

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 10 January 2017 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**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](mailto: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](mailto: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](http://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](mailto:governance@braintree.gov.uk)

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

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 6th and 13th December 2016 (copies previously circulated).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

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

**PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 16 01525 OUT - 4 Helions Road, STEEPLE BUMPSTEAD</b>	<b>5 - 18</b>
<b>5b</b>	<b>Application No. 16 01719 OUT - Land West of Church Road, WICKHAM ST PAUL</b>	<b>19 - 39</b>
<b>5c</b>	<b>Application No. 16 01790 FUL - Land rear of Enterprise Centre, Springwood Drive, BRAINTREE</b>	<b>40 - 48</b>
<b>5d</b>	<b>Application No. 16 01932 FUL - Long Fen, Church Street, GREAT MAPLESTEAD</b>	<b>49 - 60</b>

**PART B**

Minor Planning Applications:-

<b>5e</b>	<b>Application No. 16 01632 FUL - Mill House, Stambourne Road, RIDGEWELL</b>	<b>61 - 67</b>
<b>5f</b>	<b>Application No. 16 01715 ADV - McDonalds, Galleys Corner, Braintree Road, CRESSING</b>	<b>68 - 78</b>
<b>5g</b>	<b>Application No. 16 01716 ADV - McDonalds, Galleys Corner, Braintree Road, CRESSING</b>	<b>79 - 89</b>
<b>5h</b>	<b>Application No. 16 01998 FUL - 12 Chantry View, Maldon Road, WITHAM</b>	<b>90 - 95</b>
<b>6</b>	<b>Planning and Enforcement Appeal Decisions - November 2016</b>	<b>96 - 105</b>
<b>7</b>	<b>Urgent Business - Public Session</b> 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.	
<b>8</b>	<b>Exclusion of the Public and Press</b> To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	

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

## **PRIVATE SESSION**

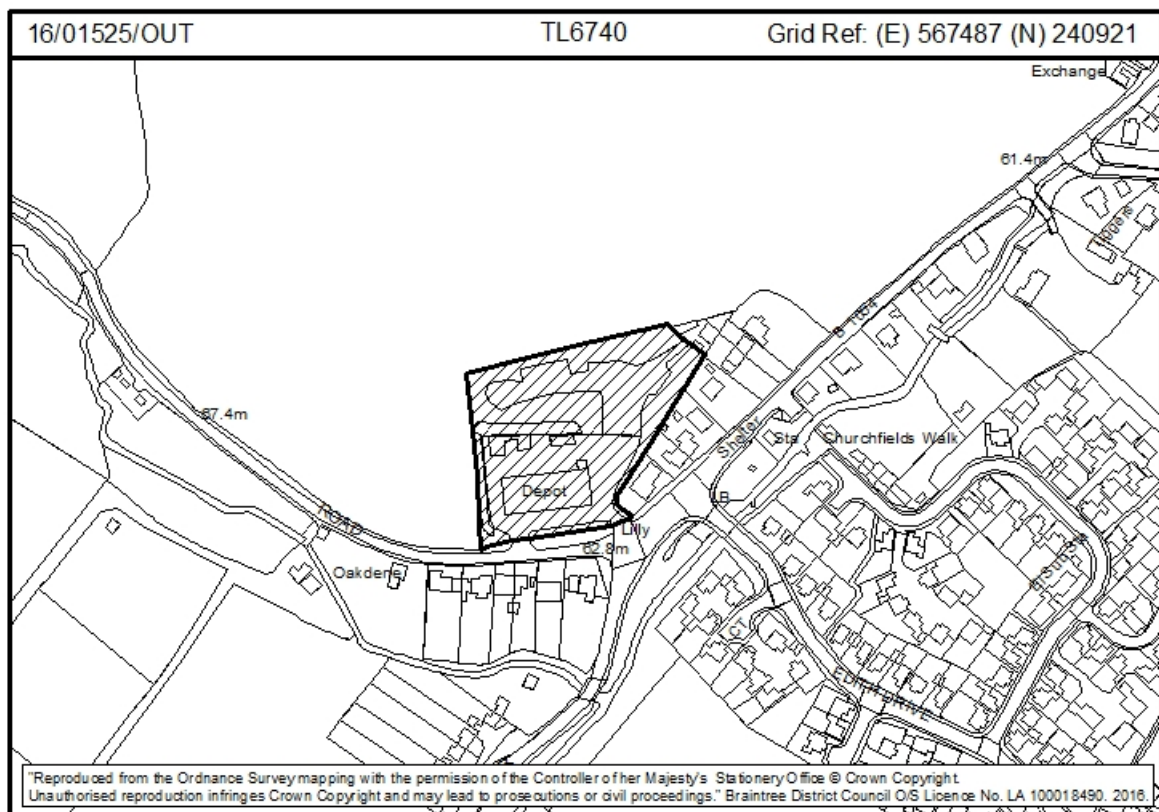
## **Page**

<b>9</b>	<b>Urgent Business - Private Session</b> 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.
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PART A

APPLICATION 16/01525/OUT DATE 14.09.16  
 NO: VALID:  
 APPLICANT: Mark Weatherhead Ltd  
 Mr Paul Weatherhead, 10 Twin Foxes, Heath Road,  
 Woolmer Green, SG3 6QT  
 AGENT: Paul J Elliott Arch. Services  
 Mr Paul Elliott, 6 Medalls Path, Stevenage, SG2 9DX  
 DESCRIPTION: Application for outline planning permission with all matters  
 reserved - redevelopment of an agricultural machinery  
 depot to residential development of 9no. three bedroom  
 dwellings with associated works  
 LOCATION: 4 Helions Road, Steeple Bumpstead, Essex, CB9 7DU,

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](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

None relevant.

## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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
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
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

## Draft Local Plan

SP1	Presumption in favour of sustainable development
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP46	Layout and Design of Development
LPP59	Landscape Character and Features
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

## 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 the Mark Weatherhead agricultural depot, located to the northern side of Helions Road within Steeple Bumpstead. The existing building and some of the land to the rear is contained within the Village Envelope. The remaining part of the site outlined in red is within the countryside for planning purposes. A small section at the front of the site is

within flood zone 2 and 3. The site is not identified for a specific use within the Local Plan Review.

The site currently comprises a detached building and a large hardstanding to the rear used for storage. The site has two vehicular accesses off Helions Road. The site is at an elevated position relative to the level of the highway. To the rear of the site (land shown behind plots 4 and 5 of the indicative layout) the land level increases abruptly.

The site is adjacent to residential properties on Water Lane and opposite residential properties on Helions Road.

## PROPOSAL

This is an outline planning application for the erection of 9no. dwellings. All matters have been reserved and therefore this application is simply seeking to establish the principle of residential development on the site.

The application is supported by an indicative layout which shows 7no. detached dwellings and a semi-detached pair. Each property is shown to be served with a private amenity space and car parking. Visitor car parking is also shown. The site is shown to be accessed by a single vehicular access off Helions Road.

## CONSULTATIONS

Steeple Bumpstead Parish Council – No objections, however the development shouldn't extend beyond the Village Envelope.

Essex County Highways – No objections

BDC Environmental Health – No objections

BDC Engineers – No objections

## REPRESENTATIONS

6 letters of objection (4 from the same address) and 1 letter with comments have been received in response to the public consultation, the contents of which are summarised below:

- Plot 9 may cause overlooking
- Will any changes be made to the boundary fences?
- The area has suffered from flooding in previous years. Concerned that any changes to the area could impact on risk levels.
- The development would change the character of the landscape
- Increase in run-off water should be expected
- Public transport facilities are limited
- Increased pressure on doctors surgery
- Additional school bus services will need to be provided



- Consideration should be given to the extension of the 30mph limit
- Adequate car parking should be provided within the site
- Consideration should be given to extending the footpath
- The development would be visible from listed buildings
- Village infrastructure is poor

## REPORT

### Principle of Development

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

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within town development boundaries and village envelopes and outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy states that development within the countryside will be strictly controlled to appropriate uses.

The site as outlined in red is partly within the village envelope and partly within the countryside. The area shown to be developed on the indicative layout plan, other than plot 6 and a small part of plot 5 is within the village envelope. In the main therefore the development accords with policy RLP2 of the Local Plan Review which seeks to direct housing to areas within existing development boundaries/village envelopes. Policy RLP3 of the Local Plan Review states that within development boundaries residential development will be permitted subject to satisfying amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

The Council acknowledges that it cannot demonstrate a 5 year supply of housing land, in accordance with paragraph 49 of the Framework, therefore in so far as policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy seek to restrict new dwellings in the countryside they would be considered out of date and the proposal would therefore be considered in accordance with the presumption in favour of sustainable development.

The Council is currently working on a new Local Plan. In respect of this site there are no changes proposed between the current adopted Local Plan and the emerging Local Plan.

In considering the presumption in favour of sustainable development, consideration also has to be given to the previously developed nature of the site. A core principle of the NPPF in seeking to secure sustainable development is to encourage the effective use of land by reusing land that has been previously developed. Given the fixed surface infrastructure

(hardstanding) visible on site, it is reasonable to consider that plots 5 and 6 would be within the previously developed part of the site.

Although the proposed development is not entirely contained within the village envelope, on balance, given the previously developed nature of the site and that the part of the site within the countryside is well connected to the village envelope, the development is not considered objectionable in principle and would fulfil the aspirations of the NPPF to encourage the effective use of previously developed land to achieve sustainable development.

### Design, Appearance and Layout

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The layout provided is indicative only and subject to change at the detailed application stage (Reserved Matters or full application).

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

The site is in a relatively sensitive location, on the edge of the Village Envelope and readily visible from the wider countryside to the north. The rear part of the site, shown undeveloped on the layout plan, is at a much higher land level and thus development on this part of the site would be discouraged. Policy CS8 of the Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change. The Landscape Character Assessment of the Braintree District advises that this area has a high sensitivity to change.

The indicative layout shows an access to the north eastern corner of the site. Access is required to be maintained to this area shown outside of the red line, which is not within the applicant's control.

### Impact on Neighbour Amenity

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations are not required to be submitted. Therefore it is not possible to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration at the detailed application stage.

It is considered from the layout provided however, that it would be possible to ensure that the amenities of no. 32 and no. 34 Water Lane are protected, by way of attention to window placement and internal arrangement. Consideration will also need to be given to the impact the development will have upon the sense of enclosure experienced in the rear gardens of these two properties.

### Highway Issues

Access is a matter which is reserved for later approval and full consideration would be given to this if the proposal were to process to a reserved matters application.

At the request of the Highway Authority the applicant has undertaken a speed survey to inform the visibility splays required from the proposed access and to ensure that these could be accommodated within land in the ownership of the applicant or the Highway Authority. The Highway Authority is satisfied that visibility splays of 2.4m x 43m in each direction can be achieved. Although the position of the access is not fixed given that it is a reserved matter, it is possible and necessary to place a condition on any grant of consent requiring visibility splays from any access to be 2.4m x 43m in each direction as the speed survey has determined that such visibility is appropriate for this road and the Highways Authority have agreed to this.

The Highway Authority also request that, as shown on the layout plan, that the footway is extended along Helions Road to link with the existing footway. This can also be secured by condition and would be a requirement whatever the location of the proposed vehicular access to the site.

### Other Matters

#### Contamination

The application is supported by a Land Contamination Assessment which concludes that land quality risks at the site are moderate/low. Given the current use of the site further investigation will be needed to establish the presence or absence of contamination. As such it is recommended by the Council's Environmental Health Officer that a condition be placed on any grant of consent which requires a Phase 2 contamination survey to be undertaken to assess the nature and extent of any contamination and a remediation scheme if necessary.

#### Flooding

The majority of the site is within flood zone 1; however a small part at the front of the site, including the vehicular access is within the flood zones 2 and 3. Steeple Bumpstead benefits from a flood defence system. The flood maps produced by the Environment Agency show the extent of a flood event without defences.

The Environment Agency has been consulted on the application and raise no objections. They comment that the principle access routes are within a flood zone in a defended area. In any flood event occupants could remain in situ or evacuate north and east.

It is recommended that a condition is attached to any grant of consent which requires a surface water drainage strategy to be submitted. It is likely however that the impenetrable area of the site will decrease with the introduction of garden areas and thus surface water drainage would be improved relative to the existing situation.

## CONCLUSION

It is considered that the proposal is an acceptable form of development and 9no. units could be accommodated on site. Although the site is not entirely within the village envelope the site is previously developed and its redevelopment would accord with the Governments aspirations for the effective use of land to achieve sustainable development.

## RECOMMENDATIONS

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

### 1 Details of the:-

- (a) scale, appearance and layout of the building(s);
- (b) access thereto; and the
- (c) 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 [3] 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 (as amended).

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

Reason

To ensure that the development does not prejudice the appearance of the locality. This matter must be dealt with prior to commencement of development as its requirements relate to measures that will need to be in place at the construction stage.

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

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

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

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

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

Reason

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

- 4 Prior to first occupation of any of the dwellings 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 screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of any dwelling 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.

- 5 Prior to first occupation of any of the dwellings hereby approved, visibility splays with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access. 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 users of the access and those in the existing public highway, in the interests of highway safety.

- 6 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.

- 7 Prior to first occupation of any of the dwellings hereby approved a 2m wide footway along the entire site frontage to connect to the existing footway at the junction of Water Lane and Helions Road shall be provided, in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason

To protect highway efficiency of movement and safety and to ensure the site is accessible by more sustainable modes of transport.

- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, which shall have been previously been submitted to and approved in writing by the Local Planning Authority.

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

Reason

In the interests of promoting sustainable modes of transport.

- 9 As part of the submission of reserved matters that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units and shall be retained in the approved form thereafter.

Reason

To minimise pollution of the environment and to safeguard the amenities

of the locality and the appearance of the development.

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

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

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no 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 any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination. This matter must be dealt with prior to commencement of development as its requirements relate to measures that will need to have taken place prior to the construction stage.

- 12 Prior to occupation of the development the vehicular access off Helions Road junction as the main estate road shall include a 5.5m wide carriageway, 2no. 2m wide footway on either side of the carriageway, 2no. 10.5m kerbed radii with drop kerbs and tactile paving which shall be provided in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 13 Prior to commencement of the development a surface water drainage strategy, based on the principles of Sustainable Urban Drainage Systems (SUDS) shall be submitted to and agreed in writing by the Local Planning Authority. The strategy as approved in writing by the Local Planning Authority shall be carried out in its entirety prior to the first occupation of any of the dwellings and thereafter retained and maintained in the approved form.

Reason

To ensure the satisfactory drainage of surface water in the interests of sustainability

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



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

Reason

In the interests of the amenity of residents of the locality and in order to minimise nuisance caused by pollution in the interest of residential amenity. This matter must be dealt with prior to commencement of development as its requirements relate to measures that will need to be in place prior to and at the construction stage.

- 15 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.

- 16 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 protect the amenities of the occupiers of nearby residential properties and the surrounding area and wider undeveloped countryside.

- 17 The submission of reserved matters that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details showing existing and finished land levels relative to the siting of the development, including cross sections of the site. Thereafter the development shall be implemented and retained in accordance with those details as agreed in writing by the Local Planning Authority.

Reason

To enable the Local Planning Authority to retain adequate control over proposed site levels in the interests of visual and residential amenity.

## INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

TESSA LAMBERT  
DEVELOPMENT MANAGER

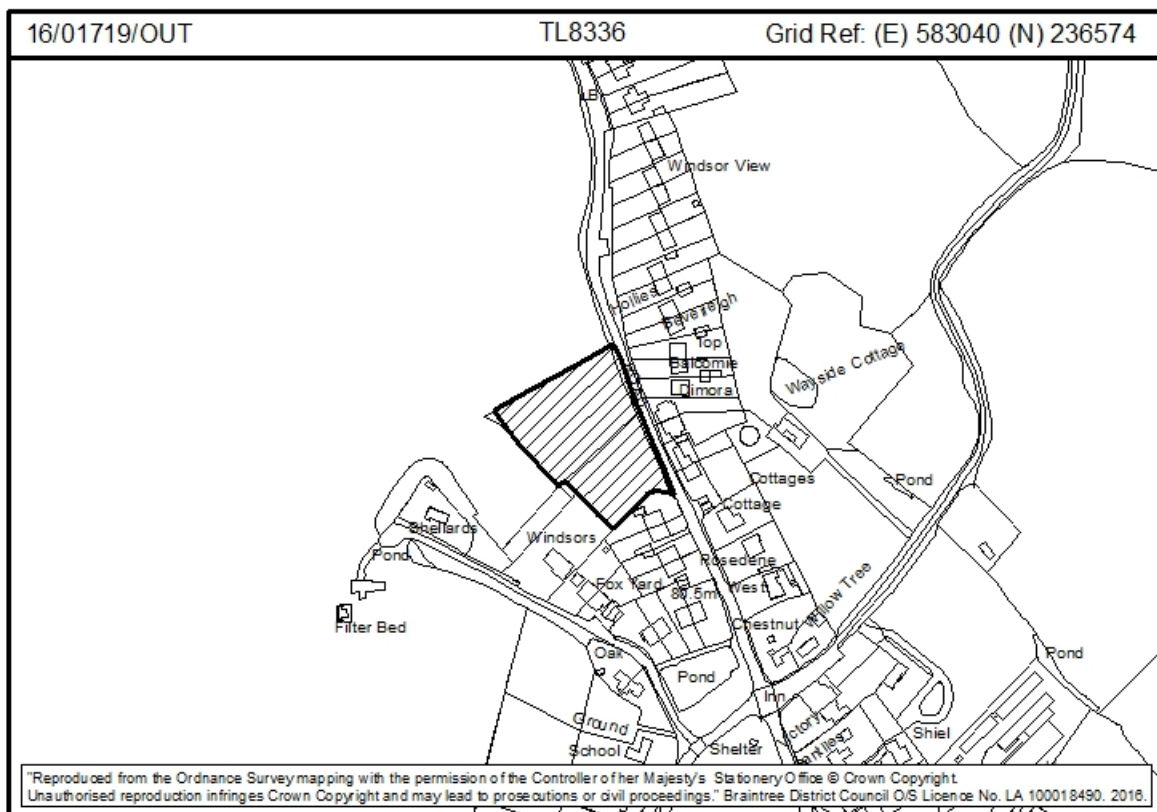
## AGENDA ITEM NUMBER 5b

### PART A

APPLICATION NO: 16/01719/OUT      DATE: 17.10.16  
 VALID:  
 APPLICANT: Granville Developments  
 C/O Agent  
 AGENT: Mr Andy Butcher  
 Coval Hall, Rainsford Road, Chelmsford, CM1 2QF  
 DESCRIPTION: Erection of up to 6 dwellings with associated access,  
 landscaping and amenity space  
 LOCATION: Land West Of, Church Road, Wickham St Paul, 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](mailto:nina.pegler@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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
LPP 42	Built and Historic Environment
LPP 46	Layout and Design of Development
LPP 53	Archaeological Evaluation, Excavation and Recording
LPP 57	Protected Species
LPP 59	Landscape Character and Features
LPP 66	Sustainable Urban Drainage Systems

## Other Material Considerations

Site Allocations and Development Management Plan  
Landscape Character Assessment 2006

## 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.

## NOTATION

The application site is located outside, but adjacent to the Wickham St Paul village envelope, as designated in the Braintree District Local Plan Review, 2005.

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

## SITE DESCRIPTION

The application site is located on the western side of Church Road, to the north of Wickham St Paul. Residential development can be found to the south of the site and on the opposite side of the road.

The 4.75 ha site comprises a vacant area of land which has been laid to grass and is enclosed to the site boundaries by hedgerows and trees. There is also an existing hedgerow which divides the site.

## PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved, for the erection of six dwellings.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.

The application is also supported by the following documents –

- Arboricultural Report;
- Planning, Design & Access Statement;
- Indicative Site Plan;
- Phase I Habitat Survey;
- Flood Risk Assessment & Surface Water Drainage Strategy;
- Landscape and Visual Impact Appraisal.

## CONSULTATIONS

Environmental Services (BDC) – No objection subject to conditions to protect neighbouring amenity during construction.

Waste Services – No comments.

Landscape Services – The landscape impact of the development is limited and abides with the scale and character of the local context. Would prefer to see the access moved further away from the Oak tree along the frontage. It is not clear how existing hedgerows will be maintained. Off-site trees to the south may cause shading. No concerns regarding protected species.

Highways – No objection subject to conditions.

Historic Buildings Advisor – No objection.

Historic Environment Officer – No objection. Recommends a condition requiring programme of archaeological work prior to the commencement of development.

Parish Council - Object for the following reasons:

- Would set a precedent for further development along Church Road;
- Greenfield site outside the village envelope;
- Located on a dangerous part of Church Road;
- Site is liable to water-logging;
- There would be no economic value;
- There is no local employment;
- There is no infrastructure to support development;
- There is no indication of support for community needs;
- No affordable housing proposed;
- Nothing to suggest that the development will protect and enhance the natural environment;
- Site has been used by protected species;
- Poor amenities and services in the village;
- A brownfield site has been identified for development.

## REPRESENTATIONS

23 letters of objection have been received:

- Site is outside the village envelope and has never been included in the local plan;
- The site has been considered and rejected for inclusion in the new
- The site is greenbelt;
- The land is agricultural land;
- Will set a precedent for further development outside the village envelope;
- The site has been subdivided with a hedge, creating two building plots;
- No affordable housing;
- Site is used by wildlife including bats and badgers;
- Impact on neighbouring amenity from car lights and traffic movements, overlooking, noise, light pollution;
- Shellards has not been considered in the visual impact assessment;
- Proposal would have an adverse impact upon the character of the listed building to the rear;
- The bus service is due to become obsolete;
- Road is narrow at this location, there are no paths, the new access would be dangerous;
- Removal of hedgerow would have an adverse impact on the local environment;
- New road would cause damage to the Oak tree;
- Oak tree obscures visibility;
- Nearly all the trees assessed are not on the development site. The report is misleading;
- Village has limited infrastructure;
- An alternative brownfield site has been proposed for development;
- Concerns raised about flooding, drainage and connection to the sewerage system;
- Difference in levels means the new dwellings would be overbearing for the properties opposite;

- The development would bring no financial benefit to the village.

A petition with 80 signatures has been received objecting to the application for the following reasons:

- Do not support the use of greenfield sites, especially where there is a nearby brownfield alternative;
- The site is on the narrowest part of Church Road, where there is insufficient space for two vehicles to pass;
- Visibility for traffic entering and leaving the site is restricted and there is insufficient turning for vehicles.

## REPORT

### Principle of Development

#### Planning Policy Context – Housing Supply

In accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, the starting point when considering development proposals is the adopted development plan. It states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. This is also set out in paragraph 11 of the National Planning Policy Framework.

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the Council consider that the development management policies of the Pre-Submission Site Allocations and Development Management Plan (ADMP) (now subsumed within the draft Local Plan) are also relevant in the determination of planning applications.

Paragraph 14 National Planning Policy Framework promotes a presumption in favour of granting planning permission in circumstances where the development plan is either absent, silent or relevant policies are out of date, unless either (i) the adverse consequences significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or (ii) relevant policies in the NPPF indicate development should be restricted. It also states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF in 2012. The weight to be afforded to a conflict with a development plan is not reduced as an automatic consequence of either (i) the Council not being able to demonstrate a deliverable five-year supply of housing sites, or (ii) the date of the plan in which the policies sit.

It is acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council had been working on the Site Allocations and Development Management Plan (ADMP), to build on the strategic policies set out in the Core Strategy, since the adoption of the Core Strategy in 2011. This was to complete the suite of documents required



in the Local Development Framework to guide development in the District. This Plan was to provide detailed land use allocations across the District, including settlement boundaries and policies used in the determination of planning applications. The Plan applied the minimum housing targets set out in the Core Strategy (approved 2011). However, since work on the Plan began, national planning policy has changed substantially and the Regional Spatial Strategy, from which the housing target in the Core Strategy was derived, has been abolished. A key requirement specified in the NPPF is that local authorities should 'boost significantly' their supply of housing. As the Council began to gather evidence on what the new housing target would be, it became clear that it would be higher than that which is presently set out in the Core Strategy and Site Allocations and Development Management Plan.

Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the Pre-Submission ADMP for examination by the Planning Inspectorate. Officers instead begun work on a new Local Plan which will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF - including the need to 'boost significantly' the supply of housing in the district. In accordance with national planning policy, the Council commissioned research to establish the Objectively Assessed Need for housing in the District. This research forms part of the evidence base for the new Local Plan. The Council's consultants advised that the Objectively Assessed Need for Braintree District is 716 dwellings per annum from 2013 (source: Peter Brett Associates, Objectively Assessed Housing Need Study Update, November 2016). The draft target of 716 dwellings per year from 2013 has been agreed by the Council for inclusion in the Draft Local Plan, which is setting out the draft housing allocations to fulfil that target.

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at 28 September 2016 is that the current forecast supply for the period 2016-2021 is 4.25 years and for the period 2017-2022 is 4.25 years. This does not mean that sites outside of existing development boundaries are automatically appropriate for new development as it states at Paragraph 14 of the NPPF that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Officers recommend that the Council should determine this application on its merits, having regard to the principles of sustainable development set out in the NPPF and other relevant national and local planning policies and guidance.

The decision taker must determine the amount of weight to attach to a conflict with the development plan. Important factors in considering the appropriate weight include the degree of the shortfall in housing supply and the steps being taken to meet that shortfall. Development monitoring is an on-going

process. The shortfall at the current time is moderate at 9 months. The Council is being proactive about meeting the full objectively assessed needs for Braintree. It has already undertaken a public consultation exercise on the draft Local Plan and is proposing to submit the plan to meet the OAN to the Secretary of State in late Summer 2017. Therefore there are clear and proactive steps to meet the shortfall and these are at an advanced stage. Furthermore, the settlement boundary policies are performing an important function in this location to direct development away from an unsustainable location (discussed in more detail below).

### Site Location & Designation

Policy RLP 2 of the Local Plan Review states that 'New development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply'.

Core Strategy Policy CS5 'The Countryside' states that 'Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity'.

Policy CS7 of the Core Strategy states that "Future development will be provided in accessible locations to reduce the need to travel".

Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Para.55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Para.111 indicates that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Notwithstanding the issue of housing supply, Officers have concern regarding the location of the proposed development and compliance with the fundamental objectives of national and local planning policies which seek to deliver sustainable new development.

The proposed site is located within the countryside, outside of the development boundary for Wickham St Paul, as defined on the proposals map of the Braintree District Local Plan Review 2005, the Pre Submission Site Allocations and Development Management Plan 2014 (which forms part of the Interim Planning Policy Statement) and the draft Local Plan. The application site has no specific designation / allocation in the current Development Plan. The site is a greenfield site and would not facilitate the use of previously developed land.

The village of Wickham St Paul is not designated as a Key Service Village in the Core Strategy and therefore falls within the 'other villages' category. Outside of the villages, land is classified as countryside. Para.71 of the Core Strategy states that one of the core objectives is to "reduce the need to travel by locating development in sustainable locations where it will enable people to access employment, housing, retail provision, public transport and key services; such as education, healthcare, recreational facilities and open space".

It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development (such as helping the District Council meet demand for housing supply and the provision of Affordable Housing) that are outweighed by any identified adverse impacts of the proposed development.

The application site was submitted to the Council as part of the 'Call for Sites' process during the preparation of the new draft Local Plan. However the Council's Local Plan Sub-Committee took the decision on 16<sup>th</sup> March 2016 not to include the site within the draft Local Plan. The Committee report states that the range of services within the village is particularly limited and would lead to any development requiring the occupant to be car dependant to a significant extent as there is an infrequent bus service. Furthermore there is limited opportunity for employment within the village and on balance it is considered an unsustainable location for further development. The site was also considered unfavourable due to the continuation of housing development to the west of Church Road being deemed as ribbon development and detrimental to the character of the village, particularly on the approach travelling south from Church Road. The allocation of the site was not supported by the Parish Council.

The site was considered again at the Local Plan Sub-Committee on 31<sup>st</sup> October 2016. The Committee Report states that Wickham St Paul is a small village with limited services and facilities and is under no specific requirement for further growth. The village is not considered a sustainable location for further large scale development. At this time a new brownfield site was also considered. This would take preference for development over a greenfield site. Although Wickham St Paul is not considered to be a village with a high level of sustainability Officers, advised that the brownfield nature of the site should be taken into consideration. The proposal had the support of the Parish Council. The Local Plan Sub-Committee took the decision to amend the village envelope to include the brownfield part of that site. Having regard to Para.216 of the NPPF, it is considered that some weight should be afforded to the principles and strategies set out in the draft Plan.

As previously stated, Wickham St Paul is identified as an 'Other Village' in the settlement hierarchy set out in the adopted Core Strategy. These are defined as "the smallest villages in the District". According to the 2011 Census the village had a population 321. The site itself is located outside of the village envelope as defined on the proposals map of the Braintree District Local Plan

Review 2005 and is therefore located in an area identified as 'Countryside'. Amendments to the settlement hierarchy set out in the draft Local Plan were made at the Local Plan Sub-Committee meeting on 28th November 2016. It was agreed that Wickham St Paul would fall within the 'Tertiary Villages' category. The text to accompany this in the Draft Local Plan states that "These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met for development within a Tertiary Village". This site falls within the category at the bottom of the existing and proposed settlement hierarchy.

Wickham St Paul has very limited facilities, amenities and employment opportunities. It has a poor range of day to day services which prevents residents being able to meet their needs within the village. It benefits from a church, village hall, farm shop and public house. There are no facilities such as a supermarket, school, bank, doctor's surgery or petrol station which may be required for day to day living. The closest towns are Sudbury and Halstead (both of which are just under 5 miles from the site) where a good range of services and facilities can be found. Neither is within comfortable walking distance of the site and there are no cycleways between these locations. Access to the towns is either via narrow, unlit country roads without pavements or via the A131. The distance and unappealing walking/cycling environment is likely to deter future residents from walking or cycling to local facilities and increase reliance on travel by car to access everyday facilities and services. It is accepted that there is a bus service to Halstead and Sudbury, and therefore travel by bus could reduce the reliance on a private car. The closest train station is at Sudbury but this only provides a limited service with trains to Marks Tey. Development at the proposed location would leave future occupants of the proposed dwellings with limited sustainable travel choices to access services and facilities.

In addition to the sustainability of the location of the site it is also recognised that sustainable development has three dimensions, as set out in Para.7 of the NPPF. This being, an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant.

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Wickham St Paul itself or support the long term future of services/facilities in other villages. As the application proposes 10 or

less dwellings it would not deliver any benefits in terms of affordable housing or the improvement of public open spaces (as a result of a Court of Appeal decision in May 2016). In terms of the three dimensions of sustainable development, the provision of a small amount of housing would be relevant to the economic and social roles, although these benefits would be limited due to the scale of the development. The development of new housing will always bring some benefits but those benefits do not always outweigh all other considerations. The scale of the development proposed would not significantly contribute towards the District's 5 year housing supply to the extent that concerns about the sustainability of the location should be set aside. There is little to support the proposed development in respect of the environmental role.

In conclusion, Officers do not consider that the proposal represents a sustainable form of development by virtue of it being a greenfield site, its poor location and limited access to services and facilities and the fact that it would not accord with the Council's strategy for the location of new residential development. Furthermore, it may set a precedent for further development outside of the village envelope. When considering the planning balance and having regard to the requirements of the NPPF as a whole, it is considered that the development of this site would fail to fulfil the roles of sustainable development as set out in Paragraph 7 of the NPPF and the test set out in Paragraph 14 of the NPPF and that this would significantly and demonstrably outweigh the limited benefits.

#### Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'. Policy CS9 of the Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

This is an outline application where design, layout and landscaping are reserved matters. It is acknowledged that concerns have been raised in the letters of representation about the proposed layout. However, the submitted plans are only indicative and may change if the application progressed. It is not possible to consider matters of layout and design at this stage.

The dwellings within the vicinity of the site vary in scale, design and character and there is not a strong building line. There is not a distinctive character to this part of the village and a development based on the principles shown on the illustrative site plan is unlikely to be harmful to the character and appearance of the village.

The site falls within the Wickham Farmland Plateau (B6) as identified in the Council's Landscape Character Assessment. The key characteristics of this area are set out as:

- Rolling hills and valleys.
- Large scale arable field pattern.
- Infrequent small blocks of deciduous and occasionally coniferous woodland.
- Some mature hedgerow trees on field boundaries.
- Wide views across the farmland.
- Small villages with a wealth of historic buildings.
- Strong sense of tranquillity.

The Assessment states "Sensitive key characteristics and landscape elements within this character area include mature hedgerow trees at field boundaries and a patchwork of small pastoral fields, marshes and woodland within the small valleys (which are sensitive to changes in land management). The open skyline of the hilltops is sensitive to potential new development (in particular tall vertical development) and the overall sense of tranquillity away from the A131 could also potentially be affected by new development. There is a relatively strong sense of historic integrity, resulting from a combination of halls (such as Maplestead and Twinstead, associated with villages), small areas of enclosed meadow within the valleys, a scatter of ancient woodlands along the crest of the ridge overlooking the Stour valley. The area also has a very dispersed settlement pattern (consisting of church/hall complexes, isolated manors and farms, moated sites and small villages), that would be affected by potential largescale new development. There are also several important wildlife habitats within the area (including 24 sites of importance for nature conservation, comprising ancient woodland, semi natural grassland, scrub, open water and wetland habitats), which are sensitive to changes in land management. Overall, this character area has relatively high sensitivity to change."

The 'Suggested Landscape Planning Guidelines' state:

- Consider the visual impact of new residential developments and farm buildings.
- Maintain characteristic views of the valleys and hills.
- Ensure any new exposed development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.
- Develop strategies for managing and monitoring increased traffic during peak tourist periods.

