland birds and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason

To ensure that the approved ecological measures are informed by up to date Ecology Surveys.

- 35 No development shall commence until a foul water strategy has been submitted to and approved by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason

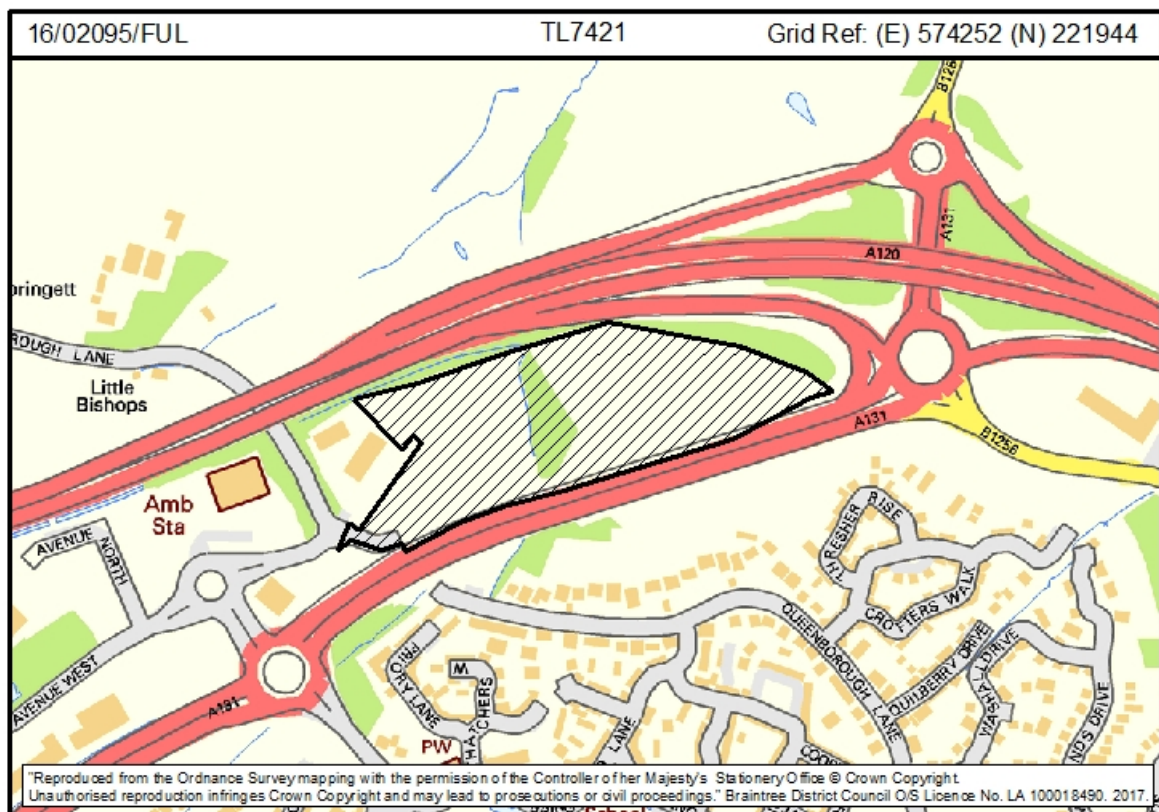
To prevent environmental and amenity problems arising from flooding. The foul water strategy is required prior to the commencement of development to ensure that the development is constructed in accordance with the agreed details.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/02095/FUL DATE: 08.12.16
 VALID:
 APPLICANT: GHG Developments Ltd
 C/O AGENT
 AGENT: PRCGROUP
 PRC Architecture & Planning Ltd, 24 Church Street West,
 Woking, GU21 6HT
 DESCRIPTION: The erection of a single 7,010.5sqm GEA (B8 use) unit with
 a first floor office element, and ancillary B1a office and B1c
 workshop , together with associated parking, vehicle turning
 and landscaping.
 LOCATION: Land North Of A131 Seybourne Park, Avenue East, Skyline
 120, Great Notley, Essex

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



SITE HISTORY

07/00437/OUT	An amended proposal for the development of part of the Skyline 120 Business Park	Granted with S106 Agreement	14.06.07
15/00582/FUL	Erection of 18 no. units for B1(c), B2 and B8 uses along with ancillary service yards, car parking, cycle and motor cycle parking	Granted with S106 Agreement	21.03.16
16/01558/FUL	Erection of 20MW standby electricity generation facility and ancillary works	Granted	02.11.16

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local 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 can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP27	Location of Employment Land
RLP28	Employment Land Provision
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
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
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP3	Providing for Employment
SP5	Place Shaping Principles
LPP1	Location of Employment Land
LPP2	Employment Policy Areas
LPP4	Design and layout of Employment Policy Areas and Business Parks
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP67	Run-off Rates
LPP68	External Lighting

Supplementary Planning Guidance

Open Spaces Supplementary Planning Document (2009)

Open Spaces Action Plan

Essex Parking Standards Design and Good Practice (2009)

External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site measures approximately 1.79ha and is located on the eastern side of the Skyline 120 Employment Site, on an area of undeveloped land. The site is allocated for B1, B2 and B8 uses in the adopted Local Plan and benefits from an extant permission granted in 2015 (15/00584/FUL) for a B1(c); B2 and B8 development . The site also sits within the original identified masterplan for the Skyline 120 development which was granted outline planning permission in June 2007 (07/00437/OUT), although the proposed

building is substantially larger than that shown in this location on the original illustrative masterplan.

The site is almost entirely located within Village Envelope of Great Notley, with a very small part of the site boundary encroaching beyond this (and beyond the employment site allocation boundary) into the countryside.

In terms of its surroundings the application site is bounded to the north by the A120 and to the south by the A131. Existing development on the Skyline site sits to the west and a roundabout serving the A131 and A120 slip road is positioned to the east.

The site consists primarily of grassland with a small copse positioned in its centre. The existing boundary treatment varies with trees and hedges in places and an open frontage in other areas.

In terms of topography, the site occupies an elevated position and the site itself falls from both its eastern and western periphery down towards the copse located in its centre. This fall is identified as being approximately 8m from the eastern side of the site to the eastern (outer) edge of the trees which form the centrally located copse.

PROPOSAL

The applicant seeks Full Planning Permission for the erection of a single building for B8 (storage and distribution) use with ancillary office and workshop space. The building would cover 7,010.5sqm (gross external area) and provide 6,789.5sqm gross internal floorspace. It would be located on the eastern side of the application site. The western side of the site was originally included within the red line only to facilitate the storage of soil in this area, which would be cut from the eastern side of the site to reduce its height and create a level plateau on which the new building would sit. The applicant has since confirmed that this soil would in fact be disposed of off-site meaning that no soil storage would now occur on the western side of the site.

Access would be taken from the existing roadway which currently terminates at the western periphery of the site. This would be extended along the site's southern boundary and would serve both the building itself and the associated parking area located to the east.

The scheme includes quite large areas of landscaping and also facilitates the protection and retention of the existing established copse on the site.

The application is also supported by a suite of documents which include:

- Design and Access Statement/Planning Statement
- A full suite of drawings
- Topographical Survey
- Noise Report
- Transport Assessment

- Environmental Report
- Flood Risk Assessment and Drainage Strategy
- Ecology Survey

CONSULTATIONS

BDC Environmental Health Officer

No objection subject to conditions. Disappointing that the layout does not provide the best design to screen against noise from the loading area. I raised similar concerns for the previous scheme but given that a previous consent was granted with a noise related condition then a noise condition will provide a level of noise protection against the new scheme.

The applicant's Noise Report assumes that there will be only one lorry movement at any one time during the night time period (2300 to 0700). It is noted that there are five loading bays plus those for the other part of the development site and therefore it may not be reasonable to assume that this is the case. Clearly if there are additional vehicle movements in the early hours then this will increase the calculated noise level at this time and therefore the relative difference between the calculated and background level. There is no absolute condition on the previous consent to prevent additional vehicle movements at night. By imposing the same noise related condition as in the previous consultation then whilst it is not implicit that vehicles are restricted at certain times of the day or night then the noise condition would require that any operator at the site has regard to the suppressed background noise levels at night and therefore would need to consider this condition when planning operations at the site.

With regard to any air handling equipment that may be installed at the site then the acoustic consultant accepts that the equipment should be designed to achieve 10 dB below background to prevent a creeping background noise level and prevent any impact on nearby residential property.

In conclusion it is recommended that the following conditions are imposed if consent is granted:

- 1) The rating level of the noise emitted from the site at the nearest noise sensitive premises shall not exceed the existing back ground noise level (LA90) by more than 0dB(A) at any time. The rating level and Background noise level shall be determined in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound).
- 2) The noise level (LAeq, 5min) of any air handling equipment shall be a maximum of 10dB below the background noise level (LA90, 15 min) at the façade of any residential premises.

ECC Flood and Water Management

No objection subject to conditions. This followed the receipt of additional information which was requested by the ECC SUDs Team and provided to them by the applicant. Conditions include the requirement for a detailed surface water drainage scheme for the site to be submitted and approved.

Highways England

No objection.

Parish Council

No objection in principle. Concerned in relation to proposed design and impact upon residents. Would be grateful if following could be taken into consideration in the determination of this application;

1. Proposal includes 2 docking bays and 3 HGV bays at the front of the unit. No substantive protective landscaping thus a concern about noise impact upon local residents during 24/7 hour operation.
2. Due to height of site compared to residential properties on the opposite side of the A131 it appears that headlights will shine into dwellings.
3. Protective bunds have been utilised elsewhere on Skyline 120 to reduce noise and light pollution. Parish Council would wish to see landscaping more consistent with general appearance of Skyline which would provide better noise/light protection to nearby residents.

ECC Archaeology

No objection, no conditions required.

Anglian Water

Surface water strategy/flood risk assessment is unacceptable. No evidence to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. Recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

If permission is granted request condition requiring surface water drainage scheme to be submitted and approved.

ECC Highways

No objection. No conditions required.

BDC Landscape

No objection. Applicant's Ecology report identifies the need to monitor two inactive badger setts during the construction phase. A Construction

Environmental Management Plan (CEMP) is required to address this and should be submitted to and approved by BDC.

A Tree Protection Plan is also required for the area of wet woodland located within the site. This also needs to be submitted to and approved by BDC.

The landscape proposals will provide a reasonable level of screening for the site with a significant amount of tree planting and an understorey mix which should establish fairly quickly. I am not in favour of the proposal to plant alder trees through the mix as larger trees with the oaks so would prefer to see this - *Alnus glutinosa* - replaced by larger quantities of *Acer campestre* and/or *Carpinus betulus* as specified on Drawing PRC PL12_001.

REPRESENTATIONS

One letter of support and one letter of objection were received.

2 Tees Close – support cycle parking provision.

7 The Laurels – objection. Object to finished height; design; layout; vehicular access; noise and insufficient landscaping.

- Building would dominate the skyline and unbalance the form of development already given planning consent. Could height of building be reduced by further earth removal? Current levels strategy would result in over dominant building which is too dominant on skyline and positions the 5 docking/loading bays at an intrusive level.
- Location of 5 x HGV bays unacceptable in terms of light and noise impact. Previous application re-worked to move the x2 HGV bays to the eastern flank.
- Layout should be amended so loading bays with associated noise and light implications are positioned on the A120 side of the building where they will be shielded by the building from residents. Existing large units on Skyline have been planned with smaller units to shield nearby dwellings.
- Original Skyline Masterplan states at p15 that there will be no access road on the side of the site facing dwellings.
- Why was site boundary enlarged after previous planning application deadline? Only acceptable use of additional land would be for landscape purposes.
- Developer's photos and site plans do not show proximity of dwellings to the site. Rear elevations of houses are elevated and therefore in line of sight of the proposed HGV bays.
- Noise Report refers to peak decibel levels. These would be increased by the significant and 24 hour regularity of delivery HGV's (reverse beepers, air brakes). Also light from headlights. All would have a detrimental impact upon residential amenity.
- Proposed landscaping provides an inadequate screen to address the above and harmonise with existing development.
- Request that building height and site layout re-considered to address these concerns in accordance with RLP90 and RLP59.

REPORT

Principle of Development

The application site is allocated for Employment Land Provision under Policy RLP28 of the adopted Local Plan. Policy RLP28 permits B1, B2 and B8 uses in addition to a limited number of other specified uses such as indoor sports. The site also benefits from an extant permission for the erection of 18 units for B1 (c); B2 and B8 use granted in March 2016.

The applicant proposes to develop the site in a B8 capacity. More specifically, a single commercial building measuring 7,010.5sqm (GEA) with a first floor office element and ancillary B1(a) Office and B1(c) workshop would be erected, together with associated parking, access road and landscaping. A small single storey gatehouse would also be erected adjacent to the new internal access road. The development as a whole would create 43 full time jobs.

The proposed development accords with adopted planning policy and the general principle of development is therefore considered acceptable.

Officer's note that the red line site location plan extends slightly beyond the defined village envelope of Great Notley and the demarcation of the allocated employment site. The adopted proposals map was however drafted before the slip road from the A120 had been constructed and the Village Envelope and Site Allocation were designed to tie in with the likely position of the proposed slip road. The current site layout plan does tie in with the final position of the slip road and the issue is caused by a slight discrepancy between the proposal map and the actual finished position of the slip road. Given that this is the case, and that the difference is minor Officers do not consider that this is of any significance in land use policy terms.

