

PLANNING COMMITTEE AGENDA

Tuesday, 23 April 2019 at 7:15pm

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)

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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 Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor Mrs G Spray (Vice-Chairman)
Councillor S Kirby	Vacancy
Councillor D Mann	

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

A WRIGHT
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

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

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

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

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

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

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

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of Previous Meetings

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 19th and 26th March 2019 (copies to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

Where it has been agreed that the 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

- | | | |
|-----------|--|----------------|
| 5a | Application No. 18 00371 REM - Land North East of Station Road, EARLS COLNE | 6 - 30 |
| 5b | Application No. 18 01941 OUT - Linkswood Stud, Catley Cross, PEBMARSH | 31 - 41 |
| 5c | Application No. 18 02165 FUL - Fishing Lakes, Great Yeldham Hall, Toppesfield Road, GREAT YELDHAM | 42 - 60 |
| 5d | Application No. 18 02239 FUL - Hole Farm, Knowl Green, BELCHAMP ST PAUL | 61 - 82 |
| 5e | Application No. 19 00058 FUL - Fishing Lakes, Great Yeldham Hall, Toppesfield Road, GREAT YELDHAM | 83 - 91 |

PART B

Minor Planning Applications

- | | | |
|----------|---|------------------|
| 5f | Application No. 18 02151 FUL - Lockets, 115 The Street,
BLACK NOTLEY | 92 - 99 |
| 5g | Application No. 19 00091 LBC - Highways Cottage, 6 Shalford
Road, RAYNE | 100 - 106 |
| 5h | Application No. 19 00119 FUL - Halstead Sports Centre,
Colne Road, HALSTEAD | 107 - 118 |
| 6 | Urgent Business - Public Session
To consider any matter which, in the opinion of the Chairman,
should be considered in public by reason of special
circumstances (to be specified) as a matter of urgency. | |
| 7 | Exclusion of the Public and Press
To agree the exclusion of the public and press for the
consideration of any Items for the reasons set out in Part 1 of
Schedule 12(A) of the Local Government Act 1972.
<i>At the time of compiling this Agenda there were none.</i> | |

PRIVATE SESSION

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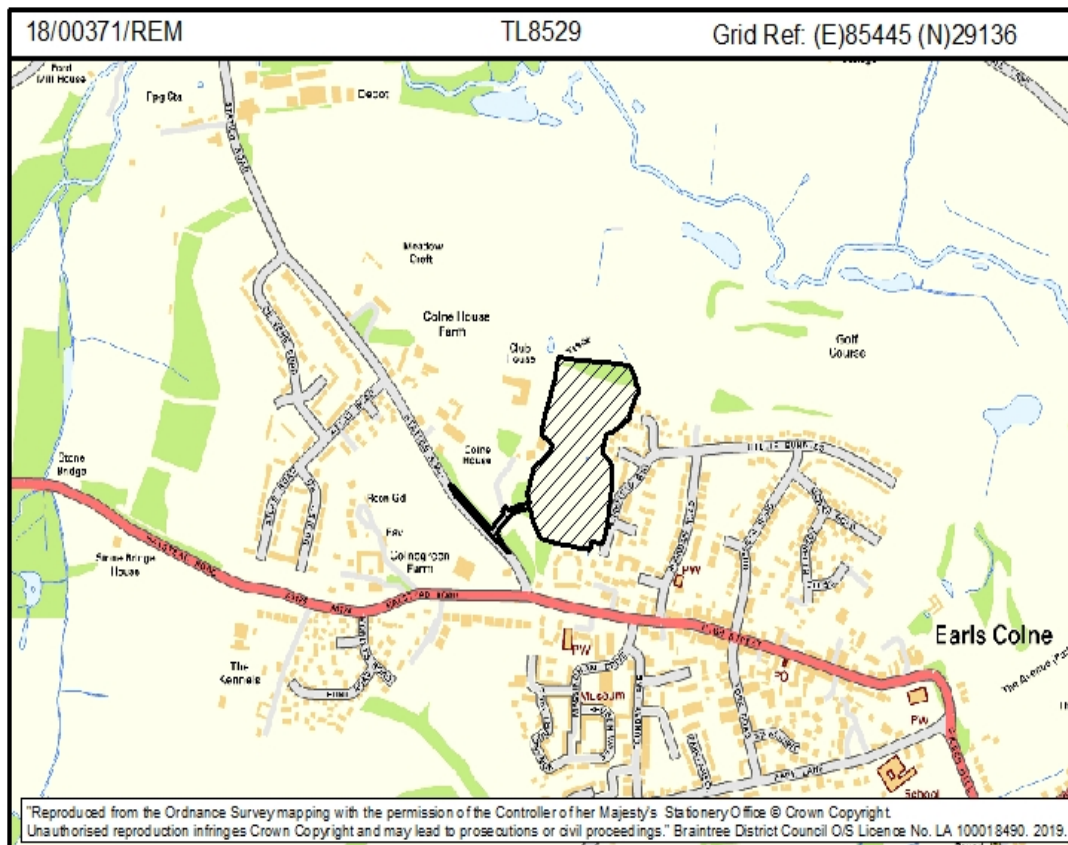
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| 8 | Urgent Business - Private Session
To consider any matter which, in the opinion of the Chairman,
should be considered in private by reason of special
circumstances (to be specified) as a matter of urgency. | |
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PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/00371/REM
DATE: 24.02.18
VALID:
APPLICANT: CALA Homes (North Home Counties) Ltd
Mr Phillip Wright, 1 Falcon Gate, Shire Park, Welwyn Garden City, AL7 1TW, UK
AGENT: Phase 2 Planning & Development Ltd
Mr Matthew Wood, 250 Avenue West, Skyline 120, Great Notley, Braintree, Essex, CM77 7AA
DESCRIPTION: Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission ref: 17/00140/VAR with S106 on 8th May 2017 for the construction of 56 dwellings and associated open space, landscaping, new access road, highway improvements and associated development.
LOCATION: Land North East Of, Station Road, Earls Colne, Essex

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



The application can be viewed on the link below.
<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4NA9SBFH9900>

SITE HISTORY

15/00934/OUT	Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements	Granted with S106 Agreement	26.08.16
87/00051/OUT	Proposed development of low density houses	Refused then dismissed on appeal	28.10.87
16/02190/NMA	Application for a non-material amendment following grant of planning permission 15/00934/OUT (Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements) - confirmation of approved Access details plan and site plan	Granted	09.01.17
17/00140/VAR	Application for variation of Condition 25 of approved application 15/00934/OUT - to amend the list of approved plans	Granted with S106 Agreement	08.05.17
18/00372/DAC	Application for approval of details reserved by condition nos. 4, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22 and 24 of approved application 17/00140/VAR.	Part Grant, Part Refused	06.06.18
18/02004/REM	Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission 17/00140/VAR with S106, for the construction of 56 dwellings and associated open space, landscaping, new access road, highway	Pending Consideration	

89/00384/P	improvements and associated development. Residential Development (75 Units)	Refused	04.04.89
18/00372/DAC	Application for approval of details reserved by condition nos. 4, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22 and 24 of approved application 17/00140/VAR.	Part Grant, Part Refused	06.06.18
18/00554/DAC	Application for approval of details reserved by condition no. 8 of approved application 17/00140/VAR. (Original outline planning permission ref: 15/00934/OUT - Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements) - See Planning Statement for full detail	Granted	25.06.18
18/01532/NMA	Application for a non-material amendment following grant of planning permission 17/00140/VAR - to amend wording of condition 1 to allow implementation of approved access detail.	Granted	14.09.18
18/02004/REM	Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission 17/00140/VAR with S106, for the construction of 56 dwellings and associated open space, landscaping, new access road, highway improvements and associated development.	Pending Considerati on	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing

RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas

LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Essex Design Guide
 Essex Parking Standards/Urban Space Supplement
 Earls Colne Village Design Statement
 Open Space SPD
 Strategic Housing Market Assessment (SHMA)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be significant – specifically the mix of market housing proposed within the development.

This application was due to be considered by the Planning Committee on 26th March however the applicant requested that the application be deferred and following agreement from the Chair of the Planning Committee the application was withdrawn prior to the meeting being held.

SITE HISTORY – BACKGROUND TO CURRENT APPLICATION

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

The application site was included in the Pre-Submission Site Allocation and Development Management Policy Plan (ADMP) for residential development of 10 or more dwellings. The Earls Colne proposals map within the ADMP showed the application site was allocated for residential development, structural landscaping belts along the northern and eastern site boundaries and hedgerow belt through the middle of the site. An area of informal recreation was also shown at the southern end of the site. The proposals map within the Draft Local Plan contains similar proposed designations for the site.

The site has the benefit of outline planning permission for the erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements, pursuant to 15/00934/OUT and 17/00140/VAR which amended the list of approved plans.

Access was not a reserved matter and details of the vehicular access from Station Road were submitted and approved as part of the outline planning permission.

Several conditions on the outline permission required additional information on submission of the first of the Reserved Matters applications. An application to discharge conditions has been submitted in respect of the following conditions:

10 (Drainage Strategy);
11 (Off-Site Flooding);
12 (SUDs Maintenance);
19 (External Lighting);
21 (Refuse Bins & Recycling);
22 (Public Realm Details); and
24 (Badger Survey).

The details pursuant to these conditions have been submitted as part of separate discharge of condition application and therefore are to be considered separate to the determination of this application.

Members are also advised that the applicant has notified the Council that they have submitted an appeal to the Planning Inspectorate against the non-determination of their other reserved matters application (Application Reference 18/02004/REM).

SITE DESCRIPTION

When the outline planning application was reported to the Planning Committee in September 2017 the site was described as follows.

'The application site consists of 4.45 hectares on the eastern side of Station Road. The majority of the site comprises two fields kept as roughly mown grass and which are largely divided by a solid hedge through the centre of the site.

The application site is on the northern side of the village and is adjacent to Station Road which runs northwest from the junction of the High Street and Halstead Road to the village boundary at the River Colne.

The land historically formed part of the grounds of Colne House to the west. The original access to Colne House was via a driveway which runs through the application site to the south east, however in the late 20th century another access was formed from Station Road to serve Colne House and the golf club.

The application site is bounded by the Colne Valley Golf Course to the north with the clubhouse and car park adjoining the application site to the North West.

The golf club has a modern purpose built single storey clubhouse and staff quarters constructed in light coloured brick with slate roofs.

There is a solid tree belt which straddles the northern boundary with trees standing both within the application site and on the golf course land immediately adjoining the site.

Further west are the attractive grounds of Colne House. Colne House and the golf course are currently served by a tarmac access road. Colne House is now a nursing home. This Grade II listed building was once a large mansion built in the pale fawn bricks and a slate roof. Within the grounds of Colne House a number of small retirement bungalows have been constructed in a similar style to the main house. There are also a number of outbuildings which have also been converted into apartments for residents.

To the south of the application site is a mews of ten bungalows in Tillwicks Close. These properties back onto the site and are accessed from the Halstead Road. South Lodge, a single storey Grade II listed building also stands to the south of the site, next to the historic driveway which served Colne House. Whilst the southern end of Station Road is characterized by trees and hedges enclosing the road, to the north of the access to the site, on the west side of the road is a ribbon of development, consisting of a mixture of bungalows and detached houses in various styles, using brick, render and tiled roofs.

On the eastern side of the application site is Homefield Way which was built in the late 1980s. This development contains a mix of terraced houses with semi-detached and detached houses and bungalows. The housing is largely red brick with the upper half rendered and some pargetting. Along this boundary there is some vegetation although this is not as strong or consistent as that on the other site boundaries.

The Conservation Area covers this part of Station Road, along with the grounds of Colne House, however the only parts of the application site that fall within the Conservation Area are the road frontage with Station Road and the access road up to the first belt of trees to the north east of the site access'.

The description of the surroundings remains applicable, however the applicant has commenced works at the site and has formed the vehicular access off Station Road, into the site.

PROPOSAL

This application seeks the approval of all the Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to the grant of outline planning permission. This application seeks approval for all the matters that were reserved by the outline planning permission.

Outline planning permission was granted subject to a S106 agreement which set out a range of planning obligations as follows:

- Affordable Housing (40% of units provided on-site)
- Pedestrian links to Homefield Way
- Provision of On-Site Public Open Space and suitable management arrangements for the On-Site Public Open Space, including payment of financial contribution towards its maintenance
- Travel Packs

The applicant has provided an accommodation table that sets out the mix of housing that is proposed by the development. The mix of housing would consist of a mix of detached, semi-detached and terraced houses with between 2 & 5 bedrooms and a block of apartments containing 1 & 2 bed flats.

In addition to the usual full set of layout and elevational drawings the application is also supported by a suite of documents, including:

Accommodation Schedule
 Design & Access Statement
 Ecological Assessment
 Flood Risk Assessment and Drainage Strategy
 Heritage Statement
 Housing Report
 Landscaping scheme
 Planning Statement
 Rebuttal letters to issues raised by Officers
 Statement of Community Involvement
 Tree Survey

CONSULTATIONS

External Consultees

Anglian Water – No objection.

Foul drainage from this development is in the catchment of Earls Colne Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy has been prepared in consultation with the developer confirming mitigation measures, but no confirmed strategy has been submitted by the developer confirming foul drainage plans. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. The developer has indicated they will be utilising a SUDS solution. However, no clear strategy has been provided confirming the strategy for the site. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

The issue of Foul and Surface Water Drainage is covered in the body of the report below.

Essex Police Architectural Liaison – No objection.

They would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award.

Historic Buildings Consultant – No objection.

No harm to any of the designated heritage assets was identified when outline planning permission was granted. The development would be mainly located on land screened from both the Conservation Area, and the adjacent listed buildings, so limited concerns are raised from a conservation perspective.

However they note that several house types (e.g. 1, 3, 8 and 10) show overly large span widths, with wide unadorned and visually uninteresting gables, of distinctly modern character and appearance. Given the proximity to the historic core of the Conservation Area, and the local planning authority's commitment to securing good design, the Historic Buildings Consultant suggests that these house types could be improved by narrowing their depth to allow for a steeper roof pitch. The appearance of the development could be distinctly improved by the installation of more traditional materials.

Finally the applicant shows a proposed 'entrance feature wall'. This is assumed to be located at the Station Road entrance to the development and is not a particularly sensitive addition to the street scene. In their original comments they did not state that there would be a level of harm to the identified heritage assets.

The applicant submitted revised plans and a 'rebuttal statement' in respect of heritage. The applicant's rebuttal statement on heritage suggests that the works would result in less than substantial harm as per Paragraph 134 of the NPPF, albeit at the lower end. The Council's Historic Buildings Consultant states they would be happy for this to be taken as the level of harm which is weighed against public benefit in the planning balance.

They disagree with the applicant's assessment in relation to the appropriateness of the proposed design in relation to local distinctiveness. In particular they again highlight the slack nature of the roof pitches which are fundamentally at odds with the steep nature of the roof pitches within the settlement, the character of which is dominated by its medieval core and Victorian extension. They also state that the use of pseudo-materials to be inappropriate and will fail to reflect the character and appearance of the village.

The revised plans still retain the elements to which they previously raised concerns and they conclude that the revised information would not lead them to revise their previous comments.

Natural England – No objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Lead Local Flood Authority (Essex County Council SUDs Team) – Holding objection.

Additional information required to demonstrate that suitable arrangements were designed / to be provided to handle surface water run-off at the site. Information required on the adequacy of the allowance for Urban Creep; routes for exceedance flows; evidence that consent has been granted to discharge into a watercourse.

The issue of Surface Water Drainage is covered in the body of the report below.

Internal Consultation

BDC Environmental Services – No comment on Environmental Health grounds.

PARISH / TOWN COUNCIL

Earls Colne Parish Council state that they have no objection to the application.

PUBLICITY

The application was publicised by way of site notices and neighbour notification letters to the residents of dwellings adjoining the site.

Representations objecting to the application have been submitted from seven different dwellings. A summary of the main issues raised in the representations are set out below:

Drainage

- Horrified at the lack of suitable Foul Water and Surface Water drainage strategy given Anglian Water's expression of concern at the significant risk of flooding.
- Notice that the Attenuation Pond, believed to be an integral component of the SuDS strategy, is missing from the new Soft Landscape Proposals (5 of 5).
- There is a deep ditch running the length of eastern boundary of the site with at least one large diameter pipe culvert connecting two sections at the rear of 42 Homefield Way. This considerable ditch, into which the fields currently drain, was placed there sometime in the past to prevent the field flooding. The ditch is an integral part of any drainage strategy but can see no mention of it in any of the documentation submitted with this Planning Application.

Trees and Landscape

- There are some differences regarding the boundary outline and the tree survey between the applications in 2015 and 2018. In March 2017 Mr Tom Fraser of Savills representing Mr Long in the sale of this land to Cala Homes spoke with the four residents who shared the boundary on the south field. They were informed that a footpath created sixty years ago between two hedges was in fact land belonging to the south field and that they were trespassing.

- Recorded differences on the tree surveys:

Tree Survey 15/00934/OUT States T020 "in neighbouring property" with dense ivy and dead top, in decline to be removed and felled to ground level – There are in fact two Ash trees, one covered in ivy and nearer the field and the second near boundary with 9 Tillwicks Close and dead at the top.

Tree Survey 18/00371/REM Ash Tree T17 "located off site". Poor, co-dominant, with advanced crown die-back. No works required. This is the same tree as T020.

Request that the BDC Tree Officer visit and comment on this tree. This Ash Tree is very large and on what was the created footpath of which has completely overgrown at the side of the 9 Tillwicks Close boundary.