The site is relatively well contained by existing boundary and landscape features and has existing residential development on three sides. A Landscape and Visual Impact Appraisal has been submitted with the application. This states that the site has a fairly limited visual envelope that is contained by a combination of village settlement to the south and east, vegetation to the west and plateau farmland to the north. The site is visually contained and screened by existing settlement and vegetation from most of the village. The greatest visual impact would be experienced by those

properties opposite and adjoining the site. A view is available from a footpath with the degree of visual impact generally increasing with proximity to the site. Despite the closeness of the viewpoint, it has a recorded value of medium-low visual impact due to the visual change likely to be experienced. The fact that the footpath looks towards houses on the village edge already, means that the nature of the view would not change. The combination of new and existing planting would ensure that the development could be accommodated with negligible effect on the landscape character. In the longer term significant visual effects would be limited to close proximity views from the public footpath on the northern side of the site, from the section of Church Road that faces directly opposite the site, Windsors and localised views from No.1 Fox Yard. The Assessment concludes that the development proposes to place a small group of houses in a relatively contained landscape, which would have a limited sphere of influence. There would be limited residual effects arising from the proposed development in terms of landscape character and visual amenity.

Officers do not dispute the findings of this assessment. It is accepted that there would be a change to the character of the site from agricultural to residential. However, subject to an appropriate scale, given the proximity to existing dwellings, the development would be viewed as an extension to the existing built development in the village and would be seen in the context of existing dwellings. A good quality landscaping scheme could be secured at reserved matters stage which would benefit the development. New landscaping would help to mitigate the visual impact and whilst it is accepted that this will take some time to establish, it is considered that it would be beneficial to the development in the longer term. The proposal would result in an intrusion into the countryside, but having regard to the context and subject to a high quality landscaping scheme, it is considered, on balance, that the proposal would not have such a detrimental impact upon the character of the area to the extent which could justify withholding planning permission.

It is noted that there is an existing hedge which subdivides the site. The submitted plans indicate that this would be retained and would form a boundary feature between two of the proposed dwellings.

### Impact Upon the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Para.132 of the NPPF 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. It indicates that significance can be harmed or lost through development within its setting. Para.134 states 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, including securing its optimum viable use.

Policies RLP90 and RLP100 seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings.

The site does not fall within a Conservation Area, however there is a Grade II listed building ('Shellards') to the south west of the site. The proposed development would be over 70 metres from this dwelling. Views of this dwelling from the site are obscured by existing trees and hedges. The proposal has been considered by the Council's Historic Buildings Consultant who has advised that "given the distance between these properties and the site, and the presence of mature landscaping and intervening development, it is considered that the proposed development will have a minimal impact on these buildings or their setting".

#### Impact on Neighbouring Amenity

One of the core planning principles set out in the NPPF is to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity.

The applicant is not seeking approval for the design and layout (including the access) of the development at this stage and therefore the impact upon neighbouring amenity cannot be fully assessed. However, an indicative plan has been provided.

It is acknowledged that the dwellings opposite the proposed access are located close to the road, one of which is directly opposite and within 8 metres of the indicative access as shown. The two dwellings closest to the proposed access both have hardstandings available for parking across their frontages. The outlook from these dwellings would change and the development would give rise to additional vehicle movements close to these dwellings. However the scale of the proposed development is such that it is not considered that these would give rise to impacts upon residential amenity which would be so harmful that they could substantiate withholding planning permission.

It is considered that the dwellings could be sited and designed in such a way that they would not have an unacceptable impact upon neighbouring amenity.

#### Highway Issues

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A plan showing the proposed vehicular access has been submitted with the application. This shows visibility splays of 60 metres in both directions. The



plans show that the existing Oak tree would not impede the visibility splays but part of the existing hedge would need to be removed or reduced to 600mm.

The Highway Authority has considered the details provided and not raised an objection to the proposal subject to adequate visibility splays being achieved. The consultation response from the Highway Authority requires visibility splays of 2.4 x 60 metres as measured from and along the nearside edge of the carriageway in both directions. This is shown on the indicative site plan and appears to be clear of the existing Oak tree along the sites frontage. However the splay would pass through an existing hedge to the south which is not within the applicant's control. Therefore this visibility splay could not be achieved. The Highway Authority has advised that in this location (a 30mph zone) a 2.4 metre parallel band visibility splay across the entire frontage of the site which should be maintained free from obstruction clear to ground in perpetuity would also be acceptable. However, when looking at the Topographical Survey of the site the Oak tree is actually closer to the road than shown on the indicative site plan. The Oak tree and hedge to both sides are within 1 metre of the road. On this basis a 2.4 metre parallel band could not be achieved. The existing Oak tree is a prominent feature within the street scene and contributes to the visual amenity of the area. Whilst it is noted that access is a reserved matter, at this stage Officers are not satisfied that an appropriate and safe access could be achieved.

The provision and layout of parking would be dealt with at Reserved Matters stage as part of layout and design if the application progressed. It would be expected to include off road and visitor parking and cycle parking in accordance with the Council's adopted Parking Standards.

### Landscape and Ecology

Policy RLP 80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP 84 states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

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

An Arboricultural Assessment has been submitted with the application. There are no trees within the site which are subject to Tree Preservation Orders. The Assessment indicates that all trees and hedgerows, apart from a small stretch of internal hedgerow 8m long, to create access into the site, could be retained (although as indicated above, additional landscaping may need to be removed to achieve adequate visibility splays). The proposed access would be within the root protection area and under the crown spread of a large oak tree. The Council's Landscape Officer has considered the Arboricultural Assessment and has advised that it would be preferable for the access to be moved away from the Oak tree along the frontage. If not, a method statement for installing the access would need to be agreed and signed off by a qualified arboricultural consultant.

Comments have been made in the letters of representation in respect of the Arboricultural Assessment stating that some of the trees assessed are not within the site and that the report recommends the removal of some trees. The Assessment acknowledges that some of the trees are off site and that clarification is required regarding the ownership of some of the trees referred to as the topographical survey did not include the trees on the boundary, therefore their exact location on the plan cannot be relied upon. Whilst it recommends that some of the trees are felled, this is due to their poor structural condition and disease/decay. It states that there would be no direct impact on the trees from the proposal. The trees that are retained would be protected to the extent of their root protection areas during works with tree protection fencing. Any trees that are within the site boundary could be felled and replaced with another native species as part of a landscaping scheme.

The applicant could relay any recommendations with regard to trees which are outside of the site to the respective owners; however the future management of these trees would be the responsibility of the owner(s) and could not be controlled through the determination of this planning application.

It is considered that further clarification in the form of an updated topographical survey and addendum to the Arboricultural Assessment is necessary but this could be controlled by condition as the recommendations for these trees are not necessary as a result of the proposed development. In the interests of mitigating against any loss and in order to enhance the development it is considered that clarification should be sought if development were to proceed.

There is scope for new planting within the site which could be secured by condition. This would also enhance biodiversity within the site.

The application contains a Phase I Habitat Survey undertaken by the applicant's ecologist to assess the ecological value of the site and identify any ecological constraints on the proposed development. No signs or evidence of

protected or UK priority species were identified on the site. The most important features ecologically were the boundary hedgerows immediately to the north, north-west, east, and in the middle of the site separating the two fields and the oak trees. Further ecological surveys and mitigation were considered unnecessary.

However, to minimise any residual risk of impact to reptiles, amphibians and nesting birds and to prevent net loss of a UK priority habitat type, precautionary measures detailed in the report should be followed if the development were to proceed. With the recommendations followed as described, the proposed development could proceed with a minimal risk of harm or impact to protected, priority or rare species or habitats.

All nesting birds are protected under the Wildlife and Countryside Act 1981, which makes it an offence to kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. It is recommended that to prevent harm to nesting birds, any necessary clearance or reduction of the hedgerow should be conducted outside of the main bird breeding season (March until the end of August). If the Council were minded to approve the application an informative could be added to the decision reminding the applicant of the legal duties with regard to protected species.

#### Drainage and Flood Risk

The site lies in Flood Zone 1 (lowest risk of flooding). Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

The number of dwellings proposed is below the threshold (10 dwellings) whereby local planning policies are required to ensure that sustainable drainage systems for the management of run-off are put in place through consultation with the relevant lead local flood authority.

However, in this case a Flood Risk Assessment and Surface Water Drainage Strategy has been submitted with the planning application. This assessment has investigated the possibility of groundwater flooding and flooding from other sources at the site. It states that there will be low risk of groundwater flooding across the site and a very low to low risk of flooding from surface water.

Surface water and sewer flooding across urban areas is often a result of high intensity storm events which exceed the capacity of the sewer thus causing it to surcharge and flood. Poorly maintained sewer networks and blockages can also exacerbate the potential for sewer flooding. Surface water flooding can also occur as a result of overland flow across poorly drained rural areas.

The Flood Risk Assessment states that the Environment Agency's Surface Water Flooding Map indicates that across the site there is mainly a very low surface water flooding risk (i.e. less than 1 in 1000 year chance). However it

shows that there would be a small localised part of the site with a low surface water flooding risk (chance of flooding of between 1 in 1000 years and 1 in 100 years). The maps generally show lower areas of ground where water may pond during storm events and identify areas which receive subsequent runoff from surrounding land during heavy rainfall events (i.e. these parts of the site act as small isolated basins). The Assessment indicates that by comparing the proposed site layout and the surface water flood map, Plot 2 would be affected, as well as the associated driveways and part of the private access road.

Part H of the Building Regulations prioritises discharges to the ground and then a watercourse, with discharge to a sewer only to be considered when both infiltration and discharge to a watercourse is not reasonably practicable. Anglian Water sewer plans indicate that there are no surface water sewers within the vicinity of the site. There are also no watercourses or drainage ditches within the site boundary, within the vicinity of the site or within the applicant's land ownership.

The Infiltration Testing Report shows that the upper soil types are not suitable for infiltration due to the cohesive content of the soils. Further testing across the site indicates that soils with suitable infiltration capacity are typically located between 5.70m below ground level and 6.40m below ground level.

Permeable paving could be used to construct the proposed hardstanding areas such as car parking areas, driveways and private access road. Surface water from building roofs could then be drained onto, or into, the permeable paving directly. Surface water from the paving structure would then be directed to four deep-bore soakaways as this will utilise the infiltration capacity of the soils located deeper below the site. The BRE Digest 365 requires soakaways to be located at least 5m away from any other structure with foundations. The information submitted shows that there would be sufficient space away from the buildings to position these devices. Details of the design of the soakaways have been provided. However these would be controlled by Building Regulations.

The soakaway calculations take into account the climate change (40%) 1 in 100 year storm event and potential silting up effects. The results show that the soakaways could accommodate all of the surface water without surface flooding. The Assessment recommends that the proposed residential dwellings have a finished floor level of 150mm higher than ground levels. This would also ensure no internal flooding caused by wave action from vehicles. Permeable paving areas should be graded so that any runoff onto neighbouring areas is prevented.

It is recommended that in order to contain the water across these areas, each garden area should be profiled/lowered by a maximum of 0.1m. This would prevent runoff onto other areas. A condition to cover these matters could be imposed if the Council were minded to approve the application.

## Other Matters

Archaeology – The Essex Historic Environment Record shows that the proposed development would affect a site of archaeological interest. As a result the County Council's Historic Environment Officer has recommended that a condition be applied which requires that an agreed programme of archaeological work should be carried out prior to the commencement of development to determine the nature and extent of any archaeological remains.

Construction Activity – The Council's Environmental Services Team have been consulted regarding the proposed development. They have raised no objection, subject to a number of conditions to control construction activity (hours of working; piling; dust and mud control). It is inevitable that there will be some disruption with construction activities. These would not be permanent in nature.

Foul Drainage – The developer will be required to serve a notice on the Sewerage Undertaker under section 106 of the Water Industry Act 1991 in relation to the connection to the public sewer. This is not a matter which can be controlled by the planning system.

## CONCLUSION

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

The Council does not currently have a 5 year supply of housing land. In this case the site is not one which would offer sustainable access to the range of facilities that are required to meet the everyday needs of the development. This proposal would result in the development of a greenfield site in a location which would be contrary to the Council's existing and proposed strategy of locating new residential development in sustainable locations where residents would have good access to services and facilities and would also be contrary to policies which seek to protect the countryside. Development at this location would set a precedent for new residential development at other similar locations.

In considering the potential benefits of the proposal, the new dwellings would contribute to the Council's five year housing land supply as required by Paragraph 47 of the Framework. Nevertheless, a net increase of six

dwellings would be a small contribution. The construction of the dwellings would give rise to some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development the contribution to the local economy from the future occupants is unlikely to be significant. The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Wickham St Paul itself or support the long term future of services/facilities in other villages.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposal would not represent a sustainable form of development for which the NPPF carries a presumption in favour. This issue would significantly and demonstrably outweigh the acknowledged benefits and accordingly it is recommended that this application is refused.

### RECOMMENDATIONS

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

- 1        The site is located in the countryside to the north west of the village of Wickham St Paul and falls outside of the defined village envelope. The village of Wickham St Paul has limited facilities, amenities and employment opportunities. It has a poor range of day to day services and facilities which prevents residents being able to meet their needs within the village. Development at the proposed location would leave future occupants of the proposed dwellings with limited travel choices to access jobs, facilities and amenities which are located beyond the village.

The site is a greenfield site and would not facilitate the use of previously developed land. The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Wickham St Paul itself or support the long term future of services/facilities in other villages. The introduction of new residential development in this location, beyond the defined settlement limits, is therefore contrary to the objectives of local and national policies to secure sustainable patterns of development. When considering the NPPF as a whole, the development would not significantly contribute to the three roles of sustainable development and it is concluded that the poor location of the site in terms of access to services and facilities would result in a proposal which is not sustainable development for which the NPPF carries a presumption in favour. This issue would significantly and demonstrably outweigh any benefits of the development.

For these reasons the proposal would fail to accord with the principles and guidance set out in the NPPF, Policies CS5 and CS7 of the Council's Core Strategy and Policy RLP2 of the Braintree District Local Plan Review.

- 2 Having regard to the submitted Topographical Survey it appears that the only way that adequate visibility splays to provide safe access/egress could be achieved is if the Oak tree along the site frontage is removed. This tree contributes to the visual amenity of the area and its removal would not be supported due to the adverse impact on character of the countryside. Furthermore, the proximity of the access to this tree would jeopardise its future health and retention. It has therefore not been demonstrated that a safe and satisfactory access can be achieved contrary to policy DM1 of the Highways Authority's Development Management Policies (2011) and policies RLP9 and RLP90 of the Local Plan Review.

#### SUBMITTED PLANS

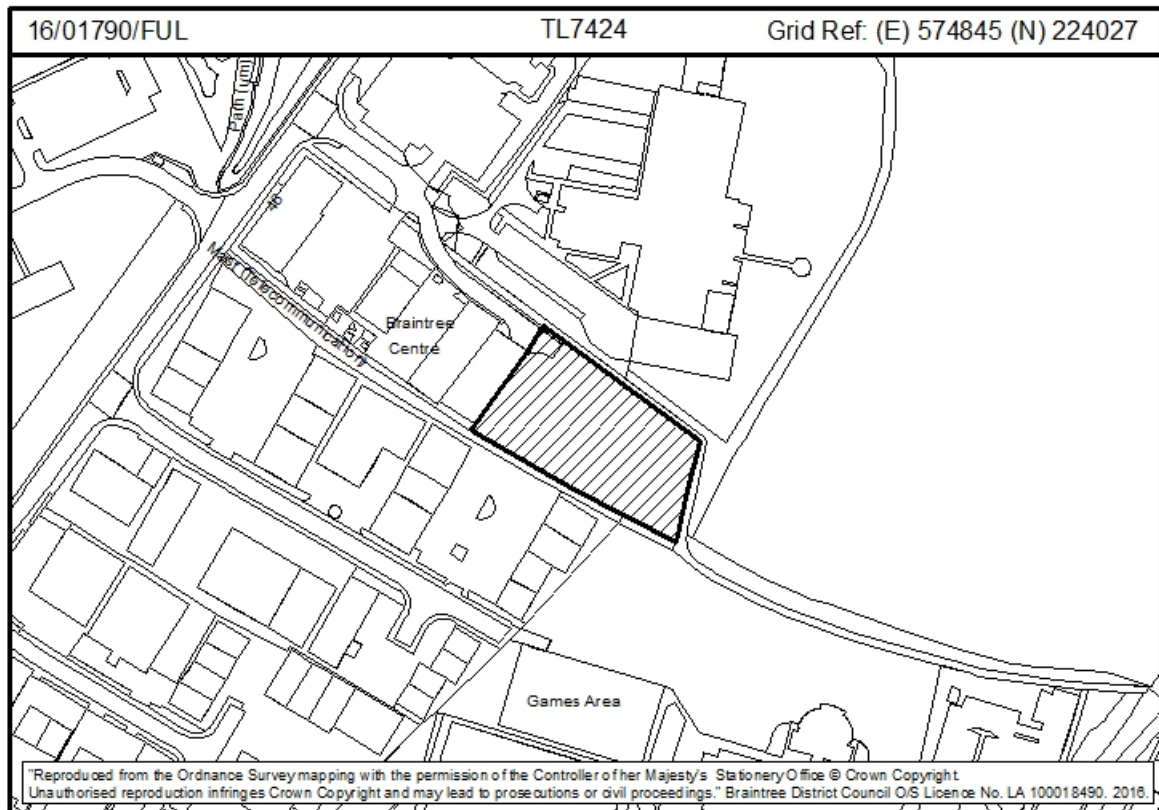
Location Plan	Plan Ref: 3237:002
Site Plan	Plan Ref: 3237:001
Topographical Survey	

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01790/FUL DATE: 24.10.16  
 VALID:  
 APPLICANT: Braintree District Council  
 Causeway House, Bocking End, Braintree, CM7 9HB  
 AGENT: Mr Richard Horley  
 John Finch Partnership, 88 Broomfield Road, Chelmsford,  
 CM1 1SS  
 DESCRIPTION: Erection of 4 no Industrial Units (B1, B2, B8) and  
 associated car parking.  
 LOCATION: Land Rear Of Enterprise Centre, Springwood Drive,  
 Braintree, 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](mailto:nina.pegler@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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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
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
RLP28	Employment Land Provision
RLP36	Industrial and Environmental Standards
RLP41	Employment Allocation, Springwood Drive, Braintree
RLP51	Cycle Parking
RLP56	Vehicle Parking
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
LPP1	Location of Employment Land
LPP2	Employment Policy Areas
LPP4	Design and Layout of Employment Policy Areas and Business Uses
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP46	Layout and Design of Development
LPP56	Natural Environment
LPP57	Protected Species

## INTRODUCTION

The application is being presented to the Planning Committee as Braintree District Council is the applicant.