The red line also extends slightly outside the Employment site allocation boundary adjacent to the A131. Again, the difference is very minor and the additional land, which is located within the Village envelope but unallocated for any use is incorporated primarily as part of the landscape buffer for the proposal.

Design, Appearance and Layout

Policy RLP90 seeks a high standard of design in all developments and states that the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.

The applicant proposes to erect a single commercial building providing approximately 7,010.5sqm (GEA). The building would be positioned at the north-eastern end of the site adjacent to the northern site boundary. In terms of general layout, access would be provided via a newly constructed access

road leading along the site's southern boundary to the car parking area situated at the north eastern periphery of the site. The building would be orientated towards this access road with 3 dock levellers and 2 level access bays positioned on its southern elevation.

The proposed building would be of a functional design and commercial in its nature, with a dual pitched roof concealed behind a parapet wall. It would measure approximately 8m to the underside of its haunch and between 10.4m and 12.9m to the ridge.

In terms of its appearance, the eastern elevation, which would be the most prominent from the adjacent roundabout, would contain a large amount of glazing with powder coated aluminium frames to provide light to the ancillary Office space in addition to significantly enhancing the visual interest and design merits of the building. Colour cladding bands and columns, both profiled and flat metal would also add visual interest across the building as a whole and in particular to the northern elevation which would be prominent when viewed from the A120. Signage zones have been designed into the building's façade to ensure occupier signage would not undermine the integrity of the original building design.

A small single storey gatehouse with associated barrier would also be erected and would be located to the south west of the main building, adjacent to the new internal access road. Its external materials would match those of the main building.

The overall design and layout of the proposal is considered acceptable.

Impact on Neighbour Amenity

Noise

The application site is located on an allocated employment site where B1, B2 and B8 uses are acceptable. There are however existing dwellings located to the south of the site, on the opposite side of the A131 at a distance of approximately 100m from the site boundary and approximately 150m from the proposed building.

Noise from the proposed B8 operation is therefore a consideration and an objection has been received from the occupant of one of the nearby residential properties partly on noise grounds.

The applicant has stated that the building would operate in a 24/7 capacity, although they advise that in reality there would not normally be any HDV (Heavy Delivery Vehicle) movements between 2200 and 0500 and that vehicle movements at night would be limited to the occasional operation of one HDV at any one time, between the hours of 2300 and 0700.

The Council's Environmental Health team were consulted and following the request of further information from the applicant have no objection to the

proposal, subject to the imposition of conditions. These relate to the level of noise emitted from the site in terms of general noise levels and then more specifically to air handling equipment. Officers also consider that two further conditions are required, one relating to the use of white noise reverse alarms on the HDV fleet and another restricting the number of HDV's using the site to one at any time between 2300 and 0700.

With these safeguards in place it is not considered that the proposed development would cause an unacceptable impact in terms of noise.

Light

An objection was also received in relation to potential light pollution from vehicle headlights with a particular concern in relation to the elevated position of the site and nearby dwellings.

The application site is situated on the opposite side of the A131 to the nearest dwellings at a distance of approximately 100m. The loading bays are further away again at a distance of around 150m. Given the position of the site in relation to the nearest dwellings and the distance between the two it is not considered likely that the headlights from HDV's will cause any significant loss of amenity to the occupiers of nearby dwellings. Even if it is considered that the elevated position of the site would put the HDV headlights in line with habitable room windows and ignoring the potential mitigation from landscaping proposed on some relevant parts of the site and of existing vegetation located on the southern side of the A130 the sheer distance between the application site and the nearest dwellings is in itself considered sufficient to mitigate against any significant loss of amenity caused by HDV headlights.

The proposals do not include details of external lighting, however given the nature of the use lighting will be required and needs to be controlled by condition.

Overall it is not considered that the scheme would be likely to result in any unacceptable loss of residential amenity.

Landscape and Ecology

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

The applicant submitted a detailed hard and soft landscaping scheme in support of their application. In the BDC Landscape Officer's view the proposed soft landscaping will provide a reasonable level of screening for the

site with a significant amount of tree planting and an understorey mix which should establish fairly quickly. The species mix contained within the planting schedule was altered to accord with the advice given by the Landscape Officer.

The proposed building is of a large size and the existing site is elevated. The existing site is not level and falls from both its western and eastern peripheries down towards the copse positioned in the centre of the site. In order to create a level plateau for the new building to be located upon, a large amount of soil would need to be cut from the site of the proposed building and removed from the application site.

In terms of levels, the existing ground level at the location of the proposed building would be reduced (cut) by between 3m and 0.5m with some filling required at the western end of the new building footprint where the ground currently slopes sharply down toward the centre of the site. This reduction in ground level is required to create a level site but will also reduce the visual impact of the new building in landscape terms. When combined with the extensive boundary treatment landscaping proposed by the applicant, particularly in terms of tree planting in depth on the southern, eastern and northern boundaries Officers consider that the visual impact of the new building will be mitigated to an acceptable degree.

There is a small copse located within the centre of the site which the applicant intends to retain with the exception of 3 willow trees which would be removed to facilitate the internal roadway. At the request of the Council's Landscape Officer a Tree Protection Plan was submitted and approved to ensure that this area of woodland is protected during the construction phase.

The applicant submitted an Ecology Report in support of their application. This has been reviewed by the Council's Landscape Officer who has no objection to the application on Ecological grounds. The Ecology report identified that there are two inactive Badger setts on the site and in accordance with guidance provided by the Council's Landscape Officer a Construction Environmental Management Plan was submitted and approved to ensure that these setts are monitored and safeguarded during the construction process.

The Ecology Survey found that the only locations on site which were suitable for roosting bats were within cavities on dead and declining trees within the copse which is to be retained. A Reptile Survey was also completed which found no evidence of reptiles on site. The applicant submitted an Ecological Management Plan for the long term enhancement and management of the site. This includes the erection of bat and bird boxes, creation of log piles for invertebrates, active management of retained trees and woodland on site and active enhancement of retained areas of grassland on site.

Compliance with both the Construction Environmental Management Plan and the Ecological Management Plan is required by way of planning condition.

Highways and Transportation

The applicant proposes to utilise the existing site access point located on the south western periphery of the site which links in to the wider Skyline 120 site. A new access road would be extended along the site's southern boundary leading both to the proposed car park area at the eastern end of the site and to the HDV loading bays located on the southern elevation of the proposed building.

A Transport Statement has been submitted in support of the application which identifies predicted vehicle movements of 20 arrivals and 7 departures in the AM peak hour (including 6 HGV arrivals and 2 HGV departures) and 7 arrivals and 19 departures in the PM peak hour (including 2 HGV arrivals and 6 HGV departures). Essex County Highways, as the Highway Authority have reviewed the application and associated Transport Statement and have no objection to the proposal on highway grounds with no specific planning conditions required.

In terms of parking provision, The Essex Parking Standards (2009) require 1 car parking space per 150sqm of floorspace equating to a maximum requirement of 47 parking spaces for the proposed development, of which two should be disabled standard spaces. The proposed layout plan shows 47 spaces and includes two disabled standard spaces.

21 cycle spaces are also required and these are to be provided in a dedicated cycle storage shelter which would be located adjacent to the main pedestrian entrance to the building. Overall the proposed car and cycle parking provision is therefore considered to be acceptable.

Other Matters

Archaeology

Essex County Council Place Services (Archaeology) has no objection to the application. No conditions are required relating to archaeological surveys as an archaeological evaluation by trial trenching has already been carried out on the site in response to a planning condition for a previous, unimplemented planning permission. The trial trenching established that no further investigation is required.

Contamination

The applicant submitted a Contamination Report in support of their application which did not find any likely sources of significant on-site contamination. The Council's Environmental Services Team has no objection to the application on contamination grounds. A standard precautionary condition is recommended to safeguard against any unexpected contamination discovered during the construction phase.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application. It is proposed to utilise a SUDs system with a geo-cellular attenuation tank located under the (porous) main car park with access roads, footpath areas and the service yard all being connected to the attenuation tank by gullies fitted with petrol interceptors.

Following a review of this information and the submission of further information in relation to the drainage strategy, the Lead Local Flood Authority (Essex County Council) have no objection to the proposal subject to a condition relating to the submission and approval of a detailed surface water drainage scheme.

Anglian Water objected to the proposal on the grounds that insufficient information was submitted in relation to the surface water drainage strategy. However, Essex County Council are the Lead Local Flood Authority and have no objection to the proposal. Anglian Water's consultation response stated that if the Council were minded to grant planning permission a condition relating to the submission and approval of a surface water management strategy should be applied. This condition has in any event been requested by Essex County Council.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees with the exception of Anglian Water. As set out above Essex County Council are the Lead Local Flood Authority and have recommended that the application is approved subject to conditions which include a condition requested by Anglian Water.

Overall it is Officers' view that the proposed development is acceptable in planning terms and that the site is capable of accommodating the proposed development in a sustainable manner.

Section 106

Policy CS10 requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space. The Council's Open Space SPD sets out further details on how these standards will be applied and commercial developments within the 'B' Use Classes are required to make a financial contribution.

The applicant has submitted a Unilateral Undertaking with a payment of £17,500 to be made to the Council towards the provision of Open Space within the District. More specifically, the money would be allocated to improving the public open space land adjacent to Notley Green Primary School, Bridge End Lane, Great Notley, and/or the costs of surfacing a

footpath linking Avenue West to the Discovery Centre at Great Notley, Braintree, Essex.

This contribution has been reduced from the £24,008 which is required by the formulae contained within the Open Spaces SPD to account for the fact that an unusual level of earthworks is required on site, at substantial cost to the applicant to account for the existing topography of the site. This approach is consistent with that taken under the previously approved application 15/00582/FUL which was granted in March 2016.

CONCLUSION

The proposed development accords with adopted planning policy and would enable the development of an allocated employment site for a policy compliant B8 use, generating approximately 43 full time jobs. There are no objections to the proposal from any statutory consultees with the exception of Anglian Water. Essex County Council are however the Lead Local Flood Authority and have no objection to the proposal, subject to a detailed surface water drainage scheme condition which was also requested by Anglian Water.

Officers consider that the proposed design of the building and the associated layout is acceptable. The building is of a large size but uses a simple palette of visually contrasting external materials to achieve a clear, functional design with a significantly enhanced eastern elevation to front the adjacent roundabout. A substantial landscaping scheme is also proposed with in depth tree planting to help to soften the visual impact of the new building. In addition the existing ground level would be lowered which would further integrate the development into its surroundings. Overall the scheme is considered to represent the sustainable development of an allocated employment site.

It is therefore recommended that this application is approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: PL001	
Proposed Site Plan	Plan Ref: PL002	Version: E
Proposed Floor Plan	Plan Ref: PL003	Version: D
Proposed Floor Plan	Plan Ref: PL004	Version: A
Proposed Roof Plan	Plan Ref: PL005	Version: A
Proposed Elevations	Plan Ref: PL006	Version: G
Materials Details	Plan Ref: PL007	Version: A
Proposed Plans	Plan Ref: PL008	
Proposed Plans	Plan Ref: PL009	
Proposed Sections	Plan Ref: PL010	

Site Masterplan	Plan Ref: PL011	
Existing Site Plan	Plan Ref: PL013	
Landscaping	Plan Ref: PL_12_001	Version: C
Landscaping	Plan Ref: PL_12_002	Version: A
Topographical Survey	Plan Ref: 20616PR	
Levels	Plan Ref: 16/065/400	Version: P4
Supporting Document	Plan Ref: CEMP PLAN - Clarkson & Woods March 2016	
Supporting Document	Plan Ref: Ecology Management Plan - Clarkson & Woods December 2016	
Tree Plan	Plan Ref: DFCP 4002 TPP	
Tree Plan	Plan Ref: DFCP 4002 TSP	
Supporting Document	Plan Ref: ARBORICULTURAL IMPACT	
ASSESSMENT	Version: DF CLARK BIONOMIQUE LTD	
Supporting Document	Plan Ref: Preliminary Geoenviromental - Delta-Simons 15-0122.01	

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

Reason

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

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

Reason

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

- 3 Above ground works shall not be commenced until samples of the materials to be used on the external finishes of the main building and of the gatehouse 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 development shall be carried out in accordance with the approved Construction Environmental Management Plan undertaken by Clarkson & Woods Ecological Consultants, dated March 2017.

Reason

To safeguard any protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated.

- 5 The development shall be carried out and the site maintained thereafter in

strict accordance with the approved Ecological Management Plan undertaken by Clarkson & Woods Ecological Consultants, dated December 2016.

Reason

To protect and enhance the Ecological value of the site.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours.

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

Reason

To ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to protect the amenity of the occupiers of nearby residential properties. The Method Statement is required prior to the commencement of development to ensure that measures to protect the amenity of nearby residents and to safeguard highway safety are in place from the commencement of works on site.

- 7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
- Run-off rates restricted to the 1 in 1 greenfield rate
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 inclusive of climate change event. Detail will need to be submitted in regards to what happens in an event

- over the 1 in 30 event if surface water is only allowed to discharge into the Anglian Water Sewer up to the 1 in 30 event
- Final modelling and calculations for all areas of the drainage system. It should be clearly shown how surface water up to the 1 in 100+40% will be managed on site
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SUDs Manual C753
- Detailed engineering drawings of each component of the drainage scheme
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features
- A written report summarising the final strategy

The scheme shall subsequently be implemented prior to occupation.