- On the Publication Draft Local Plan Inset Map 21 there is a very clear provision for a wide green strip of land between the new development and the Homefield Way existing residences. In the Cala proposal, they have encroached grossly on this area of land, where they plan to fit in extra housing and a road with a turning point that virtually eliminates any green boundary between the development and existing housing.

- The existing pond that was to remain on the previously confirmed plans, now appears to be filled in and become part of a perimeter road.

- The amount of Informal Recreational Space has now been greatly reduced.

Living Conditions

- Concerns with regard to overlooking of 46 Homefield Way, which has an orangery and decking area totalling 8m deep to its rear.

- Loss of light to neighbouring properties.

REPORT

Principle of Development

The site was identified in the Site Allocations and Development Management Plan (ADMP) and more recently the Publication Draft Local Plan, which has already been the subject of public consultation.

Outline planning permission for the erection of up to 56 dwellings with associated open space, access roads and highway works has already been granted and these factors all firmly establish that the Council has accepted the principle of residential development of the site.

Layout, Scale, Appearance

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. NPPF Paragraph 127 states that developments should aim to deliver development which *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'*. It goes on to state that developments should *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'*

Policy CS9 of the Adopted Core Strategy states that *'the Council will promote and secure the highest possible standards of design and layout in all new development'*. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected within Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development.

The proposals are for all dwellings to be 2-storey which is in line with the views expressed by Officers at outline application stage, as Officers were concerned that taller buildings could have an unacceptable visual impact on the wider landscape character.

The layout has broadly, but not exclusively been formed by taking into account the indicative layout that was approved at the outline stage and the existing trees, landscaping and hedging that are situated within and along the site's boundaries. It has however evolved since the outline planning permission was granted and as with the matters of appearance, scale and landscaping, has been the subject to extensive pre-application discussions with Officers, as well as having been revised further during the processing of the current application. Officers raised concerns about the relationship of proposed dwellings to properties on Homefield Way and the manner in which proposed dwellings addressed areas of Open Space. The area around the retained hedge through

the middle of the site has also been enhanced to provide a more attractive, usable and sustainable space.

By taking some cues from the Essex Design Guide, it is considered that the proposal would respond adequately to local character, provide buildings that exhibit some architectural quality and with defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are integrated as part of the overall design, albeit lacking in soft landscaping to break up the car park that serves the affordable flats.

It is proposed that there would be two blocks of flats, providing part of the affordable housing provision. The Council's Urban Design consultant expressed a number of concerns about the design of these buildings during the application process. These concerns included the roof form; the poor proportions of the building; the space around the apartment buildings; the legibility of the building and the location and quality of the entrance to the building.

The roof form has been amended. Officers do not encourage the use of flat roof elements, such as the applicant now proposes. The entrance arrangements to the building have also been amended, to a degree. The single entrance that served all the flats had been located at the back of the building, next to the doors for the cycle store. The buildings access arrangements have now been arranged so that the two ground floor flats have their own self-contained entrances, at the front of the building. The first floor flats are still accessed from the rear of the building and the entrance door remains close to the cycle store.

Whilst the revisions partially address Officers concerns it is considered that the revisions still do not consider constitute good design, however Officers no longer consider that these elements would warrant refusal of the application.

Policy CS10 of the Adopted Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

Third party concerns with regard to differences between the proposed layout and that illustrated within the Publication Draft Local Plan Inset Map 21 are noted, although there remains provision for a relatively wide green buffer of land between the new development and Homefield Way (beyond the eastern boundary), also being contiguous with areas of open space proposed to be retained to the north and south of the site.

The site is enclosed by a woodland belt at the northern end of the site. Whilst the majority of the trees within the belt will be retained the proposals will require the removal of a significant proportion of the young woodland (mostly native

trees) to facilitate the installation of a detention basin that will form part of the SuDS system. The Council's Landscape Officer has commented that it is regrettable that the remaining trees are largely a coniferous form but they will retain some winter screening and help as a buffer for views into the site. Two prominent protected, broadleaf trees - an oak and an ash will be close to the area required for this drainage basin. Tree protection measures will need to be employed to ensure the long term retention of these trees.

Landscape & Ecology

A number of conditions were attached to the outline planning permission concerning ecological matters, including protection of habitats and protected species and how the ecological value of the site will be improved, and separate applications have been submitted to the Council to discharge those conditions.

A concern has been raised regarding a 'dry pond' that previously been identified on the site, near the centre of the site. The applicant's ecological consultant has confirmed that there was no standing water in the pond during any of their visits to the site to undertake survey work through the year. The area was completely grassed over which suggests it may not even be seasonally inundated, and there were brambles and nettles too. Whilst the ground clearly lies wet/damp – with creeping buttercup, lots of soft rush and some great willow herb – there was no vegetation that was more 'aquatic' in nature than this.

Heritage Assets

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan seeks to protect listed buildings and their settings. Whilst the NPPF also seeks to protect designated heritage assets such as this the approach is not consistent with Paragraph 196 which states that harm to heritage assets to be balanced against public benefits.

Within the surrounding area there are Grade II listed buildings and the front of the site is adjacent to the Earls Colne Conservation Area.

The concerns and comments made by the Historic Buildings Consultant are noted. The applicant produced a 'rebuttal statement' to the initial consultation response in which they were largely dismissive of the Historic Buildings Consultant's concerns, although the applicant's statement concludes that the works would result in less than substantial harm as per Paragraph 134 of the NPPF, albeit at the lower end of that spectrum. The Council's Historic Buildings Consultant has subsequently stated that they would not disagree and that can be taken as the level of harm arising from the development.

Officers acknowledge that the depth of plan for some of the dwellings could be reduced and their roof pitches steepened, so as to be more in keeping with the vernacular, in view of the enclosed nature of the site, on balance it is considered that the Council could not substantiate a reason for refusal on the grounds of appearance and scale.

As Members will be aware where less than substantial harm to heritage assets is identified the Council is required to weigh the public benefits of the proposed development against the harm identified. There are clear public benefits arising from the scheme when considering the environmental, social and economic dimensions of the scheme. The development will bring both social and economic benefits with the provision of much needed affordable housing, in accordance with the Council's policy requirement. There is also the provision of market housing and the 34 houses would help increase the Districts housing supply, although the weight that can be given to this particular benefit is tempered by the housing mix that is proposed which Officers do not consider will provide an appropriate mix of housing to help meet housing needs. Other economic and social benefits would include employment and economic activity during the construction phase and thereafter with additional residents supporting the services and facilities within the village. A further social benefit will be the provision of Public Open Space that all local residents will be able to enjoy. These factors weigh in favour of the proposal in the planning balance.

In terms of environmental sustainability, the less than substantial harm to heritage assets, albeit at a low level, must weigh against the proposal. Although the level is low local planning authorities are required to have special regard to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of Conservation Areas.

Overall Officers consider that the public benefits of the scheme would outweigh the level of harm identified by the Council's Historic Buildings Consultant and as such would not recommend that the application should be refused due to harm to designated heritage assets.

Housing Mix

Members will be aware that Officers had reported this application Planning Committee on 26th March and that the application had been recommended for refusal. One of the reasons for refusal was the mix of market housing that the applicant proposed for this development. Shortly before the Planning Committee meeting on 26th March the applicant submitted a legal opinion that housing mix is not a relevant reserved matter for the purposes of this planning application. The applicant requested that the application be deferred to allow the applicant the opportunity to address the issues raised by Officers. The application was deferred and since 26th March the Council has reviewed the legal opinion with the Councils legal advisers and the applicant has submitted a further set of revised plans.

Planning policies are clear that the District Council should seek to promote mixed and inclusive communities. Policy RLP8 of the Adopted Local Plan states that the Council will seek the provision of a range of house types and sizes from one development site to another and within individual sites, in order to meet the local needs of the different household types. Policy LPP37 of the Draft Local Plan indicates that the Council will expect the housing mix to be in

line with the identified local need 'set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise'.

Paragraph 50 of then NPPF, now Paragraphs 60 & 61 in NPPF 3 (February 2019) highlights the need for local planning authorities to deliver a wide choice of high quality homes. It goes on to state that the planning system should widen opportunities for home ownership and create sustainable, inclusive and mixed communities; plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and, identify the size, type, tenure and range of housing required in particular locations, reflecting local demand.

The legal opinion provided by the applicant is not concerned with whether the Council can or should be seeking to control the mix of housing but instead argues that if the Council had wanted to control the mix of housing then this should have been controlled through the outline planning permission. The Council had not applied such controls as Officers had considered that where Scale and Appearance were reserved matter the mix of housing would be considered as part of the Reserved Matters.

The legal opinion states that as a matter of law, in the absence of any condition on the grant of outline planning permission requiring such detail, the Council cannot seek to control this through the Reserved Matters. The Council's own legal advice confirms this is correct.

The applicant has however submitted a further set of revised plans which details further to the house types and internal arrangements. They argue that they have demonstrated that the 'market housing mix proposed is in line with Braintree District Council's (BDC) requirements'. Officers do not agree. As set out in the table below the mix of housing remains heavily skewed towards larger properties in the mix of market housing.

	Applicants proposed mix of market dwellings	Mix of market dwellings sought by the SHMA
1-bed dwelling	0 dwellings	5.7%
2-bed dwelling	5 dwellings (14.7%)	34.2%
3-bed dwelling	13 dwellings (38.2%)	34.8%
4> bed dwelling	16 dwellings (47.1%)	17.3%

Despite the fact that the mix of housing does not match mix set out in the SHMA Officers accept that in light of the legal opinion that has been provided without controlling this by condition through the outline planning permission the Council cannot now control the market mix of housing at Reserved Matters stage and therefore do not consider that there are grounds to refuse the application on grounds of housing mix.

Residential Amenities

One of the Core Principles set out in the NPPF is that planning should '*always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants*'. This is supported by Policy RLP90 of the Adopted Local Plan which states that '*there shall be no undue or unacceptable impact on the amenity of any nearby residential properties*'. The Draft Local Plan Policies have similar objectives as those set out in the Local Plan Review.

The Essex Design Guide states that "*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*". It goes on to state that "*where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved*".

Furthermore, the Essex Design Guide stipulates that where new houses are at an angle of greater than 30° to the existing, proximity may increase proportionately down to 1 metre from the boundary; and where new houses are at right angles to the existing, and there are no windows in the flank end or problems of overshadowing, the new houses may encroach up to 1 metre from the boundary with a building to building distance of at least 15m. Properties are also expected to be provided with suitable private amenity space with a minimum of 50sq.m for 2-bed houses and 100sq.m for houses with 3 or more bedrooms.

The layout complies with the design guidance and it is considered that future occupiers of the development would be afforded a reasonable standard of amenity.

Occupants of Neighbouring Dwellings

Third party concerns have been raised with regard to overlooking of and a loss of light to the closest residential properties within Homefield Way.

Officers have required that the buildings are orientated so that they do not face towards the adjoining properties in Homefield Way. The building to building distances between the dwellings proposed on plots 46 & 47 and the existing dwellings at 46 & 44 Homefield Way respectively are 25m & 26m. Consequently it is considered that the proposal would not give rise to a material loss of privacy and outlook.

The new dwellings would be due west of the Homefield Way and due to the intervening vegetation and the distance would be unlikely give rise to a material level of overshadowing or consequent loss of light to existing residents.

Therefore, in conclusion on this issue it is considered that the proposal would provide for acceptable living conditions for existing neighbouring residents, and as such their amenities would not be harmed with the proposal in compliance with the aforementioned policies and guidance.

Other Issues

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas which would be met in this instance, although Policy RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP7 and RLP8 of the Adopted Local Plan require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures. Policy LPP33 of the Draft Local Plan on Affordable Housing states that a mix of units to reflect the current local need will be required to be delivered on the site.

The Council's Housing Enabling Officer has agreed a mix of tenure and dwellings types that will assist the Council in meeting identified local housing need. The agreed 22 affordable dwellings would comprise:

- 4no. x 1-bed, 2 person flats (Affordable Rent)
- 4no. x 2-bed, 4 person flats (Affordable Rent)
- 8no. x 2-bed 4 person Houses (6 x Affordable Rent; 2 x Intermediate Housing)
- 6no. x 3-bed 5 person Houses (2x Affordable Rent; 4 x Intermediate Housing)

Access and Highway Considerations

The outline planning permission approved details of the vehicular access to the site.

Internally the applicant has advised that they do not intend to offer the estate roads, beyond the first dwelling on entry to the site, for adoption by the Highway Authority and that they will instead be transferred to and maintained by a management company that would be funded by future residents of the development. As such the Highway Authority has not reviewed the internal estate roads with a view to adoption. They have advised Officers that the planning drawings submitted do not appear to match the plans in respect of the access road that is to be offered for adoption through Section 38 of the Highways Act.

Officers are satisfied that the development would be served by a logical hierarchy of streets with the access road being provided with a footway from

Station Road so far as the first dwellings when the road changes to a lower order, shared surface street, permeating the site.

Parking for each dwelling would be provided in accordance with the Council's adopted Parking Standards (2009) which require that dwellings are provided with a minimum of 1 space per 1 bed unit and a minimum of 2 spaces for each dwelling with 2 or more bedrooms. In addition visitor parking is required, provided at a rate of 0.25 space for each dwelling. The proposed layout would comply with the adopted standards.

Cycle storage is required to be provided for all dwellings. Plans have been produced to show the cycle storage for the apartment blocks. Some dwellings will be able to utilise garages for bicycle storage but not all dwellings have garages. The provision of the cycle stores for the flats and appropriate provision for all houses can be covered by condition.

Habitat Regulations Assessment (HRA / RAMS)

Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations. Natural England have identified Earls Colne as being within the Zone of Influence of the Blackwater Estuary and their standing advice would therefore be that due to the scale and location of the proposed development they believe that the Council need to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and that planning permission should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

However, the current proposal is for the approval of Reserved Matters pursuant to an existing extant outline planning permission with the relevant planning obligations already being secured under the s106 Agreement attached to this outline planning permission. It is not therefore considered that an Appropriate Assessment is required under the Habitat Regulations.

Drainage – Foul & Surface Water

Anglian Water were consulted on the outline planning application in 2015 and did not recommend that any conditions were required in respect of foul water drainage. This was because the water treatment centre and the foul water network had capacity to accept the flows from the development. On this Reserved Matters application Anglian Water have commented that there will be a need to improve the sewage system so that there is sufficient capacity to handle the flows. The applicant submitted details to Anglian Water of their drainage strategy but at the time of writing this report Anglian Water have not confirmed that the strategy has been agreed. Officers will update Members at the meeting on the Anglian Water position.

Both Anglian Water and the LLFA (Essex County Council SuDS Team) raised objections initially to the surface water drainage strategy proposed by the applicant and further information was requested. Local geological conditions have meant that it has not been possible to drain surface water from the site through soakaways. Instead surface water will be channelled to the northern end of the site where a detention basin within the woodland belt and underground storage beneath the open space will allow surface water to be held and discharged at a controlled rate to the ditch on the eastern side of the site. The drainage aspects of the proposal are the subject of the discharge of conditions application 18/00372/DAC and therefore are not determining factors for this reserved matters application, but Members are advised that the LLFA have confirmed that they now have no objection to the proposed surface water drainage system.

CONCLUSION

The principle of the residential re-development of the site is established under the existing outline consent. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

Officers have raised concerns regarding layout and housing design and as Members will see this has led to revision being made through a number of sets of revised plans. Whilst there remain elements that concern Officers these can either be dealt with by way of condition, or in Officers judgement would not justify refusal of the application.

Officers understand that Committee Members have previously expressed concerns about the mix of market housing being provided through new developments. Whilst the mix of market housing does not reflect the need identified by the Council's SHMA, or the Council's aspirations, it is accepted that the Council cannot legally attempt to control the mix of market housing through this Reserved Matters application.

In light of all of the above matters Officers recommend that the application be approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 001	Version: 03
Site Layout	Plan Ref: 200	Version: 07
Other	Plan Ref: 201	Version: 06
House Types	Plan Ref: House Type 1 - 204	Version: 00

House Types	Plan Ref: House Type 2 - 205	Version: 00
House Types	Plan Ref: House Type 3 - 206	Version: 00
House Types	Plan Ref: House Type 4 - 207	Version: 00
House Types	Plan Ref: House Type 5 - 208	Version: 00
House Types	Plan Ref: House Type 6 - 209	Version: 02
House Types	Plan Ref: House type 7 - 210	Version: 02
House Types	Plan Ref: House Type 8 - 211	Version: 04
House Types	Plan Ref: House Type 9 - 212	Version: 03
House Types	Plan Ref: House Type 10 - 213	Version: 02
House Types	Plan Ref: House Type 11 - 214	Version: 01
House Types	Plan Ref: House Type 12 - 215	Version: 01
Garage Details	Plan Ref: 217	Version: 00
Apartment Plans	Plan Ref: 218	Version: 01
Apartment Plans	Plan Ref: 219	Version: 01
Apartment Plans	Plan Ref: 220	Version: 01
Garden Study	Plan Ref: 222	Version: 06
Materials Details	Plan Ref: 223	Version: 07
Neighbouring Relationship plan		Plan Ref: 226
	Version: 01	
Substation Details	Plan Ref: 227	Version: 00
Other	Plan Ref: 228	Version: 06
Footpath link	Plan Ref: 229	Version: 00
Affordable Housing Plan	Plan Ref: 230	Version: 06
Arboricultural Report	Plan Ref: Tree Survey Report	Version: Feb 2018

- 1 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.

- 2 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

Reason

To ensure that the development does not prejudice the appearance of the locality and are appropriate given the proximity of the Conservation Area and being within the setting of a listed building.

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

Reason

In the interests of visual amenity.