## SITE DESCRIPTION

The site comprises a vacant piece of land to the rear of some existing commercial units (known as Braintree Enterprise Centre) to the north of Springwood Industrial Estate. The eastern part of the site is enclosed by mature trees and vegetation. To the south western side of the site is a public footpath which is located on higher ground. On the opposite side of the footpath is the recently constructed Edith Borthwick School.

## PROPOSAL

This application seeks planning permission for the erection of 4 no. industrial units to be used for Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses and car parking. The units would be located adjacent the southern boundary with parking to the front, and additional parking located between the existing and proposed units. The existing access which serves Braintree Enterprise Centre would be utilised and extended to serve the new units.

The units would have a floor space of between 95 and 134 sqm. The design is such that they would have a sloping mono-pitch roof (with roof lights) and a roller shutter door on the front elevation. The external materials would comprise plasticol coated cladding panels to the roof and walls above a cream buff brick plinth. The front elevations would include a roller shutter door, personnel door and windows. The roofs would be sloping, measuring approximately 6 metres to the rear and 4 metres at the front.

## CONSULTATIONS

Environmental Health – No objection subject to conditions.

Economic Development – No response at the time of writing.

Highways – No response at the time of writing.

Landscape Services – No objection subject to a landscaping condition and a condition requiring further surveys and possible mitigation for orchids which have been found on the site.

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

## REPRESENTATIONS

A site notice was displayed at the site and properties nearby were notified by letter. No letters of representation have been received.

## REPORT

### Principle of Development

A flexible permission is sought in this case to enable the proposed units to be used for Class B1, B2 or B8 uses. The site is allocated for B1, B2 and B8 uses in the adopted Local Plan and also in the Draft Local Plan. Therefore the principle of the proposed development would accord with adopted and emerging policy and is considered acceptable. Furthermore, the site is located on an existing industrial estate and adjacent other commercial premises. It is considered appropriate that a condition would be imposed to

restrict the use of the units to Class B1, B2 and B8 use if planning permission is granted.

#### Design, Appearance and Layout

The proposal comprises 4 commercial units with parking and also an area of overflow parking in between the existing and proposed commercial units. The general layout of the site is considered acceptable. The site is located on slightly higher ground level than the units to the west. However details of the existing site levels and proposed finish floor levels have been provided. There would be no significant changes to the ground levels and having regard to the scale of the buildings it is not considered that they would have an adverse visual impact.

The units have been designed for their intended purpose and would not appear out of character in the context of the industrial estate. The external materials are considered acceptable, subject to a condition requiring details of the colour of the cladding to be used.

#### Impact on Neighbour Amenity

There are no residential properties in close proximity of the site. The Council's Environmental Health Officer has requested some conditions relating to hours of construction and piling in order to protect residential amenity during construction. However, given the distance of the site from existing residential dwellings it is not considered that these conditions are necessary.

#### Highway Issues

The site would be served by an existing access and a turning head for larger vehicles would be provided within the site. Vehicle and cycle parking provision would accord with the Council's adopted Parking Standards.

There is an existing public footpath/cycleway on the northern and southern sides of the site which provide access to the site by sustainable modes of travel.

#### Landscape/Ecology Considerations

A Phase I Ecology Survey has been submitted with the application. This indicates that no evidence of protected species was found at the site and the site is unlikely to support such species. However it notes that there are orchids on site, but cannot identify the species. Certain species of orchid are protected under European law and require a license to be able to disturb them; others are protected by Section 13 of the Wildlife and Countryside Act 1981 and will require suitable mitigation.

Further surveys are recommended within the submitted report to determine their species and identify suitable mitigation. The Council's Landscape Officer

advises that these surveys and any mitigation arising from these surveys must be carried out prior to commencement of development on site. These surveys can be subject to a condition, and any mitigation works must be agreed in writing before going ahead.

The Council's Landscape Officer advises that the submitted tree report is acceptable; however it does highlight the number of trees to be removed to facilitate development. It is anticipated that development of the site would result in the removal of 5 trees and 4 groups of vegetation of low quality and the removal of 3 trees which are not worthy of retention due to their condition. The report indicates that the impact of the proposed works is considered low and can be compensated for by a suitable landscape scheme for the site, which is anticipated would include native hedgerow planting along site boundaries for screening purposes. A suitable Landscaping Plan is requested by condition that includes tree planting to mitigate for the loss identified.

### CONCLUSION

The site is allocated for the employment uses within the adopted Local Plan and draft Local Plan. The design and layout of the proposed development is acceptable and adequate parking would be provided. Conditions are proposed to mitigate any adverse impacts in terms of protected species and landscaping.

### RECOMMENDATIONS

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: 3160 02
Proposed Plans	Plan Ref: 3160:03
Proposed Plans	Plan Ref: 3160:04
Site Survey	Plan Ref: 01
Site Plan	Plan Ref: 3160:01 B
Arboricultural Report	Plan Ref: 190

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

#### Reason

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

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

Reason

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

- 3 No development shall be commenced until a further survey to identify and map the orchid species present on the site has been undertaken. The survey shall be undertaken by an experienced ecologist when the orchids are flowering. Results of the survey and details of any mitigation or preventative measures for any protected species found 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 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. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that protected species could be removed or irrevocably damaged.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the buildings shall be used for Class B1, B2 or B8 uses, as defined by the above Order and for no other purpose.

Reason

The site is located on an existing industrial estate which is allocated for such uses and to enable the local planning authority to give consideration to any other use of the buildings other than for commercial uses.

- 5 Construction of any buildings above ground shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

In the interests of visual amenity.

- 6 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 parking areas 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 to mitigate for the loss of trees as a result of the development.

- 7 The means of protection for existing trees on the site as set out in the approved Arboricultural Impact Assessment listed above shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

**Reason**

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

- 8 The enclosures as indicated on the approved layout plan shall be erected before the first use 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.

- 9 The development shall not be occupied until the car parking areas indicated on the approved plans as A1-A4, B1-B4, C1-C4 and D1-D4, including any parking spaces for the mobility impaired have been hard surfaced, sealed and marked out in parking bays. The car parking areas shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

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

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

Reason

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

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

Reason

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

- 12 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.

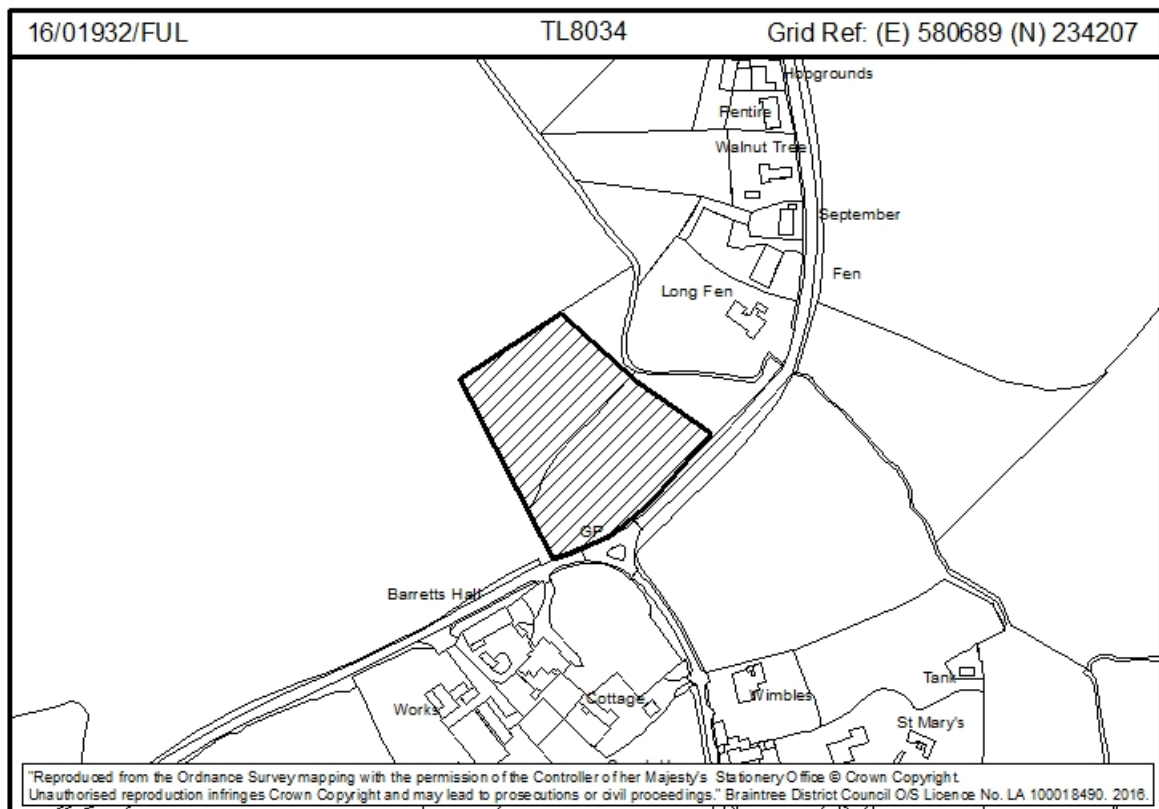
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 16/01932/FUL DATE: 15.11.16  
 VALID:  
 APPLICANT: Mr & Mrs Peter and Janine Schwier  
 Long Fen, Church Street, Great Maplestead, Essex, CO9 2RJ  
 AGENT: Green Architect  
 Jenny Bishop, Hampers, Oak Road, Little Maplestead, Halstead, CO9 2RT  
 DESCRIPTION: Erection of passivhaus type dwelling  
 LOCATION: Long Fen, Church Street, Great Maplestead, Essex, CO9 2RJ

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](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

00/00571/FUL	Erection of detached garage	Granted	26.07.00
75/01043/P	Extra Living accommodation.	Granted	12.11.75
86/01806/P	Erection of garage.	Granted	14.01.87
98/01152/FUL	Erection of single storey side extension and altering existing flat roof structures to pitched roofs	Granted	15.10.98
10/00406/ELD	Application for a Certificate of Lawfulness for an existing use - Use as a garden for purposes incidental to the residential use of Long Fen	Granted	19.05.10
10/01549/ELD	Application for a Certificate of Lawfulness for an existing use - Use of land as garden of Walnut Tree Cottage and September Cottage	Refused	07.01.11
15/01605/FUL	Erection of a dwelling in the garden on south side of Long Fen (a new exemplar, off grid Passivhaus) and increase in the height of existing mounding.	Withdrawn	10.02.16
16/00804/FUL	Proposed new, exemplar off-grid Passivhaus	Withdrawn	17.06.16

## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP86	River Corridors

#### Braintree District Draft Local Plan

SP1	Presumption in favour of sustainable development
LPP37	Parking Provision

LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP59	Landscape Character and Features
LPP62	Energy Efficiency
LPP63	Renewable Energy Schemes
LPP64	Renewable Energy Within New Developments
LPP66	Sustainable Urban Drainage Systems

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee as the applicant is a serving Member of Braintree District Council.

## SITE DESCRIPTION

The application site is located to the southern side of Church Street, within the village of Great Maplestead. The site is within an area designated as countryside, although the Village Envelope immediately abuts the north eastern boundary of the site. The site forms part of the residential garden of Long Fen. This part of the garden is served by its own vehicular access.

The site adjoins arable land to the South and North West, Long Fen to the North East and Church Street to the South East. Barretts Hall is located to the South, on the opposite side of Church Street. The land slopes up when travelling North West along Church Street, such that the site is readily visible from Purls Hill.

A watercourse runs through the site. It is evident from the site visit that mounding of earth has been undertaken along the Church Street boundary. No planning permission has been sought for this earth profiling works which constitutes an engineering operation and “development” in the terms of the Town and Country Planning Act.

## PROPOSAL

This application seeks planning permission for the erection of a detached dwelling which is described as an ‘off grid’ Passivhaus. The proposed dwelling is self-sufficient and capable of generating its own electricity, heat and water from within the site.

The site would be served by a new vehicular access, located to the south western corner of the site, within close proximity to the junction of Church Street with Toldish Hall Road.

## CONSULTATIONS

Great Maplestead Parish Council – Object to the application. Great Maplestead is not a sustainable location for development. The fact that the new Local Plan is still to be completed should not provide a loophole for development.

ECC Archaeology – No objections

Essex County Highways – No objections, subject to conditions

BDC Engineers – No comments received

## REPRESENTATIONS

22 letters of support and 8 letters of objection have been received in response to the neighbour notification, the contents of which are summarised below:

Letters in support:

- The proposed development is high quality
- Like the innovative approach to the roof line photovoltaics to provide all the hot water
- Charging points for electric vehicles and bikes is sustainable
- The property would be within walking distance of various village facilities
- The bus service is Monday – Saturday
- The village has superfast broadband enabling residents to work from home
- The proposal would result in a reduction in carbon emissions by going beyond the high design requirements of draft policy, and incorporating features that will ensure the new house is 'zero-carbon'.
- Great Maplestead has a mixture of designs from listed properties to backland and cluster developments
- There would be no visual impact
- Although it is outside of the village envelope it will not look out of place as it has an attractive barn like frontage
- The area lacks modern efficient homes
- Takes advantage of all technology
- Will enhance the environmental profile of the village
- Is sustainable development
- Will complement the surroundings
- Access on to the road has been considered
- The village needs three bedroomed properties
- Villages should not be excluded from growth

Letters in objection:

- The development would be outside of the village envelope and is unjustified
- When asked by the Parish Council villagers did not want to see development here
- There has always been strong support in the Parish against further development in the village
- The proposal is not of exceptional quality or innovative
- The character of the site would be lost if developed
- The proposal is insensitive
- The access would destroy part of the verge
- The application fails to meet the fundamental principle of para. 55 of the NPPF in that this is not an isolated location for development
- The site has been refused to be included in the village envelope in the ADMP and new Local Plan process
- The Core Strategy states that Council has an obligation to protect villages and prevent inappropriate development in the countryside
- Great Maplestead is an unsustainable location
- The landscape character assessment identifies the area around Great Maplestead as having relatively high sensitivity to change
- The development would be a totally inappropriate addition to the village housing stock
- An unwelcome visual intrusion
- Great Maplestead has no infrastructure or key services a requirement for any new development

Any further comments received will be reported to the Committee.

## REPORT

### Principle of Development

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

The Council acknowledges that it cannot demonstrate a 5 year supply of housing land, in accordance with paragraph 49 of the Framework, therefore in so far as policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy seek to restrict new dwellings in the countryside they would be considered out of date and the proposal would therefore be considered in accordance with the presumption in favour of sustainable development.

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

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

In the terms of the NPPF, such a design should:

- “be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture
- significantly enhance its immediate setting, and
- be sensitive to the defining characteristics of the local area”

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

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

Notwithstanding this, there are limited facilities and amenities within walking distance of the site, such that it is not thought to be a sustainable location. The village has a primary school, village hall and church and a limited daily (not on Sundays) bus service, which passes through the village three times a day, to Halstead and Sudbury. Nevertheless, within the village, there is no local shop, post office, doctor’s surgery, train station and very few opportunities for employment.

The planning statement suggests that the development will use electric cars. Although charging points could be included, it would not be reasonable in planning terms to require that future occupiers only use electric cars. Cycling could be an option for some future residents, but not all, depending on mobility and proficiency thus reducing the reliance that can be placed on this mode of transport as an alternative to a private car. Although the proposal

should be commended for including such sustainable features, as it is not possible to control the provision of these through the planning process, they carry little weight in favour of the development.