Reason

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

- 8 No development shall take place until the applicant has submitted a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater and to prevent pollution during construction works. The scheme shall include details of temporary drainage measures for the new road within the site. The submitted scheme shall be approved in writing by the local planning authority and shall subsequently be implemented as approved, in accordance with the approved timescales.

Reason

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

- 9 No drainage installation shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and approved by the Local Planning Authority.

Reason

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

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

Reason

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

- 11 The development shall be carried out in accordance with the recommendations in section 8.4 of the preliminary Geotechnical report (DELTA-SIMONS PROJECT NO. 15-0122.01 ISSUED: APRIL 2015) which shall be implemented and a validation report submitted following completion of the works for approval by the 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.

- 12 The development shall be carried out in accordance with the levels strategy shown on approved drawing 'External Works Cut and Fill' 16/065/400 REV P4 and only in relation to the land identified within the red line shown on this drawing.

Reason

To avoid the excessive raising of the main building hereby permitted.

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

Reason

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

- 14 The development shall be carried out in accordance with the approved

Arboricultural Impact Assessment, the approved Tree Protection Plan and the approved Tree Survey Plan listed above, undertaken by DF Clark Bionomique Ltd, dated 14th March 2017. No alterations or variations to the approved works or tree protection schemes shall be made.

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

Reason

To ensure the retention of the existing trees identified for retention as they are considered essential to enhance the character of the development.

- 15 The scheme of landscaping indicated upon the approved Hard and Soft Landscaping Plans 12 001 REV A and 12 002 REV A shall be carried in accordance with the approved plans. All hard surfaces shall be completed prior to first occupation of the building. The identified planting shall be carried out during the first available planting season after the commencement of the development.

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

Reason

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

- 16 There shall be no discharge of surface water from the site 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.

- 17 All HGV vehicles and forklift trucks which access the site or operate upon it shall be fitted with white noise reversing alarms only. Details of these alarms shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building and the alarms shall be fitted in accordance with the approved details.

Reason

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

- 18 Prior to occupation of the development hereby permitted, a detailed Work Place Travel Plan that promotes sustainable modes of travel as an alternative to use of the private motor-car for travel to and from the site (by providing information on the alternatives and by providing vouchers or tickets for travel by public transport to and from the site from and to

neighbouring towns) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To promote non-car travel to and from the site, in the interests of sustainability.

- 19 The rating level of the noise emitted from the site at the noise sensitive premises shall not exceed the existing background noise level (LA90) by more than 0Db(A) at any time. The rating level and background noise level shall be determined in accordance with BS4142:2Q14 (Methods for rating and assessing industrial and commercial sound).

Reason

To protect the amenities of the occupiers of nearby residential properties.

- 20 The noise level (LAeq, 5min) of any air handling equipment shall not exceed a level of 10dB below the background noise level (LA90, 15 min) at the façade of any residential premises.

Reason

To protect the amenities of the occupiers of nearby residential properties.

- 21 Between the hours of 2300 and 0700 no more than one HGV shall access the site or operate upon it at any time.

Reason

To protect the amenities of the occupiers of nearby residential properties.

- 22 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.

- 23 No operation of any nature connected with the permitted use of the development for B8 purposes with ancillary workshop space including the operation of plant and machinery, shall be conducted anywhere in the open on the site.

Reason

To protect the visual amenity of the development and the location generally and to minimise the potential for noise nuisance arising from the site in the interests of protecting residential amenity.

- 24 Prior to the installation or erection of any external or rooftop plant or air extraction equipment or photo voltaic panels details of the related equipment proposed to be installed shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall then be installed strictly as agreed.

Reason

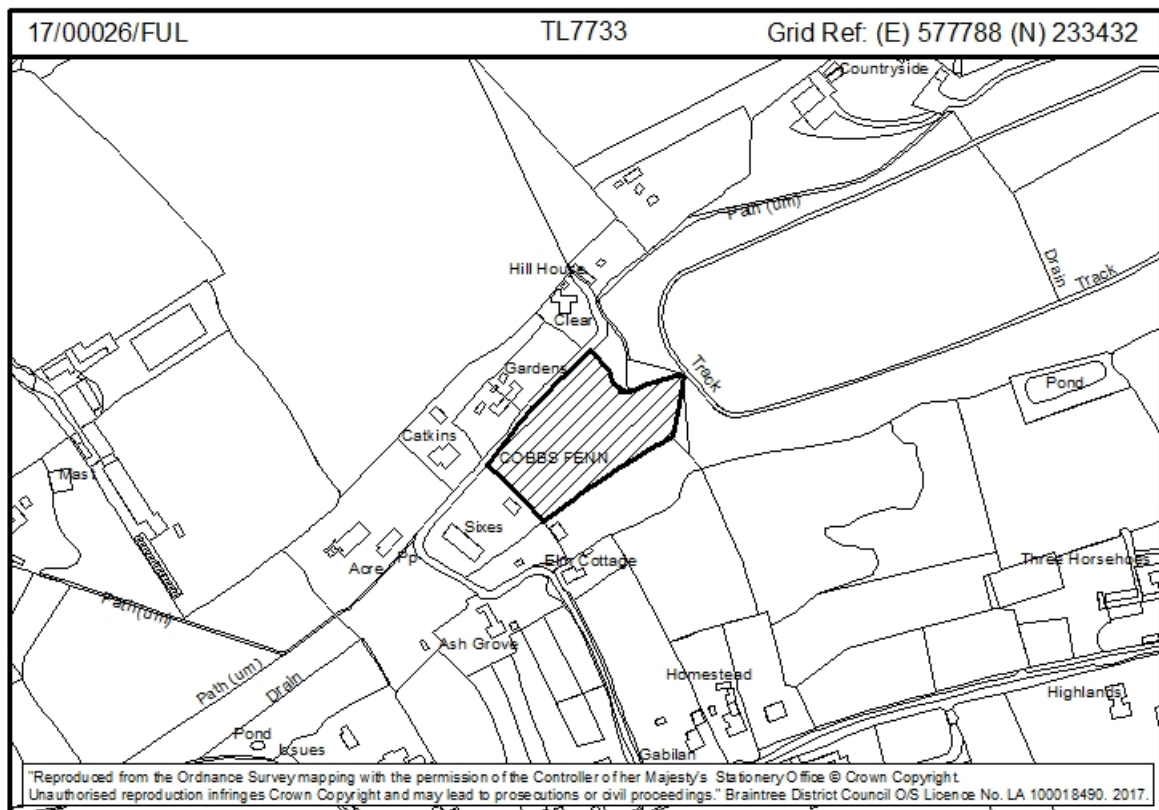
To ensure that the Local Planning Authority retains clear and unambiguous control in the interests of visual amenity.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00026/FUL DATE: 25.01.17
 VALID:
 APPLICANT: Mr & Mrs Kim & Tanya Harding
 Harding Joinery, Unit 3, Fifth Avenue, Bluebridge Industrial Estate, Halstead, CO9 2SZ, United Kingdom
 AGENT: Mr Alkis Riziotis
 Urban Landscapes, 47 Vanderbilt Road, London, SW18 3BG, UK
 DESCRIPTION: Application for a single dwelling with associated workshop and store building. The workshop and store building to be used for all uses within the B1 Business use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended)
 LOCATION: Land At, Cobbs Fenn, Sible Hedingham, Essex

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



SITE HISTORY

04/00071/REF	Proposed replacement of existing buildings with new	Appeal Dismissed	21.04.05
95/00016/REF	Change of use of former storage building to occasional overspill workshop, siting of one container and laying new hardened area for access and car parking	Appeal Dismissed	06.10.95
97/00019/REF	Proposed dwelling with garage/stables	Appeal Dismissed	03.10.97
03/00084/FUL	Proposed upgrade of existing buildings, extension of hardstanding	Granted	22.07.03
03/02391/OUT	Proposed replacement of existing buildings with new	Refused then dismissed on appeal	23.07.04
04/00084/FUL	Demolition of existing workshop and erection of new house and re-use of existing store as garage	Refused	09.03.04
74/00267/P	Change of use of piggery for woodworking.	Refused	05.07.74
86/00002/EU	Workshop and Joinery Workshop.	Refused	10.02.87
87/00002/87EU	Joinery Workshop	Refused	28.07.87
87/00746/P	Use of existing building as joinery workshop, improve access and parking facilities new toilets and drainage.	Granted	23.07.87
94/01521/COU	Change of use of former storage building to occasional overspill workshop, siting of one container and laying new hardened area for access and car parking	Refused then dismissed on appeal	12.04.95
95/00476/COU	Proposed change of use for stationing of 2 containers and laying of hardened area for car parking	Granted	23.06.95
96/01207/FUL	Proposed dwelling with garage/stables	Refused then dismissed on appeal	15.11.96
06/02075/FUL	Conversion of existing joinery workshop to single	Granted with S106	02.02.07

	dwelling with associated workshop	Agreement	
07/02021/FUL	Alterations to existing store buildings and clarification of upgrading following approved application 06/02075/FUL	Granted	07.12.07
08/01106/FUL	Alterations to existing store buildings following approval of 07/02021/FUL to include repositioning of door, incorporation of rooflights and windows	Granted	10.07.08
08/01818/FUL	Conversion of existing joinery workshop to single dwelling with associated workshop. Amendment to approved application 06/02075/FUL	Granted with S106 Agreement	03.12.08
10/01182/FUL	Conversion of existing joinery workshop to single dwelling with associated workshop and store buildings - amendment to approved applications 08/01818/FUL and 08/01106/FUL	Granted with S106 Agreement	11.11.10
12/01560/MMA	Application for a minor material amendment to approved application 10/01182/FUL - Amendment to allow new supporting structure to be placed outside of the existing structure and not within as originally intended	Granted	11.02.13
14/00368/MMA	Variation of application 10/01182/FUL to re-site store building 500mm from edge of road and to lower the floor level of the building	Granted	01.07.14
16/00638/FUL	Design variations to planning permission 10/01182/FUL (as amended by consent 12/01560/MMA - Amendment to allow new supporting structure to be placed outside of the existing structure and not within as originally intended)	Granted	10.08.16

for a single dwelling with
associated workshop and
store building

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local 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 can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
LPP5	Rural Enterprise
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancement, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as, in consultation with the Chairman and Vice Chairman of the Planning Committee, it was considered that the impacts of the development could be significant.

NOTATION

The application site is located in the countryside.

SITE DESCRIPTION

- The site is located in the countryside to the south of Sible Hedingham.
- A public footpath passes along three boundaries of the site and one crosses the northern part of the site.
- Planning permission was granted for the conversion of the existing joinery workshop to a single dwelling with associated workshop and store in 2010. Amendments to this application were approved in 2013 and 2014 and a new application was approved in 2016.
- The original frame of the building has recently been removed and a new steel frame has been erected. A former store building located adjacent the road has been demolished and a new steel structure in this location has also been erected.
- The site sits at a lower position from the road and is surrounded by mature trees.

PROPOSAL

This application seeks planning permission for a single dwelling and attached associated workshop/store to be used as a live/work unit. A detached single storey store building is also proposed adjacent the road. It is requested that the workshop and store can be used for all uses within the Class B1 Business Use. The dwelling and workshop would be located in the location of a former joinery workshop which once stood on the site and would occupy a similar footprint. The workshop would have a barn style appearance and would be attached to the south eastern side of the dwelling by a subordinate glazed link. It would sit at a slightly lower level than the dwelling. The dwelling would be a two storey building with full height windows on the front elevation. The building would be clad with dark charred larch and the roof would be covered with anthracite zinc cladding.

The site would be accessed via the existing vehicular access and a hardstanding would be provided within the site for parking.

The site has a long planning history, the most relevant of which is outlined later in this report.

CONSULTATIONS

Environmental Health – Unhappy at the proposed change from a store to B1 use for the “store building” primarily due to the close proximity to the nearest noise-sensitive dwelling and therefore the noise impact that may be imposed upon the residents. The applicant’s agent has made reference to B1 use class being “appropriate in a residential area” and “without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”. It is not a straightforward decision to make when the majority of industry will by its nature create some element of the aforementioned impacts. In the Environmental Health Officer’s opinion, to simply say that B1 use will be without impact altogether would be a naïve expectation. A B1 use in itself being introduced in proximity to a residential location can of course be considered in an area, but the unit in question is going to be so close that you would not seek ideally to place such a use there. The EHO considers it appropriate that the building in question remain solely permissible as a store building associated/tied to the live-work unit and that the live-work unit is also tied. A number of conditions are recommended.

Highways – No objection.

Public Rights of Way – No response at the time of writing.

Landscape Services – No objection, subject to conditions concerning habitat protection, tree protection and landscaping.

Engineers - Unaware of any surface water issues affecting this site.

Parish Council - Object on the following grounds:

- B1 without conditions imposed may lead to unsuitable usage
- The road is tiny and only suitable for light traffic
- There is no turning area for traffic
- There are 5 footpaths across Cobbs Fenn which are in danger of being ruined.