- 4 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered

wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 6 Meter cupboards shall not be installed on any principle external elevation of the dwellings hereby approved, unless the location, design and materials have been submitted to and approved in writing by the local planning authority prior to installation.

Reason

In the interests of visual amenity.

- 7 Construction of Plots 19-26 shall not commence above ground level until additional drawings that show details of the proposed external doors to be used by elevation at an appropriate scale have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

- 8 Prior to the construction above ground level of the development the details of the number, location and design of a covered parking facility for bicycles shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development.

Reason

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

- 9 The garages serving Plots 6, 43, 44 and 49 hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and shall not be altered or used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, shall be constructed in / on the eastern elevation of Plots 46 & 47 hereby permitted without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers.

- 11 The visitor car parking spaces, identified on approved plan, shall be provided in accordance with the approved plan, prior to the occupation 50th dwelling and thereafter be maintained and kept available at all times for use by members of the public.

Reason

To ensure that the visitor car parking is provided in accordance with the approved plans and to ensure that suitable parking facilities are available and retained for use by members of the public visiting the development and to reduce the risk of inappropriate car parking which could be detrimental to highway safety.

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

Reason

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

- 13 No development shall take place until the following information has been submitted to and approved in writing by the local planning authority:

- A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
- Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

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

Reason

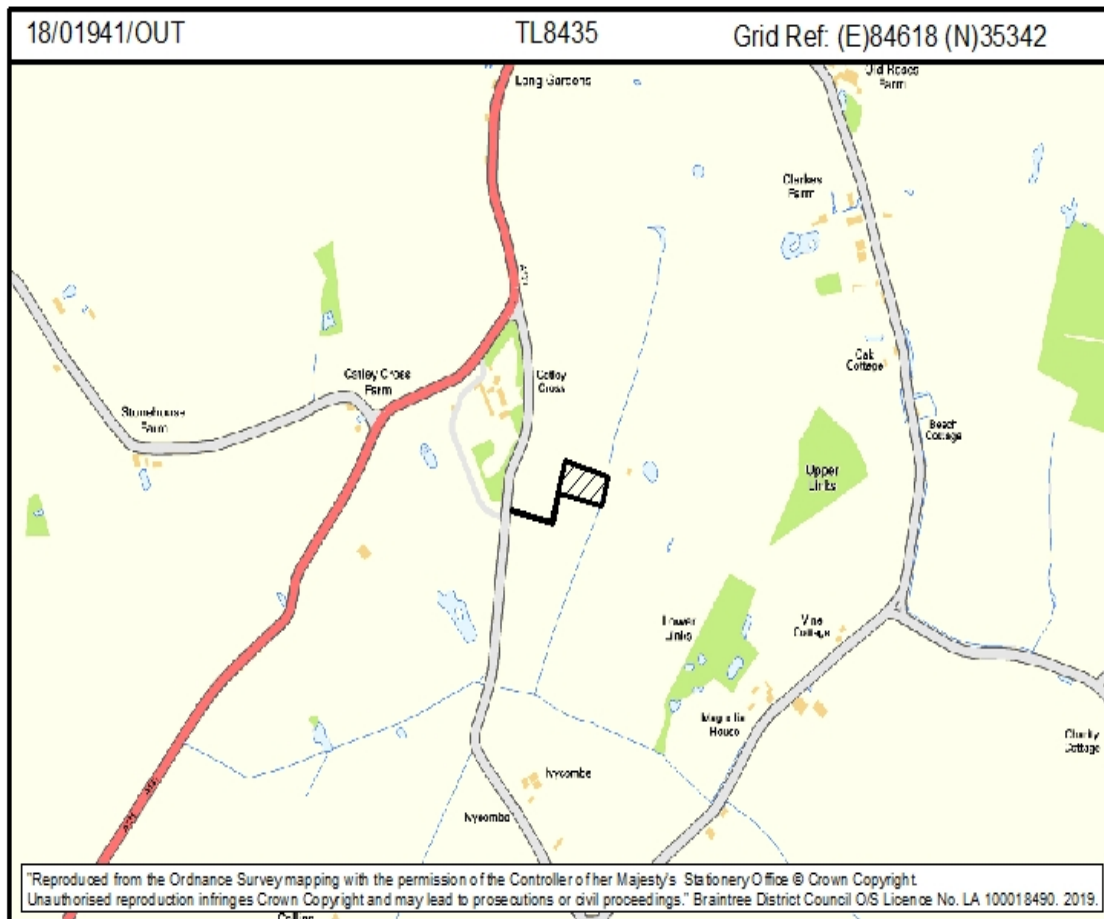
To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 18/01941/OUT
DATE VALID: 01.11.18
APPLICANT: Mr Sam Lees
DESCRIPTION: Linkwood Stud, Catley Cross, Pebmarsh, Essex, CO9 2PE
Outline Application with all matters reserved - Proposed development of horse breeding facilities comprising erection of a quarantine barn, including change of use of land for the siting of a mobile home.
LOCATION: Linkwood Stud, Catley Cross, Pebmarsh, Essex, CO9 2PE

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHD8IPBFKZM00>

SITE HISTORY

01/01022/AGR	Erection of hay/straw store	Permission Required	19.07.01
01/01306/AGR	Erection of hay/straw store	Permission not Required	28.08.01
14/00865/AGR	Erection of extension to the side of an existing barn for storage	Permission not Required	25.07.14
14/01470/FUL	Proposed development of Catley Stud, horse breeding facilities and agricultural enterprises including change of use of land for the siting of a temporary dwelling	Granted	10.03.15
15/00130/DAC	Application for approval of details reserved by condition nos. 3 and 4 of approved application 14/01470/FUL	Granted	04.06.15
18/00318/FUL	Erection of dwelling for manager engaged in the operation of the horse breeding facilities and agricultural enterprise at Linkswood Stud (Replacement of existing temporary dwelling)	Granted	18.04.18
18/01049/COUPA	Prior approval for the use of a storage and distribution building Class B8) to a dwelling (Class C3).	Permission not Required	16.07.18
18/01456/FUL	Construction of menage for the purpose of exercising horses stabled at Linkswood Stud	Application Returned	
18/01922/FUL	Construction of a menage for the exercise and training of horses.	Granted	20.12.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP12	Permanent Agricultural Dwellings
RLP13	Temporary Agricultural Dwellings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP17	Housing Provision and Delivery
LPP40	Rural Workers Dwellings in the Countryside

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Pebmarsh Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site consists of an existing equestrian stud facility at Linkwood Stud, Catley Cross. The site is situated outside of any designated development boundary, and is located opposite the Catley Cross vet practice.

The site contains several existing buildings, which relate to the stud farm business. These include a large barn and a yet to be constructed residential dwelling to provide full time accommodation for an on-site rural worker, who is responsible for the stud farm horses.

The location of the proposed quarantine barn is approximately 200 metres to the north of the existing stud farm facility at Linkwood Stud.

PROPOSAL

The application seeks outline planning permission for the erection of a quarantine barn which would be used to contain rescue horses in association with the RSPCA, and the provision of a temporary dwelling on the site to provide accommodation for a full-time rural worker who would be specific to the quarantine barn, in accordance with requirements of the RSPCA.

CONSULTATIONS

ECC Highways – No Objections.

BDC Environmental Health – No Objections.

PARISH / TOWN COUNCIL

Pebmarsh Parish Council – Raises Objection, as they are concerned that the proposal will result in the creation of a permanent dwelling on the site.

REPRESENTATIONS

A site notice was displayed at the front of the site, and neighbours were notified by letter. The application was also advertised in the local press, being a Departure from the Development Plan. No representations have been received.

REPORT

Principle of Development

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside 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 application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to

the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

Policy RLP85 of the Adopted Local Plan supports the provision of equestrian development in the countryside, provided it can be created without prejudice to the rural character of the area, without prejudice to highway safety, and provided there would be no flood lighting installed. In the case of this application, a full detailed assessment cannot be carried out as the application is for outline consent only. Details of the design and appearance and highway considerations would be considered when an application for reserved matters was submitted. The general principle of a quarantine barn can be accepted as a use appropriate to the countryside.

Notwithstanding policies of rural constraint, Policy RLP12 of the Adopted Local Plan states new dwellings will only be permitted for rural workers provided they satisfy the following criteria:

- (a) There is a clearly established existing functional need;*
- (b) The need relates to a full-time worker;*
- (c) The unit and agricultural activity have been established for three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;*
- (d) The functional need could not be fulfilled by another dwelling on the unit; or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned;*
- (e) Other normal planning requirements, for example on siting and access, are satisfied.*

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

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

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

Policy LPP40 of the Draft Local Plan reiterates these criteria, but changes the policy slightly, by stating:

The unit and the rural activity concerned have been established for at least three years, have been profitable for at least one, are currently financially viable, and have a clear prospect of remaining so.

In the case of this application, the use of the site itself as a means of keeping RSPCA rescue horses has existed for approximately 3-4 years. However, in order for the site to remain as an approved RSPCA rehabilitation centre it is essential to be able to provide 24 hour on-site supervision of the livestock. The submission details that this is due to:

- a number of horses will be treated as evidence in criminal proceedings and so the preservation and security of those horses are essential in order that the evidence can be preserved and placed before the court;
- a number of critically ill horses are admitted to Linkswood Stud that will require hourly monitoring;
- a number of horses that are sent to Linkswood Stud are pregnant and therefore will require overnight supervision. The need for on-site supervision of a pregnant mare is essential as when problems occur during foaling, the situation must be addressed in a matter of minutes in order to ensure the welfare of both the unborn foal and the mare.

In this regard, Officers are satisfied that there is a need for a full time rural worker to be on the site, and that a dwelling should be provided to facilitate this.

Notwithstanding this, Officers note that there is an existing planning permission for a rural worker's dwelling to be on the site approximately 160 metres to the south of the proposed quarantine barn. However, the applicants have put forward this is not an appropriate dwelling to be used in association with the RSPCA centre.

The reasons for this can be summarised as:

- The distance between the proposed quarantine barn and the new dwelling to the south is too far to provide adequate supervision and surveillance. In fact, the barn would not be visible from the new house, and the RSPCA are not satisfied that this would be acceptable to retain the current use of the site as a rehabilitation centre.
- The proposed increase in the success of the site as a stud farm means the occupiers of the dwelling to the south of the site would not be able to effectively supervise the rescue horses in the quarantine barn.

In this regard, Officers are satisfied that the proposed dwelling would be required for a full time rural worker on the site in relation to the quarantine facility, and that there is no alternative dwelling nearby which could fulfil this need.

In accordance with the Council's Adopted Local Plan, a temporary dwelling must be used in place of a permanent dwelling, and that is what is proposed in this application. As the application is for outline consent only with all matters reserved, details of the design and appearance of the temporary dwelling are not to be considered in this application.

Therefore notwithstanding policies of rural constraint, there is policy support for the residential accommodation element of the scheme (to support the quarantine barn) and the development is therefore acceptable in principle.

Design and Appearance

No details of the design and appearance of the quarantine barn or the temporary dwelling have been submitted, as the application is for outline permission only. Notwithstanding this, Officers are satisfied that a barn and temporary dwelling could be constructed without prejudice to the rural context of the site.

Highway Safety

No details of access have been provided with the application. The red line shown on the submitted location plan shows the site being accessed separately from the stud farm. It is understood that the site cannot be accessed via the existing stud farm due to the quarantine nature of the proposed use. The Highway Authority have raised no objections to this arrangement, and the details would be considered in more depth when the application for reserved matters is submitted.

PLANNING BALANCE AND CONCLUSION

The proposed development would result in a social benefit through the net gain of one dwelling and economic benefits through the construction jobs created, however these would be limited by the small scale nature of the development proposed. There would be an element of environmental harm caused by the proposed dwelling being in an unsustainable location and the reliance on the private car.

Notwithstanding this, there is an in-principle support garnered through the Adopted Development Plan and the Draft Local Plan. The tests within Policies RLP11 and RLP12 of the Adopted Local Plan and Policy LPP40 of the Draft Local Plan have been applied and the proposals comply. The details of the proposals will be considered when the application for reserved matters is made.

When considering the planning balance and having regard to the Adopted Local Plan, Adopted Core Strategy and the Draft Local Plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would be acceptable and it is recommended that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan

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

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 occupation of the mobile home shall be limited to person(s) working full time in relation to the operation of the rescue horse at the quarantine barn at the site known as 'Linkwood Stud'.

The accommodation shall not be for any other residential or other use.

Reason

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

- 4 The mobile home unit shall be removed from the site by the 30 June 2022 and the use of this temporary residential accommodation shall be discontinued with the removal of the mobile home and the site reinstated to its former condition in accordance with details to be submitted to and agreed in writing by the local planning authority before its removal.

Reason

In order that the local planning authority may review the matter at a later date in the light of planning policies and all material considerations and circumstances appertaining at the time.

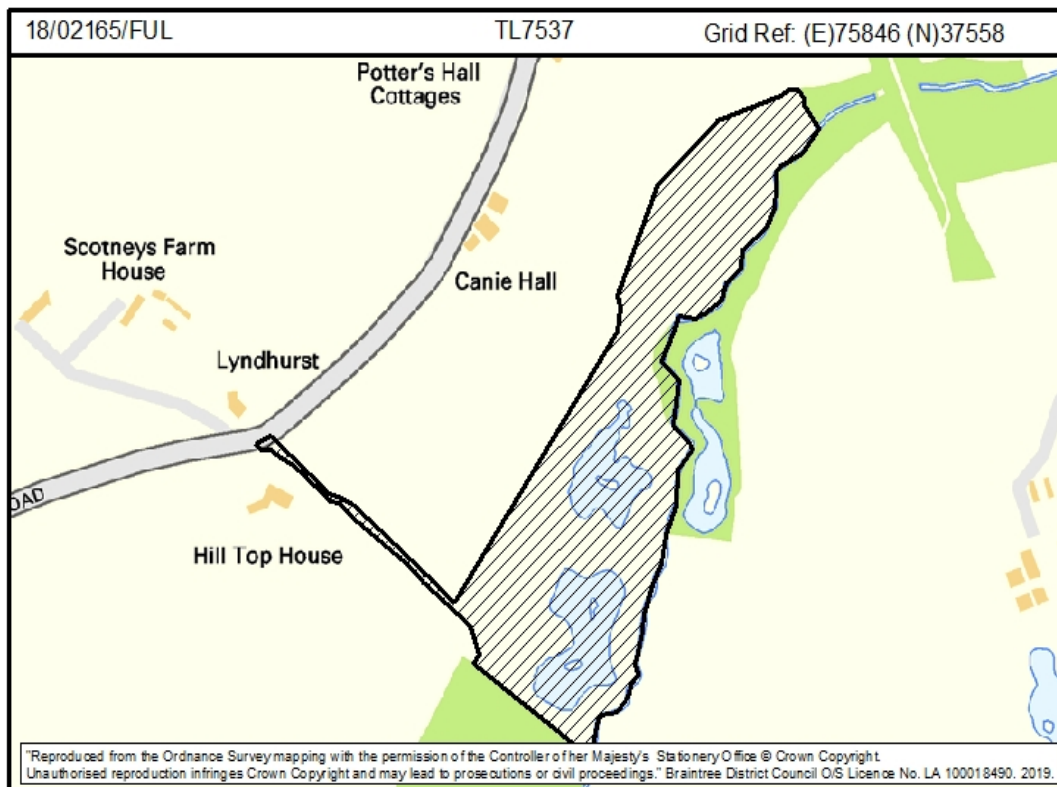
**CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER**

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 18/02165/FUL
DATE VALID: 30.11.18
APPLICANT: Mr D Hilton
Angling Couture Ltd., C/O Agent
AGENT: Mrs Helen Howie
Berrys, Beech House, Anchorage Avenue, Shrewsbury Business Park, Shrewsbury, SY2 6FG
DESCRIPTION: Enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area and laying of hardstanding, and change of use of the land for siting of two mobile units to provide anglers' toilets and tools shed.
LOCATION: Fishing Lakes, Great Yeldham Hall, Toppesfield Road, Great Yeldham, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJ9DQSBF01000>

SITE HISTORY

18/00746/FUL	Planning application for the enlargement of two existing fishing lakes to create one larger fishing lake; the creation of a parking area; the change of use of land for siting four mobile units to provide anglers' toilets, a tea room, a tools shed; office with family cabin. Retention of new electricity supply and enclosure.	Refused	07.11.18
18/02167/FUL	Retention of new electricity supply and enclosure.	Application Returned	
19/00058/FUL	Retention of electricity supply and enclosure	Pending Decision	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP53	Generators of Travel Demand
RLP67	Flood Risk in Undeveloped Areas
RLP80	Landscape Features and Habitats
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP67	Flood Risk in Undeveloped Areas
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LLP9	Tourist Development within the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

Other Material Considerations

Adopted Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

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

The site is designated as a Local Wildlife Site and is accessed via a narrow access track from Toppesfield Road. A public right of way runs along this access track and there are a number of other nearby public rights of way. The Toppesfield Brook runs along the eastern boundary of the site. There is an existing access from the site onto the public highway.

The site is not located in any designated development boundary.

PROPOSAL

This is a revised application following the refusal of planning permission under application reference 18/00746/FUL for a reduced quantum of built development, and now includes the coalescence and enlargement of two existing fishing lakes to create one larger fishing lake, the creation of a vehicular parking area and laying of hardstanding for the vehicular access, and the change of use of land for siting of two mobile units to provide anglers' toilets, and a storage shed.

This application differs from the previous planning application, in terms of removing a commercial element from the proposals, including two buildings which would have been used for a cake decorating business and a holiday let/lodge accommodation. The retention of an electricity substation has also been removed from this application, although is included in a separate planning application (application reference 19/00058/FUL).