Development in this location would undoubtedly place reliance upon travel by car to access everyday services and facilities. It is considered that the proposed development would be functionally isolated from services and would be in an unsustainable location. Furthermore it is not considered that the development of the site for a single dwelling would materially enhance or maintain the vitality of the rural community.

Given the location of the site and lack of local amenities/facilities the development cannot achieve truly sustainable development as required by the NPPF. In addition the proposal fails to accord with paragraph 55 of the NPPF which requires housing in rural areas to be located where it will enhance or maintain vitality. No evidence has been put forward which demonstrates that a net gain of one dwelling would meet the requirements of paragraph 55.

The proposal has sustainability credentials being a Passivhaus and this should be commended, however this does not mean that the development is sustainable taking in to account the required social, environmental and economic roles, all of which need to be fulfilled to achieve truly sustainable development.

The proposal would provide a new home and some economic benefit in terms of new customers for local businesses and there would be economic benefits associated with construction. However, these benefits are small scale and limited in nature. The limited facilities within walking distance would increase the likelihood that the occupants would use a car to access services and employment and would increase the risk that they would travel elsewhere to meet their day to day needs. Therefore due to its small scale and unsustainable location the proposed development would have a negligible influence on the vitality of the community and it would not support a rural community to any meaningful degree, such to accord with paragraph 55 of the NPPF or to achieve sustainable development.

Notwithstanding the above, paragraph 55 of the NPPF provides an exception in special circumstances, such as for designs of exceptional quality or innovative nature. The design and appearance of the proposal is discussed in more detail below. The proposal is not considered to be justified on the basis of any other of the special circumstances set out in the NPPF.

#### Design, Appearance and Layout

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside. Policy CS8 of the Core Strategy requires all developments to ensure the protection and enhancement of the natural environment. Developments must also have regard to the character of the landscape and its sensitivity to change. Policy RLP89 of the Local Plan Review seeks to ensure that development is not detrimental to distinctive landscape features and



advises that development which fails to integrate into the local landscape will not be permitted.

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

As discussed above, paragraph 55 of the NPPF allows for isolated homes in the countryside where they present truly outstanding design and architecture. In order for houses within rural areas to be granted planning permission under paragraph 55 of the NPPF they have to pass the strict requirements as set out within the policy. Houses must be of 'exceptional quality', 'innovative', 'truly outstanding', 'helping to raise the standards of design more generally in rural areas', 'reflect the highest standards in architecture', 'significantly enhance the immediate setting and 'be sensitive to the defining characteristic of the local area'. In Officer's opinion these requirements mean the development needs to be unique and thus cannot copy what has been done before.

The proposed dwelling will be a Passivhaus and designed to be off grid, such that all requirements for energy, water and waste will be generated within the site. The dwelling is therefore innovative in this respect and would be unique within the District.

The planning statement suggests that the building has been designed based on a transition between the agricultural and residential built landscape. The south end of the building references the scale and form of an agricultural barn and the north end is more subservient in character with a simple form.

It is Officer's opinion that the design is somewhat confused. The main element of the house has a pitched roof of a more traditional form; however this is augmented with a large mass of flat roof which makes for an incoherent design, with the two distinct elements competing against each other in a negative way. In Officer's opinion, other than being of a simple form with few openings, the flat roofed element is not suggestive of an agricultural barn in a traditional Essex style.

It is not considered that the proposed house would represent exemplary design/architecture and it would appear from the planning statement that the design is an amalgamation of design approaches already seen elsewhere; such the design clearly has not been led by the defining characteristics of the local area, nor is it innovative in this respect.

Great Maplestead is strongly characterised by the linear form of development along Church Street. The Landscape Character Assessment (2006) refers to the sense of historic integrity in this area resulting from the dispersed linear historic settlement pattern. The proposed dwelling has been sited centrally within the plot and sited facing east. In this regard the development would appear markedly at odds with the distinctive characteristics of the village.

The section drawing submitted with the application shows the dwelling is to be sited on level land. The site is not however level. The application does not

provide any details of what works may be required to re-profile the land in order to facilitate the development. Policy CS8 requires development to have regard to the character of the landscape and its sensitivity to change. The site is readily visible and thus any change to levels will be noticeable. The proposal has had little regard to the landscape and the development has not been designed to integrate into the existing site in this respect.

The dwelling has been sited such that an extensive access is required from Church Street to the property. The plans suggest that this is to be a reinforced grass surface, however no details have been provided as to how this will appear in the context of the landscape.

In conclusion, as discussed above it is not considered that the design of the development would be truly outstanding, or reflect the highest standards in architectural design nor has it been designed to be sensitive to the defining characteristics of the local area such it would significantly enhance its setting. Accordingly it would not be justified in the terms of Paragraph 55 of the NPPF and the proposal would result in an unjustified intrusion in this rural area and would fail to achieve sustainable development. Furthermore the proposal would have significant adverse impact on the landscape character afforded to the site and wider area. The proposal falls contrary to the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policies RLP89 and RLP90 of the Local Plan Review.

#### Impact on Neighbour Amenities

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

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

#### Highway Issues

The application proposes a new access to the site off Church Street. The Highways Authority has been consulted on the application and raise no objections subject to conditions in respect of access width, visibility splays and closure of the existing access.

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

#### Other Matters

##### Impacts on the Watercourse

An existing watercourse runs through the site and the proposed dwelling would be located within the immediate proximity. The Planning Statement

states that there will be no impact on the watercourse from the development, however it is not explained how this conclusion has been reached. Given the proposed development is within close proximity to this watercourse it may be that ordinary watercourse consent is required from the Lead Local Flood Authority. A consultation has been sent to Essex County Council as Lead Local Flood Authority and their comments will be reported to the Committee.

If Essex County Council objects to the proposal given the impacts on the watercourse, this would also form a justifiable reason for refusal.

## CONCLUSION

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

Paragraph 55 of the NPPF allows, in special circumstances, the erection of new dwellings in isolated locations. In this case the argument is made by the applicant that the proposed dwelling is innovative and exemplar in design terms. As discussed above the proposal is unusual in its proposal to be an off grid, zero carbon Passivhaus, however it is not considered that the proposal is truly outstanding or presents the highest standards in architectural design and is not considered to meet the expectations of the NPPF in relation to such exceptions to the usual resistance to residential development in isolated locations. Furthermore the proposal would not significantly enhance its setting or be sensitive to the defining characteristics of the local area as it also required by the NPPF. The proposal falls contrary to the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

The proposal achieves a satisfactory access on to Church Street.

The applicant suggests that the watercourse alongside the site will not be affected however this is not elaborated upon. Subject to the consultation response from Essex County Council the proposal may also be objectionable on this basis.

## RECOMMENDATIONS

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

- 1 Paragraph 55 of the National Planning Policy Framework (NPPF) advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances.

The proposal introduces a new dwelling in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. There are limited facilities and amenities within walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and, as a single dwelling, the proposal would do little to enhance or maintain the vitality of the area. The proposal falls contrary to paragraph 55 of the NPPF in this regard and fails to secure sustainable development.

In addition, the proposal is considered poorly designed, incoherent and visually unsuccessful. The development is not considered to be of exceptional quality or truly outstanding, nor would it significantly enhance its setting or be sensitive to the defining characteristics of the local area, especially given its siting at odds with the defined character of the settlement. The development is not of a quality that would meet the demanding design and architectural tests, as outlined in the NPPF, that might justify the proposed development within the countryside or outweigh the harm that would be caused to the countryside and would have significant impact on the landscape character afforded to the area. The proposed dwelling is not considered to be justified on the basis of any other of the special circumstances identified in paragraph 55 of the NPPF. As a consequence, the development would be contrary to paragraph 55 of the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policies RLP90 and RLP89 of the Local Plan Review.

### SUBMITTED PLANS

Proposed Floor Plan	Plan Ref: 1A
Proposed Floor Plan	Plan Ref: 2A
Proposed Roof Plan	Plan Ref: 3A
Proposed Sections	Plan Ref: 4
Proposed Elevations	Plan Ref: 5A
Proposed Elevations	Plan Ref: 6A
Location Plan	Plan Ref: 1B

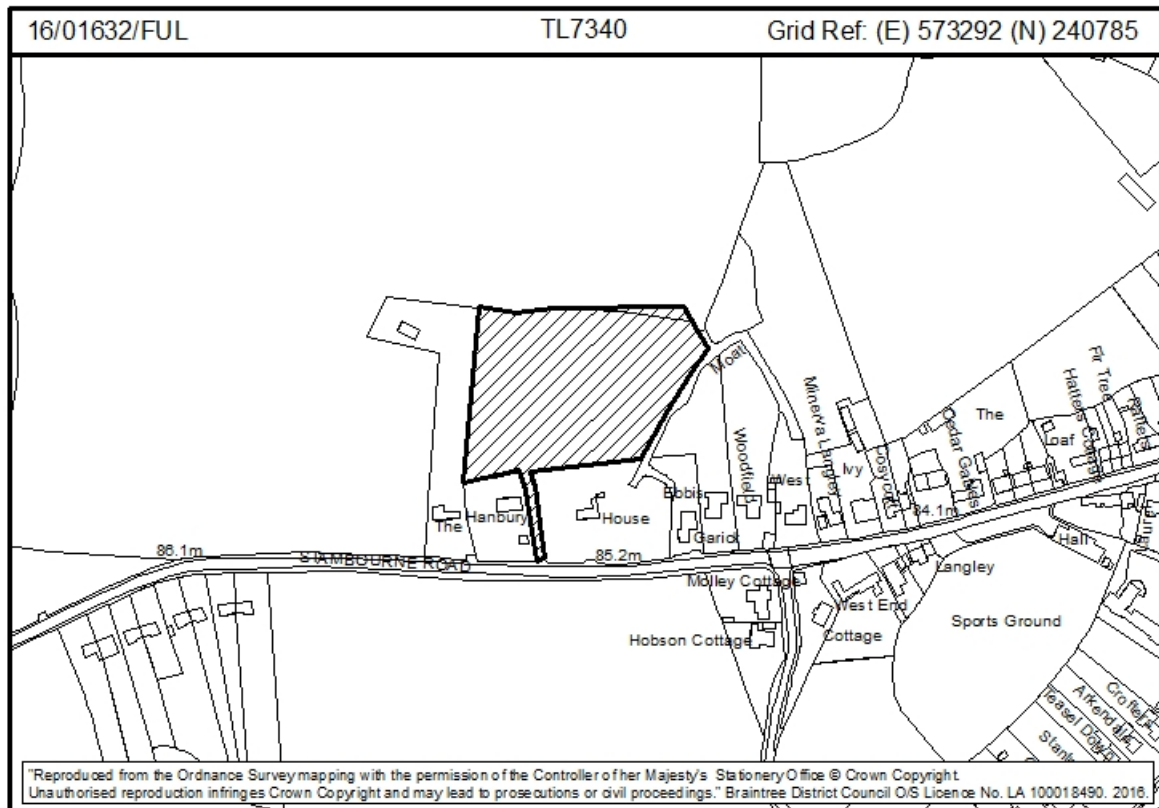
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO: 16/01632/FUL DATE: 27.09.16  
VALID:  
APPLICANT: Mr Shane Fenner  
Mill House , Stambourne Road, Ridgewell, CO9 4SR  
DESCRIPTION: Change of use from commercial to domestic garden  
LOCATION: Mill House, Stambourne Road, Ridgewell, Essex, CO9 4SR

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](mailto:sam.trafford@braintree.gov.uk)



## SITE HISTORY

95/01285/LBC	Extension to existing kitchen outhouse at rear	Granted	29.02.96
99/00886/LBC	Installation of satellite dish	Granted	18.10.99
16/01276/FUL	Removal of glass window bay and reinstatement of flank wall to rear extension and erection of double bay cart lodge with lean to log store	Granted	15.09.16
16/01277/LBC	Removal of glass window bay and reinstatement of flank wall to rear extension and erection of double bay cart lodge with lean to log store	Granted	15.09.16
16/01477/FUL	Move existing five bar gate rearwards to 7 metres from the public highway, and erection of fence either side of driveway.	Granted	01.11.16
16/01663/DAC	Application for approval of details reserved by condition nos. 3 and 4 of approved application 16/01277/LBC	Granted	09.11.16

## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP26	Garden Extensions into the Countryside
RLP90	Layout and Design of Development

#### Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principle
LPP35	Garden Extensions
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings

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

This application is being presented to the Committee as Ridgewell Parish Council has objected to the proposals.

## SITE DESCRIPTION

Mill House contains a Grade II listed building, fronting Stambourne Road, just outside the village envelope of Ridgewell. Behind the site is an open piece of land, currently vacant, and enclosed by a thick hedgerow. Within the application, the site is described as a former commercial use. Looking at historic satellite images of the site though, it would appear the site has been maintained as grassland since at least 2000. Therefore although the site is described as a former commercial site, no loss of employment would occur.

## PROPOSAL

The application proposes to change the use of the land behind Mill House to a domestic garden, to be used for purposes ancillary to the host dwellinghouse.

## CONSULTATIONS

Landscape Services – No Comments.  
Historic Buildings Advisor – No Objections

## REPRESENTATIONS

Parish Council - Raises objections to the application on the grounds it could result in loss of trees and impact upon 'The Moat' which lies adjacent to the site.

## REPORT

### Principle of Development

The site is located outside of any town development boundary or village envelope; and is therefore classified as countryside, where development is strictly controlled to appropriate uses. Policy RLP26 allows for garden extensions in the countryside, provided there is no principle objection subject to respecting the character of the area, attaining a good standard of visual amenity and provided that public rights of way would not be enclosed. Policy LPP35 of the Draft Local Plan allows for garden extensions subject to the following criteria – the size of the garden is proportionate to the dwelling, there would be no street scene impact, there would be no impact on neighbours, it does not enclose amenity open spaces, there would be no impact on protected species or high value wildlife, it would not enclose a public right of way and wouldn't affect highway safety, and it wouldn't interfere with any neighbouring uses. It is considered that the proposal is acceptable on all the above counts.

The policy also stipulates that permitted development rights for the erection of outbuildings will be removed from the site. In this case the land is not considered to be within the curtilage of Mill House therefore no Permitted



Development Rights would exist. A condition setting this out is recommended.

### 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.. Policy LPP 42 of the Braintree District Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

One of the Parish Council’s concerns relates to the potential for loss of trees. Whilst this objection is taken on board, the proposal does not include amending the land in anyway, nor does it propose to erect any buildings on the land. Furthermore, Landscape Services raises no objections to the application. The site is located close to a scheduled ancient monument known as ‘The Moat’. The Council’s Historic Buildings Advisor raises no objections to the proposals, and no response was received from Historic England at the time of writing the report. It is considered that from a design and appearance perspective and in terms of its impact on designated heritage assets, the proposal is acceptable.

### Impact on Neighbour Amenities

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 policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Draft Local Plan allow 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 application site backs onto Mill House which is occupied by the applicants and which would relate to the proposed change of use, and a neighbouring dwelling known as Hanbury. Hanbury benefits from a garden which is well enclosed, and mostly situated in front of the dwelling. Furthermore, no physical amendments are proposed to the site, and the change of use would not increase the intensity of the site to a level which is unacceptable.

Therefore, it is considered that there would be unacceptable impact on neighbouring residential amenities.

### Highway Issues

None.

### RECOMMENDATIONS

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

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

#### Reason

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

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

#### Reason

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

- 3 The area of the land that is hatched on plan "Revised Location Plan" shall be used as garden land ancillary to the enjoyment of the residential property known as Mill House, Stambourne Road, Ridgewell. This land shall not be deemed to be residential curtilage and so no permitted development rights are applicable to this land under the terms of Class E of Part 1 of the Town and Country (General Permitted Development) Order 1995 (As Amended).

#### Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 4 Prior to first use of the land 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

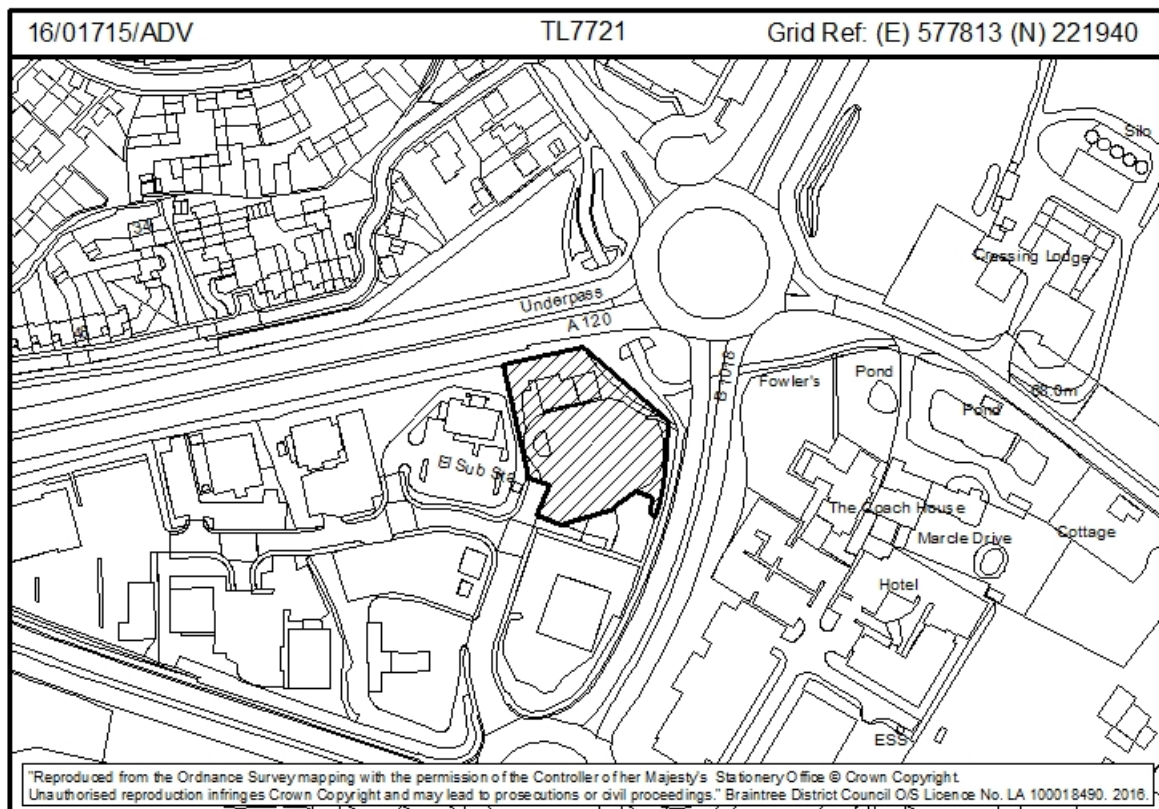
To enhance the appearance of the development and in the interests of visual amenity and privacy.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01715/ADV DATE: 13.10.16  
 VALID:  
 APPLICANT: McDonald's Restaurants Ltd  
 11-59 High Road, East Finchley, London, N2 8AW, England  
 AGENT: Mr Ben Fox  
 Planware Limited, The Granary , First Floor, 37 Walnut Tree Lane , Sudbury, CO10 1BD, United Kingdom  
 DESCRIPTION: Reconfiguration of existing fascia signage with the installation of new signs; new suite to comprise; 4 no. White "McDonald's" text signs, 3 no. Yellow "golden arch" symbols and 1 no. 'Good times' wall mounted sign.  
 LOCATION: McDonalds, Galleys Corner, Braintree Road, Cressing, Essex, CM77 8GA

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



## SITE HISTORY

93/00700/FUL	Proposed McDonald's Restaurant with ancillary staff, storage and office accommodation together with 'Drive-Thru' facility and car parking	Granted	29.07.93
93/00701/FUL	Proposed McDonald's Restaurant with ancillary staff, storage and office accommodation together with 'Drive-Thru' facility and car parking	Granted	29.07.93
93/00714/ADV	Display of internally illuminated 1 No freestanding McDonald's 'Golden Arch' sign including 'Drive-Thru' signs to both sides mounted on 6300mm high poles		31.08.93
93/00715/ADV	Display of internally illuminated 1 No freestanding McDonald's 'Golden Arch' sign including 'Drive-Thru' signs to both sides mounted on 6300mm high pole		03.09.93
93/00716/ADV	Display of 2 No internally illuminated direction signs, 1 No internally illuminated menu board, 1 No internally illuminated speaker post, 1 No height restrictor and non illuminated road signs	Granted	24.08.93
93/00717/ADV	Display of 2 No internally illuminated direction signs, 1 No internally illuminated menu board, 1 No internally illuminated speaker post 1 No height restrictor and non-illuminated road signs	Granted	24.08.93
93/00719/ADV	Display of 2 No freestanding 6m high tubular flagpoles, including 2 No flags - one pole to fly 1800x900 Union Jack, the other to fly 1800x900 McDonald's Corporate Flag	Granted	26.08.93
93/00720/ADV	Display of 4 No internally	Granted	31.08.93

93/00721/ADV	illuminated Roof Mansard signs and 1 No 'Golden Arch' wall mounted logo Display of 4 No internally illuminated Roof Mansard signs and 1 No 'Golden Arch' wall mounted logo	Granted	26.08.93
94/00133/FUL	Proposed draught lobby to existing restaurant	Granted	09.03.94
94/00155/FUL	Erection of new advance order booth	Refused	23.05.94
94/00894/FUL	Erection of single storey extension to existing restaurant	Granted	16.09.94
94/00926/FUL	Proposed new advance order booth	Granted	16.09.94
94/00978/FUL	Proposed extension of access road	Withdrawn	30.12.94
95/01123/FUL	Extension of service road	Granted	02.01.96
98/00639/FUL	Erection of extensions to building	Granted	06.08.98
98/00640/FUL	Proposed extensions to car park and erection of new booths 3 and 5	Granted	18.09.98
98/01361/FUL	Extension of storage corral	Granted	16.11.98
09/00968/FUL	Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage	Granted	17.09.09
09/00969/ADV	Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage	Granted	17.09.09
09/00006/NMA	Application for a non-material amendment following approval of 09/00968/FUL - Refurbishment of restaurant and small extension, removal of dormers and	Granted	03.11.09

16/00301/FUL	light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage Reconfiguration of the drive thru lane to relocate the side-by-side ordering point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site, erection of extension, relocation of 2 no. existing customer order displays and amendments to existing signage with additional signs.	Granted	22.04.16
16/00302/ADV	Reconfiguration of the drive thru lane to relocate the side-by-side ordering point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site, erection of extension, relocation of 2 no. existing customer order displays and amendments to existing signage with additional signs.	Granted	22.04.16
16/01714/FUL	Minor reconfiguration of the site layout to include the relocation of the side by side ordering point, including a new island for signage and amendments to kerb lines with associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, comprising of new aluminium cladding to the roof, new style drive thru booths and the construction of extensions totalling 42.5 sqm. Reconfiguration of the patio area to incorporate a new children's play frame.	Granted	19.12.16

	The relocation of 2 no. Customer Order Displays (COD) and the installation of a Goal Post height restrictor.	
16/01716/ADV	Relocation of existing signs with the installation of new. Suite to comprise; 6 no. Freestanding signs and 1 no. Side-by-side directional	Pending Decision
16/01953/FUL	Minor reconfiguration of the site layout to include the relocation of the side by side ordering point, including a new island for signage and amendments to kerb lines with associated works to the site. Alterations to elevations to include new style drive thru booths and the construction of extensions totalling 42.5 sqm. Reconfiguration of the patio area to incorporate a new children's play frame. The relocation of 2 no. Customer Order Displays (COD) and the installation of a Goal Post height restrictor. Retention of existing Fascia signs with new LED illumination. (OPTION 2 - Reduced scope of development)	Pending Consideration
16/01954/ADV	Existing fascia signage to be relamped with LED illumination. Suite to comprise; 3 no. White "McDonald's" text signs and 2 no. Yellow "golden arch" symbols.	Pending Consideration
16/01955/ADV	Relocation of existing signs with the installation of new. Suite to comprise; 6 no. Freestanding signs and 1 no. Side-by-side directional.	Pending Consideration



## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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

CS9                      Built and Historic Environment

## Braintree District Local Plan Review

RLP107 Outdoor Advertisements

## Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development

LPP42 Built and Historic Environment

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to the officer's recommendation.

## SITE DESCRIPTION

The site comprises McDonalds restaurant on the Galleys Corner roundabout in Braintree. The McDonalds building as existing contains three McDonalds text fascia signs and two 'M' logo fascia signs. The only elevation with no signage is the front elevation where customers enter the restaurant.

## PROPOSAL

The application in this case proposes the reconfiguration of the existing fascia signage with the installation of new internally illuminated signs including 1 "McDonald's" text sign and 1 Yellow "golden arch" symbol both on the front elevation (on the opposite side to the elevation facing the A120). If the application is approved, the site would contain; 4 no. internally illuminated White "McDonald's" text signs and 3 no. Yellow internally illuminated "golden arch" symbols. The proposal also includes 1 no. internally illuminated 'Good times' wall mounted sign that would be located on the drive through elevation (facing the car park).

## CONSULTATIONS

### Cressing Parish Council

Object to the application:

Additional adverts represent an increase in the overall output of light at the site and consequently additional light pollution. Furthermore, concerns were raised that the additional signage would be a distraction for drivers from the roundabout where there is a history of traffic accidents.

### Environmental Health

No objection.

## Highways England

No objections to the proposal subject to conditions and informatives (included with decision).

## REPRESENTATIONS

None received.

## REPORT

Applications for Advertisement Consent are considered under separate legislation, the Town and Country Planning (Control of Advertisements) Regulations 2007. The Regulations state the Local Planning Authority shall exercise its powers under the regulations “in the interests of amenity and public safety... taking into account the provisions of the development plan, so far as they are material and any other relevant factors.” The Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; factors relevant to public safety include the safety of persons using any highway, railway, waterway etc.; and whether the display is likely to obscure or hinder the ready interpretation of, any traffic sign, railway signal etc. or hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

### Amenity

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 Control of Advertisement Regulations 2007. Policy RLP90 seeks a high standard of layout and design in all developments. Policy RLP107 states that outdoor advertisements should be visually subordinate to the features of the building on which it is located; also that the proliferation of advertisements on the buildings/site will be opposed.

The site is located in a business area where illuminated signage and high level street light columns are commonplace. The McDonalds site is relatively self-contained but the existing North elevation does have prominence from the adjacent A120.

The proposed new advertisements in this case would only represent a minor increase in the context of the existing signage on the building. The only additional signage is an internally illuminated ‘McDonalds’ text sign and a internally illuminated golden arch on the entrance elevation and the internally illuminated ‘Good Times’ sign. These additional signs can only really be viewed within the site itself. The other alterations to the signs would represent a very similar scenario to that which already exists at the site; the existing white text ‘McDonalds’ signs would be moved adjacent to the existing golden arch ‘M’ signs where appropriate. Furthermore, the ‘good times’ sign would be located in between the two drive through bays on the South side elevation.

This advert may therefore be apparent in fleeting views from the entrance of the site, but would feature very little in views from the surrounding areas and roads.

As such, it is considered the proposed additional signs would be of a size and number that would be appropriate within the overall context of the site. Furthermore, it is considered the existing reconfigured signage would also be appropriate in the context of the site. As such, it is considered that the proposal would not have a detrimental impact upon visual amenity of the area. In addition, due to the wider area context, it is considered the advertisements would also not cause unacceptable additional levels of light pollution.

### Highways Safety

The Control of Advertisement Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by policy RLP107 which outlines that public safety, including traffic safety, will be accorded a high priority in decision making.

Highways England requested that a condition be attached restricting the potential luminance levels in the interests of highway safety and pollution. Subject to this condition it is considered that the proposed advertisements would not obstruct visibility splays or vehicle movement and therefore it is considered that the proposal would not have a detrimental impact upon highway safety.

### CONCLUSION

The reconfiguration of existing signs and insertion of new proposed fascia signs by virtue of their size, number and location would not have a detrimental impact upon the amenities of the area, and would not cause detriment to highway safety. It is therefore considered the proposal is acceptable.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 01B
Block Plan	Plan Ref: 02C
Signage Details	Plan Ref: 09A
Signage Details	Plan Ref: 5
Signage Details	Plan Ref: 6
Signage Details	Plan Ref: 19
Signage Details	Plan Ref: 66900D
Signage Details	Plan Ref: MCD/043/2013A

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

Reason

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

- 3 The illuminated advertisement sign shall comply with the guidance and recommendations of the Institution of Lighting Engineers 'Brightness of Illuminated Advertisements' Technical Report no.5.

Reason

In order to avoid disability or discomfort glare for either pedestrians or motorists.

INFORMATION TO APPLICANT

- 1 No lighting source (lamps) shall be directly visible, or visible by reflection, to trunk road users.
- 2 The advertisements should not contain any animated pictures.
- 3 The adverts must not carry telephone numbers, websites or postal addresses.
- 4 Except when it is otherwise directed by the local planning authority when granting consent, or where renewal of consent is applied for and refused, advertisements displayed with express consent granted under the Town and Country Planning (Control of Advertisements) Regulations 2007 may, on the expiry of the term thereof, continue to be displayed, subject to the power of the local planning authority to require the discontinuance of the display under Regulation 8.
- 5 Your attention is drawn to the Council's powers as local planning authority, under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 to prosecute for the continued display of unauthorised signs. In this connection it is pointed out that the existing signs are now unauthorised and should be removed within 21 days of the date of the attached decision notice.
- 6 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with

the following:

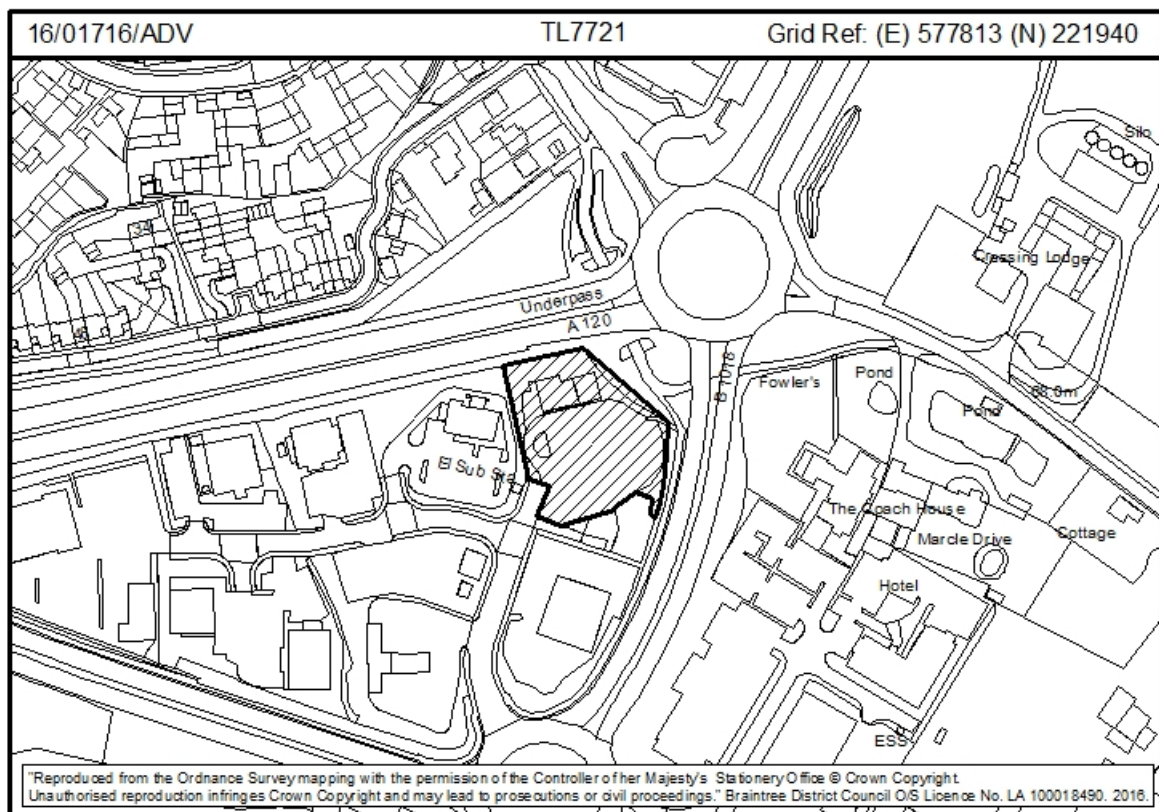
- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01716/ADV DATE: 13.10.16  
 VALID:  
 APPLICANT: McDonald's Restaurants Ltd  
 11 - 59 High Road, East Finchley , London, N2 8AW, United Kingdom  
 AGENT: Mr Ben Fox  
 Planware Limited, The Granary, First Floor, 37 Walnut Tree Lane, Sudbury, Suffolk, CO10 1BD, United Kingdom  
 DESCRIPTION: Relocation of existing signs with the installation of new. Suite to comprise; 6 no. Freestanding signs and 1 no. Side-by-side directional  
 LOCATION: McDonalds, Galleys Corner, Braintree Road, Cressing, Essex, CM77 8GA

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



SITE HISTORY

93/00700/FUL	Proposed McDonald's Restaurant with ancillary staff, storage and office accommodation together with 'Drive-Thru' facility and car parking	Granted	29.07.93
93/00701/FUL	Proposed McDonald's Restaurant with ancillary staff, storage and office accommodation together with 'Drive-Thru' facility and car parking	Granted	29.07.93
93/00714/ADV	Display of internally illuminated 1 No freestanding McDonald's 'Golden Arch' sign including 'Drive-Thru' signs to both sides mounted on 6300mm high poles		31.08.93
93/00715/ADV	Display of internally illuminated 1 No freestanding McDonald's 'Golden Arch' sign including 'Drive-Thru' signs to both sides mounted on 6300mm high pole		03.09.93
93/00716/ADV	Display of 2 No internally illuminated direction signs, 1 No internally illuminated menu board, 1 No internally illuminated speaker post, 1 No height restrictor and non illuminated road signs	Granted	24.08.93
93/00717/ADV	Display of 2 No internally illuminated direction signs, 1 No internally illuminated menu board, 1 No internally illuminated speaker post 1 No height restrictor and non-illuminated road signs	Granted	24.08.93
93/00719/ADV	Display of 2 No freestanding 6m high tubular flagpoles, including 2 No flags - one pole to fly 1800x900 Union Jack, the other to fly 1800x900 McDonald's Corporate Flag	Granted	26.08.93
93/00720/ADV	Display of 4 No internally illuminated Roof Mansard	Granted	31.08.93



93/00721/ADV	signs and 1 No 'Golden Arch' wall mounted logo Display of 4 No internally illuminated Roof Mansard signs and 1 No 'Golden Arch' wall mounted logo	Granted	26.08.93
94/00133/FUL	Proposed draught lobby to existing restaurant	Granted	09.03.94
94/00155/FUL	Erection of new advance order booth	Refused	23.05.94
94/00894/FUL	Erection of single storey extension to existing restaurant	Granted	16.09.94
94/00926/FUL	Proposed new advance order booth	Granted	16.09.94
94/00978/FUL	Proposed extension of access road	Withdrawn	30.12.94
95/01123/FUL	Extension of service road	Granted	02.01.96
98/00639/FUL	Erection of extensions to building	Granted	06.08.98
98/00640/FUL	Proposed extensions to car park and erection of new booths 3 and 5	Granted	18.09.98
98/01361/FUL	Extension of storage corral	Granted	16.11.98
09/00968/FUL	Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage	Granted	17.09.09
09/00969/ADV	Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage	Granted	17.09.09
09/00006/NMA	Application for a non-material amendment following approval of 09/00968/FUL - Refurbishment of restaurant and small extension, removal of dormers and light beams from the roof	Granted	03.11.09

16/00301/FUL	and one drive thru booth and change to elevations, installation of two customer order displays, replacement and new signage Reconfiguration of the drive thru lane to relocate the side-by-side ordering point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site, erection of extension, relocation of 2 no. existing customer order displays and amendments to existing signage with additional signs.	Granted	22.04.16
16/00302/ADV	Reconfiguration of the drive thru lane to relocate the side-by-side ordering point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site, erection of extension, relocation of 2 no. existing customer order displays and amendments to existing signage with additional signs.	Granted	22.04.16
16/01714/FUL	Minor reconfiguration of the site layout to include the relocation of the side by side ordering point, including a new island for signage and amendments to kerb lines with associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, comprising of new aluminium cladding to the roof, new style drive thru booths and the construction of extensions totalling 42.5 sqm. Reconfiguration of the patio area to incorporate a new children's play frame. The relocation of 2 no.	Granted	19.12.16

	Customer Order Displays (COD) and the installation of a Goal Post height restrictor.	
16/01715/ADV	Reconfiguration of existing fascia signage with the installation of new signs; new suite to comprise; 4 no. White "McDonald's" text signs, 3 no. Yellow "golden arch" symbols and 1 no. 'Good times' wall mounted sign.	Pending Decision
16/01953/FUL	Minor reconfiguration of the site layout to include the relocation of the side by side ordering point, including a new island for signage and amendments to kerb lines with associated works to the site. Alterations to elevations to include new style drive thru booths and the construction of extensions totalling 42.5 sqm. Reconfiguration of the patio area to incorporate a new children's play frame. The relocation of 2 no. Customer Order Displays (COD) and the installation of a Goal Post height restrictor. Retention of existing Fascia signs with new LED illumination. (OPTION 2 - Reduced scope of development)	Pending Consideration
16/01954/ADV	Existing fascia signage to be relamped with LED illumination. Suite to comprise; 3 no. White "McDonald's" text signs and 2 no. Yellow "golden arch" symbols.	Pending Consideration
16/01955/ADV	Relocation of existing signs with the installation of new. Suite to comprise; 6 no. Freestanding signs and 1 no. Side-by-side directional.	Pending Consideration

#### 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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

CS9              Built and Historic Environment

#### Braintree District Local Plan Review

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development  
LPP42 Built and Historic Environment

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to the officer's recommendation.

SITE DESCRIPTION

The site comprises McDonalds restaurant on the Galleys Corner roundabout in Braintree. The existing drive through is accessed from the entrance of the site, segregating itself from the main car park by a curb route. It starts at the southern tip of the site and goes around the edge of the site anti-clockwise to the main building. The existing order points are situated closer to the existing building with other signs located closer towards the entrance of the drive through lane.

PROPOSAL

In conjunction with amending the drive through layout (application 16/01714/FUL) this application seeks to move existing internally illuminated signs to accommodate the new drive through ordering areas, and also includes three new signs; two rotating 3-sided internally illuminated display units at the front and back of the ordering island and a single non-illuminated 'any lane, any time' sign at the front of the ordering island.

CONSULTATIONS

Cressing Parish Council

Object to the application:

Additional adverts represent an increase in the overall output of light at the site and consequently additional light pollution. Furthermore, concerns were raised that the additional signage would be a distraction for drivers from the roundabout where there is a history of traffic accidents.

Environmental Health

No objection.

Highways England

No objections to the proposal subject to conditions and informatives (included with decision).

## REPRESENTATIONS

None Received.

## REPORT

Applications for Advertisement Consent are considered under separate legislation, the Town and Country Planning (Control of Advertisements) Regulations 2007. The Regulations state the Local Planning Authority shall exercise its powers under the regulations “in the interests of amenity and public safety... taking into account the provisions of the development plan, so far as they are material and any other relevant factors.” The Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; factors relevant to public safety include the safety of persons using any highway, railway, waterway etc.; and whether the display is likely to obscure or hinder the ready interpretation of, any traffic sign, railway signal etc. or hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

### Amenity

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 Control of Advertisement Regulations 2007. Policy RLP90 seeks a high standard of layout and design in all developments. Policy RLP107 states that outdoor advertisements should be visually subordinate to the features of the building on which it is located; also that the proliferation of advertisements on the buildings/site will be opposed.

The need for this application has arisen because of the proposed reconfiguration of the drive through (application 16/01714/FUL), where the drive through ‘ordering island’ (where orders are taken) would be sited further back in the site closer to the vehicular entrance. The change in layout consequently requires the repositioning of the existing adverts adjacent to the ‘ordering island’ and as such this advertisement application was necessary.

The application also proposes the three additional signs which would also be located on the drive through island itself (where orders are taken); two towards the front of the ordering island and one at the rear of the ordering island. The existing and proposed drive through adverts would therefore all be clustered together around the island where customer orders are taken in one corner of the site.

Due to the height and location of the repositioned and proposed adverts it is considered they would not be visible from land outside of the site. Furthermore, the relocation of existing signage and the addition of new

signage would not materially affect the character of the drive through and would not appear out of keeping taking into account the site and its surroundings. As such, it is considered that the proposal would not have a detrimental impact upon visual amenity.

### Highways Safety

The Control of Advertisement Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by policy RLP107 which outlines that public safety, including traffic safety, will be accorded a high priority in decision making.

Highways England requested that a condition be attached restricting the potential luminance levels in the interests of highway safety and pollution. Subject to this condition it is considered that the proposed advertisements would not obstruct visibility splays or vehicle movement and therefore it is considered that the proposal would not have a detrimental impact upon highway safety.

### CONCLUSION

The relocation of existing signs and insertion of new proposed order/directional sign(s) by virtue of their size, number and location would not have a detrimental impact upon the amenities of the area, and would not cause detriment to highway safety. It is therefore considered the proposal is acceptable.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 01B
Block Plan	Plan Ref: 02C
Signage Details	Plan Ref: 7
Signage Details	Plan Ref: 9
Signage Details	Plan Ref: 10
Signage Details	Plan Ref: 301D

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

### Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

Reason

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

- 3 The illuminated advertisement sign shall comply with the guidance and recommendations of the Institution of Lighting Engineers 'Brightness of Illuminated Advertisements' Technical Report no.5.

Reason

In order to avoid disability or discomfort glare for either pedestrians or motorists.

- 4 The slide change over shall be at minimum intervals of 30 seconds meaning there is no more than two separate advertisements in any 60 seconds.

Reason

In order to avoid disability or discomfort glare for either pedestrians or motorists.

INFORMATION TO APPLICANT

- 1 No lighting source (lamps) should be directly visible, or visible by reflection, to trunk road users.
- 2 The advertisements should not contain any animated pictures.
- 3 The adverts must not carry telephone numbers, websites or postal addresses.
- 4 Except when it is otherwise directed by the local planning authority when granting consent, or where renewal of consent is applied for and refused, advertisements displayed with express consent granted under the Town and Country Planning (Control of Advertisements) Regulations 2007 may, on the expiry of the term thereof, continue to be displayed, subject to the power of the local planning authority to require the discontinuance of the display under Regulation 8.
- 5 Your attention is drawn to the Council's powers as local planning authority, under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 to prosecute for the continued display of unauthorised signs. In this connection it is pointed out that the existing signs are now unauthorised and should be removed within 21 days of the date of the attached decision notice.
- 6 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with



the following:

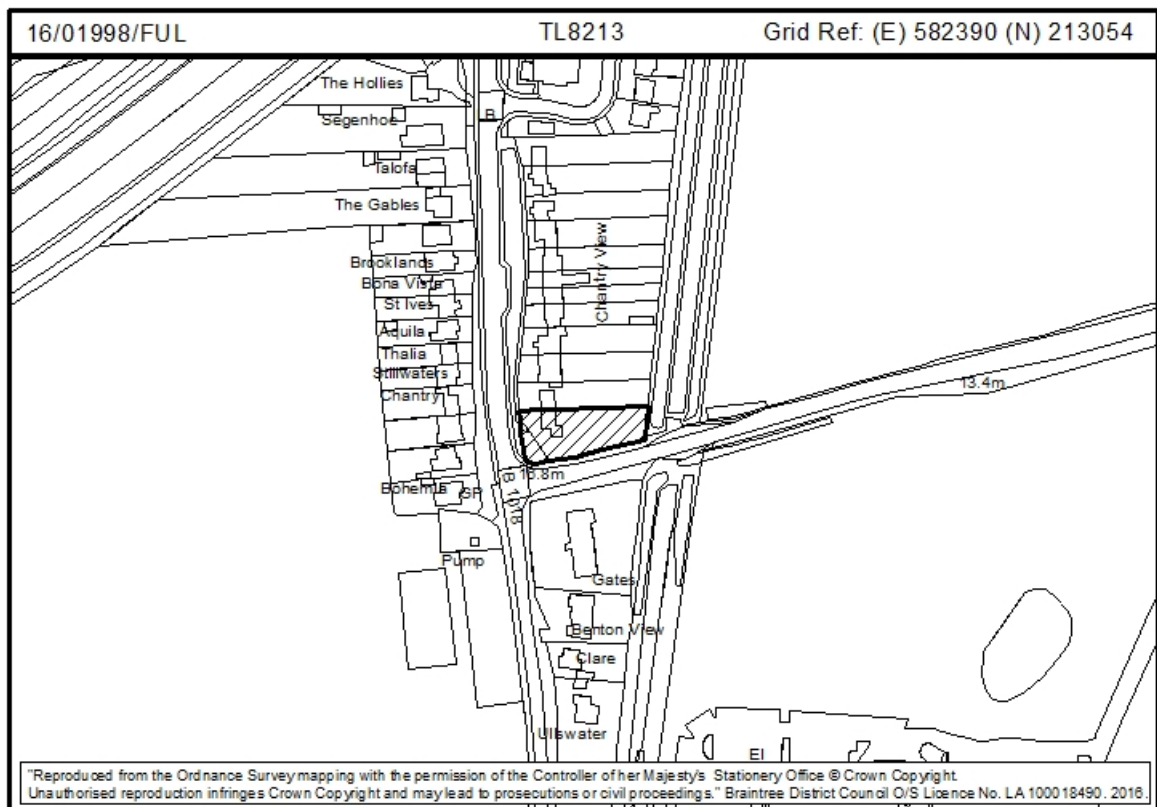
- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 16/01998/FUL DATE 24.11.16  
 NO: VALID:  
 APPLICANT: Mr Neil Sage  
 12 Chantry View, Maldon Road, Witham, Essex, CM8 1HU  
 AGENT: Halliday West  
 Mr Mark Halliday, 2 The Green, Writtle, Chelmsford, Essex,  
 CM1 3DU, United Kingdom  
 DESCRIPTION: Proposed new dropped kerb onto Blue Mills Hill.  
 LOCATION: 12 Chantry View, Maldon Road, Witham, Essex, CM8 1HU

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)



## SITE HISTORY

16/00010/REF	Erection of 1 no. detached dwelling	Appeal Allowed	26.05.16
74/00558P	Vehicular access.	Granted	12.09.74
14/00917/FUL	Erection of 1 no. detached dwelling	Refused then allowed on appeal	19.10.15
16/01014/FUL	Proposed new dropped kerb onto Blue Mills Hill	Refused	07.11.16
16/01143/DAC	Application for approval of details reserved by condition nos. 3, 4, 5 and 9 of approved application 14/00917/FUL (Appeal Ref. APP/Z1510/W/15/3140037)	Granted	04.11.16

## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> 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

CS9            Built and Historic Environment

#### Braintree District Local Plan Review

RLP18        Extensions to Existing Dwellings in the Countryside  
RLP56        Vehicle Parking  
RLP90        Layout and Design of Development

#### Braintree District Draft Local Plan

SP1          Presumption in Favour of Sustainable Development  
SP5          Place Shaping Principle

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

This application is for the creation of an access onto Blue Mills Hill in Witham. The proposal is supported by Essex County Council Highways Department but has received objections from Witham Town Council therefore in line with the Scheme of Delegation the application is brought before the Planning Committee.

#### REPORT

##### Principle of Development

The application site is situated just outside of the Town Development Boundary of Witham. Policies RLP18 and RLP90 of the Braintree District Local Plan Review state that in such locations the principle of development is acceptable where the proposal incorporates appropriate design and materials, does not result in an unacceptable impact on neighbouring residential amenities and where it can satisfy highway criteria.

In addition, Policy RLP56 of the Braintree District Local Plan Review states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.

The creation of a dropped kerb is therefore considered to be acceptable in principle subject to compliance with the abovementioned criteria.

#### Design, Appearance and Layout

It is not considered that the proposed drop kerb would have a detrimental impact upon the character and appearance of the street scene.

#### Impact on Neighbour Amenity

There will be no impact on neighbour amenity.

#### Highway Issues

This application is a resubmission of a previously refused application for the same proposal. The application was refused because the applicant could not provide sufficient evidence that they had control over land which came within the sight lines required to provide adequate visibility from the proposed access.

This revised proposal now shows that they do have adequate visibility, and as a result Essex County Council Highways raise no objections to the proposed dropped kerb in terms of highway safety. They do however require a number of pre-commencement and compliance conditions and these are detailed below. Officers are now satisfied the proposal overcomes the previous reason for refusal particularly given the lack of objection from County Highways.

#### CONCLUSION

As the applicant has provided sufficient information to confirm that they can achieve the required visibility splay it is concluded that the application is compliant with the above mentioned policies, and is recommended for approval subject to relevant conditions.

#### RECOMMENDATION

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

#### APPROVED PLANS

Proposed Plans  
Visibility Splays

Plan Ref: 14/071/01.1

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

Reason

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

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

Reason

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

- 3 The access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 77 metres to the east and 2.4 metres by 41.3 metres to the west junction with B1018 as demonstrated on submitted visibility plan, as measured from and along the nearside edge of the carriageway. 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 vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 4 The private drive shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 4.8 metres and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

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

- 6 A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason

To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 7 Prior to commencement 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.

INFORMATION TO APPLICANT

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

TESSA LAMBERT  
DEVELOPMENT MANAGER

Monthly Report of Planning and Enforcement Appeal Decisions Received		Agenda No: 6
Portfolio Corporate Outcome:	Planning and Housing A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure	
Report presented by:		
Report prepared by:	Liz Williamson – Planning Technician	
Background Papers:	Public Report	
Appeal decisions summary	Key Decision: No	
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Recommended Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate Implications		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Planning Technician	
Ext. No:	2506	
E-mail:	lizwi@braintree.gov.uk	



This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **November 2016**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	<b>Application No/Location</b>	16/00158/VAR – Land at Highfields Farm, West Street, Coggeshall
	<b>Proposal</b>	Application for removal of condition no. 9 of approved application 14/00115/FUL (Proposed barn conversion and consolidation (demolition) of redundant rural buildings) to allow the retention of Barn C
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP38. RLP65. RLP90. RLP100
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. Whether the proposed development, the residential conversion of Barn B, would constitute a suitable site for housing having regard to local and national rural housing policy; and</li> <li>2. The effect of the proposed conversion of the setting of nearby listed buildings</li> </ol>
	<b>Inspector's Conclusion</b>	<p>Planning permission was granted for the conversion of Barn B to a dwelling. Condition 9 required the demolition of a series of buildings within the farm complex prior to the occupation of Barn B. These Buildings have already been demolished save for Barn C, which is located to the west of Barn B. The appellant is now seeking the removal of Condition 9 as it is intended to retain and convert Barn C to two dwellings. Prior approval has already been granted for this. The Local Planning Authority are seeking the demolition of Barn C as part of the appeal scheme to ensure there is an improvement to the immediate setting of the site, including the setting of listed buildings.</p> <p>The appeal site is located in an elevated position on the periphery of the defined settlement of Coggeshall. It is accessed from an unmade private road, which also serves three other residential properties – Highfields Farmhouse, The Cart Lodge and The Old Milking Barn. These residential properties, alongside Barns B and C form a small cluster of development around a redundant farmyard. Barn B is located outside of the village envelope of Coggeshall and is therefore subject to countryside properties.</p> <p>The buildings referred to in Condition 9 have already been demolished except Barn C. Part of Barn B has been demolished to provide access to The Old Milking Barn.</p>

	<p>Barn B is a utilitarian structure constructed, in part, out of block work and concrete sheeting. It is of very limited architectural merit. However, Policy 38 of the Local Plan does not require a building to be of architectural merit for its conversion to be permitted. The Inspector considers a residential conversion of Barn B utilising sensitive materials with a high quality hard and soft landscaping scheme, would lead to a noteworthy enhancement of the immediate setting, including localised views from the countryside. Barn C is a large structure with a considerable presence in the landscape. However, the Inspector does not consider it necessary to remove the barn to render the conversion of Barn B acceptable, as the conversion of Barn B would, in itself, lead to an enhancement of the immediate setting of the site and countryside. Therefore, the Inspector concludes that Condition 9 is not necessary or reasonable to safeguard the character or appearance of the countryside from the proposed development. Nor would it be necessary to ensure the proposal adheres to local and national rural housing policy. As such, the development without Condition 9 would adhere to Policy RLP38 of the Local Plan and Paragraph 55 of the Framework.</p> <p><u>The effect on the setting of nearby listed buildings</u></p> <p>The listed buildings together form an historic and attractive grouping, the setting of which is intrinsically linked to the surrounding countryside and agricultural heritage. The Inspector notes that the conversion would result in Barn B having a domestic appearance and residential paraphernalia around it. However, this would integrate with the character and appearance of the nearest listed buildings, which have also been converted to dwellings. The demolition of Barn C is not necessary to achieve a net gain to the setting of the listed buildings. The Inspector does not consider the benefits of demolishing Barn C, as a material consideration, are necessary to tip the balance in the favour of granting planning permission. Moreover, the granting of planning permission without Condition 9 would enhance the setting of the listed buildings by allowing the appearance of Barn C to be improved through the implementation of the change of use granted through the prior approval procedure. The black boarding proposed as the finishing material would better integrate Barn C with the overall rural setting of the listed buildings.</p> <p>In conclusion, the Inspector does not share the view of the LPA that a positive effect on the setting of the nearby listed buildings, from the conversion of Barn B, is reliant on the demolition of barn C. Consequently, Condition 9 is not necessary to preserve the setting of the nearby listed</p>
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		buildings. The development would result in an overall enhancement of the setting of the listed buildings and would therefore adhere to Policy CS9 of the Braintree District Core Strategy, Saved Policy RLP100 of the Local Plan and Section 12 of the Framework, which seek to preserve or enhance the setting of listed buildings.
2.	<b>Application No/Location</b>	16/00445/FUL - 48-50 Goldingham Drive, Braintree
	<b>Proposal</b>	Erection of two no. 2 bedroom semi-detached dwellings together with parking and access to the highway
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP3, RLP9, RLP56, RLP65, RLP74, RLP90
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	1. The effect of the proposed development on the provision of public space including the effect on the character and appearance of the area.
	<b>Inspector's Conclusion</b>	<p>The appeal site encompasses part of a small parcel of publically accessible land location in-between two rows of terraced housing. The area provides access to the rear of the properties in the adjoining terraces. The appeal site has a frontage onto Goldingham Drive and is viewed in the context of the street scene, which is characterised by town or terraced and semi-detached housing and bungalows interspersed by areas of amenity space.</p> <p>The appeal scheme is to erect two dwellings arranged in a semi and orientated to front Goldingham Drive. Parking would be provided to the rear of the properties with access from a driveway located to the site. The Local Planning Authority has concerns that the proposal would result in the loss of public open space and a harmful impact upon the character and appearance of the area. It is common ground between the appellant and Council that the appeal site is not identified in the Councils Local Plan as being a formal or informal public open space. Nevertheless, the Council suggest that the appeal site falls within the definition of an 'open space' in the National Planning Policy Framework. The definition of open space in the Framework is 'all open space of public vale.....which offer important opportunities for sport and recreation and can act as visual amenity'.</p> <p>The appeal site is narrow and awkwardly shaped, in close proximity to residential properties, which would inhibit its use as a recreation and play area. As such, it does not offer important opportunities for sport and recreation. In respect of visual amenity, the appeal site has no feature trees, planting or hedging. Consequently, it is an unremarkable parcel of land of no particular visual interest.</p> <p>Consequently, the Inspector does not consider the appeal</p>

		<p>site is an open space of public value as either an area for recreation or as a space that contributes in a noteworthy way to the visual amenity of the street. The Inspector therefore concludes that the proposed development would not adversely affect the provision of public open space in the area. Moreover, the appeal site's contribution to the visual amenity of the street is not of any great significance and therefore its development for housing would not harm the character or appearance of the area. The proposal would therefore adhere to Policy CS9 of the Braintree District Core Strategy, Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review which seek to protect the character of the existing street scene and the locality more generally.</p>
3.	<b>Application No/Location</b>	16/00669/FUL – Prayors Hill Farm Barn, Prayors Hill, Sible Hedingham
	<b>Proposal</b>	Change of use and conversion of agricultural barns to provide three residential dwellings
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP9, RLP38, RLP56, RLP64, RLP80, RLP81, RLP84, RLP90, RLP95, RLP100, RLP104, RLP105
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>Whether the proposed development would constitute a suitable site for housing having regard to the local and national rural housing policy;</li> <li>The effect on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Sible Hedingham Conservation Area and the setting of Prayors Farm House, a Grade II Listed building; and</li> <li>The effect of the living conditions of future occupants with particular reference to privacy.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The appeal site is located outside of the Development Boundary of the village as defined in the Braintree District Local Plan Review 2005 and is therefore subject to countryside properties. Policy CS5 states that development in the countryside will be strictly controlled.</p> <p><u>Whether the proposed development would constitute a suitable site for housing having regard to the local and national rural housing policy</u></p> <p>Policy RLP38 permits the conversion of rural buildings to dwellings if, amongst other criteria, appropriate consideration has first been given for commercial and community uses. The appellant has suggested that a commercial conversion is unviable pointing to the fact that commercial developments at the site has been approved but not implemented. The Inspector does not consider that this is a sound basis on which to make such a judgement. The Inspector considers a more robust</p>

	<p>approach would be to market the buildings for a commercial use or provide technical evidence, such as an expert opinion, that the cost of conversion relative to the return from a commercial redevelopment would be unviable or that there is a local over supply of commercial floor space. The Local Planning Authority suggested that the appeal scheme would result in dwellings isolated from the core of the village. The Inspector does not consider this to be the case as the appeal site is located in close proximity to a pavement which links the appeal site to some of the facilities in the village including those in Swan Street and Church Street. Facilities would be available within a comfortable walking distance and the site would not be a detached or isolated form of development. Nevertheless, although the appeal site is not isolated, a conversion without having first given appropriate consideration to a commercial use would be contrary to the Local Plan and thus harmful to the Council's strategy for supporting the rural economy through a more restrictive rural housing policy. The Inspector concludes by stating that in the absence of substantive evidence to the contrary, the Inspector could not be satisfied that a commercial use would be unviable.</p> <p><u>The effect on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Sible Hedingham Conservation Area and the setting of Prayors Farm House, a Grade II Listed building</u></p> <p>The appeal site encompasses an interesting complex of barns finished in a soft red brick and clay roof tile. The brickwork is in poor condition in places. Nevertheless, the historic buildings on the whole make a positive contribution to the character and appearance of the area, especially as they are visible from a number of vantage points along Prayors Hill and are in the foreground in attractive rural views towards Prayors Farm House and the Conservation Area beyond. The scale and form of the proposed extensions, in a historic sense, are also without robust justification. The scale of the proposed car lodges would also be excessive when viewed alongside that of the existing barns. For those reasons, the Inspector shares the view of the Local Planning Authority that the conversion as proposed would be unsympathetic and thus harmful to the historic and rural setting of the Conservation Area and Prayors Farm House as well as the historic interest and architectural integrity of the barns as a heritage asset. The Inspector weighed the public benefits of the proposal, including the provision of new dwellings and the removal of unsightly more modern structures within the site. As such, the Inspector is not satisfied that</p>
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		<p>the public benefits when taken together, outweigh the harm that has been identified. In reaching this view, I have given great weight to the conservation of designated heritage asset. Therefore in conclusion, the proposal would harm the setting of both the Conservation Area and Prayers Farm House and the interest of the barns as heritage assets. Thus, the appeal scheme would be contrary to Policies CS5 and CS9 of the Core Strategy and Saved Policies RLP90, RLP95 and RLP100 and the Essex Design Guide.</p> <p><u>The effect on the living conditions of future occupants</u></p> <p>The three dwellings would be arranged with windows overlooking central landscaped gardens. The proposed arrangement would provide opportunities for window to window overlooking from the buildings as well as overlooking from occupants and visitors when within the landscaped gardens. Some of the rooms that would be overlooked are particularly sensitive, such as bedrooms and living areas. The distance at only 10-11m between windows is not sufficient to render the level of privacy as adequate. The distance and number of windows would result in an unreasonable impact on the overall privacy afforded to future occupants.</p> <p>Therefore, the Inspector concludes that the proposal is contrary to Policy CS9 of the Core Strategy and saved Policy RLP90 of the Local Plan which seek to secure an acceptable standard of residential amenity.</p>
4.	<b>Application No/Location</b>	16/00543/FUL – 2 Recreation Cottages, Toppesfield Road, Gt Yeldham
	<b>Proposal</b>	Erection of a two-storey side extension to provide additional living accommodation
	<b>Council Decision</b>	Refused at Committee – RLP2, RLP18, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. The effect of the proposal on the character and appearance of the existing dwelling
	<b>Inspector's Conclusion</b>	<p>The appeal property is a small semi-detached cottage. The pair of dwellings has a characteristic symmetry with Single-storey side extensions and compact traditional design. RLP18 seeks to ensure amongst other matters, that extensions to dwellings in the countryside are compatible with the scale and character of the existing dwelling and are subservient in terms of bulk, height, width and position. Policy RLP90 seeks high standards of layout and design for all new developments. The appeal site and area for the proposed extension are situated just outside the Great Yeldham development boundary, with part of the garden situated within this boundary. The area upon which the extension is proposed lies within the</p>

		<p>countryside, therefore the Inspector considered it appropriate to determine the proposal in accordance with the above mentioned policies.</p> <p>Due to the width and bulk of the proposed extension, it would appear as an unacceptably large and dominant addition which would overwhelm the scale of the existing cottage. This would not be subservient in terms of bulk and width.</p> <p>Whilst having the appearance of a converted traditional barn, it would not be in keeping with the traditional cottage character and traditional small scale design of the existing cottage. As such, the proposed extension would appear as an incongruous addition.</p> <p>The Inspector concludes by stating that all matters raised, including the need for additional living accommodation for the appellant's family has been taken into account.</p> <p>For the reasons stated above, the Inspector states that the proposal would have an adverse effect on the character and appearance of the existing dwelling. This would be contrary to Core Strategy Policy CS5 and Local Plan Policies RLP2, RLP18 and RLP90.</p>
5.	<b>Application No/Location</b>	15/01588/FUL – Pineside, Ashen Road, Ridgewell
	<b>Proposal</b>	Re-development of existing builder's yard with 4 houses.
	<b>Council Decision</b>	Refused at Committee – RLP2, RLP35, RLP56, RLP81, RLP90, RLP95, RLP138
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. The effect on the character and appearance of the area, including the effect on the setting of the Conservation Area and the effect on highways safety
	<b>Inspector's Conclusion</b>	<p>Pineside is set on the edge of Ridgewell adjoining the countryside. The relatively large site is enclosed by a high naturalised hedge to its street frontage and high Leylandii hedges to the rear and part of the side boundary where it adjoins open field. The appeal proposal would consist of four dwellings set back to a consistent building line and facing Ashen Road across a shared access drive. The houses would be fronted by large areas of hardstanding in the form of the shared access and individual parking areas. The placing of the single garages to the front of the site, although achieving a more desirable outcome for the occupiers of the dwellings, is not a typical characteristic of the area and would heighten their prominence in view of the site. The proposed boundary treatment of a relatively high wall, punctuated with the rear walls of the garages would provide a nearly continuous hard edge to the development. This would create a more urban</p>

		<p>appearance than is typical in the area which would be out of character with the area and cause harm to the character of the site which sits in direct juxtaposition with open fields.</p> <p>The design of the scheme is unashamedly modern. The size, shape and massing of the asymmetrical roof slopes and the large side projections of the proposed dwellings would appear overly large in relation to the other houses in the vicinity, and would contrast with their simple built forms. This would render the appeal dwellings an obtrusive element in the area and would heighten their urbanising effect in this rural location, to its harm. There would be a high number of rooflights in the proposed dwellings, reflecting the number of storeys and bedrooms. This aspect of design of the proposed dwellings would be in contrast to the generally simpler and more strongly rhythmic fenestration of buildings in the area. For this reasons also the proposal would harm the character and appearance of the area.</p> <p>The appeal site sits just outside the boundary of the Conservation Area and is visible in views into and out from the Conservation Area. The Inspector states that the proposal would be viewed as conspicuous and uncharacteristic element in the area. Therefore the appeal proposal would by creating a conspicuous urbanising element in the area, harm the character and appearance of the area including the setting of the Conservation Area which would be contrary to Policy RLP90 of the Local Plan and Policy CS9 of the Core Strategy.</p> <p>The appeal proposal would also have an unacceptably harmful effect on highway safety by reason of inadequate parking provision and would fail to meet the standards as set out in the Supplementary Planning Document "Parking Standards and Good Practice" 2009.</p> <p>The Inspector notes that local residents have indicated they would prefer the site to be developed rather than remain as a builder's yard. The principle of residential use is not an issue, but in light of the harms as identified previously, the Inspector does not consider that this proves sufficient justification to allow the particular proposals which are subject of the appeal.</p>
6.	<b>Application No/Location</b>	16/00424/FUL – Newmans, St Marys Square, Kelvedon 16/00425/LBC
	<b>Proposal</b>	Proposed single storey rear extension with some internal alterations and the removal of a rear elevation first floor window
	<b>Council Decision</b>	Refused under delegated authority – RLP3, RLP17, RLP90, RLP95, RLP100



	<b>Appeal Decision</b>	Allowed - 16/00424/FUL Allowed - 16/00425/LBC
	<b>Main Issue(s)</b>	1. Whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building and preserve or enhance the character or appearance of the Kelvedon Conservation Area.
	<b>Inspector's Conclusion</b>	<p>The appeal building is a mid-terrace, five bay and two storey, parapet fronted Grade II Listed building, located within the Conservation Area of Kelvedon.</p> <p>The appeal proposal seeks the removal of the sun room which from the 1970's and seeks to erect a flat roofed extension with a glazed lantern on the northern side and parapet style above the kitchen. The Local Planning Authority does not have an issue with the erection of an extension but would prefer to see the use of a mono-pitch style roof. The Inspector concludes that the erection of a modern extension would provide a clear visual juxtaposition with the older parts of the building, whilst at the same time it would still be possible to see the historic parts of the building. The external historic fabric of the listed building, would in the main, remain unaffected by the proposal and it would be possible to see the older architectural elements to the rear elevation whilst recognising the historic buildings continue to evolve to the meet the needs of the occupiers. The external alterations would therefore preserve the special architectural or historical interest of the listed building. The Inspector considers that the proposal would preserve the character and appearance of the Kelvedon Conservation Area.</p> <p>Internally, the proposal seeks the removal of walls which the dates from the 20<sup>th</sup> Century, both at ground and first floor levels. Given the evidence the Inspector agrees with the Local Planning Authority that the proposals would be acceptable.</p> <p>In conclusion, the appeal proposal would not result in negative impact on the special architectural and historical interest of the listed building. Moreover, the proposal would not result in either substantial or less than substantial harm to the significance of the listed building, as set out in Paragraphs 132 and 134 of the National Planning Policy Framework. The proposal would preserve the special architectural and historical features of the Grade II listed building. The proposal would therefore accord with Policy CS9 of the Core Strategy and Policies RLP3, RLP17, RLP90 and RLP100 of the Braintree District Local Plan Review 2005.</p>