REPRESENTATIONS

14 letters of objection have been received raising the following points:

- Poor access to the site. The narrow lane is unsuitable for commercial vehicles and an increase in traffic;
- No efforts have been made to retain the original structure;
- Uses would not be in keeping with the rural environment;
- Proposal is much bigger than the previous structures and no longer seems to be in keeping with the other homes in the Cobbs Fenn;
- The site lies outside of the 'village envelope' meaning that B1 business use would be inappropriate;
- Would have a negative impact upon wildlife;

- Regard should be had to the planning history and appeal decisions;
- Development has commenced without conditions being discharged and caused damage to the road;
- The proposal is for a house and buildings to be used by other businesses, not a live/work development;
- Previous permissions have been for low key business, not large scale operations. Any type of business could move onto the site;
- A previous application to use the store buildings as a workshop was refused in 1995 and dismissed at appeal;
- A condition on the 2016 permission states that the store building shall be used only for purposes ancillary to the occupation of the main building;
- B1 use could cover a range of uses;
- Increase in noise, pollution and traffic would detrimentally impact upon neighbouring amenity;
- Change of use should be considered once the proposed use is known and considered on its merits;
- Would adversely impact upon the public footpaths;
- The development has suffered from creep with numerous revisions;
- Little is left of the original building so it is no longer a conversion;
- Personal/financial situations are not material planning considerations;
- Store buildings should be used ancillary to the workshop and main house;
- The open sided store building on the plans is non-existent.

REPORT

Principle of Development

The site is located in the countryside, outside of any settlement boundaries.

The principle of the proposal to convert the building on the site to a live/work unit has previously been established through the granting of planning permission in 2016, 2010 and before that in 2007. The previous planning permissions have been subject to conditions which state:

“The approved store building shall be used only for purposes ancillary to the occupation of the main building. It shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans” and

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the south eastern part of the building shall be used as a joinery workshop falling within Use Class B1 of the schedule to that Order and for no other purpose (including any other use falling within that Class or any provision equivalent to that Use Class in any Statutory Instrument)”.

In 2012 an application was submitted for an amendment to allow a new supporting structure to be placed outside of the existing structure and not within as originally intended. This was approved.

In 2016 an application was submitted seeking design changes to the internal layout and external elevations and changes to the external materials. This was also approved.

The site has therefore benefitted from planning permission for a live/work unit for ten years. This was on the basis of Policy RLP38 of the adopted Local Plan Review which makes provision for the conversion of rural buildings.

The 2016 planning application was for design variations to planning permission 10/01182/FUL. It was stated in the supporting documentation that these were “essentially minor changes to windows and adjustments none of which affect the principle of the development or in our view could be considered significant in their implications especially given that the building stands in its own grounds, being relatively isolated in its gardens”. It was also stated that “The development remains the same as approved and is not significantly different. The scale and nature of the development as originally approved is not substantially different and the result is a better quality building overall. The issue with the application is purely one of detailed design with the concept still approved and valid in an extant planning permission” (as set out in the ‘Design Amendment Submission’). The submission indicated that the principle of the development remained the same. An email from the Case Officer to the agent during the determination of the application stated that the application was being considered as a conversion. The agent did not indicate/clarify otherwise. There was no indication within the written documents that the then existing structure would be removed. However, upon review, it is acknowledged that the approved plans do not show the retention of the original structure.

Unfortunately the current situation is that there is very little left of the original structure, except for some block walls at ground floor level. Issues have arisen and the present situation exists as the original structure has been left to deteriorate despite having planning permission for over 10 years. This proposal can no longer be considered as a conversion under the terms of RLP38.

Taking a pragmatic approach, it is accepted that the applicant has an extant planning permission and that there is a fall-back position. New structures have recently been erected on site. Officers do not consider that that the most recent planning permission has been implemented as the pre-commencement conditions have not been discharged. Whether or not the original structure is retained, permission was granted for a new external structure in 2013 and the original structure would have been subsumed and not visible from the exterior. In terms of visual impact, the alterations which were approved last year (and remain the same as part of the current application) would not have a more harmful impact upon the character of the area than the design that was previously approved.

The applicant has submitted a new full planning application and is now seeking planning permission for a single dwelling, workshop and store building. However, the applicant is requesting that the workshop and store building can be used for all uses within the B1 Use Class (i.e. that the use is not restricted to a joinery workshop). The submitted plans indicate that this refers to the ground floor and first floor of the workshop/store attached to the dwelling and the storage building located to the north western side of the site, adjacent the road.

Information within the application indicates that due to financial and logistical circumstances the applicant no longer wishes to operate his joinery business from the site. The existing business operates from an industrial estate. In some parts of the submission it is stated that it is not appropriate to relocate the applicant's joinery business due to its scale and the fact that it successfully operates from an industrial estate. However, in another part of the application it states that the applicant was hoping to "recreate the atmosphere of the old joinery as an additional occupation to his main business, of a "mild" and more artistic nature which could be run without detriment to the amenities of their own home adjoining it, or indeed the nearby residences". It also states that the application is to remove the joinery restrictions and allow both the joinery and the store to be used for any purposes within B1 use, "with the view of letting space for other businesses within the community". The intentions of the applicant were somewhat confusing and this clearly raised concern for local residents. The applicant has since confirmed that planning permission is still sought for a live/work proposal and that it would remain as a single planning unit. The purpose of the application is to remove the reference to the joinery use to enable a more flexible use of the building(s) within Use Class B1. The applicant indicates that the planning conditions restricting the use to a joinery workshop mean that there is a limited market for the building and the site.

Information within the application, by its own admission, states that B1 uses (such as the approved joinery use) could give rise to issues associated with noise, activity and access. It is stated that this is a consequence of the noise of the machinery essential to its use and the introduction of movements of goods by heavier vehicles such as lorries. Other B1 uses, by virtue of their commercial nature, also have the potential to be intrusive.

It is acknowledged that The Town and Country Planning (Use Classes) Order 1987 (as amended) sets out B1 Business Use as "Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area". It is questionable whether a joinery use could operate within Use Class B1. Often such a use operates more comfortably within Use Class B2.

This application is for a live/work unit (the description of the application is for a single dwelling with associated workshop and store building) and therefore the occupant of the dwelling would occupy the 'work' element of the building. This is attached to the dwelling and located on the part which is furthest away from

existing residential dwellings. Officers are satisfied, subject to a condition to ensure that the workshop cannot be occupied independently, that the proposed B1 use is acceptable.

Officers would be concerned about any subdivision of the site as this could give rise to a significant intensification of the site including an increase in vehicular movements, parking requirements, impact upon the existing road. Furthermore, the site is not located in a sustainable location.

Turning to the store building, this abuts the road and is located much closer to existing residential dwellings. Officers (including the Council's Environmental Health Officer) would be concerned about the use of this building for B1 uses. The building is located less than 15 metres from the closest neighbouring dwelling and garden and would have two sets of full height doors on the front elevation. The building is shown on the submitted plans as a store. Officers have no objection to this building remaining as a store ancillary to the occupation of the dwelling or for storage purposes in connection with the B1 use. In order to control this matter the Council's Environmental Health Officer has requested a condition preventing the use of machinery or power tools within this building. A condition can also be imposed stating that it can only be used as a store ancillary to the use of the main building. Furthermore, the loss of this building as an ancillary store could result in pressure for further domestic outbuildings at a later date. It is considered that the buildings currently proposed for this site are likely to be the limit of what the site is able to accommodate without having an adverse impact upon the character of the area or residential amenity.

The applicant considers that alternative B1 uses are less likely to cause more nuisance than a modern carpentry (by traffic or machinery), but should they do, the Council could take enforcement action. Officers consider it more effective and appropriate to control the use and any impacts which may have an impact upon residential amenity through appropriately worded conditions, rather than relying on other legislation and Council resources to deal with issues after the event.

The proposal has changed several times and significantly since planning permission was first granted and no longer resembles the conversion that was originally sought. It is hoped that the development will finally be implemented in accordance with approved plans and that further alterations to the buildings or uses will not be sought.

Design and Appearance

In 2016 changes to the external design and appearance of the building were approved. These changes are proposed as part of the current application. They were previously found acceptable and there would be no reason to reach a different view now. The size of the buildings remains unaltered from previous permissions.

The external materials would comprise dark stained or charred cladding, anthracite zinc cladding to the roof, brick chimney, timber windows (main house) and metal framed windows (outbuilding/store). The proposal materials are also considered appropriate and would give more of an agricultural appearance when compared to previous applications.

Impact on Neighbouring Residential Amenities

This issue has been discussed above. Subject to the building adjacent the road remaining ancillary to the occupation and use of the main building no objection is raised.

Highway Considerations

The development would be served by the existing access located to the north of the site. This is consistent with the previous approval. There would be sufficient parking within the site to accord with the requirements set out in the Council's adopted Parking Standards.

The access road leading to the site is narrow and in a poor state of repair in places. Officers would have a concern about any increase in the intensity of use at this site. However, given that the site is to remain as a single planning unit and as a live/work development it is not considered that the proposal would have a greater impact than the development which already benefits from planning permission.

Concern has previously been raised by Essex County Council regarding the works within the highway adjacent the site and the safety of the road as a result of works that have been undertaken at the site. Any works within the highway are a matter for the Highway Authority as this is outside of the application site. It is however understood that there are some safety concerns about the road following the removal of the building which previously abutted the highway and works in this location. On this basis the Highway Authority previously requested a condition requiring the provision of a retaining wall adjacent the highway. A condition was imposed requiring details of this wall. The plans submitted with this application show a brick retaining wall to the rear of the building. A condition can be imposed to ensure that this is constructed prior to the occupation of the buildings.

There is an existing public footpath which crosses the north eastern part of the site. The submitted plans indicate that this will be retained and that the route will be maintained during construction.

Landscape and Ecology

An Extended Habitat Survey carried out in June 2016 has been submitted with the application. This is an update to a previous survey which was carried out in 2012. This confirms that the site has no nesting bird potential. The only building that remained on site at that time was the framework of the original

main building which, it was advised, had negligible potential to support roosting bats.

The survey indicates that there are records of common lizard and grass snake within a 2km radius of the site. The survey indicates that the majority of the application site provides good quality reptile habitat and therefore the potential for the site to support reptiles is considered to be high. A previous reptile presence/absence survey found a low population of common lizard and grass snake on site. Reptile fencing was installed around the site and a trapping and translocation programme was undertaken in 2013 which found one grass snake. The translocation programme was followed by supervised habitat removal with a toothed bucket used to scrape the vegetation into heaped piles. The reptile fencing was left in place but the updated survey indicates that this was in a state of disrepair. The survey indicates that since 2013 the reptile habitat re-established.

The survey indicates that due to a lack of suitable habitats the site is not considered likely to support any other protected or notable species.

A condition was imposed on the planning permission granted in 2016 requiring the submission of a Habitat Protection Plan (Condition 17). This plan (dated October 2016) was submitted as part of an application to discharge this condition and also as part of the current planning application. The document includes a mitigation strategy to cover the recommendations set out in the Extended Habitat Survey. This states that vegetation clearance within the reptile exclusion fencing was undertaken in 2016. It is recommended that the large earth spoil piles are removed between mid-March to mid-October, outside the period of reptile hibernation. The 2016 vegetation clearance has significantly reduced the likelihood of any reptiles hibernating within these earth spoil piles.

The Council's Landscape Officer has advised that there has been concern that the reptile exclusion fence as previously erected was in a poor state and not serving any real function. In his consultation response for the discharge of condition application the Council's Landscape Officer advised that the report lacked the detail required by part (c) of the condition. This required recommendations for the regular inspection of the reptile exclusion fencing at the end of each period of hibernation (March-April) by a qualified ecologist until completion of the development to ensure that the fencing remains intact. The applicant's agent was advised of this. The applicant's ecologist advised that provided the client/ site owner now keeps the grassland habitats maintained with a sward height of less than 150mm within the works area then reptiles will not recolonise the site. Therefore there would be no requirement for reptile fencing on site or regular inspection. It was requested that the report was updated to explicitly state this for the avoidance of doubt and so that the Council would have something to refer to if the site starts to get overgrown. At the time of writing this had not been done. Therefore the Habitat Protection Plan remains insufficient. It is therefore proposed that a condition requiring an updated document is imposed on this planning permission if granted.

The Habitat Protection Plan includes details of proposed bat boxes and bird nesting boxes. It also includes details of monitoring during construction and restrictions as to where materials can be stored. An enhancement plan identifies locations for wildlife friendly planting, new tree planting and reptile hibernacula.

The Council's Landscape Officer advises that a landscaping scheme should be requested by condition and should reflect the illustrative layout in the Habitat Protection Plan. An updated tree protection plan also needs to be approved and in place before development commences. This can also be covered by condition.

Other Issues

The previous decision notice included pre-commencement conditions. However development has already commenced at the site. Therefore some of the conditions have been re-worded and trigger points for requiring the information have been amended.

CONCLUSION

The site benefits from planning permission for a live/work unit, with the work element being limited to a joinery workshop falling within Use Class B1. This application seeks planning permission for a dwelling and workshop/stores with the work element being able to be any use falling within Use Class B1. The size, location and design of the buildings (including a new external structure) remain the same as the extant permission. No objection is raised to the part of the building which would be attached to the new dwelling being used for B1 uses. However, given the proximity of the proposed detached building to nearby residential dwellings, it is considered that this should be used for storage purposes only, as previously approved. Conditions are proposed to control the uses and to limit any impact upon neighbouring amenity.