CONSULTATIONS

BDC Environmental Health – No Objections, subject to a condition restricting the hours of construction on site.

BDC Economic Development – No Comments.

ECC Suds – No Objections Raised, as there is no concern over surface water management as the site currently only proposes a small increase in impermeable area. Conditions are recommended, which relate to the safe evacuation of people on the site in the event of a flood. An emergency evacuation plan can be sought by way of condition.

Environment Agency – No Objection in respect to flood water or waste water. Support ecological mitigation subject to condition requiring an ecological management plan for the site.

ECC Highways – From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority; given the existing access, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Council’s adopted parking standards for the proposal, subject to conditions regarding the widening and straightening of the existing access and that no unbound surface material should be used.

Ramblers Association – No Objections raised.

BDC Landscaping – No comments received.

BDC Ecology – No Objections, subject to conditions requiring a water vole licence, restricting vegetation removal to times outside of bird nesting season, requiring details of any external lighting (Officers note none is proposed in this application), requiring an ecological management plan, and requiring a biodiversity monitoring strategy.

Anglian Water – No comments.

Essex Wildlife Trust – Raises an objection, as follows:

“Thank you for consulting Essex Wildlife Trust in regard to this application. We object to the proposal for the following reasons:

- *Harm to Local Wildlife Site (LoWS) Yeldham Station Marsh resulting in habitat loss*
- *Increased disturbance from lighting, noise and recreational impacts resulting in biodiversity loss and negative impacts on priority habitats (Floodplain Grazing Marsh and Lowland Deciduous Woodland).”*

PARISH / TOWN COUNCIL

Great Yeldham Parish Council – Raises Objection to the application. Their comments were as follows:

“The proposal is contrary to Policies CS5 and CS8 of the Braintree District Local Development Framework Core Strategy in that the

development would fail to contribute to and enhance the landscape character of the local environment within the countryside. The proposals would result in an unsustainable form of development, conflicting with the policies outlined above and paragraphs 170 and 83 of the National Planning Policy Framework with regards to failing to respect the character of the countryside.”

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. An advert was displayed in the local press to advertise the application as a Departure from the provisions of the Development Plan. A total of 40 representations were received. 23 objections were received which make the following comments:

- Single track access to site is not safe or appropriate, and that an alternative access to site should be considered;
- Built development would be too much for the rural area;
- The site is in a flood plain, not suitable for permanent structures;
- Concerns about biodiversity impacts of development;
- Loss of existing ecosystem and biodiversity due to lake enlargement;
- Work started prior to planning application was being considered;
- Damage to existing public footpaths;
- Impacts of human traffic on existing wildlife;
- Level of development would urbanise the area
- Noise and light pollution
- Concern about otter fence
- Definition of buildings as mobile is misleading
- Cabins would be out of keeping with the character of the area
- Concern about the future use of the site
- Development is outside the village envelope
- Concerns about access for emergency vehicles
- Concern about the number of trees removed from the site
- Conflicts with Core Strategy and NPPF
- Concern about sewage disposal from new toilets
- The site is subject to covenants when it was sold 20 years ago

17 supportive representations were received which make the following comments:

- Great place for the community to go and socialise
- Local wildlife and walks would be enhanced
- Impressed with work carried out so far
- Otter fence is good as it protects the fish
- Facilities will benefit local anglers
- The site had become very overgrown which made it difficult to fish
- Provide a hobby for younger people
- Do not consider that wildlife would be affected by the proposed work

- Local area needs more venues like this
- Proposals would support the local village, pub and shops

REPORT

Background

In 2018, full planning permission was refused at Planning Committee for the following development:

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

The application was refused for two reasons:

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

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

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

The reasons for refusal of the previous application are material considerations in the determination of this application.

Principle of Development

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

The site currently contains two small fishing lakes, which up until recently were neglected and underused. Following a site visit, it is apparent that a substantial amount of works have taken place to make the fishing lakes more

usable in their current form, including clearance of trees, laying of hardstanding, and hard surfacing the vehicle access track. There are no other facilities on the site. The site is accessed via an unmade track from Toppesfield Road, however at the time of the site visit the track was being laid with a hardstanding and this is also shown on the submitted plans as being proposed within this application.

The proposal seeks to enlarge the two lakes by joining them together, as well as siting two mobile structures on the site to be used as an angler's toilet and a tool shed. The submitted block plan shows an area of new hardstanding that could accommodate 16 parking spaces along with a hard surfaced access track.

Whilst the application submission indicates that the structures would be mobile, as they comply with the definition of a static caravan, the Council remains of the view that these units would be permanent structures with necessary connections for services, and that they would not be temporary as they would remain on site for the life of the business at the fishing lakes.

The fishing lakes are usable in their current form, and this existing low scale use is considered to be an appropriate for the countryside. This planning application proposes built development to be constructed on the site, including two units which would contain a W/C facility and a storage shed. This is substantially reduced in terms of quantum of built form when compared with the previous application.

The proposals would increase activity on the site, in particular vehicular activity onto and around the site. This activity would be limited by virtue of the site's use. When compared with the previous application, there would be no commercial element, for example the shop and holiday accommodation, and this would lessen the intensification of the use of the site. The buildings proposed in this application such as would be reasonably expected with this type of use.

Concerns in relation to the intensification of the use in what is a tranquil, countryside area formed one of the reasons for refusal for the previous planning application.

Although the existing site is presently devoid of any built form, including vehicular access, the provision of two mobile units and an area of informal hardstanding including a track leading to it would, in Officers' opinion, not result in an unacceptable impact on the character of the countryside, and it is considered that the first reason for refusal has been satisfactorily overcome.

Flood Risk and Surface Water Drainage

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

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

The site lies in Flood Zone 2 and 3 and following the submission of additional information the Environment Agency do not raise an objection on flooding grounds.

Information was submitted with this application to address the previous reason for refusal in relation to flood risk. This additional information has satisfied the Lead Local Flood Authority and the Environment Agency that there would not be a risk of flooding which would warrant refusing this application.

Officers are therefore satisfied that the second reason for refusing the previous application has been addressed.

Impact on Ecology and Biodiversity

As set out earlier, Policy CS5 of the Adopted Core Strategy states that development outside town boundaries and village envelopes should protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Although each application must be considered based on its own merits, when compared with the previous application it is noted that less built development is proposed, however the same amount of development would take place in relation to the expansion and coalescence of the lakes.

A Preliminary Ecological Assessment (PEA) was submitted with the planning application, which concludes that the proposed development would deliver an increase in biodiversity as a result of merging the existing lakes and creating a significantly enlarged open water habitat.

It is accepted that the current lack of management of the site has caused degradation and loss of habitat for which it was originally designated. Although the extension of the lakes will cause a permanent loss of land, including Floodplain Grazing Habitat, an opportunity exists to work with the landowners and achieve retention and improvement of the remaining Floodplain Grazing Marsh, which could mitigate impacts of the loss of the habitat site. The provision of a long term management plan (the Council's ecological officer recommends a minimum 10 years) for the grazing marsh area could be submitted to ensure the area remains in Positive Conservation Management and to ensure no further loss and no net loss for biodiversity.

It is also noted that evidence of water vole on the site has been confirmed when a second survey was carried out, and although the Council's Ecology Officer considers the population is likely to be low, a water vole mitigation

method statement would be required in accordance with Water Vole Mitigation Handbook 4.9.2, and a water vole licence would be required as there is temporary displacement and disturbance to habitat. This would be issued by Natural England.

The Council's Ecology Officer suggests that if the application were to be approved, a number of conditions would be recommended regarding the submission of a landscape and ecological management plan, lighting design strategy, water vole mitigation scheme and submission of the appropriate licence and a restriction on the removal of vegetation during the bird nesting season.

The Essex Wildlife Trust object to the application on the grounds that the site could provide for a suitable habitat to support foraging and roosting bats, otters, water voles and reptiles (grass snake). In addition, the woodland and scrub could provide opportunities for nesting birds.

The Essex Wildlife Trust conclude that they disagree with this assessment and are of the opinion that the proposal would result in a net loss in biodiversity. There is therefore conflict between the findings of the Environment Agency and the Council's Ecology officer when compared with the findings of The Essex Wildlife Trust. Notwithstanding this, the Environment Agency are a statutory consultee, and they are minded to support the application on the basis they consider the proposed ecological mitigation measures would enhance the site. Consistent with the findings of the previous planning application at the site, it would not be reasonable to refuse the application on this basis.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LLP50 of the Draft Local Plan all seek a high standard of design and layout.

Paragraph 124 of the NPPF states 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

The 'mobile' units have a utilitarian and temporary design and appearance, which Officers consider would be out of keeping with the character and appearance of the countryside, however when having regard to the quantum of built form proposed and siting it is not considered that the proposal would be sufficiently detrimental in terms of visual impact or landscape impact to warrant the refusal of planning permission.

Impact on Neighbour Amenity

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

The previous application was refused permission, in part due to impacts on neighbouring residential amenities, particularly the intensification of the use of the access which is adjacent to a residential dwellinghouse.

This revised application would reduce the intensity of the proposed use when compared with the previous application due to the loss of the commercial elements from the proposals.

In the case of this application, the activity at the lakes themselves is unlikely to impact upon residential amenity, as this would be a low intensity use which would not generate noise. The increase in vehicular traffic along the access track when compared with the level of activity which currently takes place would be noticeable for the occupiers of the closest dwelling at Hill Top House, however this increase is not considered to be an unacceptable level of impact which would warrant refusal of the application.

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

Highway Issues

At present, the access to the site is relatively discreet, unmade and doesn't provide a good level of visibility in either direction. ECC Highways state that from a highway and transportation perspective, the impact of the proposal is acceptable given the existing access, the scale of the proposed development and the area to be available for parking within the site. They have however requested the following condition to be added in the event of granting planning permission:

Prior to occupation of the development the existing vehicular access shall be widened and constructed at right angles to the highway boundary to the width of the area shown within the red line, as shown on drawing no. SA 29622 02. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

The development required to allow the access to the highway to be safe would result in an urbanising effect within the street scene which is otherwise

characterised by a strong rural setting with thick hedgerows. The urbanisation of the access in order to bring it up to highway safety standards would result in a degree of harm to the landscape character in this location. This harm would be limited by virtue of the access track being a single direction track only however, and given there is an existing access onto the site, safety improvements to this access, which will continue to be used in any case as it has historically been used to allow vehicular traffic onto the site, would outweigh the harm caused.

CONCLUSION

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

The application would bring about economic benefits, through the creation of a venue which will attract visitors who will use local facilities and support the local economy. Whilst there would be an element of environmental harm, through the introduction of the 'mobile' units and the over engineered vehicular access which would result in an urbanisation of the site, this harm would be limited by the number of units to be sited, and the safety improvements to the existing access. There would be a social benefit, through the creation of a local facility consisting a sociable use. There would also be a limited social harm, by virtue of the site's unsustainable location.

Taking the above assessment into account, Officers consider on balance, that the economic and social benefits would outweigh the harm resulting from the development, and therefore recommend that the application be approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: SA 29622 01
Site Plan	Plan Ref: SA 29622 02
Block Plan	Plan Ref: SA 29622 03
Other	Plan Ref: SA 29622 04
Proposed Elevations	Plan Ref: SA 29622 10

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

Reason

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

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

Reason

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

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 4 Prior to occupation of the development the existing vehicular access shall be widened and constructed at right angles to the highway boundary to the width of the area shown within the red line, as shown on drawing no. SA 29622 02. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason

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

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason

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

- 6 Prior to works commencing, a long-term Ecological Management Plan should be written to note in detail how the management and improvements to the site will be carried out and continued. This shall be submitted to, and approved in writing by, the local planning authority. The

Ecological Management Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason

Management of the mitigating features should be continuous during and after completion of works to prevent the features deteriorating in value with regard to flora and fauna and therefore causing a net loss of biodiversity on site.

- 7 The following works, extension of fishing lakes and any works to bank sides, shall not in any circumstance commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

The mitigation scheme and programme of works shall be carried out in accordance with the Licence agreement.

Reason

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

- 8 To avoid disturbance to nesting birds vegetation removal should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged. (This should include ground nesting birds and on/in buildings also).

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built.

Reason

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

- 9 Prior to development a lighting design strategy for bats and otters shall be submitted to and approved in writing by the LPA. The Strategy shall:

i. Identify areas/features on the site that are sensitive for both species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging; and

ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats or otters from using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the LPA.

Reason

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

10 An ecological management plan (EMP) shall be submitted to and be approved in writing by, the local planning authority prior to development. The content of the EMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule(including an annual work plan capable of being rolled forward over a 10 year period) and should include:
Precautionary methods to reduce disturbance to amphibians and reptiles on the site and otters and the river course adjacent should and Details of the proposed new wildlife pond, native hedge planting and other ecological enhancement features;
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;

The EMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason

This information is required to ensure the protection, through long term management, of ecological features and protected/priority species.

- 11 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to determine whether the conservation management of the Local Wildlife Site area is effective and that conservation objectives are being achieved to ensure the positive management of the habitats for which the site received Local Wildlife Site designation. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason

In the interests of protecting and enhancing biodiversity.

- 12 Prior to the occupation of any part of the proposed development a flood evacuation plan shall be submitted to and approved in writing with the Local Planning Authority. The plan shall set out how it will be made available to all future users of the development hereby approved.

Reason

To safeguard and protect the development and occupancy of the buildings from any potential hazardous situation.

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

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

INFORMATION TO APPLICANT

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

2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

3 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath nos 30, 36 and 29 (Great Yeldham.) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be

permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

4 In seeking to discharge Condition 6, the applicant is minded to note:

The Plan shall adhere to the recommendations in Section 5 and Section 3 (points 3.17 & 3.18) of the Ecological Appraisal (April 2018) and should also include the following:

- Grassland and grazing marsh management: The report should include how much scrub will be removed, how and when will the grass be cut, where will the cut vegetation be placed and for how long, what machinery / tools will be used. If machinery, what relevant pollution prevention measures will be used e.g. drip trays.

- Wildlife pond: The report should show over what period (month/s) will the pond be created. There should be a buffer of 1-2m of vegetation to prevent pollution from field run-off. It should show how the design of the pond support a variety of species e.g. sloping banks, planted vegetation, What machinery / tools will be used If machinery, what relevant pollution prevention measures will be used.

- Woodland management: If machinery is used, what relevant pollution prevention measures will be used. What is the timing of works (month/s) to avoid bird breeding season.

- Native species hedge and native tree planting: What are the timing of works (month/s). What protection measures will be in place to prevent grazing by animals whilst they become established. Regarding the hedge, what will the planting density be per metre.

For all of the above points the following should be confirmed:

- Frequency of maintenance and by who
- Ensure that the features are not impacted by any excavated soil from the lake enlargement

- Dates of implementation and completion (or frequency if applicable) for each of the enhancement features. Completion / frequency dates to be no later than one year from works commencing.

- Bio-security measures to be implemented to minimise bringing invasive species onto site

(<http://www.nonnativespecies.org/index.cfm?sectionid=58>)

- The additional detail is to ensure works do not cause harm to protected species (both flora and fauna), taking into account bird breeding season, optimum time to carry out works etc.

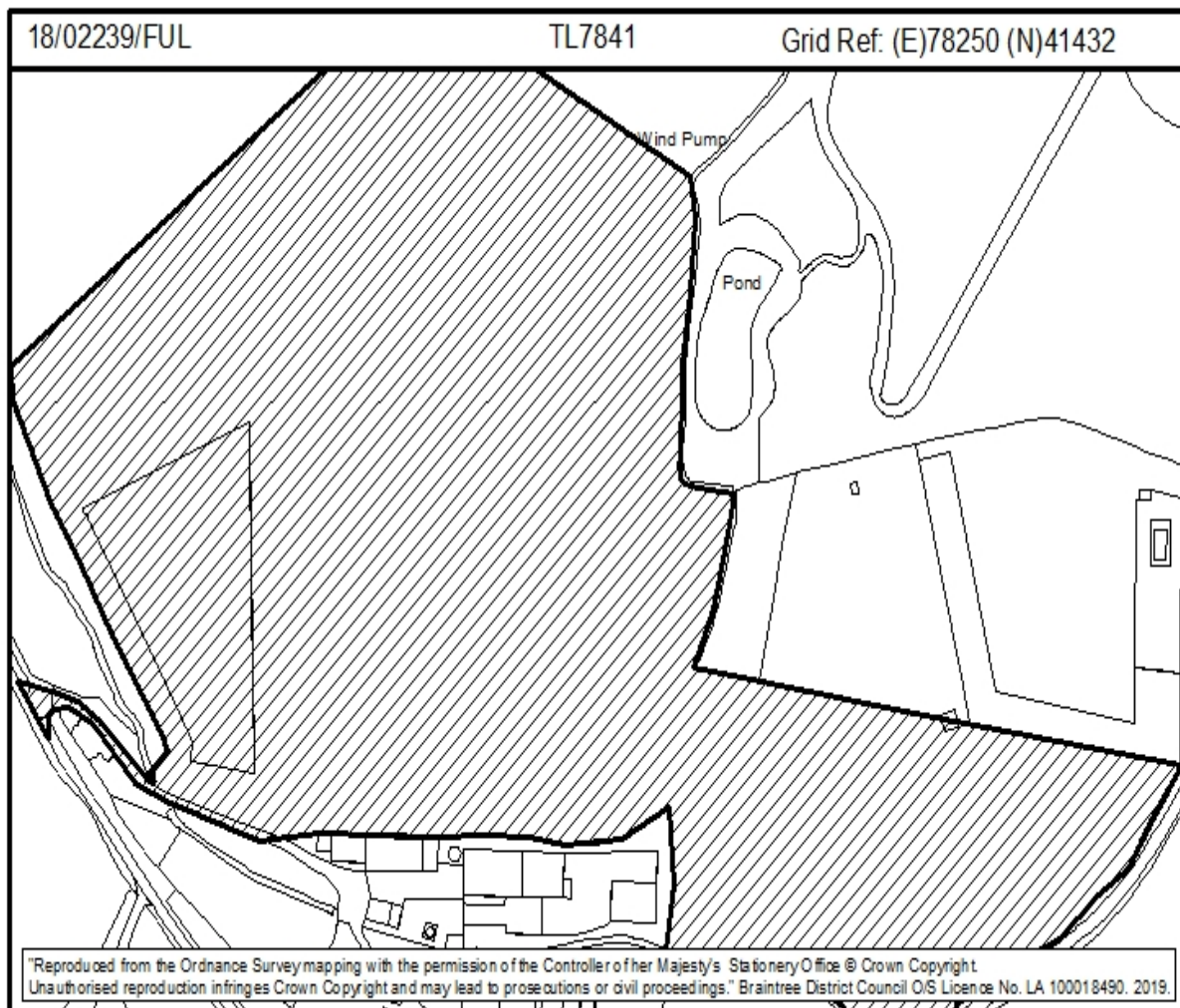
5 In seeking to discharge Condition 13, the applicant is minded to note that the Council will be looking to see a real timber wood being used to clad the mobile units, rather than a faux wood cladding. CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 18/02239/FUL
DATE VALID: 13.12.18
APPLICANT: Mr Harry Middleditch
C/O Brettingham House, 98 Pottergate, Norwich, NR2 1EQ
AGENT: Lanpro Services
Mrs Jane Crichton, Brettingham House, 98 Pottergate,
Norwich, NR2 1EQ, United Kingdom
DESCRIPTION: Development of three free-range poultry units, together with associated access, ranging area, landscaping and biomass generator
LOCATION: Hole Farm, Knowl Green, Belchamp St Paul, Essex, CO10 7BZ

For more information about this Application please contact: Daniel White on:-
01376 551414 Ext. 2518 or by e-mail to: daniel.white@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJOKJ6BFLS600>

SITE HISTORY

00/00014/FUL	Demolition of the existing structure and the erection of a new bungalow	Granted	29.03.00
02/00077/HDG	Notice of intent to carry out removal of stretch of hedgerow to create access point	Granted	19.02.02
89/02120/P	Erection Of General Purpose Agricultural Building	Granted	04.12.89
90/00016/PFHN	Erection Of Agricultural Building	Granted	01.02.90
17/01483/FUL	Conversion of existing barn to 3no. two storey dwellings	Withdrawn	05.12.17
17/01485/LBC	Conversion of existing barn to 3no. two storey dwellings	Withdrawn	05.12.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP39	Expansion of Local Firms
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP87	Protected Lanes
RLP89	Agricultural Buildings
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP46	Protected Lanes
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

LPP75	Energy Efficiency
LPP79	Surface Water Management Plan
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

Hole Farm is situated outside of any development boundary, and therefore the site is located within the open countryside. Hole Farm is situated on Gages Road and within the hamlet known as Knowl Green. The hamlet is largely focused around Hole Farm and comprises of the farm, the Grade II listed farmhouse, and a small number of houses situated along Belchamp Road and Gages Road.

The application site covers an area of approximately 7.5ha and is currently used for the grazing of animals and the growing of crops surrounded by small blocks of woodlands, with a public right of way adjacent to the northern boundary. The three free range poultry units, and access road would be situated upon a south facing slope to the North of Hole Farm which rises from 63m AOD (above ordnance datum) up to a 'knoll' at approximately 77m AOD, with the main access to the free range poultry units being accessed off of Pollards Green Lane.

PROPOSAL

The application proposes the development of three free-range poultry units, together with associated access, ranging area, landscaping and biomass generator. This section of the report will give a general overview of the proposals various elements with more specific details set out in the 'Design, Appearance and Layout' section of this report.

The access to the site for the free-range poultry units would be off of an existing access on Pollards Green Road, approximately 205m from the junction of Pollards Green Road, Belchamp Road and Gages Lane. The

access would run behind the existing farm and farm buildings and lead to a large hardstanding area for HGV's measuring 16m in length x 33m in width. Adjacent to this hardstanding area would be the biomass building which would heat the three free range poultry units and would measure 30m in length x 15m in width and would be 6.6m in height to the ridge. The biomass building is slightly larger than the biomass equipment required in order to be able accommodate additional storage and drying of woodchips for the boiler. Also directly adjacent to the large hardstanding area there would be the silage clamp which would be used for storing feed for the chickens and this would measure 25m in length by 15m in width by 3m in depth. In between the silage clamp and the biomass building there would be a 4m wide path which would be finished in concrete hardstanding and would lead to a centralised collection / drop off area for the chickens at the beginning / end of their cycle (every 10-12 weeks), which again would be finished in concrete hardstanding and so to allow HGV vehicles to turn around. It would measure 55m at its deepest point from the path to the edge of poultry shed 3, and 45m at its widest point.

The three free-range poultry sheds would all be of the same design, and appearance and would measure 85.34m in length by 15.24m in width and would be 4.6m to the ridge (6m to the top of the ventilation units which run along the length of the roof) and each would have a separate parcel of land for the chickens to roam freely and defined by fences along each of the boundaries. Poultry sheds 2 and 3 would be situated adjacent to the concrete hardstanding and would each have a considerable roaming area for their chickens of 17254sq.m for poultry shed 2, and 17224sq.m for poultry shed 3. Poultry shed 1 would be situated down the new access path towards the existing farm to minimise its impact in the landscape and would have a roaming area of 15000sq.m for its chickens.

CONSULTATIONS

ECC Highways

A site visit has been undertaken and the documents accompanying the planning application have been duly considered. Given existing use of the site, the proposed increase of 0.5 trips a day generated by the three free-range poultry units is minimal, and the accepted speed data provided for vehicles travelling along Pollards Green Lane, the proposal is acceptable to the Highway Authority, subject to suggested conditions being attached to the granting of planning permission.

ECC Historic Buildings Consultant

The site of the proposal is situated upon a south facing slope to the north of Hole Farm which forms a part of the hamlet of Knowl Green. The historic hamlet is a loosely formed settlement comprised of dispersed cottages, Hole Farm, Wood Barns Farm and a public house (presently closed). There are several Grade II listed buildings within the hamlet.

As acknowledged, by the National Planning Policy Framework (NPPF 2019), heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. 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 and to any harm identified as part of the planning process - irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Further to this, any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. The Framework also describes the desirability of new development making a positive contribution to local character and distinctiveness.

'The planning application seeks to erect three free-range poultry units, together with associated access, ranging areas, landscaping and biomass generator. The three poultry units are 87m in length, 15m in width, and have a maximum ridge height of 4.6m, and maximum height of 6.0m (ventilation outlets). The units would have green painted metal roofing and wood clad exterior walls.

Within Hole Farm, there are two Grade II listed buildings, an early nineteenth century farmhouse (HE Ref: 1338355) and a late nineteenth century cartshed and granary to the south-east (HE Ref: 1122364). Historically the farm was defined to the south by Gages Road and an arm of the Belchamp Brook to the north which itself rises to the north of the hamlet. Whilst by the end of the twentieth century associated farm structures had encroached northward beyond the brook, they remained within the lower valley and did not extend further up the slope, thus reducing their visual impact and retaining open views through the site to the agrarian landscape beyond. This allowed for the retention of the strong visual connection between the historic farm buildings and their rural setting which contributes to how we experience and interpret the assets' historic and aesthetic heritage values. The proposed development is situated on the south facing slope which rises from the brook and as a result is highly prominent in views from the south (Gages Road and track to Woodbarns Farm) as well as greatly increasing the farm beyond its historic limits. Whilst it is recognised that agricultural buildings such as those proposed can be considered expected structures within a modern agrarian landscape, the rising topography would result in these structures being prominent in views from the south and removing views of the open rural landscape beyond. This would cause a degree of harm to how the heritage values of the Grade II designated heritage assets at Hole Farm are experienced and interpreted.

The hamlet of Knowl Green, and those heritage assets within it, are also visible in views from the public right of way to the north. The proposed development would result in these views, which allow us to experience Hole Farm from within its open agrarian landscape, being totally lost. This would

result in further harm to how we are able to experience and interpret the heritage values of the Grade II designated heritage assets at Hole Farm.

A public right of way also approaches the hamlet from the east which allows for views of Cherry Tree Inn (HE Ref: 1146753) and Knowles Cottage (HE Ref: 1122363) with the application site forming a pleasant open agrarian backdrop. The development of this land would diminish the openness of hamlet setting which would be to the detriment of these two heritage assets.

As a result of the aforementioned concerns I am unable to support this application and object to permission being granted. I am unconvinced that landscaping will sufficiently reduce the levels of harm identified to numerous designated heritage assets and consider this land wholly unsuitable for the identified use from a heritage perspective. For the purposes of planning the harm caused in all instances is considered within the realms of 'less than substantial' with that to Hole Farmhouse (HE Ref: 1338355) and cartshed (HE Ref: 1122364) being moderate/high and that to Cherry Tree Inn (HE Ref: 1146753) and Knowles Cottage (HE Ref: 1122363) being low/moderate. It is also noted that the application is considered to erode local character and distinctiveness of Knowl Green.'

The points raised by the Historic Buildings Consultant are noted, and the Case Officer will carry out the Heritage Balance in the Heritage Section below.

Environment Agency

Flood Risk

'The Environment Agency have no objection to this application on the grounds of Flood Risk, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within the LPA's remit.'

Environmental Permit

'The Environment Agency do not have any objections to this application, however more information is required to determine whether this activity would require a permit in relation to the woodchip proposed. This concern has been indicated to the applicants who would need to contact the Environment Agency.'

The Environment Agency also make comments regarding the need for further information relating to the emissions from the Biomass generator. This issue has also been raised with the applicants and a condition would be attached to the planning permission requiring further information for the Biomass generator.

Essex SUDS

Following revised documentation Essex SUDS do not object to the application subject to suitable conditions being attached to the granting of planning permission.

BDC Environmental Health Team

The Environmental Health Officer has reviewed the application and has suggested some conditions regarding noise and waste management which will be placed upon the decision notice. .

BDC Economic Development Team

No objections as the proposal would create two additional jobs.

BDC Landscape Services Team

'The current assemblage of farm buildings and dwellings are contained within the established mantle of vegetation and reflect the historic narrative of settlement and occupation and as such will inform the experience/views of those users of the local PROW network. The introduction of large new structures within the landscape will inevitably create a discordant note in the local setting although it is accepted that the proposed site is relatively close to other buildings.

In landscape terms – I think the palette of materials used for the finishing of these new buildings – careful attention to colour and texture and a detailed landscape scheme that is sufficient in depth and scale to make an early impression will all help to soften the impact. The landscape specification will need to be robust enough to provide suitable resilience and effectiveness in its potential to screen the site with a strong level of evergreen material and a shrubby understorey. The starkness of a winter landscape and the greater transparency/openness of views into the site needs to be addressed in the landscape treatment; the photomontages from a spring/summer setting flatter the impact in this respect'.

The concerns raised by the Landscape Services Team are noted and a suitable condition would be attached to the granting of planning permission requiring the submission of a detailed landscape scheme and management plan.

BDC Ecology and Natural Environment Team

The Ecology and Natural Environment Officer has reviewed the Ecology Assessment report (Hopkins Ecology, December 2018) and further email response from Hopkins Ecology dated February 2019, submitted by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation.

The Ecology Officer is satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition attached to the granting of planning permission.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. The mitigation measures identified in the Ecological Assessment (Hopkins Ecology, December 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species, particularly skylarks and other nesting birds, bats, badgers and brown hares and hedgehogs. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim'. The Ecology and Natural Environment Officer has suggested a condition relating to the ecological mitigation and enhancement measures which would be attached to the granting of planning permission.

BDC Waste Team

BDC Waste Team have no comments to offer on this application.

PARISH / TOWN COUNCIL

Belchamp St Paul Parish Council

Neither object to or support the planning application and hope that it will be considered at Committee due to the number of objections. They have concerns regarding the possible smell, the storage of the chicken litter for future use as fertiliser and the additional vehicle movement that will be generated.

LITTLE YELDHAM, TILBURY JUXTA CLARE AND OVINGTON PARISH COUNCIL

Concerned that Braintree District Council did not initially notify them of the application which they believe has a direct impact on the residents of the village. They have concerns with a minimum of 266 large vehicle movements per year and the roads are not wide enough to accommodate these vehicles when they meet impacting upon the surrounding verges. They have concerns with the several tight blind bends which vehicles cannot navigate without going onto the opposite side of the road, resulting in tree branches being broken off and land in the road causing obstructions. Therefore the PC wish to lodge an objection to the village being used as a route for these vehicles.

Another point which was made by the PC was regarding the speed limit throughout the village and should the application be granted, Essex Highways should revisit the speed limit for the village. Whilst, restricting the speed limit thorough villages is an important issue this is not related to this application and therefore cannot be taken into consideration.

REPRESENTATIONS

37 representations of objection were received from members of the public and the key planning considerations are listed below:

- There would be an increase in vehicular movements, potential to cause danger and accidents down exceptionally windy narrow roads (Tilbury-Juxta-Clare to Great Yeldham).
- There would be an increase in noise pollution due to the generator.
- There would be an increased risk to wildlife due to the potential spread of infection from chickens and the potential for an increase in rodents.
- There would be an adverse effect on the living standards of neighbouring properties and surrounding areas due to the smell (ammonia levels)
- The site notice was put up over the Christmas period and members of the public felt as though it did not provide the full 21 days fairly.
- There would be an increased danger to other road users and pedestrians, harm the tranquillity of the rural nature of the road, harm the road surface, verges and trees.
- The proposal would only provide local part time work for two people, therefore there is no real benefit in terms of employment in rural areas.

North East Essex Badger Group

North East Essex Badger Group neither support or object to the application but would like to draw attention to the proximity of a large, well established and very well used badger sett. This sett is recorded and monitored by NEEBG. The point raised by the North East Essex Badger Group is noted, however the BDC Ecology and Natural Environment Officer considers the proposal to not have an impact upon the local badger population.

7 representations of support were received from members of the public and the key planning considerations are listed below:

- The proposal would improve rural employment, and will help to secure the future of a rural family business which also has employees and is a 4th generation farming enterprise.
- The biomass plant would help the pressure on environmental issues and is very forward thinking
- The proposal will not impact upon the current daily traffic seen in Belchamp St Paul
- The proposal would reduce the carbon footprint by employing green energy and helping to boost the rural economy.

- Tilbury Hill has supported traffic movements all its known history and supplied a world war two airfield, now object to having a lorry once every two days, 252 lorry movements annually which equates to 4.8 per 7 day week
- The proposal was advertised appropriately and the owners leaflet dropped 115 local affected homes, and arranged a public meeting to openly discuss matters with local neighbours with the planning agent in attendance and approximately 44 people were in attendance.
- The application includes an odour report that concludes that the effects will be less than the minimum requirements set out by the government and BDC waste services have offered no comment.
- Belchamp St Paul has offered no comments to support or object
- The design and impact of the proposal on the land is minimal and in keeping with the industry

REPORT

Principle of Development

Policies CS5 and CS9 of the he Adopted Core Strategy state inter-alia that development outside of 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, biodiversity, geodiversity and amenity of the countryside. New development will also have to be of the highest possible standards of design and layout in all new development and respect and respond to the local context.

Policy RLP2 of the Adopted Local Plan states, inter-alia that new development will be confined to areas within Town Development Boundaries and Village Envelopes, and outside of these areas countryside policies will apply.

In addition Policy RLP65 of the Adopted Local Plan states that any external lighting is minimised and that the lighting intensity is no greater than necessary to provide adequate illumination and that they have no significant impacts on nearby residential properties and natural ecosystems.

Policies RLP72 and RLP73 of the Adopted Local Plan also state that development will only be permitted when there is not an unacceptable risk to the quality of the underlying ground water or surface water and that waste materials generated by the proposal are minimised, reused, reclaimed or recycled.

Policy RLP77 of the Adopted Local Plan states, inter-alia that new development shall clearly demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures where appropriate.

Policies RLP80 and RLP81 of the Adopted Local Plan state that new development will be required to include an assessment of their impact on

wildlife, landscape features and habitats and retain, maintain and plant in appropriate locations locally native trees, woodlands and hedgerows.

Policy RLP87 of the Adopted Local Plan states that the District Council will seek to conserve the traditional landscape and nature conservation of roads designated on the Proposals Map as Protected Lanes, including their associated verges, banks and ditches and that proposals that give rise to a material increase in the amount of traffic using them will not be permitted.

Policy RLP89 of the Adopted Local Plan states that new agricultural buildings in the countryside should be of a design that is sympathetic to its surroundings in terms of scale, materials, colour and architectural detail.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state, inter-alia, that all development is of a high standard of design and layout and that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Development should not have no undue or unacceptable impact on the amenity of any nearby residential properties.

Policy RLP100 of the Adopted Local Plan and Policies LPP50 and LPP60 of the Draft Local Plan state that development within the settings of listed buildings do not harm their character and setting and use appropriate materials and finishes.

To conclude the proposal for this farm diversification scheme fully complies with the rural policies within the Adopted Local Plan, the Adopted Core Strategy and the Draft Local Plan, as well as the National Planning Policy Framework by supporting the rural economy of the District.