The access to the site is poor, but has been used historically to serve the site. Given that the site will remain as a single planning unit, it is not considered that there would be a significant increase in vehicle movements when compared to the previously approved development. Adequate parking could be provided within the site.

Conditions can be imposed to control detailed matters such as external materials, landscaping and habitat protection.

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

Site Plan	Plan Ref: 110	Version: As Previously Existed
Topographical Survey	Plan Ref: 113	
Location Plan	Plan Ref: 130/LOC	
Site Plan	Plan Ref: 210	Version: B
Proposed Floor Plan	Plan Ref: 221	
Proposed Plans	Plan Ref: 222	
Proposed Elevations	Plan Ref: 223	
Topographical Survey	Plan Ref: 227	
Proposed Levels	Plan Ref: 228	
Proposed Levels	Plan Ref: 229	
Proposed Plans	Plan Ref: 231	
Proposed Elevations	Plan Ref: 232	

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the south eastern part of the building (attached to the dwelling) shall only be used for purposes falling within Use Class B1 of the schedule to that Order and for no other purpose.

Reason

To enable the local planning authority to give consideration to any other use of the building given the rural location of the site and proximity to residential dwellings.

- 4 The approved storage building on the north western side of the site abutting the highway shall be used only for storage purposes ancillary to the domestic and/or business use of the main building.

Reason

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

- 5 The storage building on the north western side of the site and the

workshop/store attached to the dwelling as part of the main building shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans.

Reason

To prevent an intensification in the use of the site given the rural location of the site and proximity to other residential dwellings.

- 6 No machinery shall be operated or industrial processes be carried out in the workshop/store on the north eastern part of the site in connection with the B1 use outside the following times:-

Monday to Friday 0700 hours - 2000 hours

Saturday 0700 hours - 1300 hours

No commercial use whatsoever shall take place in the workshop/store on Sundays, Public Holidays and Bank Holidays.

Reason

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

- 7 There shall be no use of machinery or power tools within the storage building on the north western side of the site abutting the highway at any time, aside from for the purposes of construction, maintenance or upkeep of the building structure itself.

Reason

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

- 8 There shall be no vehicular movements, including deliveries and collections, in connection with the Class B1 use outside the following times:

Monday to Friday 0700 hours - 2000 hours

Saturday 0700 hours - 1300 hours

Sundays, Public Holidays and Bank Holidays - No deliveries

Reason

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

- 9 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A or E of Part 1 of Schedule 2 of that Order and no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the site

as permitted by Class A of Part 2 of Schedule 2 of that Order without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions, outbuildings and enclosures in the interests of residential and visual amenity and to protect the appearance of the open countryside.

- 10 Within four weeks of the date of this decision, details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to any further building, engineering works or other activities taking place on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

To ensure that construction works do not prejudice the retention of existing/remaining trees, shrubs and hedges as they are considered to enhance the development.

- 11 Prior to the use or installation of any materials to be used on the exterior of the buildings, samples of these materials shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

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

- 12 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall have regard to the detail set out in the approved Habitat Protection Plan and incorporate a detailed

specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

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

Reason

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

- 13 The enclosures, including the retaining wall along the north western boundary, as indicated on the approved plans listed above shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

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

Reason

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

- 15 No external storage of articles, goods or materials produced or used in association with the commercial operation at the site shall take place on

the site other than within a screened enclosure, details of which shall be submitted to and approved in writing by the local planning authority. No articles, goods or materials shall be stored above the height of the enclosure.

Reason

In the interests of the appearance of the surrounding countryside.

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

Reason

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

- 17 The development shall be carried out in accordance with the approved Extended Phase 1 Habitat Survey dated 22nd June 2016 listed above. The bat and bird nesting boxes shall be installed prior to the first occupation of the development and shall be permanently retained as such.

Reason

To provide protection and enhancement for legally protected species, biodiversity and the natural environment.

- 18 Within four weeks of this decision an updated Habitat Protection Plan setting out details for the maintenance of the grassland or details for the regular inspection of the reptile exclusion fencing at the end of each period of hibernation (March-April) by a qualified ecologist (whichever is considered appropriate) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure appropriate protection for legally protected species during construction.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £97 will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Any works within or affecting the highway are to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should

be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

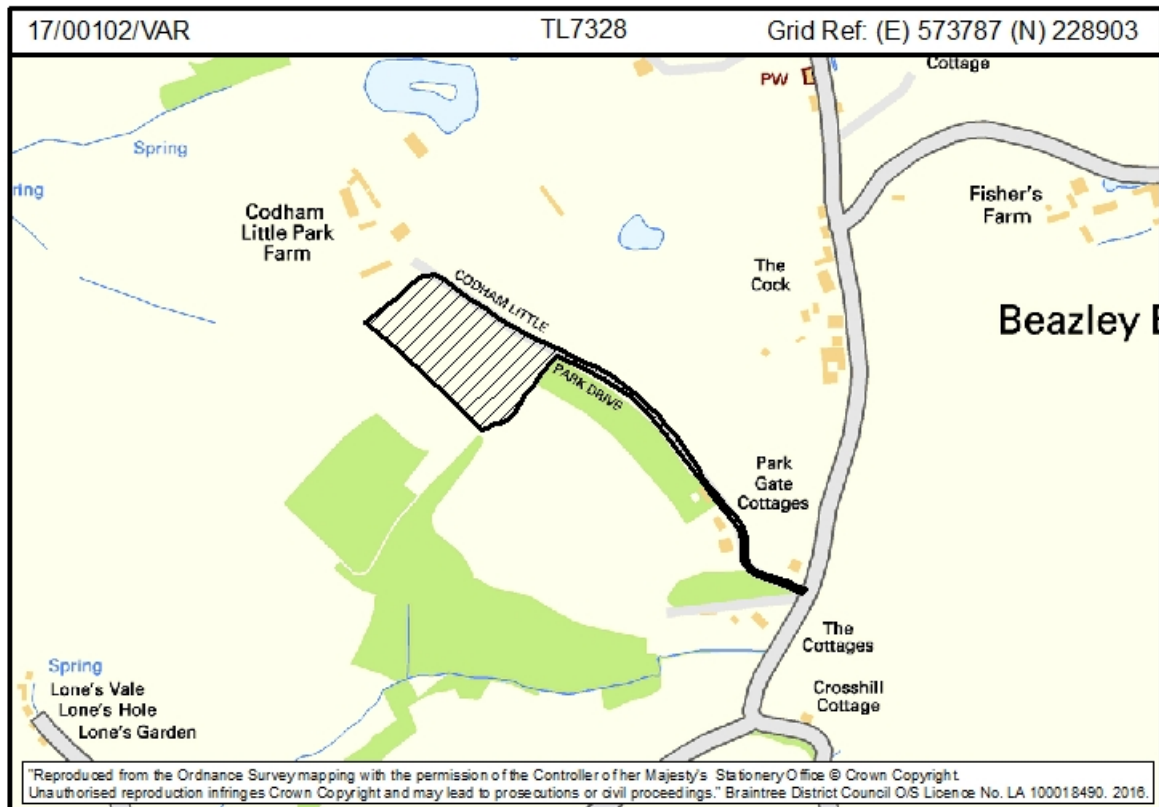
- 3 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 4 You are advised that the lighting details required by condition should ensure that onsite lighting should be hooded, cowled or shielded and directed away from potential bat foraging and commuting habitat such as the northern site boundary, retained trees and boundary vegetation.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00102/VAR
 DATE: 19.01.17
 VALID:
 APPLICANT: Mrs S Peters
 The Oast House, Codham Little Park Drive, Beazley End, Braintree, Essex, CM7 5JQ
 DESCRIPTION: Application to vary Condition 4 of approved application 14/00205/FUL - There shall be no more than three competitive events held at the venue in any single week up to a maximum of ten times per calendar year. At all other times there shall be no more than two competitive events held at the venue in any single week.
 LOCATION: The Oast House, Codham Little Park Drive, Wethersfield, Braintree, Essex, CM7 5JQ

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

12/00054/REF	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Appeal Allowed	10.06.13
08/02152/FUL	Change of use from paddock to exercise arena	Granted	29.12.08
12/00330/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Refused	15.06.12
12/00993/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Refused then allowed on appeal	14.09.12
14/00205/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions on a permanent basis	Granted	14.04.14
17/00033/VAR	Application for variation of Condition 3 of approved application 12/00993/FUL - There shall be no more than three competitive events held at the venue in any single week.	Withdrawn	18.01.17
17/00034/VAR	Application for variation of Condition 4 of approved application 12/00993/FUL - The competitive events shall not start before 09:00 hours not continue beyond	Withdrawn	18.01.17

17/00103/VAR	18:00 hours Application to vary Condition 5 of approved application 14/00205/FUL - The competitive events shall not start before 09:00 hours not continue beyond 18:00 hours	Pending Decision
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POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local 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 can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP36 Industrial and Environmental Standards
RLP56 Vehicle Parking
RLP85 Equestrian Facilities
RLP87 Protected Lanes

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
LPP45 Equestrian Facilities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is located within the countryside for the purposes of planning and is accessed via Codham Little Park Drive. The site is occupied by Codham Park Equestrian who host show jumping/dressage events. The site comprises an exercise arena and an area for car parking.

PROPOSAL

The application seeks to vary condition 4 of planning permission 14/00204/FUL. This condition restricts the number of competitive events held at the venue in any single week. The exact details of the proposal are elaborated upon in the assessment below.

This report should be read in conjunction with application 17/00103/VAR, also on this agenda.

CONSULTATIONS

BDC Environmental Health – No objections

Essex County Highways – Object. Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

REPRESENTATIONS

Wethersfield Parish Council – Objects to the application. The conditions were imposed to minimise the detrimental effect on local residents. Traffic on the roads would increase and vehicles will struggle to pass each other in the narrow lanes. The loudspeakers used on site can be heard and affect households on event days.

6 letters of support and over 100 objections (including petitions) have been received in response to the public consultation (two public consultations undertaken), the main points of which are summarised below.

Letter in support:

- The venue has created work
- The venue caters for all ages and disciplines
- Never experienced grievances from the site
- It's a welcoming centre
- Pleasure to see rural activity in rural surroundings
- An asset to the community
- The tannoy is never heard
- The former haulage companies used far larger vehicles than those attending this site
- The rural roads are used by tractors and combine harvesters
- The impact on flora and fauna has been greatly reduced since the cessation of the haulage companies
- Supports local businesses and promotes external relations

Letter in objection:

- Detrimental effect on the village
- Increase in noise and disturbance – impact on residential amenity
- Increase in traffic
- The roads are unsuitable for heavy/large vehicles
- Large vehicles are eroding the verges and roads surfaces
- Horse boxes block the road
- Highways safety issues for vehicles, pedestrians and cyclists
- There is a constant stream of traffic during 9am -6pm
- Vehicles turn up before the hours in the condition
- Change to the rural character
- Noise pollution
- The size of vehicles is damaging the trees and flora and destroying the historical heritage of local lanes

- Equestrian facilities only benefit the few
- Permission for an equestrian use should never have been allowed
- Diesel emissions cause pollution
- The Inspector would not have allowed the proposal without the conditions
- The conditions are regularly not complied with
- Increased risk to Codham Mill which is Grade II* listed
- Impacts on local footpaths
- Would allow a significant increase in the number of events
- Detracts from the Pant Valley

REPORT

Principle of Development

The principle of development has already been established in granting 14/00204/FUL. The changes proposed in this current application do not alter the acceptability of the principle of development.

The applicant is seeking to vary condition 4 of 14/00205/FUL under Section 73 of the Town and Country Planning Act 1990. In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition/s that is the subject to the application – it is not a complete re-consideration of the application.

Therefore the only issue of relevance to this application is whether it is acceptable to vary condition 4 as proposed. This is discussed in detail below.

Acceptability of varying the condition

Policy RLP85 of the Local Plan Review allows for equestrian facilities provided that a) there is no significant effect on an important landscape, nature conservation interests or any adjacent residential area.

Policy RLP36 of the Local Plan Review states that planning permission will not be granted for new development, extensions or changes of use which would have an unacceptable impact on the surrounding area as a result of, for example; noise, smells, health and safety, traffic generation and impact on nature conservation.

Planning permission was granted for the change of use from paddock to exercise arena in 2008 under planning permission 08/02152/FUL. This permission contained a condition which specified that the exercise arena shall only be used solely in connection with and for the private and personal enjoyment of the occupants of The Oast House. Commercial uses, including a riding school were prohibited by this condition.

In 2012 planning permission was sought on two occasions (12/00330/FUL and 12/00993/FUL) for the removal of the above mentioned condition to enable use of the exercise arena for equestrian competitions. Both of these

planning applications were refused by the Local Planning Authority. Application 12/00993/FUL was subsequently allowed on appeal, for a temporary period (appeal decision appended).

The Inspector considered that the removal of the condition so as to permit amateur show jumping events was unlikely to be harmful on the countryside, residential amenity or the highway, however the Inspector makes it clear that this conclusion was based on traffic and attendance levels estimated by the applicant and these could be an under estimation and the actual effect of the removal of the condition may prove less acceptable. He considered that this could be addressed by limiting the permission to a trial period terminating at the end of British Summer Time 2014. This would enable the effect of removing the condition to be more accurately established.