Design, Appearance and Layout

As the application consists of various elements, namely three free-range Poultry Units, Ranging Areas, Biomass Generator and Silage Clamp, and Pond Area, the report considers each in turn below.

Three Free-range Poultry Units

The design of the three free-range poultry units would be acceptable as they would be identical in their design and harmonise well with the agricultural and countryside setting. The three poultry units represent a good standard of design relative to the nature of the proposal with a large barn door on the front gable end, and a single door on the rear gable for access to the rear of each barn. The side elevations of each poultry unit would consist largely of the roof which would slope down, with low level windows for light into the units, and 14 ventilation units on top of the roof for ventilation to each poultry unit. The buildings would be large in terms of length and footprint, however by limiting their height such that impacts on the wider countryside would not be unacceptable.

Ranging Areas

The application includes the provision of ranging areas to be used by the chickens. This is the area where they will roam and which qualifies them for free range status.

The proposed ranging area would contain copses of trees and be situated in a large open field which slopes toward the north. The ranging areas would be acceptable in terms of design and appearance having limited views from public vantage points.

Biomass Generator and Silage Clamp

The proposed biomass generator and silage clamp would be large in terms of footprint, bulk and physical massing. Their placement on the site means they would be visible in the street scene. The silage clamp would consist of a pit which would not be unacceptable in its impact.

The biomass building would be 30m x 15m, and be 6.6m to the ridge. It would be of a traditional design, appropriate to an agricultural holding with limited impact.

Pond Area

Details of the proposed pond area were included in the submitted drainage strategy. This showed an area of just over 1000sq.m. By virtue of it being built into the ground, impacts caused by the pond would be limited in terms of visibility from public vantage points.

Landscape Impact

A Landscape and Visual Impact Assessment was submitted with the application. It states that the contribution that the current site makes to the wider landscape can be considered 'positive', and that the site is of 'medium to low susceptibility' to accommodate the development proposed within this application.

Notwithstanding this, the LVIA recognises that the proposed development would have a moderate to slight adverse impact on the local landscape, as the site would change its character from an open field with grazing fields, to an extension to the farm unit consisting buildings and hardstanding.

The LVIA states that with appropriate landscaping, which could be requested by way of condition, the proposed development 'negligible to slight beneficial effect' on the wider landscape in the long term, although it recognises that short term effects would range from 'substantial adverse' to 'negligible effect'.

The current assemblage of farm buildings and dwellings are contained within the established mantle of vegetation and reflect the historic narrative of

settlement and occupation and as such will inform the experience/views of those users of the local PROW network. The introduction of large new structures within the landscape would inevitably create a discordant note in the local setting although it is accepted that the proposed site is relatively close to other buildings.

When considering the palette of materials used for the finishing of the proposed new buildings, careful attention would need to be paid to the colour and texture as such buildings can appear 'shiny' in situ, and a detailed landscape scheme that is sufficient in depth and scale to make an early impression would assist to soften the impact.

The landscape specification would need to be robust enough to provide suitable resilience and effectiveness in its potential to screen the site with a strong level of evergreen material and a shrubby understorey. The starkness of a winter landscape and the greater transparency/openness of views into the site needs to be addressed in the landscape treatment, as this is not reflected in the submitted photomontages from a spring/summer setting.

In order to accommodate the visibility splays recommended by the Highway Authority, a section of hedging would need to be removed from the site. The level of vegetation removal to provide an improved access and to comply with ECC Highway requirements for an enhance visibility splay would alter the countryside character of the site. The attractive character of the lane at this point would be diminished by the loss of established and emergent roadside vegetation to satisfy the visibility splay requirements. Under the circumstances it would seem appropriate to have a landscape scheme by condition which would provide suitable mitigation for the loss of vegetation at this point.

The Council's Landscape Services team raise no objection, recommending conditions requiring a detailed landscaping scheme which can screen the development throughout the seasons.

Heritage Impact

Upon the site there are two listed buildings, including a Grade II listed farmhouse and a Grade II listed granary building. There are also several listed buildings in the area of Knowl Green which are visible from the site. Cherry Tree Inn is a Grade II listed building and is visible from the site.

The Historic Buildings Consultant identifies less than substantial harm being caused to the listed buildings.

Paragraph 193 of the National Planning Policy Framework 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, where appropriate, securing its optimum viable use.

In the case of this application, there would be public benefits brought about by the development. The National Planning Policy Framework is strongly supportive of the rural economy, and its sustainable growth. As has been identified in this report, the farm business would benefit from the proposed enterprise and the application is acceptable in all other respects.

The public benefit of supporting an existing local farm and the contribution that it would make to the local rural economy, would outweigh the less than substantial harm identified by the proposed development.

Impact on Neighbour Amenity

There are several residential dwellings located close by to the application site. The provision of the three sheds on top of the hill would allow enough separation that impacts would not be unacceptable on residential amenity and the Council's Environmental Health Officer is satisfied that there would be no impact subject to conditions relating to the control of noise emissions.

The highway to the front of the site would see an increased use, in terms of vehicle movements, by virtue of the proposed development. These movements would take place at night time, when impacts upon neighbouring amenity could be more harmful. However, information submitted within the application details that the vehicle movements would not be daily and when they do take place (when the chickens are picked up/delivered) the number of movements would be limited to an increase of 0.5 trips a day when compared with the existing vehicle movements.

Highway Issues

Pollards Lane, which runs adjacent to the application site, was previously a protected lane however has been 'de-protected'. The Highway Authority does not raise an objection to the proposal, stating that the access would not see an intensification, and that 0.5 extra trips each day is unlikely to result in an unacceptable impact on the local highway network.

Conditions are recommended relating to: visibility splays, which must measure 2.4 metres x 70 metres (this would result in the loss of a large amount of hedging, however this impact is not considered to be unacceptable); requiring improvements to be carried out to Pollards Lane including its widening; preventing the use of loose material within 15 metres of the public highway; and preventing any gates within 15 metres of the public highway.

PLANNING BALANCE AND CONCLUSION

The application proposes the expansion of an existing farm business, comprising the erection of several large buildings in prominent views, which would give rise to harm to the setting of several nearby listed buildings, however this harm has been weighed against the public benefits of the proposal and it is considered that the benefits outweigh the harm. The landscape impacts identified can be mitigated through appropriate

landscaping. There would also be no unacceptable impacts on nearby residential amenities and no impacts on the local public highway network which cannot be mitigated through planning conditions. Consequently, the application is recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 1022-00-001	
Site Plan	Plan Ref: 1022-00-003	Version: A
Proposed Elevations and Floor Plans	Plan Ref: CG-SE	Version: DFT
Proposed Elevations and Floor Plans	Plan Ref: CG-GEC	Version: DFT
Other	Plan Ref: CG-DWD	Version: DFT
Plant Housing	Plan Ref: 001	
Plant Housing	Plan Ref: 002	
Plant Housing	Plan Ref: 003	
Plant Housing	Plan Ref: 004	

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

Reason

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

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

Reason

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

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

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 4 All ecological mitigation & enhancement measures and works shall be carried out in accordance with the details contained in the Ecological Assessment report (Hopkins Ecology, December 2018) as already submitted with the planning application. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 5 Prior to the removal of any trees/shrubs or hedges of the development hereby approved a scheme of landscaping and management plan shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed landscape specification including plant/tree types and sizes which are to be removed and planted, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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

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

Reason

To ensure only essential trees, shrubs and hedges are removed to provide an acceptable level of visibility and to enhance the character and appearance of the development and in the interests of amenity and privacy.

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

The scheme should include but not be limited to:

- Limiting discharge rates to 4.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the first use of the development.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

Reason

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

- 8 Prior to the first construction of the new biomass generator, a noise assessment for the biomass plant to be installed at the poultry units in accordance with BS 4142:2014 shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 9 Prior to the occupation of the development, details including a waste management plan for the site detailing how waste will be handled and stored to ensure that the waste does not give rise to a nuisance shall be submitted to and approved in writing by the Local Planning Authority. The operation of the site shall only be carried out in accordance with the approved details.

Reason

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

- 10 The access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 70 metres in both directions as shown on Drawing No.1022-00-004 Rev A, 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 any additional vehicular traffic and retained free of obstruction above 600mm 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.

- 11 The existing vehicular access along Pollards Green Lane shall be improved and widened to accommodate the largest type of vehicle associated with the proposal, in accordance with details to be submitted to and approved in writing by the local planning authority. The improved/widened vehicular access shall be completed in accordance with the approved details prior to the first use of the development.

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.

- 12 No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason

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

- 13 Any gates to be provided at the vehicular access shall be inward opening

only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

Reason

To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed.

- 14 Prior to the installation of the biomass boiler hereby approved, details including how the emissions from the biomass generator will be controlled and monitored, and contingency plans for if the emissions are above emissions requirements, shall be submitted to and approved in writing by the Local Planning Authority. The operation of the site shall only be carried out in accordance with the approved details.

Reason

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

- 15 The rating level of the noise emitted from the site at the noise sensitive premises shall not exceed the existing background noise level (LA90) by more than 0dB(A) at any time. The rating level and background noise level shall be determined in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound).

Reason

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

- 16 The noise level (LAeq, 5min) of the boiler mass boiler shall be a maximum of 10dB below the background noise level (LA90, 15 min) at the facade of any residential premises.

Reason

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

INFORMATION TO APPLICANT

1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work

of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

3 Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

4 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

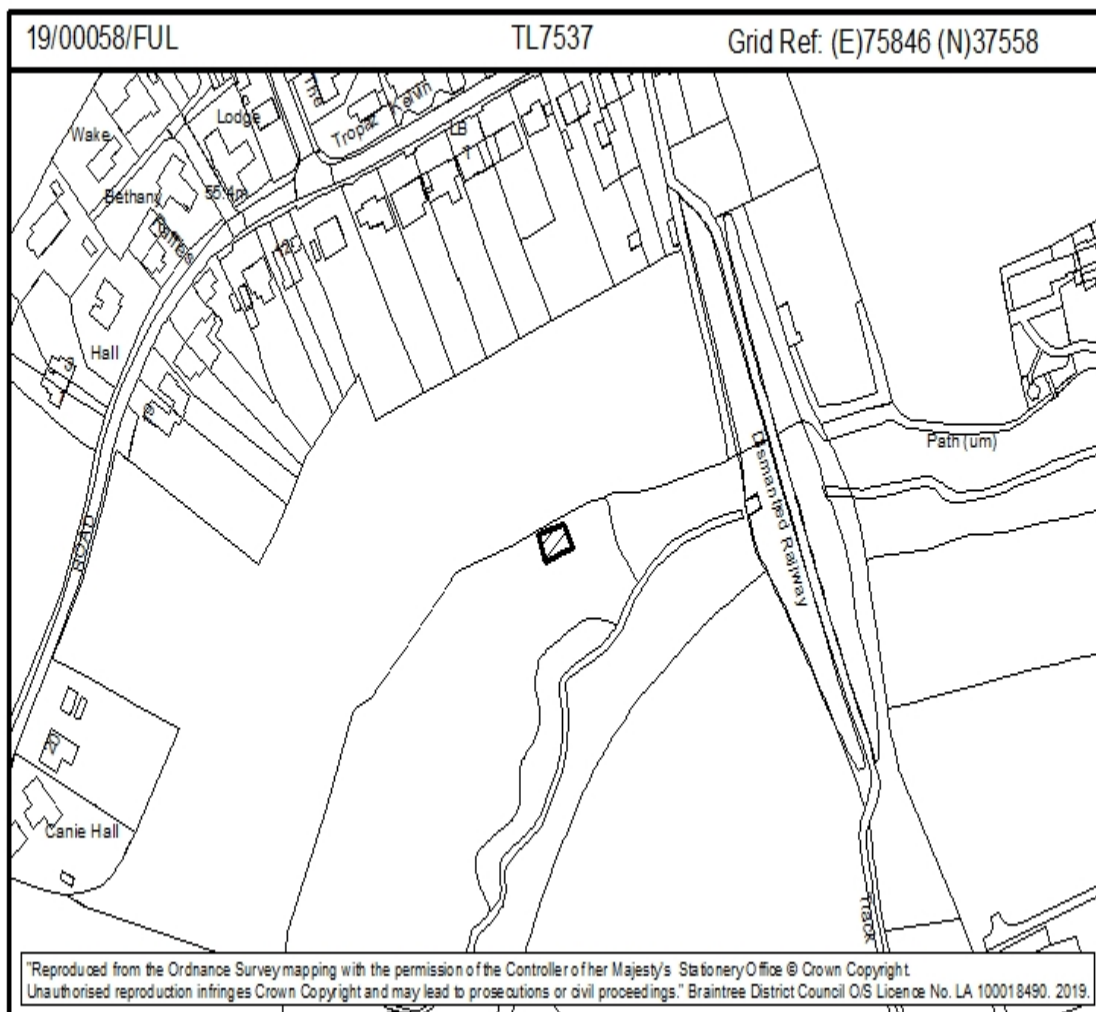
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/00058/FUL
DATE VALID: 16.01.19
APPLICANT: Mr D Hilton
c/o Agent Berrys, Beech House, Anchorage Avenue,
Shrewsbury Business Park, Shrewsbury, SY2 6FG
AGENT: Berrys
Mrs Helen Howie, Beech House, Anchorage Avenue,
Shrewsbury Business Park, Shrewsbury, SY2 6FG, United Kingdom
DESCRIPTION: Retention of electricity supply and enclosure
LOCATION: Fishing Lakes, Great Yeldham Hall, Toppesfield Road,
Great Yeldham, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PL64K3BFM7H00>

SITE HISTORY

18/00746/FUL	Planning application for the enlargement of two existing fishing lakes to create one larger fishing lake; the creation of a parking area; the change of use of land for siting four mobile units to provide anglers' toilets, a tea room, a tools shed; office with family cabin. Retention of new electricity supply and enclosure.	Refused	07.11.18
18/02165/FUL	Enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area and laying of hardstanding, and change of use of the land for siting of two mobile units to provide anglers' toilets and tools shed.	Pending Decision	
18/02167/FUL	Retention of new electricity supply and enclosure.	Application Returned	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP67	Flood Risk in Undeveloped Areas
RLP80	Landscape Features and Habitats
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP67	Flood Risk in Undeveloped Areas
RLP71	Water Supply, Sewerage & Drainage

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LLP9	Tourist Development within the Countryside
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat

LPP70 Protection, Enhancement, Management and Monitoring of
Biodiversity

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Great Yeldham Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

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

The site is designated as a Local Wildlife site and a public right of way runs to the north of the application site.

PROPOSAL

This application seeks permission to retain the electricity supply which is housed within an existing building/structure on the application site.

CONSULTATIONS

Environment Agency - Note that there is a section titled 'Flood Risk Assessment' within the Planning Statement document, dated 27 November 2018, referenced project SA27068. Satisfied that the statement and flood map shows the Electricity Supply Kiosk in relation to flood risk zones and note the appropriate mitigation measures have been applied.

PARISH / TOWN COUNCIL

Great Yeldham Parish Council - The Parish Council considered the above application at its meeting held on the 7th February 2019 and wishes to object to the above planning application. A planning breach has occurred as the Applicant has completed works without the required planning permission. The electricity supply and enclosure conflict with Policies CS5 and CS8 of the Braintree District Local Development Framework Core Strategy in that the development would fail to contribute to and enhance the landscape character of the local environment within the countryside and paragraphs 170 and 83 of the National Planning Policy Framework with regards to failing to respect the character of the countryside with the policies outlined above.

REPRESENTATIONS

A site notice was displayed at the vehicular entrance to the site on Toppesfield Road.

17 representations received making the following comments:

- Previous application refused permission for the retention of the enclosure
- Located in a flood plain
- Blot on the landscape and out of character with the surrounding area and the marsh land
- The applicant should have acquired planning permission before the enclosure was erected.
- Why is the electricity enclosure necessary?
- Not convinced by the argument that the electricity is required for the oxygenation of the lakes
- Photographs posted by the applicant which included car and registration details was an invasion of the neighbouring occupiers privacy
- Concerns about the impact the fencing would have on the deer population
- Lighting the lakes would harm the exiting wildlife
- Allowing this structure to be retained would set a precedent for further buildings
- Concerns about the safety of the enclosure as it appears to have subsided

1 supportive representation received making the following comments:

- The electricity supply is important for the fishermen that use the lakes, as they will be able to charge electrical items
- It will enable better facilities to be provided on the site, making it more comfortable

REPORT

Background

In 2018, full planning permission was refused at Planning Committee for the following development:

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

The application was refused for two reasons:

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

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

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

The reasons for refusal of the previous application are material considerations in the determination of this application.

Principle of Development

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

The site currently contains two small fishing lakes, which up until recently were neglected and underused. There are no other facilities on the site. The site is accessed via an unmade track from Toppesfield Road. A separate application is currently under consideration for the ‘enlargement of two existing fishing lakes to create one larger fishing lake, creation of a parking area, and change of use of the land for siting of two mobile units to provide anglers’ toilets and tools shed’, (application reference 18/02165/FUL refers).

Design, Appearance and Layout

The committee report for application reference 18/00746/FUL considered the retention of the electricity enclosure to be unacceptable as it has a utilitarian design and would be harmful to the landscape character in this location. However this harm was considered to be cumulative harm, when combined with the other elements that were proposed within this earlier application.

In isolation, the electricity supply enclosure does not create the level of harm to the landscape such as to warrant the refusal planning permission for its retention.

The applicant has stated that the electricity supply is required to power essential infrastructure in order to aerate the water during an oxygen crash. The electricity supply replaces the temporary diesel generator, which is considered to be less disturbing for local residents.

Impact on Neighbour Amenity

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

With regards to the impact of the retention of the enclosure on nearest residential properties located to the north of the site along Toppesfield Road, there is sufficient distance between these dwellings and the enclosure to ensure the amenity levels for these residents are not materially affected.

Furthermore the electricity supply replaces the temporary diesel generator, which is less disturbing for local residents.

Flooding

The enclosure is located on land that falls within Flood Zone 2 and 3. The Environment Agency have assessed the information submitted and raise no objection to the retention of the enclosure.

Other Matters Raised

Reference is made to the fencing and the impact this would have on deer in the local area. It should be noted that the erection of the fencing did not require a specific grant of planning permission and does not form part of this application.

Should the applicant erect any flood lighting or additional structures on the site, a specific grant of planning permission would be required and any application would be considered on its merits.

CONCLUSION

On balance Officers conclude that proposed retention of the electricity supply which is housed within an existing building/structure on the application site would not be sufficiently detrimental to warrant the refusal of planning permission in this instance.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with approved plans:-

APPROVED PLANS

Location Plan
Site Plan

Plan Ref: SA 29622 E01
Plan Ref: SA 29622 E02

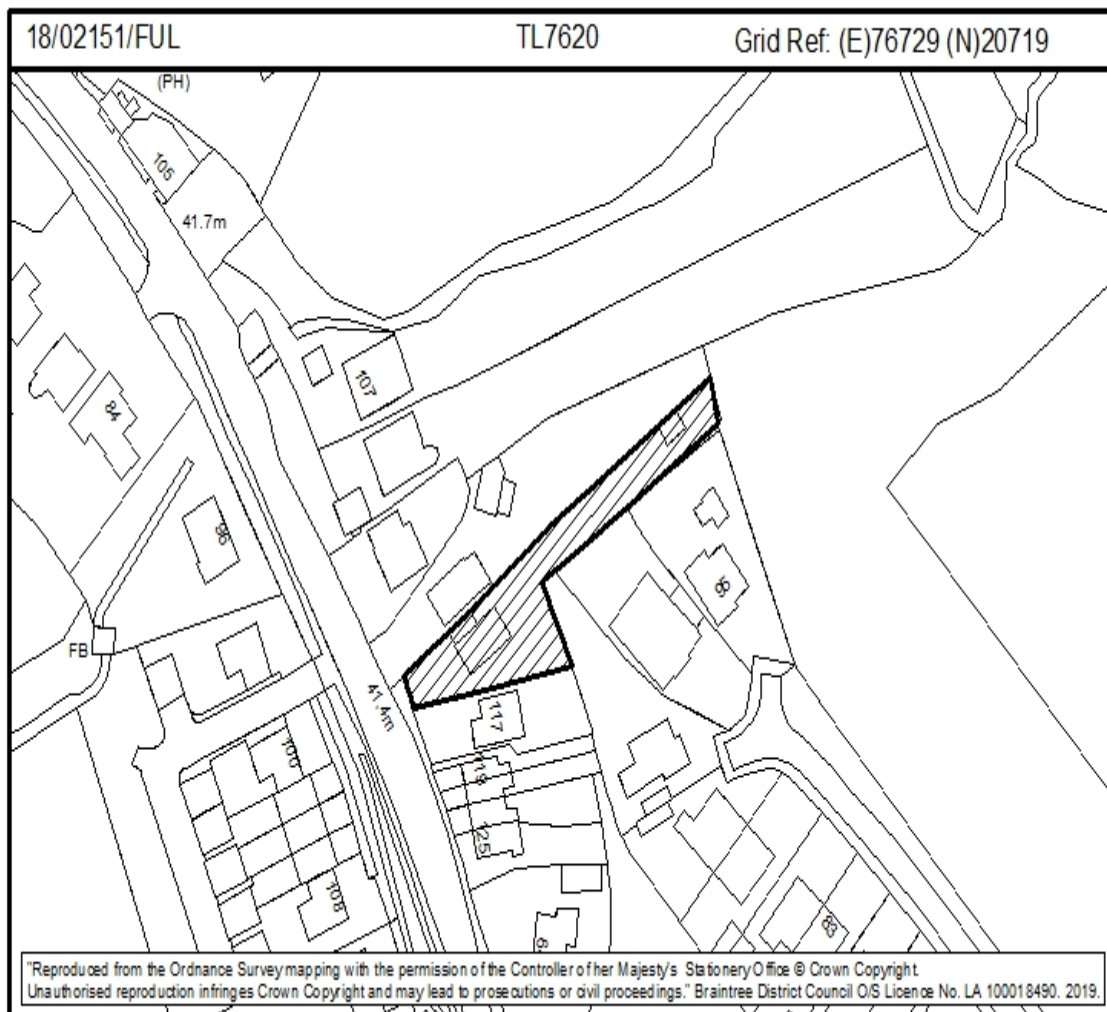
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 18/02151/FUL DATE: 12.12.18
VALID:
APPLICANT: Mr Philip Bryant
115 The Lockets, The Street, Black Notley, Braintree, CM77 8LL
DESCRIPTION: Retrospective application for the retention of a wooden decking area to the rear of the property, with trellis screening and a wooden garden shed to the end of the rear garden.
LOCATION: Lockets, 115 The Street, Black Notley, Essex, CM77 8LL

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJ5ZX3BF01000>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP17 Extensions and Alterations to Dwellings in Towns and Villages

RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP38 Residential Alterations, Extensions and Outbuildings
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

Other Material Considerations

Essex Design Guide

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site comprises a detached dwelling with a long 'L' shaped rear garden. The level of the site varies, sloping from south to north and from east to west. This results in the site being higher than the neighbours' property.

The area of the garden nearest the dwelling is extensively landscaped with areas of terraced decking, which is subject to this application. The decking sits to the side and rear of the dwelling and creates a level platform at one end with steps leading down the garden. There are also two panels of trellis which sit on top of the decking on the northern boundary of the site. At the far end of the garden, to the east, there are two small summer houses, a greenhouse and a further summerhouse/outbuilding.

PROPOSAL

This application seeks permission for the retention of the area of terraced decking which surrounds the side and rear of the dwelling and the summerhouse/outbuilding at the rear of the garden.

The total area of the garden covered by the decking amounts to approximately 50sq.m. Parts of the decking when measured from lowest ground level point measures 100mm and as a result of the gradients which exist on the site some elements of the decking measures 850mm. The trellis fence measures 2.1 metres high on top of the decking.

The detached garden outbuilding measures 3.2 metres by 4 metres and measures 2.9 metres in height when measured from the highest level of ground including the platform onto which it is built. There is a 600mm gap between the outbuilding and the boundary fence. The boundary fence at the bottom of the garden is below 1 metre in height.

All works subject to this application are established as having been installed for approximately 3 years.

CONSULTATIONS

None

PARISH / TOWN COUNCIL

Black Notley Parish Council object to the development and state that both elements of the proposal affect the privacy and amenity of the neighbour at 113 The Street. The wooden decking covers a very large area and is elevated in places by several feet putting up the height of the boundary fence with the neighbour to an unacceptable level. The side access between the houses is now compromised preventing necessary maintenance for both houses. It is planted with Laurels and there is an overhanging incomplete gutter pipe to drain the roof area of the lean to at 115. The shed at the rear of the garden is on a plinth elevating it by a couple of feet at the rear to an unacceptable height, taking out the light to the neighbours established greenhouse.

REPRESENTATIONS

113 The Street, object that the photo provided by the applicant is uninformative on the actual size and current surroundings of the cabin. The decking surrounding the cabin raises the entire 'ground' to approx. 2ft below the current fence line. Behind the cabin, a number of Laurel trees have been planted along the border. The photograph shows how the cabin overshadows the greenhouse the neighbour's garden.

The second reason for objecting is the decking surrounding the house itself. A large trellis fence placed alongside (approx. 9 to 10ft from the boundary), as well as an enclosed space, over-reaching the very highest point of the conservatory roof. Due to the size and height of the decking, the 'ground' level has been raised to just below the existing fence height, meaning that anyone on the decking can easily see over the entirety of the property and removes all aspects of privacy.

The large cabin, decking, large number of tree's and a fence that is approx. 9 to 10ft high results in the property being completely overshadowed. What was once a very pleasant garden to sit in the sun has completely vanished.

The whole of the garden is overlooked and overshadowed by buildings and trees that are not maintained by the applicant.

REPORT

Principle of Development

In this location, as set out in Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policies LPP1, LPP38, LPP50 and LPP55 of the Draft Local Plan, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The erection of an outbuilding for ancillary use to the main dwelling, areas of garden decking and the erection of fencing is acceptable in principle subject to compliance with the above policy criteria.

Design, Appearance and Layout

In terms of its size, scale and appearance, the outbuilding is a typical garden structure and would be compatible with the outside space available and sufficient rear garden amenity space remains to the dwelling. It would not be visible from the frontage of the dwelling and as such is not considered to have an impact on the character and appearance of the street scene. Being located at the end of the garden, it is approximately 55 metres from the rear elevation of the dwelling and the neighbours. This is sufficient distance to ensure residential amenity is protected.

The decking is acceptable in terms of its design and appearance. The layout of the decking and its various stepped areas take into consideration the natural ground level and add interest to the structural landscaping of the garden. The trellis creates a physical boundary and is not considered objectionable in terms of its design and appearance.

It is not considered that the decking has a material impact on the existing character of the dwelling nor the immediate area due to it being located in the rear garden and not visible form the street.

Officers therefore conclude that the outbuilding, decking and trellis fencing is compliant with the abovementioned policies in terms of design and appearance.

Impact on Neighbour Amenity

In terms of impact on neighbouring amenity, and when taking into account the proximity of the outbuilding to neighbours property, it is considered that the development does not have a detrimental impact upon neighbouring amenity in terms of overshadowing, overbearing or in terms of overlooking of habitable rooms in the house. This is with particular regard to No.113 The Street, which sits to the north at a lower level than the application site.

Concerns with regards to the overshadowing of the neighbours greenhouse are noted, however, ancillary outbuildings and structures cannot be afforded the same protection as habitable rooms within a dwellinghouse. Notwithstanding the above, Officers would comment that whilst some overshadowing may occur this is likely to be a minimal transient shadow that will have passed by midday.

In addition to this, the outbuilding is not considered to be an overbearing form of development given its total height of 2.7 metres and its positioning set in from the boundary fence.

With regards to the decking and trellis, which has been installed around the dwelling and into the garden area, concerns raised by the neighbour with regards to loss of privacy are noted. The area of decking of most concern is indicated as "Deck B" on the application submission which abuts the adjoining boundary.

Officers have inspected the site from the neighbouring property and note that the boundary treatment nearest to the dwellings comprise a boundary fence of approximately 1.2 metres high with a trellis fence positioned on the top of the decking nearest the boundary. In between the two fences is a row of laurel bushes. The laurel bushes reinforce the boundary at this point but their positioning behind the trellis fence, makes it difficult for the applicant to maintain, without removing the trellis. This is a civil matter between the applicant and the neighbour to which the local planning authority has no control.

The trellis measures 2.1 metres and is positioned on top of "Deck B" which measures 0.6 metre in height. The fencing appears high when viewed from the neighbour's property, however, the use of trellis material instead of a solid fence panel helps provide permeability in terms of light whilst still providing an element of privacy. There is the potential for overlooking from this section of decking, however, it is not considered that there would be any additional loss of privacy when considering the original garden layout and low boundary fence treatment which existed between the dwellings.

Photographs have been obtained which show the garden before it was altered by the current owner and this clearly shows the gradient on the site and the boundary treatment before works to the garden and its boundary were made.

Whilst the works undertaken by the applicant to modify their garden and make changes to the boundary treatment nearest to No.113 The Street, appear to have created a denser boundary treatment, it is considered that the level of overlooking would be similar to the original relationship between the two properties had the original boundary treatment still existed.

The nature of the site is that the adjacent properties are arranged with a terracing effect. This results in mutual overlooking between the dwellings as a result of the sloping land. The installation of the decking does not exacerbate this further.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. The site is however, of considerable size and as such the off-street parking provision is not considered to be affected by the proposal and as such would be compliant with the Councils adopted parking standards.

CONCLUSION

The erection of the decking and installation of trellis panels has introduced built form nearer to the boundary, however, it is not considered to have resulted in an increase in loss of privacy, given that the height of the original boundary treatment of 1.2 metres and the slope of the land. The height of the fencing is taller than a standard boundary treatment, and this is exacerbated by the gradient which exists on the site, however the use of permeable trellis reduces its impact and as such its impact is lessened.

The erection of the shed structure in the garden is considered to be acceptable in terms of its design and appearance and is not considered to have a detrimental impact in terms of overshadowing given the height of the building and its positioning away from the boundary. Consequently, the application is recommended for approval.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the approved plans:-

APPROVED PLANS

Elevations	Plan Ref: Trellis detail
Site Plan	
Elevations	Plan Ref: 1
Elevations	Plan Ref: 3
Elevations	Plan Ref: 2

CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/00091/LBC

DATE: 15.02.19

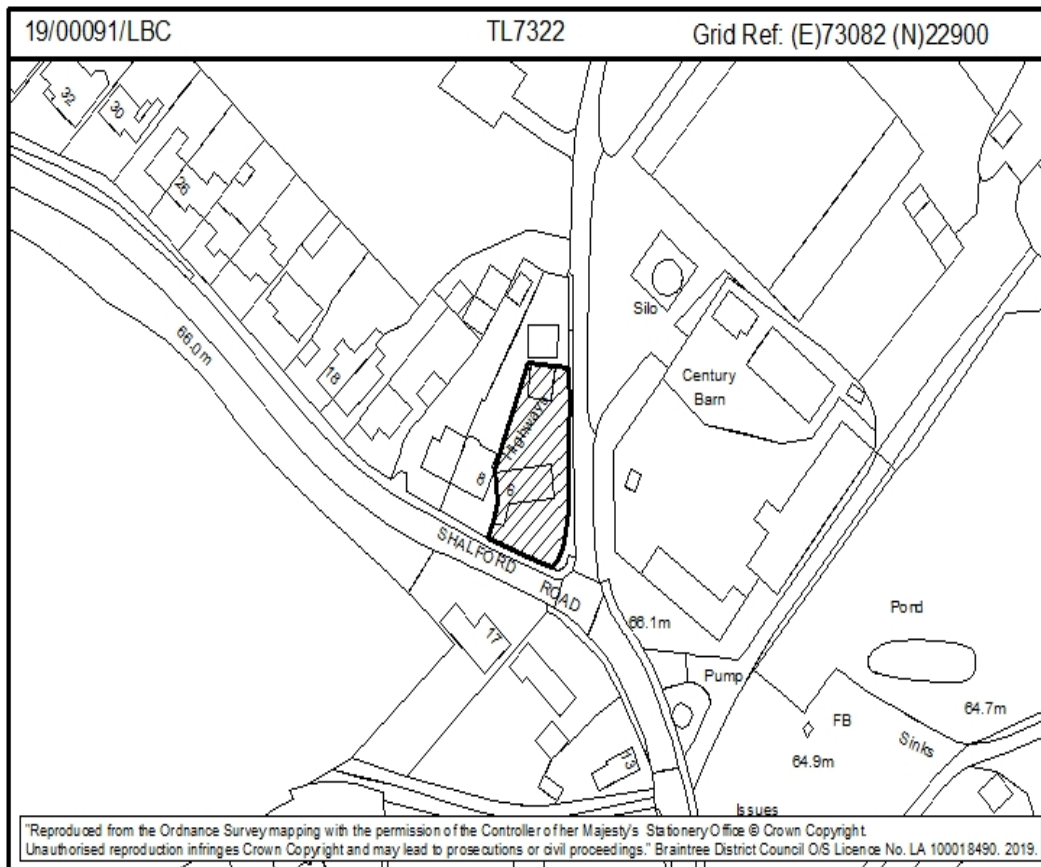
APPLICANT: Mr Ian Girard

VALID:

DESCRIPTION: Highways Cottage, 6 Shalford Road, Rayne, Essex, CM77 6BT
Rethatch existing roof, replace existing rotten wooden windows with new flush fitting casement windows, replace 2 external wooden doors with new doors, replace existing tiled front and rear extension elevations with new slate tiles and insertion of 4 No. rooflights to rear. Refurbish existing internal wooden staircase, installation of new ensuite facilities in bedroom and demolish existing lean-to outhouse.

LOCATION: Highways Cottage, 6 Shalford Road, Rayne, Essex, CM77 6BT

For more information about this Application please contact:
Ellie Scott on:- 01376 551414 or by e-mail to: ellie.scott@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLHAD5BF01G00>

SITE HISTORY

06/00994/FUL	Erection of new 2 bay cart shed (replacement of existing garage)	Granted	27.06.06
07/00554/LBC	Rebuild chimney stack	Granted	09.05.07

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after

carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Rayne Parish Council supports the proposal contrary to Officer recommendation.

SITE DESCRIPTION

Highways Cottage is a Grade II listed property, located within the Rayne Conservation Area. The property is timber framed and dates from the sixteenth century or possibly earlier and is a positive contributor to the character and appearance of the Conservation Area.

PROPOSAL

The proposal is for a series of works including rethatching the existing roof, replacing existing rotten wooden windows with new flush fitting casement windows, replacing two external wooden doors with new doors, replacing existing tiles on the front and rear extension with new slate tiles and insertion of 4 no. rooflights to the rear. Other works also include refurbishing the existing internal wooden staircase, installing new en-suite facilities in the bedroom and demolishing an existing lean-to outhouse.

CONSULTATIONS

Historic Building Consultant

As proposed, the alterations will cause less than substantial harm to the significance of the listed building, contrary to paragraph 196 of the NPPF.