This permission also contained conditions which restricted the number of competing events to no more than two within a single week and no more than one of those to be held during the weekend and that all competitive events shall be restricted to taking place within the period of British Summer Time and shall not start before 09:00 hours nor continue beyond 18:00 hours. These conditions were suggested by the applicant at the appeal.

In 2014, on expiry of the above mentioned temporary permission, planning permission was sought for the removal of condition 2 of 08/02152/FUL to enable the use of exercise arena for equestrian competitions on a permanent basis. This application was supported by details of each event, the number of classes within each event, the number of entries and the total number of horses, riders and vehicles attending the event. This evidence confirmed that since the time of the appeal there had not been a significantly greater number of vehicles movements above the estimations made at the appeal by the applicant and thus given the Inspector had considered this level of activity acceptable, there was no reason for the Local Planning Authority to take a different view.

The planning application was approved but was subject to the conditions as mentioned above with regard to the number of events and the restrictions as to when these can take place throughout the year/day. These conditions are as follows:

Condition 4 of planning permission 14/00204/FUL states the following:

'There shall be no more than two competitive events held at the venue in any single week and no more than one such event held during any weekend. The operators of the venue shall maintain a log of all competitor events held at the venue and this log shall be available for inspection by the local planning authority on request.'

Reason: To protect the rural character of the surrounding area and the amenities of the occupiers of nearby residential properties'.

Condition 5 of planning permission 14/00205/FUL states the following:

'The competitive events shall be restricted to taking place within the period of British Summer Time and shall not start before 09.00 hours nor continue beyond 18.00 hours.

Reason: To protect the rural character of the surrounding area and the amenities of the occupiers of nearby residential properties'.

The application seeks to amend condition 4 to the following:

'There shall be no more than three competitive events held at the venue in any single week up to a maximum of ten times per calendar year. At all other times there shall be no more than two competitive events held at the venue in any single week'.

The application is supported by a written statement which sets out why the amended condition is required. It is purported by the applicant that the condition in its current form is detrimental to the applicants business and its financial viability.

The current condition restricts the number of events to two per week, with only one to be held at the weekend. Together with condition 5 two events can be held each week during British Summer Time (BST) and between 09:00 – 18:00. As such the site could see approximately 52 events per year under the current controls.

The proposed amendment to the condition to allow three events per week up to 10 times per calendar year and 2 events per week at all other times could see an additional 10 events during the summer months (with condition 5 remaining unchanged and restricting events to British Summer Time). If condition 5 was amended as requested (within application 17/00103/VAR) to allow events all year round, this would permit an additional 62 events in a calendar year.

Additional information has been submitted by the applicant in response to the concerns raised by the Highways Authority. This does provide some extra detail, however it does not elaborate on for example the projected number of events and likely associated traffic movements in any detail nor has any comparison between existing volumes of traffic and those projected been given. The applicant suggests that the Transport Statement submitted with application 12/00992/FUL projected vehicular movement and this was found to be accurate when considering the 2014 application. No evidence has however been submitted for the application now under consideration and the 2014 Transport Statement would now be considered out of date.

In addition, no evidence has been submitted which substantiates the applicant's claims that the business is potentially not financially viable without the amended condition, or how the proposed amendment is the only option which would secure a financially robust future for the business.

The Highway Authority has been re-consulted on the additional information submitted and maintains its objection.

It is Officer's opinion that the increase in the number of events that would be possible with the condition amended as proposed could materially alter the use and have a detrimental impact on the rural character of the countryside, residential amenity and highway safety. It is however difficult to assess the harm in full with the limited information submitted, as the projected number of events and associated traffic movements is key information required in order to assess the potential level of harm.

It is noted that the applicant refers to other equestrian venues within the district which have unrestricted planning permissions. No details have been provided with the application however Officers are aware of one venue in Finchingfield. This venue is located on Stambourne Road and is not located within close proximity to residential properties. There is therefore no justifiable need for condition restricting the use of site in this location. It is not considered that the Finchingfield venue is comparable to the host site, which is more constrained given its location and proximity to residential properties.

It is noted that there is a separate parcel of land at the venue which is under separate ownership and is located outside of the red lined site boundary of planning permission 14/00205/FUL and thus is not restricted by the planning permission or its conditions. The applicant advises that this is used under the Part 4 Class B of the General Permitted Development Order (GPDO) (2015) which allows for the temporary use of land/buildings up to 28 days in any one calendar year. The onus is on the owner/occupier of this land to ensure compliance with the GPDO so as not to breach planning control. If used within the scope of permitted development such development is not controlled by the Local Planning Authority. In any event it is not for consideration as part of this application.

It is also noted that there were two haulage companies who used to operate from the locality and used the highway network with heavy goods vehicles. These businesses have now ceased operation in this area (one closing in 2010). The applicant informs that the equestrian use does not generate the volumes of traffic these former uses did. Although it is not possible to substantiate this without evidence, Officers can appreciate the likely vehicle movements associated with such industrial uses. This application must however be considered on its own merits and thus little weight can be afforded to the former industrial uses and their impact on the highway network.

CONCLUSION

It is considered that the application is devoid of detailed information as to the need/justification for the proposed amendment to the condition, including anticipated number of events in any one year, number of visitors and projected vehicle movements. In addition no evidence has been submitted which substantiates the applicant's claims that the business is potentially not financially viable without the amended condition.

Officers consider that the use of the site that would result from the amended condition has the potential to detrimentally impact the rural character of the countryside, residential amenity and highway safety, however without more detailed information it is not possible to fully consider the impact of the proposed use.

RECOMMENDATION

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

- 1 The application does not provide sufficient information in order for the Local Planning Authority to properly consider the acceptability of the proposed use and subsequently determine the impacts of the proposed use on the countryside, the amenity of local residents and the highway.

In the absence of such details the Local Planning Authority considers that the use of the site with the condition amended as proposed has the potential to compromise the character of the countryside, the amenity of neighbouring premises and local highway safety conditions, contrary to policies RLP85 of the Local Plan Review and CS5 of the Core Strategy.

SUBMITTED PLANS

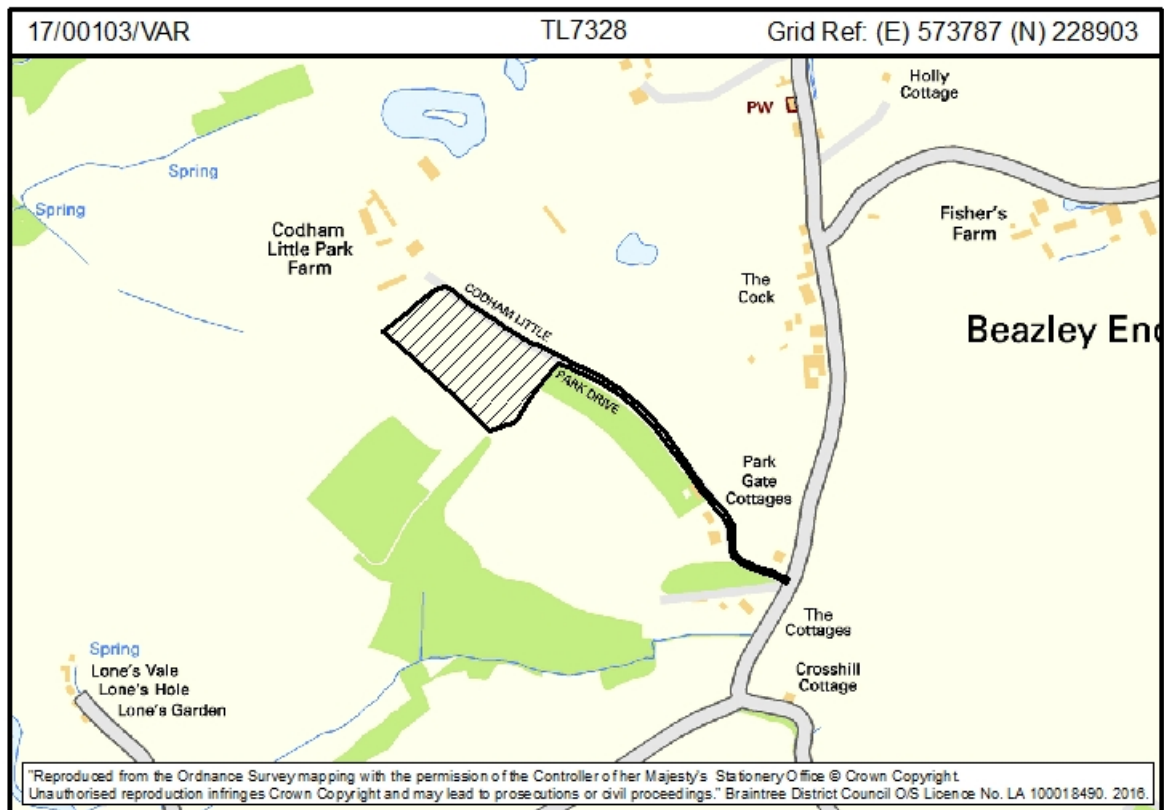
Location Plan
Section

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00103/VAR
 DATE: 19.01.17
 VALID:
 APPLICANT: Mrs S Peters
 The Oast House, Codham Little Park Drive, Beazley End,
 Braintree, Essex, CM7 5JQ,
 DESCRIPTION: Application to vary Condition 5 of approved application
 14/00205/FUL - The competitive events shall not start
 before 09:00 hours not continue beyond 18:00 hours
 LOCATION: The Oast House, Codham Little Park Drive, Wethersfield,
 Braintree, Essex, CM7 5JQ,

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

12/00054/REF	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Appeal Allowed	10.06.13
08/02152/FUL	Change of use from paddock to exercise arena	Granted	29.12.08
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14/00205/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions on a permanent basis	Granted	14.04.14
17/00033/VAR	Application for variation of Condition 3 of approved application 12/00993/FUL - There shall be no more than three competitive events held at the venue in any single week.	Withdrawn	18.01.17
17/00034/VAR	Application for variation of Condition 4 of approved application 12/00993/FUL - The competitive events shall not start before 09:00 hours not continue beyond	Withdrawn	18.01.17

17/00102/VAR	18:00 hours Application to vary Condition 4 of approved application 14/00205/FUL - There shall be no more than three competitive events held at the venue in any single week up to a maximum of ten times per calendar year. At all other times there shall be no more than two competitive events held at the venue in any single week.	Pending Decision
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POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local 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 can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP36 Industrial and Environmental Standards
RLP56 Vehicle Parking
RLP85 Equestrian Facilities
RLP87 Protected Lanes

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
LPP45 Equestrian Facilities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is located within the countryside for the purposes of planning and is accessed via Codham Little Park Drive. The site is occupied by Codham Park Equestrian who host show jumping/dressage events. The site comprises an exercise arena and an area for car parking.

PROPOSAL

The application seeks to vary condition 5 of planning permission 14/00205/FUL. This condition restricts the use of the exercise arena for equestrian competitions to British Summer Time (BST) only and between the hours of 09:00 and 18:00.

This report should be read in conjunction with application 17/00102/VAR which is also on this agenda.

CONSULTATIONS

BDC Environmental Health – No objections

Essex County Highways – No objections

REPRESENTATIONS

Wethersfield Parish Council – Objects to the application. The conditions were imposed to minimise the detrimental effect on local residents. Traffic on the roads would increase and vehicles will struggle to pass each other in the narrow lanes. The loudspeakers used on site can be heard and affect households on event days.

5 letters of support and over 100 objections (includes petitions) have been received in response to the public consultation, the main points of which are summarised below:

Letters in support:

- The venue has created work
- The venue caters for all ages and disciplines
- Never experienced grievances from the site
- It's a welcoming centre
- Pleasure to see rural activity in rural surroundings
- An asset to the community
- The tannoy is never heard
- The former haulage companies used far larger vehicles than those attending this site
- The rural roads are used by tractors and combine harvesters
- The impact on flora and fauna has been greatly reduced since the cessation of the haulage companies
- Supports local businesses and promotes external relations

Letters in objection:

- Detrimental effect on the village
- Increase in noise and disturbance – impact on residential amenity
- Increase in traffic
- The roads are unsuitable for heavy/large vehicles
- Large vehicles are eroding the verges and roads surfaces
- Horse boxes block the road
- Highways safety issues for vehicles, pedestrians and cyclists
- There is a constant stream of traffic during 9am -6pm
- Vehicles turn up before the hours in the condition
- Change to the rural character

- Noise pollution
- The size of vehicles is damaging the trees and flora and destroying the historical heritage of local lanes
- Equestrian facilities only benefit the few
- Permission for an equestrian use should never have been allowed
- Diesel emissions cause pollution
- The Inspector would not have allowed the proposal without the conditions
- The conditions are regularly not complied with
- Increased risk to Codham Mill which is Grade II* listed
- Impacts on local footpaths
- Would allow a significant increase in the number of events
- Detracts from the Pant Valley

REPORT

Principle of Development

The principle of development has already been established in granting 14/00205/FUL. The changes proposed in this current application do not alter the acceptability of the principle of development.

The applicant is seeking to vary condition 5 of 14/00205/FUL under Section 73 of the Town and Country Planning Act 1990. In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition/s that is the subject to the application – it is not a complete re-consideration of the application.

Therefore the only issue of relevance to this application is whether it is acceptable to vary condition 5 as proposed. This is discussed in detail below.

Acceptability of varying the condition

Policy RLP85 of the Local Plan Review allows for equestrian facilities provided that a) there is no significant effect on an important landscape, nature conservation interests or any adjacent residential area.

Policy RLP36 of the Local Plan Review states that planning permission will not be granted for new development, extensions or changes of use which would have an unacceptable impact on the surrounding area as a result of, for example; noise, smells, health and safety, traffic generation and impact on nature conservation.

Planning permission was granted for the change of use from paddock to exercise arena in 2008 under planning permission 08/02152/FUL. This permission contained a condition which specified that the exercise arena shall only be used solely in connection with and for the private and personal enjoyment of the occupants of The Oast House. Commercial uses, including a riding school were prohibited by this condition.

In 2012 planning permission was sought on two occasions (12/00330/FUL and 12/00993/FUL) for the removal of the above mentioned condition to enable use of the exercise arena for equestrian competitions. Both of these planning applications were refused by the Local Planning Authority. Application 12/00993/FUL was subsequently allowed on appeal, for a temporary period (appeal decision appended).

The Inspector considered that the removal of the condition so as to permit amateur show jumping events was unlikely to be harmful on the countryside, residential amenity or the highway, however the Inspector makes it clear that this conclusion was based on traffic and attendance levels estimated by the applicant and these could be an under estimation and the actual effect of the removal of the condition may prove less acceptable. He considered that this could be addressed by limiting the permission to a trial period terminating at the end of British Summer Time 2014. This would enable the effect of removing the condition to be more accurately established.

This permission also contained conditions which restricted the number of competing events to no more than two within a single week and no more than one of those to be held during the weekend and that all competitive events shall be restricted to taking place within the period of British Summer Time and shall not start before 09:00 hours nor continue beyond 18:00 hours. These conditions were suggested by the applicant at the appeal.

In 2014, on expiry of the above mentioned temporary permission, planning permission was sought for the removal of condition 2 of 08/02152/FUL to enable the use of exercise arena for equestrian competitions on a permanent basis. This application was supported by details of each event, the number of classes within each event, the number of entries and the total number of horses, riders and vehicles attending the event. This evidence confirmed that since the time of the appeal there had not been a significantly greater number of vehicles movements above the estimations made at the appeal by the applicant and thus given the Inspector had considered this level of activity acceptable, there was no reason for the Local Planning Authority to take a different view.

The planning application was approved but was subject to the conditions as mentioned above with regard to the number of events and the restrictions as to when these can take place throughout the year/day. These conditions are as follows:

Condition 4 of planning permission 14/00205/FUL states the following:

'There shall be no more than two competitive events held at the venue in any single week and no more than one such event held during any weekend. The operators of the venue shall maintain a log of all competitor events held at the venue and this log shall be available for inspection by the local planning authority on request.'

Reason: To protect the rural character of the surrounding area and the amenities of the occupiers of nearby residential properties'

Condition 5 of planning permission 14/00205/FUL states the following:

'The competitive events shall be restricted to taking place within the period of British Summer Time and shall not start before 09.00 hours nor continue beyond 18.00 hours.

Reason: To protect the rural character of the surrounding area and the amenities of the occupiers of nearby residential properties'.

The application seeks to amend condition 5 to the following:

'The competitive events shall not start before 09:00 hours nor continue beyond 18:00 hours'.

The application is supported by a written statement which sets out why the amended condition is required. The applicant advises that spring and summer are occurring later in to the year and therefore the events scheduled for the beginning of British Summer Time (BST) are being affected by poor weather which results in poor attendance. This results in adverse financial implications for the venue. Removing the reference to BST within an amended condition would enable events to take place at more suitable times of the year and events that are cancelled could be rescheduled.

The current condition restricts the competitive events to only taking place within BST (approximately 26 weeks of the year). Together with condition 4 two events can be held each week during British Summer Time (BST) and between 09:00 – 18:00. As such the site could see approximately 52 events per year under the current controls.

The proposed amendment to the condition to allow events throughout the year could see some additional 52 events per year, with condition 4 remaining unchanged and restricting the number of events to 2 per week. If condition 4 was amended (as requested within 17/00102/VAR to allow three events per week 10 times per year and 2 events per week at all other times, cumulatively this would permit an additional 62 events in a year. The supporting statement suggests that the use of the venue is dictated by the weather and daylight and thus this will dictate when events can take place, however consideration has to be given to exactly what the amended condition would allow if weather/daylight conditions were optimum.

The application is devoid of any information which assesses the impact of the proposed amendment to the condition. For example no projections are given as to the likely number of events in any one year or associated traffic movements nor have these been compared to the existing use of the site. In addition, no evidence has been submitted which substantiates the applicant's claims that the business is potentially not financially viable without the amended condition, or how the proposed amendment is the only option which would secure a financially robust future for the business.

It is Officer's opinion that the use of site all year for competitive events could materially alter the use of the site and have a detrimental impact on the rural character of the countryside, residential amenity and highway safety. It is however difficult to assess the harm in full with the limited information submitted, as the projected number of events and associated traffic movements is key information required in order to assess the potential level of harm.

It is noted that the applicant refers to other equestrian venues within the district which have unrestricted planning permissions. No further details are given to which venues the applicant is referring to, however Officers are aware of one venue in Finchingfield. This venue is located on Stambourne Road and is not located within close proximity to residential properties. There is therefore no justifiable need for conditions restricting the use of site in this location. It is not considered that the Finchingfield venue is comparable to the host site, which is more constrained given its location and proximity to residential properties.

It is noted that there is a separate parcel of land at the venue which is under separate ownership and is located outside of the red lined site boundary of planning permission 14/00205/FUL and thus is not restricted by the planning permission or its conditions. The applicant advises that this is used under the Part 4 Class B of the General Permitted Development Order (GPDO) (2015) which allows for the temporary use of land/buildings up to 28 days in any one calendar year. The onus is on the owner of this land to ensure compliance with the GPDO so as not to breach planning control. If used within the scope of permitted development such development is not controlled by the Local Planning Authority. In any event it is not for consideration as part of this application.

It is also noted that there were two haulage companies who used to operate from the locality and used the highway network with heavy goods vehicles. These businesses have now ceased operation in this area (one closing in 2010). The applicant informs that the equestrian use does not generate the volumes of traffic these former uses did. Although it is not possible to substantiate this without evidence, Officers can appreciate the likely vehicle movements associated with such industrial uses. This application must however be considered on its own merits and thus little weight can be afforded to the former industrial uses and their impact on the highway network.

CONCLUSION

It is considered that the application is devoid of detailed information as to the need/justification for the proposed amendment to the condition, including anticipated number of events in any one year, number of visitors and projected vehicle movements. In addition no evidence has been submitted which substantiates the applicant's claims that the business is potentially not financially viable without the amended condition.

Officers consider that the use of the site that could result from the amended condition has the potential to detrimentally impact the rural character of the countryside, residential amenity and highway safety, however without more detailed information it is not possible to fully consider the impact of the proposed use.

RECOMMENDATION

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

- 1 The application does not provide sufficient information in order for the Local Planning Authority to properly consider the acceptability of the proposed use and subsequently determine the impacts of the proposed use on the countryside, the amenity of local residents and the highway.

In the absence of such details the Local Planning Authority considers that the use of the site with the condition amended as proposed has the potential to compromise the character of the countryside, the amenity of neighbouring premises and local highway safety conditions, contrary to policies RLP85 of the Local Plan Review and CS5 of the Core Strategy.

SUBMITTED PLANS

Location Plan
Section

TESSA LAMBERT
DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 13 May 2013

by Ron Boyd BSc (Hons) MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 June 2013

Appeal Ref: APP/Z1510/A/12/2184055

The Oast House, Codham Park Drive, Beazley End, Wethersfield, Braintree CM7 5JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Sharon Peters against the decision of Braintree District Council.
 - The application Ref 12/00993/FUL, dated 14 July 2012, was refused by notice dated 14 September 2012.
 - The application sought planning permission for the change of use from paddock to exercise arena without complying with a condition attached to planning permission Ref 08/02152/FUL, dated 29 December 2008.
 - The condition in dispute is No 2 which states that: *The exercise arena hereby permitted shall be used solely in connection with and for the private and personal enjoyment of the occupants of The Oast House, Codham Little Park Farm, Wethersfield. No commercial uses including a riding school shall take place whatsoever.*
 - The reason given for the condition is: *The site lies in a rural area where development other than for agricultural purposes is not normally permitted.*
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from paddock to exercise arena at The Oast House, Codham Park Drive, Beazley End, Wethersfield, Braintree CM7 5JQ in accordance with the application Ref 12/00993/FUL dated 14 July 2012, without compliance with condition No 2 previously imposed on planning permission Ref 08/02152/FUL dated 29 December 2008 and subject to the new conditions on the attached schedule.

Main issues

2. The application site lies in the countryside for planning purposes. I consider the main issue to be the effect that removal of the above Condition No. 2 (the condition) would have on the sustainability and countryside objectives of the Development Plan; the living conditions of neighbouring residents; and the character and appearance of the surrounding road network.
3. The appeal site comprises a roughly rectangular, predominately grassed, area of some 0.75 Ha to the south east of the appellant's residence, The Oast House. The site's north-eastern boundary abuts an un-made private access track, named on the application as Codham Park Drive. This runs between the dwelling and the Bovingdon Road. The south-east part of the site contains a

horse exercise arena. Removal of the condition is requested to enable use of the arena for amateur equestrian showjumping competitions.

Reasons

4. The Council's general concern in respect of the first reason given for refusal is that the site is poorly located as a destination for the level of vehicle movements likely to be generated by the proposed events. The appellant advises, from her experience, that these would not be spectator events. She estimates some 20 vehicle return journeys for each competition with each vehicle carrying horse or horses, rider(s) and companions. This would amount to some 80 horse-carrying vehicle movements in a two-event week. The appellant has indicated a willingness to accept conditions restricting events to no more than two a week, within the period of British Summer Time, and during the hours 09.00 and 18.00. The Council has not disputed the above traffic estimates other than to point out the inevitable uncertainty which must surround advance estimates.
5. The appeal site is outside any town development area or village boundary. Policy RLP2 of the Braintree District Local Plan Review (the Local Plan) advises that for such areas countryside policies will apply. In the Council's Core Strategy Adopted 19 September 2011 (the Core Strategy) Policy CS5, 'The Countryside', advises that development in such areas will be strictly controlled to uses appropriate to the countryside. I consider the proposed use is one which is appropriate for a countryside location. To my mind the site is sustainably located for the horse-riding community which it would serve. It is ringed by a number of rural livery stables less than 10 miles away. Following the closure of the Towerlands Park, some 3.5 miles to the south, the nearest venues for local showjumping participants lie between 26 and 50 miles from Beazley End. For those horse riders the proposed facility would lead to a reduction in vehicle journey lengths.
6. There would, though, be an intensification of activity on the site. Development Plan policies require that development should not impact upon important landscape or nature conservation interests or unacceptably affect the living conditions of occupants of neighbouring premises. However, as acknowledged by the Council, the proposal would require little alteration at the site, the arena already existing. Accordingly, and on the basis of the likely level of attendance estimated above, I consider there would be no significant effect upon the character of the surrounding landscape or nature conservation interests such as would conflict with the requirements of either Core Strategy Policy CS8 or Local Plan Policy RLP 85 in these respects.
7. In the light of the above I conclude that the Development Plan objectives in respect of the countryside and sustainability are unlikely to be prejudiced by the removal of the condition.
8. Neighbouring dwellings closest to the arena are those at the south-eastern end of Codham Park Drive, these being four pairs of semi-detached dwellings, the nearest of which is some 250m from the arena. The dwellings are reasonably set back from the track. To my mind the level of additional traffic on the Drive estimated to be generated by the proposed development would not amount to an unacceptable impact upon the living conditions of their occupants such as would conflict with the requirements of Local Plan Policy RLP90. No floodlighting of the arena is intended. Whilst a Tannoy system would be used

the appellant has advised that sound levels would be adjusted such as not to unduly disturb nearby residents.

9. Vehicular access to the site would be from the north-south routes of Bovingdon Road immediately east of the site and the B1053 to the west. Links between these routes, not defined as Protected Lanes, are at Bocking Church Street to the south and Hudson's Hill to the north. Whilst I note the concerns of some local residents about the adequacy of the surrounding road network I consider the above estimated level of traffic movements would have little impact upon these routes. The Highway Authority has raised no issues in this respect and I note that it is also satisfied with the visibility to be achieved at the junction between Codham Park Drive and the Bovingdon Road.
10. The Council has concerns that narrow Protected Lanes such as Mumfords Hill and Codham's Lane might be used to the detriment of their physical condition. Having driven these lanes I consider their use is not likely to prove attractive to those transporting horses. The appellant has advised that the Codham Park Equestrian Website and any relevant correspondence with competitors would identify routes to the site appropriate for the safety and welfare of the horses in transit. I conclude that removal of the condition is unlikely to conflict with Local Plan Policy RLP 87 by either materially increasing traffic using the Protected Lanes or adversely affecting their physical appearance.
11. Overall, I consider that removal of the condition so as to permit the amateur showjumping events described by the appellant would be unlikely to be harmful in respect of the main issues set out above such as would warrant dismissal of the appeal. However, my conclusion is based on traffic and attendance levels estimated by the appellant. I agree with the Council that these could be an under-estimate and that the actual effect of the removal may prove less acceptable. This could be addressed by limiting the permission which would result from the appeal succeeding to a trial period terminating at the end of British Summer Time 2014. This would enable the effect of removing the condition to be more accurately established and any lessons to be learned.
12. I have taken account of all the other matters raised in the evidence including the references to the condition of the un-made Codham Park Drive and noise from the Tannoy system previously used at the appeal site in connection with the BMX track. However, neither these nor any other matters raised are sufficient to outweigh my conclusions in respect of the main issues which have led to my decision. I conclude that the appeal should succeed subject to the conditions in the attached schedule which, after having considered those suggested by the Council, I consider to be reasonable and necessary.
13. These include the period of the permission as indicated above. In addition they deal with the provision of information to competitors regarding suitable routes to the site, in the interests of minimising the impact of vehicle movements to and from events; the frequency and timing of events and illumination of the site, in the interests of safeguarding the living conditions of neighbouring residents; and car parking arrangements and measures to be provided and maintained at the junction of Codham Park Drive with the Bovingdon Road, in the interests of road safety.

R.T. Boyd

Inspector

Schedule of conditions

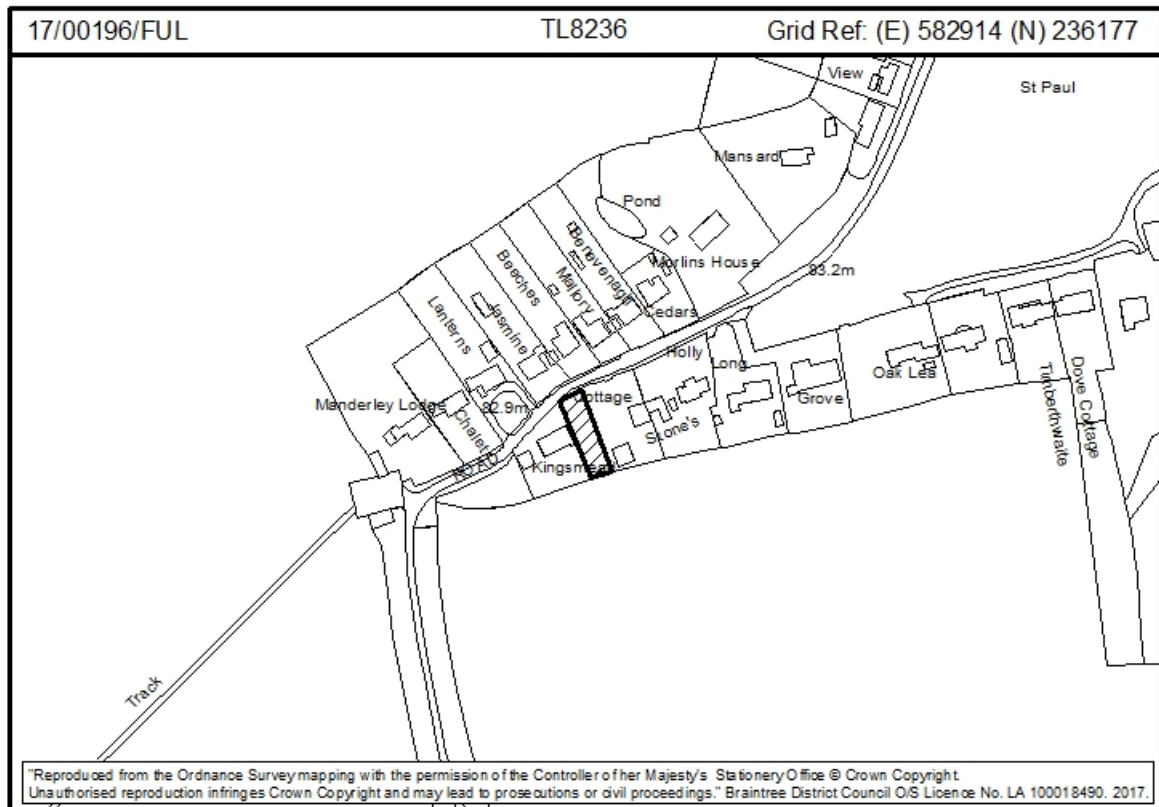
- 1) The use of the exercise arena hereby permitted shall be discontinued before the end of British Summer Time 2014.
 - 2) Details of the information to be provided to contestants, and other users of the arena, on the recommended routes to the facility, shall have been submitted to and approved in writing by the local planning authority prior to first use of the arena for competitive events. The information shall be provided to contestants and other users of the arena as approved, prior to relevant events.
 - 3) There shall be no more than two competitive events held at the venue in any single week and no more than one such event held during any weekend. The operators of the venue shall maintain a log of all competitor events held at the venue and this log shall be available for inspection by the local planning authority on request.
 - 4) The competitive events shall be restricted to taking place within the period of British Summer Time and shall not start before 09.00 hours nor continue beyond 18.00 hours.
 - 5) There shall be no floodlighting or other forms of illumination provided at the site.
 - 6) The use hereby permitted shall not take place until proposals for the parking of vehicles attending the events have been submitted to and approved in writing by the local planning authority. The parking arrangements shall be provided as approved prior to the first competitive event taking place.
-

AGENDA ITEM NUMBER 5g

PART A

APPLICATION NO: 17/00196/FUL DATE: 06.02.17
 VALID:
 APPLICANT: Mr M Savage / Mrs S J Colbert Savage & Colbert
 Kingsmead, School Road, Wickham St Paul, Essex, CO9 2PR
 AGENT: Westmount Property Services
 Mr Paul Dodds, Burrowdown, Church St, Gestingthorpe, Halstead, CO9 3AZ
 DESCRIPTION: Erection of three bedroom detached one and half storey dwelling house with off street parking
 LOCATION: Land Adjacent Kingsmead, School Road, Wickham St Paul, Essex

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local 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 can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

- CS8 Natural Environment and Biodiversity
- CS9 Built and Historic Environment

Braintree District Local Plan Review

- RLP3 Development within Town Development Boundaries and Village Envelopes
- RLP9 Design and Layout of Housing and Mixed Use Areas
- RLP10 Residential Density
- RLP56 Vehicle Parking
- RLP74 Provision of Space for Recycling
- RLP80 Landscape Features and Habitats
- RLP90 Layout and Design of Development

Braintree District Draft Local Plan

- SP1 Presumption in Favour of Sustainable Development
- SP2 Meeting Housing Needs
- SP5 Place Shaping Principle
- LPP28 Housing Type and Density
- LPP37 Parking Provision
- LPP42 Built and Historic Environment
- LPP46 Layout and Design of Development
- LPP56 Natural Environment
- LPP59 Landscape Character and Features

Other Guidance

Essex Design Guide
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Planning Committee as Wickham St. Paul Parish Council has objected to the proposals, contrary to officer recommendation.

SITE DESCRIPTION

The application site consists of an area of garden land, which contains a small vegetable plot and garage and is used in association with the use of the dwellinghouse known as Kingsmead. The existing house itself is a one and a half storey dwellinghouse, separated from the highway by a hedge, and constructed approximately 1950s/1960s, at the end of a row of dwellings which are similar in appearance. The site is located within the village envelope of Wickham St Paul. There are open fields to the rear of the site. Kingsmead

is located approximately 250 metres from the centre of Wickham St Paul. The plot itself measures approximately 407m².

PROPOSAL

This planning application proposes to erect a one and a half storey dwellinghouse on the land adjacent to Kingsmead. The dwelling would feature three front facing cat slide dormer windows; one rear facing dormer window and two rooflights on the rear facing roof slope. It would measure 9 metres in width; 6.5m in depth and include a single storey rear extension which would measure 4.5 metres in depth.

The application also includes the provision of hardstanding in front of the proposed dwelling, which would be used as parking. This would be accessed via an existing access off School Road.

CONSULTATIONS

Drainage Engineer – Unaware of surface water drainage issues.

REPRESENTATIONS

Parish Council – Object to the proposal due to inadequate access for construction vehicles; impact on neighbours due to increased use of existing vehicle access; no evidence of ‘low-cost ecological building’; cramped development; no declaration of affordable housing.

5 representations were received from neighbouring dwellings. They raise objections to matters such as impacts of overlooking; unaffordable housing; garden grabbing; inadequate access; impact on water pipes and road through heavy goods vehicles; out of character with the locality in terms of appearance and density; impact on an existing tree; lack of parking; and the dwelling would be sited on top of an existing septic tank.

It should be noted that some of these objections do not constitute material planning considerations. Those that do are discussed below.

REPORT

Principle of Development

Paragraph 49 of the National Planning Policy Framework states “housing applications should be considered in the context of the presumption in favour of sustainable development”, and favour residential development in sustainable locations where there is an identified need for additional housing; for example within existing towns and villages. Policy RLP3 of the Braintree District Local Plan permits new residential development within village envelopes and town development boundaries 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. Policy

LPP 28 of the Braintree District Draft Local Plan states development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need.

The site is located within the village envelope of Wickham St. Paul where the principle of the proposed development is considered acceptable.

Design, Appearance and Layout

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

The proposed dwelling would take a traditional form, one and a half storeys in height with front facing cat slide dormers. The submitted street scene elevation shows that it would be similarly designed to the existing dwelling at Kingsmead. Whilst it would be close to boundaries on either side it does not appear cramped on the site. The street scene is characterised by dwellings of differing heights and sizes, some of which also fill most of the width of their respective plots, therefore the dwelling is considered to be in keeping with the character of the area.

The overall design of the dwelling is well proportioned, and the use of dormers in the roof plane appears in keeping with the street scene. There would be a single storey rear element which would contain a kitchen, which would not be visible from the public highway and would be in keeping with the design and character of the dwelling.

The proposed dwelling would benefit from a private amenity space of approximately 179m²; well in excess of the required 100m². The existing dwelling would still have a garden which would also be well in excess of the required space. Both spaces would be private and useable.

Taking the above into account, it is considered that the proposals are acceptable in terms of design and appearance.

Impact on Neighbour Amenity

The NPPF states that new 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”, whilst RLP90 from the Braintree District

Local Plan Review allows for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

The proposed new dwelling would be located adjacent to two dwellings on either side; Kingsmead to the west and Heather Cottage to the east. In order to minimise impacts on these neighbouring dwellings, the proposed dwelling would contain no windows at first floor on the side facing elevations. The dwelling at Heather Cottage is located toward the eastern side of the site, furthest from the proposed dwelling, with a garage/outbuilding sitting on the boundary shared with the application site. Due to the dwelling's siting, orientation and window positions, it would not harm the amenities of the occupiers of Heather Cottage. Kingsmead would not be overlooked as the rooflights would serve a stairwell and en-suite bathroom, so a condition requiring them to be either taller than 1.7 metres above internal floor level or obscure glazed is considered reasonable. The occupiers of the dwelling opposite the application site also objected on grounds of overlooking. These comments are noted, however given there is a relatively large amount of separation between the first floor windows and the front elevation of 'Jasmine', and as there is a public highway separating the properties, it is considered that overlooking impacts would not be unacceptable.

It is considered that the proposal would not result in any unacceptable impact on neighbouring residential amenities.

Highway Issues

Parking

The Council refers to the latest adopted version of Essex Parking Standards Design and Good Practice (2009) Supplementary Planning Guidance, which requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The submitted plans indicate that the proposed dwelling would benefit from two parking spaces which meet the size standards.

Kingsmead is currently served by two vehicular accesses. The western most access will be used by the proposed dwelling and the eastern one will be used by the existing dwelling. Kingsmead will have sufficient parking retained to meet the Standards. Concerns are noted in regard to the use of the access however as both are existing it is considered there is no objection in terms of highway safety.

Some of the representations raised objection to the use of the existing access; this access would be unaffected by the proposals. It is used for parking by Kingsmead at present, but this parking would now take place in and outside of the existing garage with the reduced curtilage, to the western side of

Kingsmead. The access would therefore not become intensified by the proposals, and it is considered acceptable.

The use of School Road to access the site for construction traffic was raised as an objection; however this is not considered a material planning consideration. Notwithstanding this, a condition is recommended restricting hours of work on site to minimise impact on neighbours.

Other Matters

It is recognised that the site would be constrained were it to be further extended. Under Class A, Part 1, Schedule 2 of the General Permitted Development Order, planning permission would not normally be required in this case for an extension of up to 8 metres to the rear. In order to prevent any issues which could arise from this, it is recommended that permitted development rights are removed for extensions.

CONCLUSION

The proposed dwelling is considered acceptable in terms of its design, size and location on the site. It is in keeping with the character of the surrounding residential development. Adequate parking and amenity space is provided for both the new dwelling and Kingsmead. Accordingly, the proposal 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

Proposed Plans	Plan Ref: WPS/WSP/1
Location Plan	Plan Ref: WPS/WSP/2

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house as permitted by Class A 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 protect the amenities and privacy of adjoining occupiers.

- 4 Construction of any buildings shall not be commenced until 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 samples.

Reason

To conform with the pattern of the existing development in the locality.

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

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

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

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

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

Reason

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

- 6 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall

include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

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

Reason

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

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

Reason

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

- 9 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.

TESSA LAMBERT
DEVELOPMENT MANAGER