Whilst elements of the proposal are acceptable in principle, such as the rethatching of the building, changes to the rear extensions and the replacement of unsympathetic twentieth century windows, the proposed replacement windows are inappropriate for a listed property. Double glazing will greatly alter the building's appearance and detract from its architectural

character and significance. No historical precedent has been provided for the proposed installation of diamond leaded panes and there is also insufficient information regarding the replacement windows, which is contrary to paragraph 189 of the NPPF.

Similarly, no analysis has been provided regarding the significance of the rear external door which will be removed as part of the application. The submitted photographs suggest the door is significant in age, therefore its removal would result in a loss of historic fabric. It is noted that a letter sent in by the applicant has suggested that the door is a 1960s-70s replacement softwood replacement door. Further information regarding the repair of the staircase is also required to understand the potential harm to the historic fabric of the building, if any. This should highlight where and how the reinforcements will be located, and which stair treads require levelling.

PARISH / TOWN COUNCIL

Rayne Parish Council: At its meeting held on 4th March 2019, the Parish Council supported this application for a landmark village building within the Conservation Area.

REPRESENTATIONS

A site notice was displayed in front of Highways Cottage for a period of 21 days. No representations have been received.

REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 196 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, where appropriate, securing its optimum viable use".

The National Planning Policy Framework (NPPF) states in Paragraph 184 that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 195 of the NPPF states that where proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in

the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In terms of the works proposed whilst some may be considered acceptable such as the rethatching of the building changes to the rear extensions and the replacement of unsympathetic twentieth century windows, the proposed replacement windows are considered to be inappropriate for a listed property. In particular, the double glazing would substantially alter the appearance of the building and would diminish the character and significance of the building. It is noted that the applicant has submitted a letter stating that they would be willing to substitute the double glazing for single glazing. However, as no plans have been submitted for single glazing, an assessment cannot be made at this stage. In terms of the proposed windows, no historical precedent at this particular property has been provided for the proposed installation of diamond leaded panes across all windows at the property and there is also insufficient information regarding the replacement windows, which is contrary to paragraph 189 of the NPPF.

Similarly, no analysis has been provided regarding the significance of the rear external door which will be removed as part of the application. The submitted photographs suggest the door is significant in age, therefore its removal would result in a loss of historic fabric. Further information regarding the repair of the staircase is also required to understand the potential harm to the historic fabric of the building, if any. This should highlight where and how the reinforcements will be located, and which stair treads require levelling.

As such therefore it is considered that the proposals as a whole would cause less than substantial harm to the Listed Building as outlined in paragraph 196 of the NPPF. As per paragraph 196 of the NPPF, harm to the significance of the heritage assets should be weighed against public benefits. It is considered that the proposal would have limited public benefits. The development would generate jobs to carry out the works although these benefits are considered to be very limited due to the scale of the proposal. Overall therefore, it is not considered that the public benefits outweigh the harm to the heritage asset cause by this proposal. As such the works are contrary to Paragraph 196 of the NPPF and are not acceptable from a conservation and heritage perspective.

CONCLUSION

It is considered that the proposed works would result in harm to the Listed Building and therefore the proposed works would not comply with the above-mentioned policies. Thus the application for listed building consent is recommended for refusal.

RECOMMENDATION

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

- 1 The works proposed would have a detrimental impact upon the character and appearance of the Listed Building. Furthermore insufficient information has been submitted regarding the works which is contrary to Paragraph 189 of the NPPF. The works would result in harm as per paragraph 196 of the NPPF and as such, the proposal would be contrary to the NPPF, Policy RLP100 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy and LPP60 of the Braintree District Draft Local Plan.

SUBMITTED PLANS

Location Plan	
Proposed Elevations	Plan Ref: Rear
Proposed Elevations and Floor Plans	Plan Ref: End
Proposed Elevations	Plan Ref: Front
Proposed Elevations and Floor Plans	Plan Ref: End
Existing Elevations	Plan Ref: Rear
Other	Plan Ref: Velux
Floor Plan	Plan Ref: Ensuite
Section	

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPLICATION NO: 19/00119/FUL
 DATE VALID: 23.01.19

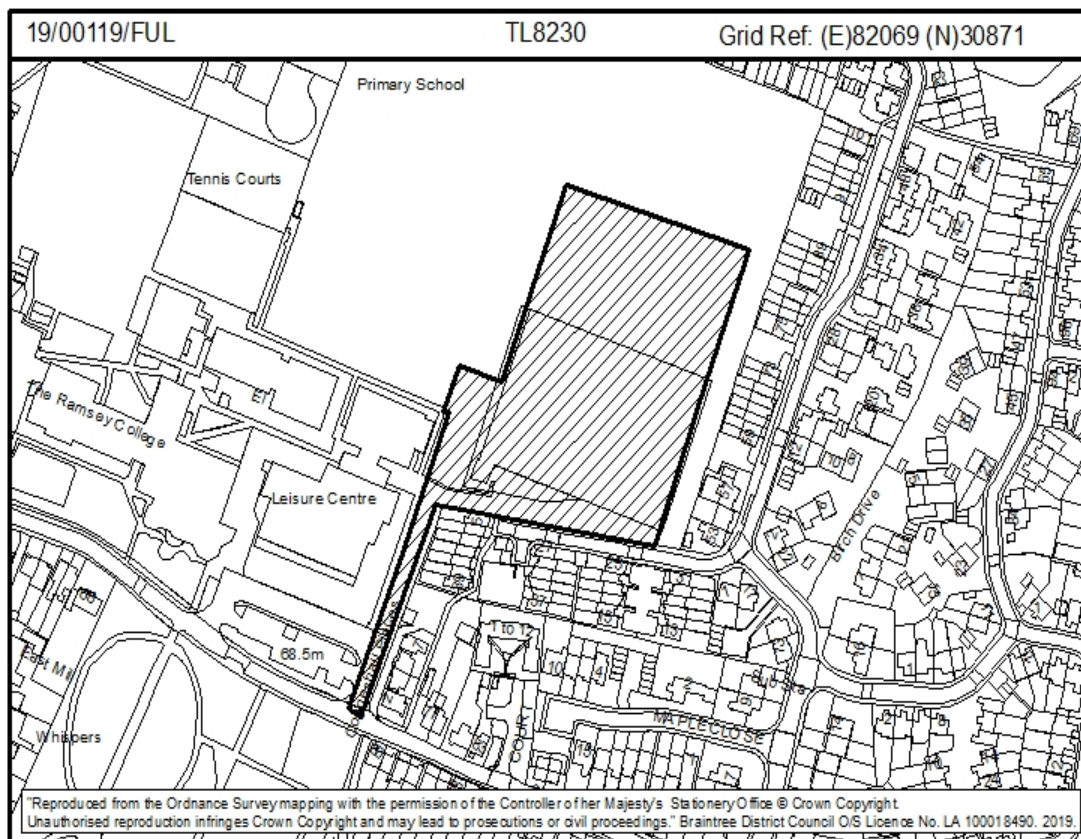
APPLICANT: Joby Humm
 Braintree District Council, Causeway House, Bocking End,
 Braintree, CM7 9HB

AGENT: Tom Betts
 Unit 3 Aerial Way, Hucknall Business Park, Watnall Road,
 Hucknall, Nottingham, NG15 6DW

DESCRIPTION: Creation of new Artificial Grass Pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, formation of grass mounds with screen planting around AGP boundary.

LOCATION: Halstead Sports Centre, Colne Road, Halstead, Essex, CO9 2HR

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLS3ULBFME000>

SITE HISTORY

83/00097/P	Erection of extension and provision of two squash courts	Deemed Permitted	31.03.83
95/00244/FUL	Proposed external storage facility for sports equipment	Granted	04.04.95
09/00892/FUL	Replacement of 8 metre lighting columns with 15 metre and replace 3 floodlights to each column with 2 floodlights to each column	Withdrawn	29.07.09
10/01518/FUL	Replacement of existing floodlighting system to synthetic pitch	Granted	06.04.11

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 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 Publication Draft Local Plan 2017.

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 48 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 Plan Review 2005

RLP11 Changes of Use Affecting Residential Areas
RLP56 Vehicle Parking
RLP90 Layout and Design of Development
RLP129 Sports and Leisure Facilities

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP53 Provision of Open Space, Sport and Recreation
LPP55 Layout and Design of Development

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site consists an existing Leisure Centre facility located within the Town Development Boundary of Halstead. The site contains a large Leisure Centre building, a car park to the front, and to the side and rear a large recreational ground. There is an existing football pitch on the recreation ground to which this application relates.

PROPOSAL

The application relates to the replacement of the existing football pitch with a pitch of twice the size, measuring 106 metres x 70 metres, the installation of fencing around the pitch to prevent balls from leaving the pitch, the installation of flood lights around the pitch, and the installation of a grass mound around the site with planting upon the top of it.

CONSULTATIONS

Sports England – No Objections.

Environmental Health Officer – No Objections, Subject to Conditions.

Essex Highways – No Objections.

PARISH / TOWN COUNCIL

Halstead Town Council – No Objections; Raise Concern regarding Noise.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. A total of five representations were received from three addresses. They raise concern in relation to the following points:

- Lack of drainage;
- Spillage of floodlighting and impacts on residential amenities;
- Noise impacts from an increased use of the pitch and the impacts on residential amenities.

REPORT

Principle of Development

The application relates to a site which is located within the town development boundary of Halstead, where the principle of new development is generally considered to be acceptable. Policy RLP129 of the Adopted Local Plan states:

“Proposals for sports and leisure facilities, which require substantial buildings, including change of use, should normally be located within town or village centres. If no suitable sites within these areas exist, then such developments may be acceptable, as an exception, on edge-of-centre sites provided that:

- *they are conveniently accessible by both public and private transport, bicycle and on foot from nearby residential areas*
- *they are located where there are no overriding traffic problems and access to the development will be safe*
- *they have no detrimental effect upon residential amenity, or the environment*
- *they are compatible with other policies in the plan.*

If there are no suitable sites within town boundaries or village envelopes then sites adjoining urban areas may be considered if they meet the criteria set out above.”

In the case of this application, the proposal would not require a substantial building or change of use. The footprint of the proposed pitch would be large; at approximately double the size of the existing football pitch. The site is well accessible, being located within Halstead.

Policy LPP53 of the Draft Local Plan states:

“Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, will be recognised and given protection by the Council. Areas of particular quality may include;

- *Small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities*
- *Areas of open space that provide a community resource and can be used for informal or formal events such as community, religious and cultural festivals*
- *Areas of open space that particularly benefit wildlife and biodiversity
Areas identified as visually important on the proposals map
Play areas, and sport and recreation grounds and associated facilities*

- *Where the Council has identified a surplus in one type of open space or sports and recreational facility but a deficit in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit. The Council will also consider where development may also provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility.*
- *For small sites where on site provision is impractical, consideration will be given to opportunities for off-site provision or improvements within the ward or an adjacent ward.*
- *Existing open space, sports and recreational buildings and land shall not be built on unless an assessment has been undertaken which has clearly demonstrated that the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. Developers will need to consult the local community and demonstrate that any proposals are widely supported by them.*
- *In considering planning applications which could impact on open space, the Council shall weigh any benefits being offered to the community against the loss of open space that will occur. Then Council will seek to ensure that all proposed development takes account of, and is sensitive to, the local context. In this regard, the Council shall consider applications with the intention of;*
- *Avoiding any erosion of recreational function and maintaining or enhancing the character of open spaces*
- *Ensuring that open spaces do not suffer from increased overlooking, traffic flows or other encroachment*
- *Protecting and enhancing those parts of the rights of way network that may benefit open space and access to the wider countryside*
- *Mitigating the impact of any development on biodiversity and nature conservation."*

The application site consists an existing Leisure Centre facility located within the Town Development Boundary of Halstead. The provision of an enlarged pitch would allow for a more intensely used facility, which would be beneficial to the Sports Centre and its long term viability, and therefore the wider community that uses it.

Officers consider that in terms of principle, the proposed pitch would be acceptable.

Design, Appearance and Layout

The proposed pitch, at 106 metres x 70 metres, would be relatively large. However the visual impacts would be contained, as although the pitch will be visible in the street scene, these views would be restricted to those toward the existing pitch.

The proposed fencing would be functional in appearance. The specification of the fencing is a typical and standard feature associated with the proposed use. There is also a fence around the existing football pitch.

Officers note that given the increased size of the proposed pitch, the pitch would be more visible to the houses along Hawthorn Close, however while this is acknowledged, loss of view is not a material planning consideration and a reason for refusal could not be substantiated on this basis.

Overall the design and layout of the proposed development is considered to be satisfactory.

Impact on Neighbour Amenity

The premise of the received objections relates to impacts on neighbouring residential amenities. The main issues are:

- Whether the level of noise created by the larger pitch and longer operation hours would constitute refusal on grounds of impacts on neighbouring residential amenities;
- Whether the light created by the installation of the flood lights would constitute refusal on grounds of impacts on neighbouring residential amenities.

There would be an increased amount of noise and light spillage as a result of the larger pitch and longer operation hours. In order to ascertain whether this would result in 'unacceptable impacts on neighbouring residential amenities', Officers consulted with the Council's Environmental Health Officer, who has considered the information submitted.

The Council's Environmental Health Officer has raised concerns regarding the amount of noise created by the pitches and longer hours. It is noted that the nature of noises created will involve vehicles arriving and leaving, car doors opening and closing, verbal communications and whistles. Although the Environmental Health Officer raises concerns in relation to noise impacts, they do not consider the nature of noises, as described above, to be noises which can be controlled through statutory nuisance measures.

Therefore although they state in their response that there is no objection, impacts need to be considered. The nature of the noises would be extended over a longer period of time when compared with the existing pitch use. However, the nature of the noises would remain consistent, and it is not unreasonable to expect the existing pitch to be used until it gets dark, which during the summer will be later on in the evenings. In the case of this application, impacts would not be sufficiently detrimental to warrant the refusal of planning permission. A planning condition restricting the operating hours of the pitch is however recommended.

Light spillage from the proposed floodlights is also an area of concern for the neighbouring properties. The applicant has provided a plan which shows the spread of light spillage from the site. The plan shows that the flood lights would be fitted with devices to prevent light spillage, including louvres, and minimal aiming angles. The submitted plan shows light spillage would be entirely prevented, with a total of 0 lux on a vertical and horizontal scale reaching the neighbouring properties. This does not mean that the light source would not be visible from the neighbouring dwellings, but that light itself would not intrude. Again, in the absence of an objection from the Environmental Health Officer in relation to light impacts, and subject to a condition relating to the aiming angles etc. of the proposed floodlights, it is considered that the proposed lighting is acceptable. A condition in respect of the hours of operation of the flood lighting is also recommended.

Highway Issues

The site consists of an existing Leisure Centre which is served by a large car park. Although the proposed pitch would result in an influx of vehicles arriving and leaving at the same time, the Highway Authority does not consider that this would result in an intensification of the access and raises no objection to the application.

Other Issues

One of the representations received points out that the application forms state the applicant is not a Member of Braintree District Council Staff, or relates to a Member of Braintree District Council Staff. This is inaccurate, Braintree District Council are themselves the applicant, and the application has been reported to Planning Committee on this basis.

Some of the submitted representations raised concerns in relation to flooding. Officers note that the site is located in a Flood Zone 1, where there is the lowest risk of flooding, and the proposed use is not a vulnerable use. Standing water on the pitch is not a planning concern, and therefore it would not be reasonable to request further details in relation to this.

CONCLUSION

The application seeks permission for an enlarged football pitch in a sustainable location, which is part of an existing Leisure Centre facility. The proposed design and layout of the proposal is considered to be acceptable.

Officers acknowledge that the proposal would give rise to noise and light impacts upon neighbouring residential properties along Hawthorn Close. However, these impacts would not constitute an 'unacceptable impact' that would be sufficiently detrimental to warrant the refusal of planning permission. Furthermore, there would be wider benefits brought about by the proposed scheme, which in Officers' view, would outweigh the harm caused.

Officers therefore recommend that planning permission is granted for the proposal.

RECOMMENDATION

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

APPROVED PLANS

Site Plan	Plan Ref: 18-0034 BM25583 0362 02
Planning Layout	Plan Ref: 18-0034 BM25583 0362 03
Planning Layout	Plan Ref: 18-0034 BM25583 0362 04
Lighting Plan	Plan Ref: 18-0034 BM25583 0362 05
Elevations	Plan Ref: 18-0034 BM25583 0362 06
Location Plan	Plan Ref: 18-0034 BM25583 0362 01

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

Reason

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

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

Reason

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

- 3 There shall be no use of the pitch hereby approved outside the following times:-

Monday to Friday 0845 hours - 2200 hours
Saturday 0900 hours - 2000 hours
Sundays, Public and Bank Holidays 0900 hours - 2000 hours.

Reason

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

- 4 No external lighting shall be installed unless and until additional details for the means of preventing glare from the light sources have been submitted to and approved in writing by the local planning authority. The external lighting shall only be installed in accordance with the approved plans and the approved details and shall be permanently retained as such.

Reason

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

- 5 There shall be no use of the floodlighting hereby approved outside the following times:-

Monday to Friday 0845 hours - 2200 hours
Saturday 0900 hours - 2000 hours
Sundays, Public and Bank Holidays 0900 hours - 2000 hours.

Reason

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

INFORMATION TO APPLICANT

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

2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

3 In seeking to discharge Condition 4, the applicant is minded to note that the Council will be expecting to see details such as the specification of louvres to be fitted, specification of aiming angles upon the masts, and any other means of preventing glare.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER