

PLANNING COMMITTEE AGENDA

Tuesday, 30 July 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 J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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 the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 16th July 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|-----------|---|-----------------|
| 5a | Application No. 18 02165 FUL (Deferred) - Fishing Lakes, Great Yeldham Hall, Toppesfield Road, GREAT YELDHAM | 6 - 47 |
| 5b | Application No. 19 00058 FUL (Deferred)- Fishing Lakes, Great Yeldham Hall, Toppesfield Road, GREAT YELDHAM | 48 - 65 |
| 5c | Application No. 18 01902 VAR - Police Station, High Street, GREAT YELDHAM | 66 - 77 |
| 5d | Application No. 19 00110 FUL - Freezes Farm, North Street, STEEPLE BUMPSTEAD | 78 - 90 |
| 5e | Application No. 19 00523 FUL - Land at Bury Lane, HATFIELD PEVEREL | 91 - 102 |

PART B

Minor Planning Application

5f Application No. 18 01906 FUL - Braintree Dental Centre, 9B- 103 - 111
9C Coggeshall Road, BRAINTREE

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none

PRIVATE SESSION

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8 Urgent Business - Private Session

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

DEFERRED ITEM

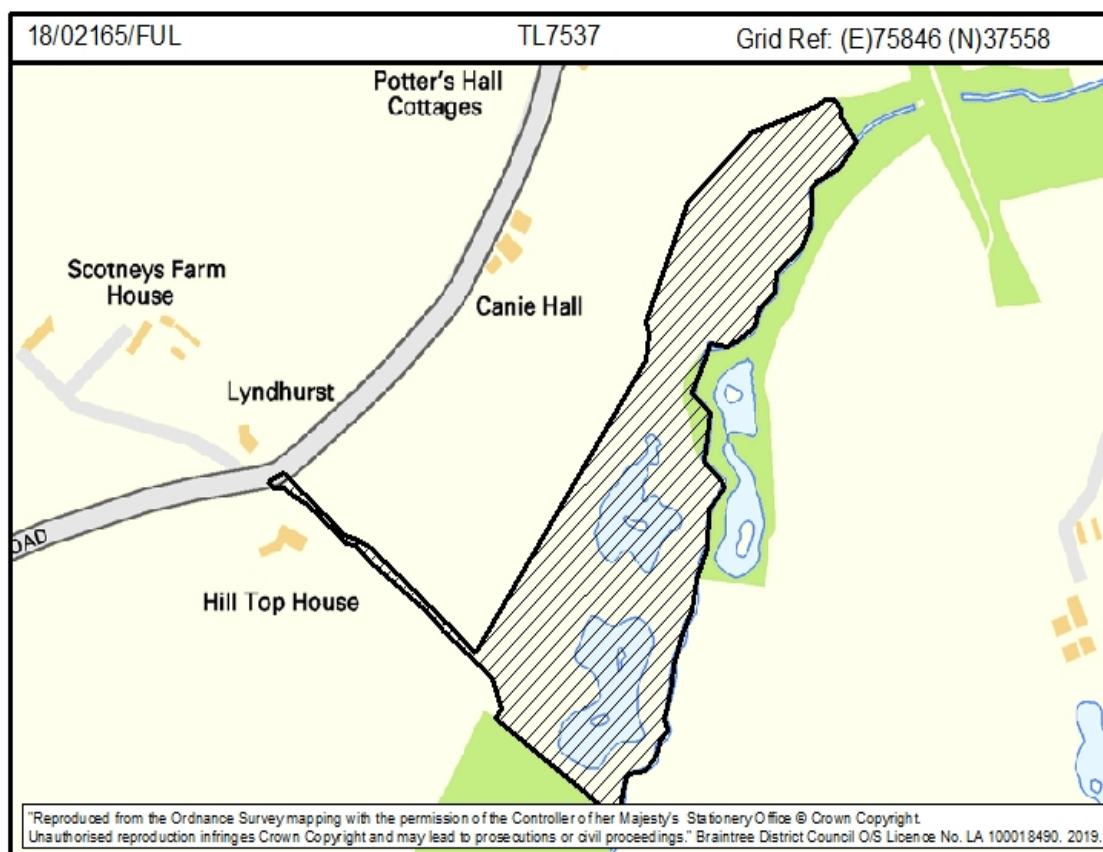
AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/02165/FUL DATE: 30.11.18
VALID:
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.

BACKGROUND

In 2018, planning permission was refused by the Planning Committee for the enlargement of two existing fishing lakes, the creation of a parking area, and the siting of four mobile buildings to be used for a W/C, tea room, a tools shed, and an office, and the retention of an electricity substation.

On 23 April 2019, this application was reported to Planning Committee for determination, with an officer's recommendation for approval. The application was subsequently deferred by the Committee, who requested further information in relation to the proposals as follows:

- Car Parking – why is this number of spaces proposed and why is that adequate;
- Is there a safe pedestrian route to the village from the site;
- How often are events held at the site where children attend (at the meeting, the Applicant spoke of 50 people attending in one go);
- What arrangements are there for people with disabilities to access the site;
- Confirmation of foul sewage arrangements including how often it is expected that the septic tank will need emptying;
- Where will the water supply for the toilets and showers come from;
- How will electricity be supplied to the toilet block and heat the showers.

Following this deferral, Officers liaised with the applicant/agent to ascertain answers to the questions raised at the Planning Committee, and these are summarised and considered at the end of the report under heading 'Additional Information'.

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 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.

Additional Information

The agent has provided the following information as requested by the Committee when the application was deferred on 23 April 2019. As discussed above, the Committee raised the following questions:

- Car Parking – why is this number of spaces proposed and why is that adequate;
- Is there a safe pedestrian route to the village from the site;
- How often are events held at the site where children attend (at the meeting, the Applicant spoke of 50 people attending in one go);
- What arrangements are there for people with disabilities to access the site;
- Confirmation of foul sewage arrangements including how often it is expected that the septic tank will need emptying;
- Where will the water supply for the toilets and showers come from;
- How will electricity be supplied to the toilet block and heat the showers.

On-Site Car Parking

Members requested further information in relation to the proposed car parking details. Fishing is regarded as a D2 (Assembly & Leisure) use, which under the Adopted Parking Standards is assessed on its merits. The application therefore includes one car parking space per person (i.e. 12 spaces), plus 2 parking spaces for the site owner and the water bailiffs, plus 1 extra, plus the 2 accessible spaces for disabled persons. Previously, users of the fishery have parked at the end of the track. In this regard, provision of a car park (albeit not formally laid out to ensure the site remains in keeping with the rural setting), would represent a significant improvement to the car parking for the fishery.

Pedestrian Access from Village

There are public rights of way into and around the site which can connect the site to the village via pedestrian means of transport. However given the types of equipment which would be brought to the site, it is unlikely that walking would be a preferred method of transport. Officers in this regard consider that the application is acceptable in this regard.

Intensity of the Use

The applicant made verbal reference to 50 children attending the lakes and suggested the use being a 'premier use', which suggested a high intensity use. Confirmation has been provided that the site will provide for up to 12 persons at a time and would never accommodate 50 persons in one sitting.

Disabled Access

The application includes 2 accessible parking spaces for disabled persons, which complies with the Council's Adopted Parking Standards. Officers are satisfied in this regard that the application is acceptable, and that the proposed use will provide for its users who may be disabled.

Foul Sewage

The application includes details of a septic tank, which would be situated on the site. The tank would require emptying once per year, and the applicant has advised that its size is based on up to 12 persons using the lakes at any one time.

Water Source for On-site Toilets and Showers

There is an existing mains water supply to the site, which is situated approximately 10 metres north of the location of the proposed toilet block.

Electricity Source

There is an existing electricity supply box on the site which would provide electricity to the toilet block and shed, via underground cabling. The supply box is subject to the other application being reported to the Planning Committee (application reference 19/00058/FUL).

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 are the timings 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 beign used to clad the mobile units, rather than a faux wood cladding.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5a

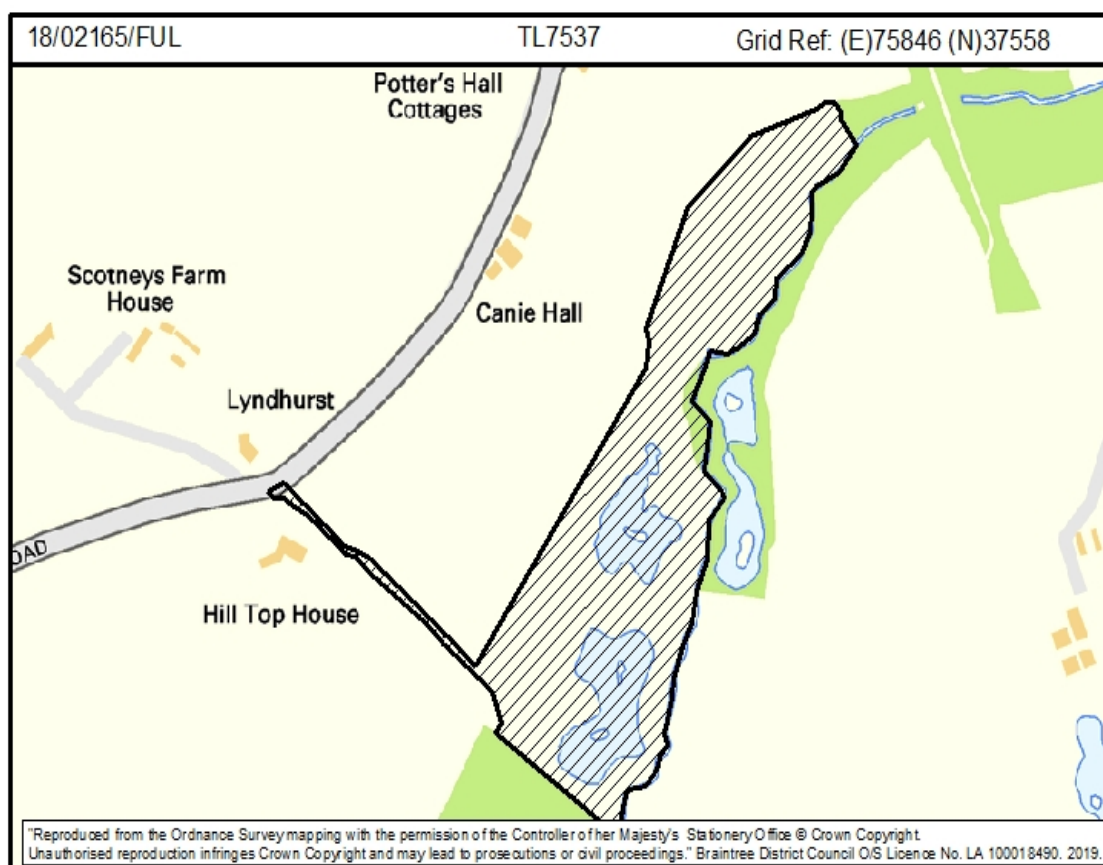
APPENDIX

APPLICATION NO: 18/02165/FUL DATE: 30.11.18
VALID:
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 Planning Committee in accordance with the Council's scheme of delegation at the request of the Chair and Vice Chair 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 hardsurfacing 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 hardsurfaced 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
Proposed Elevations

Plan Ref: SA 29622 04
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 objections 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 are the timings of works (month/s) to avoid bird breeding season.

- Native species hedge and native tree planting: What are the timings 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 beign used to clad the mobile units, rather than a faux wood cladding.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

DEFERRED ITEMS

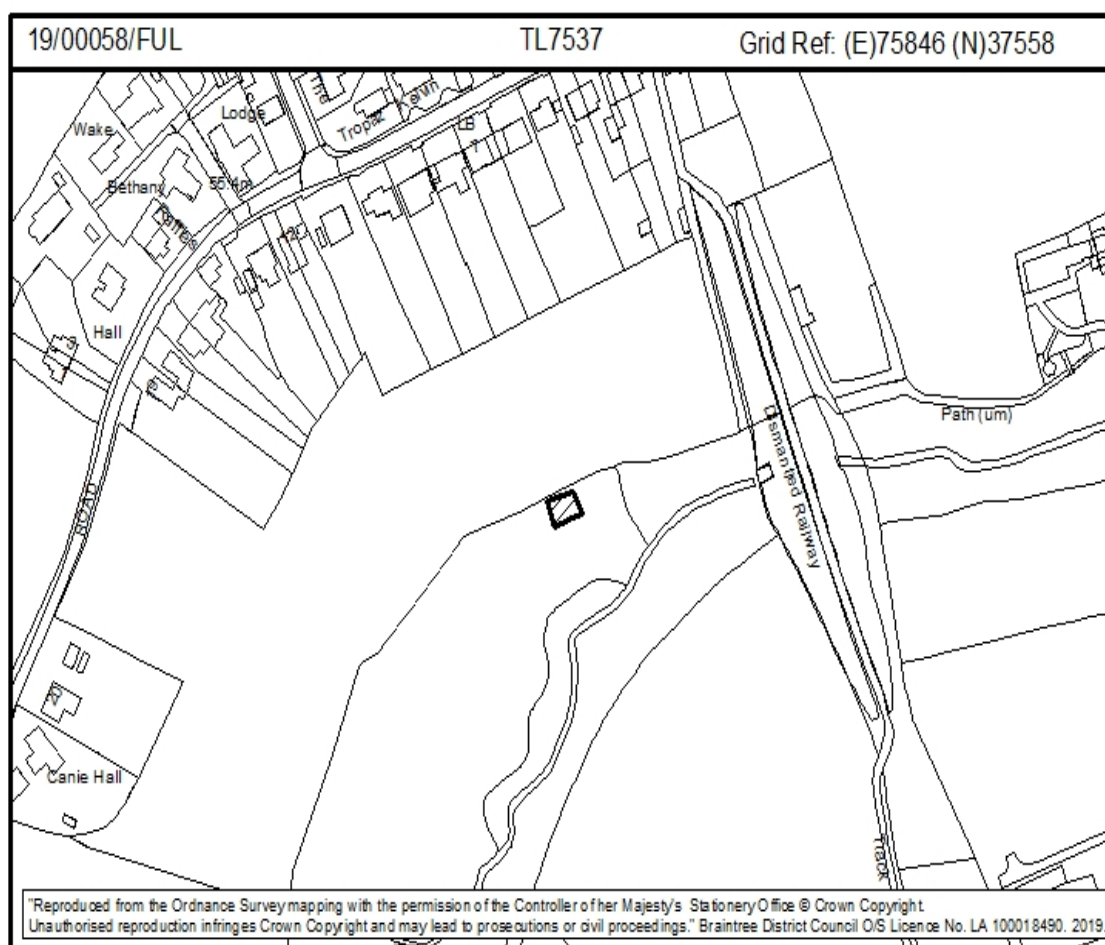
AGENDA ITEM NUMBER 5b

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

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.

BACKGROUND

In 2018, planning permission was refused by the Planning Committee for the enlargement of two existing fishing lakes, the creation of a parking area, and the siting of four mobile buildings to be used for a W/C, tea room, a tools shed, and an office, and the retention of an electricity substation on the site (application reference 18/00746/FUL).

On 23 April 2019, this planning application was reported to Planning Committee for determination, with an officer's recommendation for approval. The application was subsequently deferred by the Committee, who requested further information in relation to the proposals. This included a request for clarification in relation to the source of electricity on the site to power the W/C, which is considered toward the end of this report under heading 'Additional Information'.

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 a 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.

Additional Information

The agent has provided the following information, relating specifically to the enclosure, as requested by the Committee.

The electricity supply enclosure will also facilitate the provision of lighting via underground cabling to the proposed toilet block and tool storage shed as proposed in the planning application referenced 18/02165/FUL which is for consideration by the Committee as a separate Item within this agenda.

CONCLUSION

It is concluded that the retention of the electricity supply and enclosure on the application site is not sufficiently detrimental to justify the refusal of planning permission in this instance.

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 E01
Site Plan	Plan Ref: SA 29622 E02

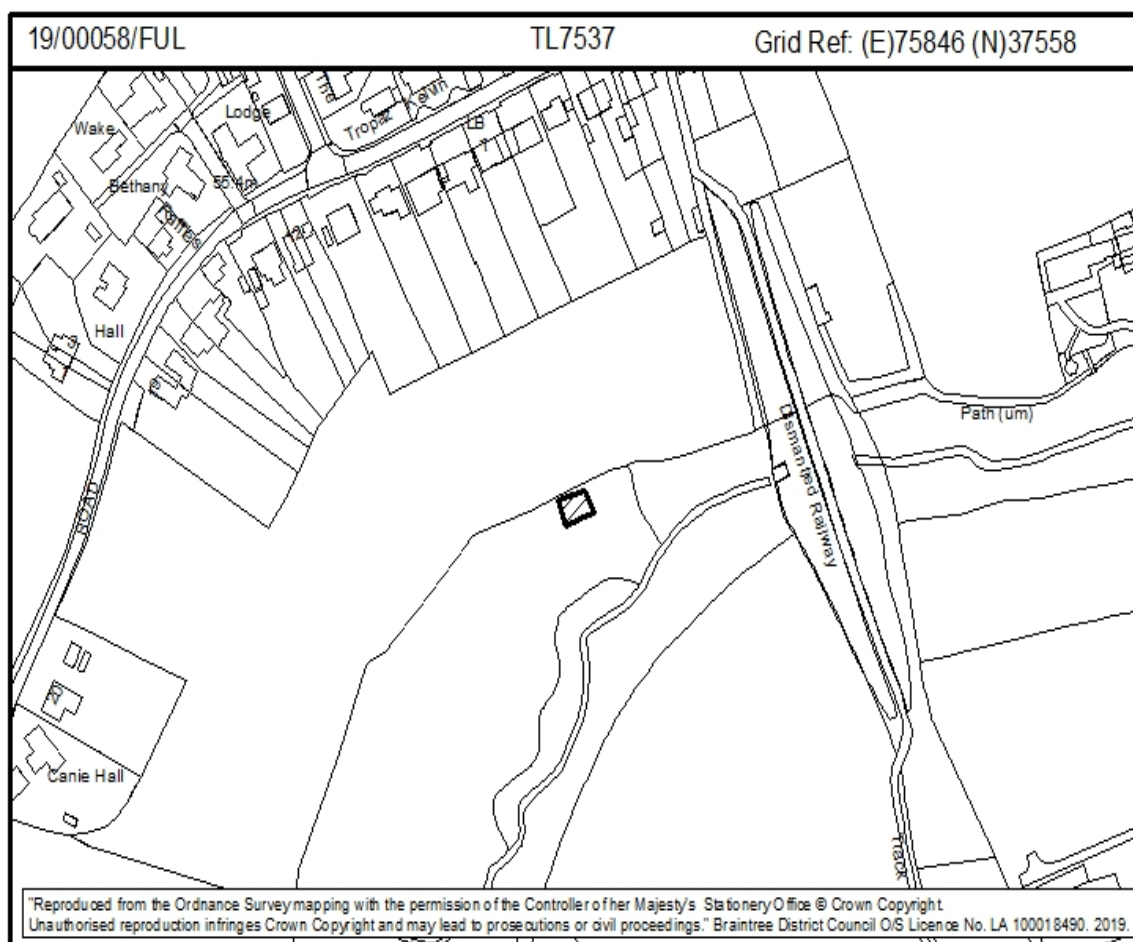
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM 5b APPENDIX

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, UK
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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to 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

PART A

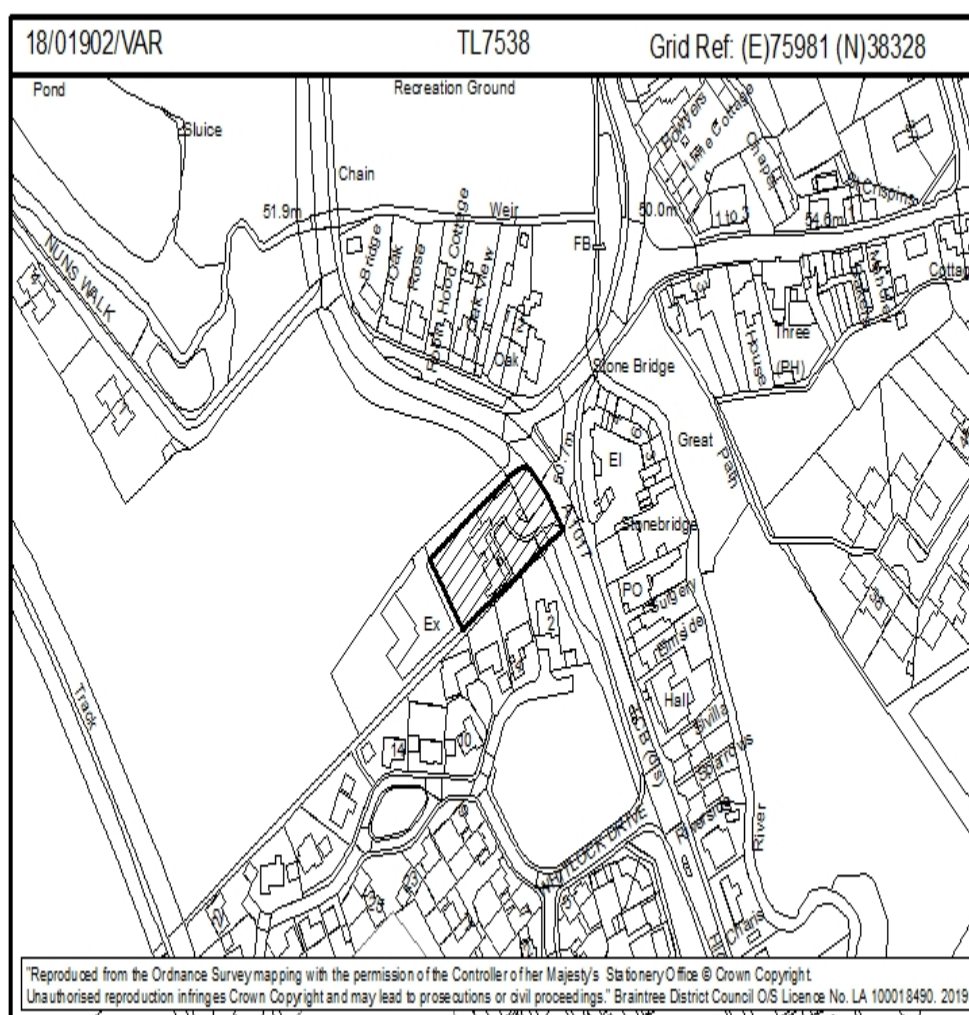
AGENDA ITEM NUMBER 5c

APPLICATION NO: 18/01902/VAR DATE: 31.10.18
 VALID:
 APPLICANT: Mr Dixie Walker
 Providence House, Sampford Hall Lane, Little Sampford,
 Saffron Walden, Essex, CB10 2QG
 DESCRIPTION: Change of use from Police Station to residential (8 no.self
 contained units) incorporating extensions and conversion-
 Variation of Conditions 2,3,4 and 5 of 17/01958/FUL to
 allow amended design and no. of windows and doors,
 change of external finish and altered roof form to rear
 extension - (Retrospective)
 LOCATION: Police Station, High Street, Great Yeldham, Essex

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=PH1N2CBF0IJ00>

SITE HISTORY

00/00162/FUL	Proposed internal alterations and provision of vehicle parking and ramped access	Granted	26.07.00
02/01167/FUL	Proposed adaptation, refurbishment, extension and new access/parking	Granted	26.07.02
07/01840/TPOCON	Notice of intent to carry out works to trees protected by the conservation area	Granted	08.10.07
13/00290/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Fell and remove 3 Leyland Cypress trees located to the south of the access road to the Police Station	Granted	31.12.13
17/01958/FUL	Change of use from Police Station to residential (8 no. self contained units) incorporating extensions and conversion	Granted	22.01.18
18/00652/DAC	Application for approval of details reserved by condition no. 3 of approved application 17/01958/FUL	Granted	03.07.18
18/01962/DAC	Application for approval of details reserved by conditions 6, 8, 9 and 11 of planning permission 17/01958/FUL.	Granted	25.02.19

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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP36	Industrial and Environmental Standards
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision

LPP55	Layout and Design of Development
LPP50	Built and Historic Environment
LPP56	Conservation Areas

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 the Parish Council object to the application contrary to Officer recommendation.

SITE DESCRIPTION

The site is located to the western side of the High Street in Great Yeldham. The site contains a detached two storey building formerly used as the Police Station which has been converted with front and rear extensions into 8no. Self-contained apartments with landscaped areas and car parking for 12 cars. To the south of the site is a Public Footpath and residential properties in Whitlock Drive. Immediately adjacent to the south west is the telephone exchange and to the north is agricultural land. The site rises up from the highway from east to west. A small area to the very front of the site, which includes part of the access/driveway and the existing green verge is located within the Conservation Area and Flood Zone 2.

PROPOSAL

The application seeks retrospective permission for minor material amendments to the original scheme as approved under the planning permission reference 17/01958/FUL. The changes include: the enlargement of windows; replacement of windows by French doors; omission of windows; insertion of rooflights; changes to the roof on the western and southern elevations; and render to the front elevation.

Permission is therefore sought to vary the following conditions:

- Condition 2 - Development to be carried out in accordance with the approved plans
- Condition 3 - Types and colour of external materials to be approved and implemented in accordance with approved details.

- Condition 4 - No windows or openings to be inserted above first floor finished floor level on the southern elevation in addition to those shown on the approved drawings.
- Condition 5 - The two first floor windows on the southern elevation to flat 8 to be fixed and glazed with obscured glass below a height of 1.7 metres above first floor finished floor level and thereafter be retained as approved.

CONSULTATIONS

BDC Environmental Health

No objections to the proposal on Environmental Health grounds.

ECC Highways

The highway authority has no objection to this proposal.

Essex County Fire and Rescue Service

Unfortunately there is insufficient detail to make comment regarding access for fire service purposes.

PARISH / TOWN COUCIL

Great Yeldham Parish Council

Objects to the application due to the higher level roofline to the rear of the original part of the building where the new single storey part adjoins being constructed much larger and the two storey section of the building extending in excess of 1m further to the rear of the property than the drawing shows making the development overbearing.

The details around the windows which have been installed do not reflect the same design as the existing, which is not sympathetic to the architecture of the original building.

The omission of brise soleil type louvres to the first-floor windows where clear glass and opening sections have been included is a contravention of condition 4 of the original planning application. The applicants have not fitted inverted brise soleil type louvres to any of the windows and intend to keep the windows as they are at present with the lower larger panes being obscure glazed and the smaller panes kept clear.

REPRESENTATIONS

Two representations were received from neighbouring properties at No.2 and NO.4 Whitlock Drive who have concerns with the first floor windows on the south elevation which, in accordance with the 17/01958/FUL permission, were to be obscure glazed and non-opening. The neighbours also have concerns with the detailing which has been installed around the windows which is not

the same design as the other windows on the Southern Elevation. The neighbours also consider the variation to the roof (flat roof extension) is overbearing and larger than stated on the approved plans.

REPORT

Principle of Development

The principle of this development has been established through the grant of the previous planning permission, application reference 17/01958/FUL. Permission is sought for the following changes to the approved scheme:

Windows and Doors

- Two windows on the Southern Elevation have changed design and are now four paned windows with the larger bottom half being obscured glazed and the small top panes remaining clear.
- A small window at ground floor level has been replaced with a French door.
- A window has been replaced with a French door on the Western Elevation.
- Three windows on the Northern Elevations have been omitted and three roof lights have been added

Material Changes

- The area at the front of the building has been finished in a pale coloured render to reflect the other outward extension on the other side of the front elevation of the building which has also been finished in render.

Roof Changes

- The corner of the development on the Southern elevation has been adapted to facilitate the roof line from the rear extension to the original building.
- A flat roofed element has also been added on the Western elevation to accommodate the staircase and access into flats 7 and 8.
- Whilst there have been changes to the roof line there has been no further change to the depth of the extension as suggested by the Parish council.

Design and External Appearance

The proposed changes are considered to be generally in keeping with the character and appearance of the previously approved development, with the exception of the addition of render to the front elevation. This addition is regrettable, however it is not considered to be so detrimental to warrant the refusal of permission. Furthermore, it would now be difficult to remove without damaging the original brick façade of the building.

Impact on Neighbour Amenity

Despite concerns highlighted by neighbouring properties that the changes to the building have caused an overbearing impact, these are in keeping with the overall character and appearance of the building, without having a detrimental impact on neighbouring residential amenity.

The windows at first floor level, which have not been installed in accordance with the planning permission, have top clear glazed openings, with the lower half of the windows being obscured by a surface applied film. Concern has been raised to these windows from neighbouring properties. On balance it is considered that these windows could give rise to an unacceptable level of overlooking and therefore a condition is recommended to require the replacement of these windows with non-opening obscure glazed windows, in accordance with the original planning permission.

Highway Issues

The changes have no material impact on the level of parking for the site or the vehicular access to the site.

CONCLUSION

The change in design of the windows and omission of windows plus the addition of French doors and roof lights is acceptable and in keeping with the high standard of design and finish employed throughout the development. The detailing around the windows is also acceptable and generally in harmony with the character and appearance of the development. Although one of the windows at first floor level to the southern elevation is somewhat at variance with the character and appearance to the other windows on the development, due to the detailing and materials used, it is not considered to be so detrimental to warrant the refusal of permission.

The change in materials from brick to render on some of the elevations (in particular the front elevation) is also on balance considered to be acceptable and in keeping with the character and overall appearance of the development.

The changes which have been undertaken were necessary in order for the building to function (the flat roofed extension provides access into apartments 7 and 8). The flat roof extension is not overbearing to neighbouring properties and the nature of the extension is very minor contrary to what has been suggested in the representations received. The flat roofed extension is barely discernible when viewing the rear and side elevations of the building and entirely sympathetic to the character and appearance of the overall development.

Concern is raised in respect of the removal of obscure glazed windows on the southern elevation and therefore a condition to require the replacement of these windows with non-opening obscure glazed windows is recommended.

Accordingly the revisions which have been undertaken are acceptable and recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: S/98441	Version: C
Proposed Elevations and Floor Plans	Plan Ref: S/9844/2	Version: D
Location Plan	Plan Ref: S/9844/3	
Existing Plans	Plan Ref: S/9844/2	Version: A
Roof Plan		
Site Selection Plan	Plan Ref: Condition 11	
Existing Elevations	Plan Ref: S/9844/2	Version: A

- 1 The development hereby approved shall be permanently maintained in accordance with the approved plans listed above, other than the location of the bin store which is not approved.

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.

- 3 No window, door or other means of opening shall be inserted on the southern elevation of the building, in addition to those shown on the approved drawings.

Reason

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

- 4 The development shall not be occupied until the car parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be maintained in this form at all times. The car park shall not be used for any other purpose than the parking of vehicles related to the development.

Reason

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

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

Reason

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

- 6 Prior to the first occupation of the development hereby permitted details shall be submitted to and approved by the local planning authority of a location, size and design of a bin store. The details as approved shall be those implemented on site and the bin store shall be provided prior to the first occupation of the development and thereafter retained in the approved form.

Reason

To ensure sufficient provision is made for a refuse bin store and in the interests of visual amenity.

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

Reason

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

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

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

Reason

In the interests of residential amenity

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

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

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 enhance the appearance of the development and in the interests of visual amenity

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

Reason

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

- 11 There shall be no discharge of surface water onto the highway

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety thereby ensuring the proposal is in accordance with policy DM1 of the Highway Authority's Development Management policies as adopted by the County Council Supplementary guidance in february 2011

- 12 The two first floor windows on the southern elevation of the building serving the lounge/kitchen to Flat 8 as shown on Drawing No. S/9844/2 Rev C are not approved. Prior to the first occupation of Flat 8 the existing windows shall be removed and replaced with obscure glazed windows with obscure glass to a minimum of level 3, shall be non-opening and shall be so retained at all times.

Reason

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

INFORMATION TO APPLICANT

1 The applicant is reminded of the need to discharge/comply with the outstanding conditions pertaining to this planning permission, specifically Conditions 4 (Car Park), 5 (Boundary Treatment), 6 (Bin Store), 7 (Lighting), 9 (Landscaping) and Condition 12 (Replacement obscure glazed windows).

2 In respect of Condition 12, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

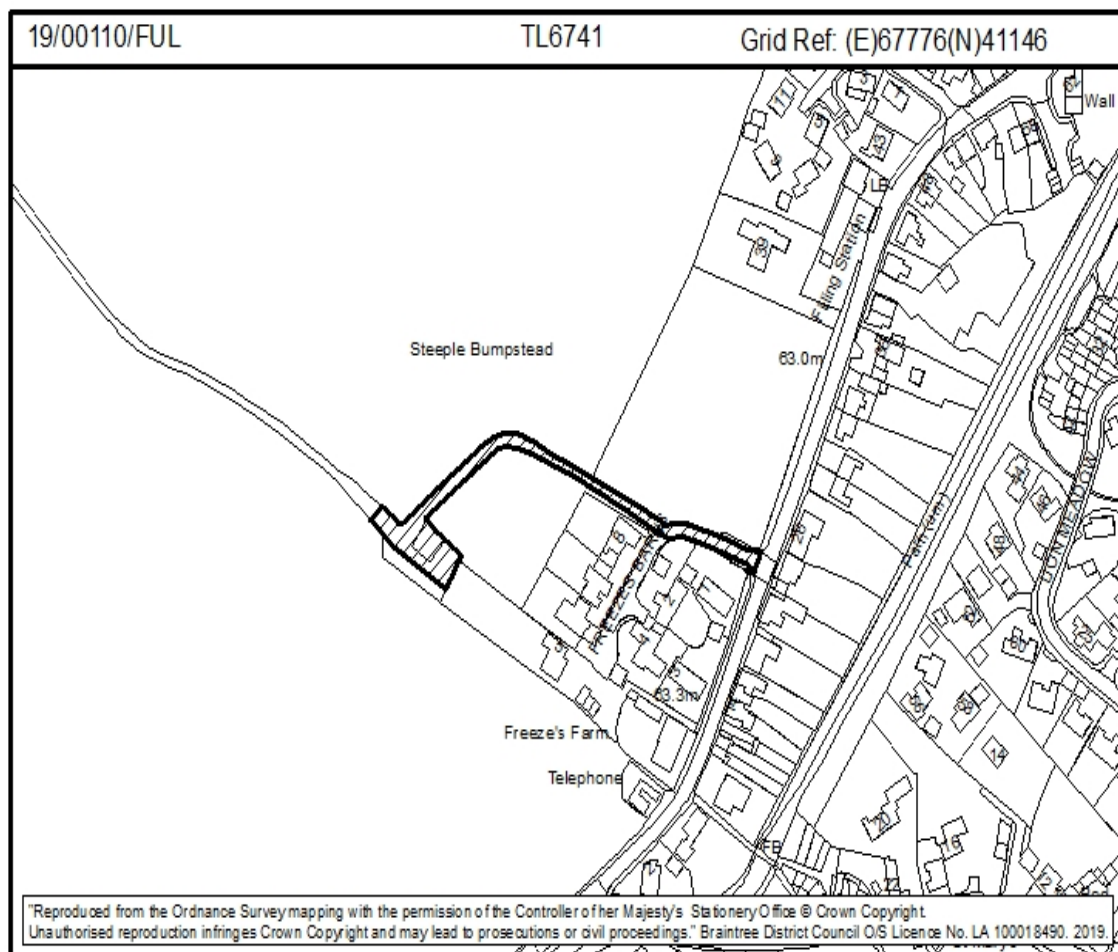
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/00110/FUL
DATE: 22.01.19
VALID:
APPLICANT: Mr Robert Suckling
5 Freezes Barns, North Street, Steeple Bumpstead, Essex,
CB9 7DJ
DESCRIPTION: Use of a Shepherd's hut at the rear of Freezes Barns for
one day a week trading as a catering business, installation
of a pizza oven and use of the existing water tank to provide
pizzas as part of farm diversification project
LOCATION: Freezes Farm, North Street, Steeple Bumpstead, Essex,
CB9 7DP

For more information about this Application please contact:
Juliet Kirkaldy on:- 01376 551414 Ext. 2558
or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PL0QQIBF0IJ00>

SITE HISTORY

00/00201/FUL	Demolition of existing buildings and erection of 4 bedroom dwelling and garage	Granted	31.03.00
00/00674/TPO	Notice of intent to carry out works to trees protected by The Conservation Area - Cut down 7 and top 4 sycamore suckers (to the west side of Freezes Farmhouse)	Granted	17.05.00
00/01834/FUL	Erection of garage to Plot 6	Granted	16.01.01
00/01835/LBC	Erection of garage to Plot 6	Permission not Required	16.01.01
01/00244/FUL	Erection of 1 no. dwelling and cartlodge style double garage	Granted	10.04.01
80/01247/P	Proposed dwelling on land adjoining Freezes Farm, North Street, Steeple Bumpstead.	Refused	31.10.80
86/00873/P	Proposed alterations.	Granted	29.07.86
77/00993/P	Change of use of building to Pottery Workshop, Freezes Farm, North Street, Steeple Bumpstead.	Granted	31.10.77
85/01026/P	Construction of vehicular access	Granted	13.09.85
90/00999/PFHN	Construction Of Vehicular Access	Granted	31.07.90
96/00080/FUL	Construction of vehicular access - Renewal P/BTE/999/90	Granted	16.04.96
96/01320/TPO	Notice on intent to carry out work to trees protected by the Conservation area - fell 5 sycamores. 1 ash and 1 poplar	Granted	17.12.96
98/00795/FUL	Part demolition of existing redundant farm buildings, conversion and extension of existing barns and	Granted	21.09.98

	construction of new dwellings to form six houses		
98/00796/CON	Demolition of redundant farm buildings	Granted	21.09.98
98/00811/COU	Erection of two dwellinghouses	Refused	08.10.98
99/00460/FUL	Erection of detached house and garage	Withdrawn	13.05.99
99/00461/CON	Demolition of redundant farm buildings	Withdrawn	13.05.99
99/01049/FUL	Erection of open shelter type and lock up garages	Granted	18.10.99
99/01050/LBC	Erection of open shelter type and lock up garages	Permission not Required	18.10.99
06/02130/LBC	Demolition and re-building of back chimney stack	Granted	14.12.06
06/02131/LBC	Removal of perspex roof and replace with slate roof	Granted	14.12.06
18/00134/FUL	Use of a Shepherd's hut at the rear of Freezes Barns for one day a week, trading as a catering business, providing pizzas as part of farm diversification project	Withdrawn	20.03.18
18/01229/LBC	Replacement windows	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 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

RLP38 Conversion of Rural Buildings
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1 Development Boundaries
LPP8 Rural Enterprise
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

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 have objected to the application.

SITE DESCRIPTION

Freezes Farm is situated to the west of Steeple Bumpstead off North Street. The proposed site is situated to the north west of Freezes Barn cul de sac. The site is located outside of the defined development boundary for Steeple Bumpstead and outside of the Conservation Area.

Access to the application site is gained from a farm track off Freezes Barns cul de sac. The site area measures 0.015ha. A Public Right of Way (10) abuts

the southern boundary of the site. There is an area of hardstanding on the site, which has previously been used to store agricultural machinery.

PROPOSAL

The application seeks permission for the use of a Shepherd's hut at the rear of Freezes Barns for one day a week, trading as a catering business providing pizzas as part of farm diversification project. In addition, the proposal would include the installation of a pizza oven and use of the water tank on the site. The proposed opening hours for the business is on Fridays 3pm to 9pm. It is proposed to be a takeaway service only.

A previous application submitted on the site for a similar character of development was withdrawn (application reference 18/00134/FUL). The proposed siting of the shepherds hut has moved from the previously withdrawn scheme.

CONSULTATIONS

Council Environmental Health

On further assessment of the applicant's business plan and the proposed works associated with the business, Environmental Health confirm that it is satisfied with equipment and process that will be employed.

ECC Highways

No objection.

Fire and Rescue

Access for fire service purposes is considered satisfactory. More detailed observations on access and facilities for the fire service will be considered at Building Regulation stage.

Historic Buildings Consultant

Given the sensitivity of the site, located in prominent views on the approach on foot to the village, the proposed venture may not be appropriate in this specific location. The paraphernalia associated with the business would detract from the appreciation of the Conservation Area and give an inappropriate impression of the village; as such, low-level harm to a designated heritage asset has been identified and paragraph 196 of the NPPF is relevant.

PARISH / TOWN COUNCIL

Steeple Bumpstead Parish Council

Object. Concerns about this proposal being outside the village envelope which would require a change of use and potential problems with vehicle access to the site. There is support for a pizza outlet in the village.

REPRESENTATIONS

A site notice was displayed for a 21 day period and immediate neighbours were notified by letter. 15 objections and 4 support representations have been received. In summary the following objection comments were made:

- Highway Issues
 - Parking on the pavements will occur due to the narrow width of the cul de sac. Safety concern.
 - There is restricted visibility splays.
 - The Public Right of Way adjacent to the site is an unsurfaced footpath.
 - Increased traffic will exacerbate traffic conditions in North Street.
 - Vehicular access to be provided through a narrow residential cul de sac.
 - The hours of opening are at end of working week where traffic is probably heaviest.
 - Concern regarding visibility splays.
 - Application proposes an additional mobile catering caravan (a kitchen) there is no indication where this will be parked when in use and not in use.
 - Whilst some will walk to the site many will drive.
- Impact on Neighbouring Amenity Issues
 - Loss of privacy, increased noise and pollution, nuisance of cooking fumes, smoke pollution.
 - The site is elevated looking into properties. There will be direct access into the gardens.
 - Provision of a bench will encourage use of land as a social space.
- Other Issues
 - There is no lighting.
 - There are ample take away food establishments in Haverhill.
 - No public notice displayed.
 - Site storage will be an eyesore no provision shown on the plan.
 - Concern regarding the use of 'scout hut'.
 - Concern regarding litter generated from the proposal.
 - It will be impossible to ban eating on the site.
 - No demand has been demonstrated.

- This is not a farm diversification scheme. A new food preparation and retail outlet to the public on agricultural land.
- Site is outside of development boundary.
- Signage is inevitable as the location will not be obvious.
- The survey was not a true reflection of views of the village.
- There is an alternative site at Wildings Farm.
- Absence of an electrical supply would require a generator creating noise and smells.
- Concern about signage associated with advertising.
- The farm is leased out.
- Proposal is not in keeping with rural character of the area.
- Stock Farms Ltd submitted accounts for a dormant company
- There is no electricity or water to the site.
- Residents within the vicinity of the site have no knowledge of the survey provided by applicant.
- Alternative sites should be explored

In summary the following support comments have been made:

- This service will provide an asset to our village
- People walk to chip van so will presumably walk to this too
- If access was an issue it would be raised by highways.
- Location is central to the village
- Proposed opening hours will be similar effect to a neighbour

REPORT

Principle of Development

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications

for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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 NPPF states in Paragraph 83 *‘Supporting a prosperous rural economy. Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

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

The Adopted Local Plan states in the preamble to Policy RLP38 states that, *“the Council will support farm diversification, which will normally be expected to re-use existing buildings in the first instance, providing it can be demonstrated there will be no adverse impact on the environment and that the proposals will not lead to pressures for inappropriate development or additional new buildings in the open countryside”.*

Policy LPP8 of the Draft Local Plan states in the preamble, that *“this policy should also be used to assess proposals for farm diversification projects where planning applications are required. Farm diversification is regarded as*

on farm development which supports ongoing agricultural activity, either by adding value to existing operations, or introducing new income streams which remain under the control of the same farm enterprise. Proposals specifically for farm diversification may be located in relatively unsustainable locations therefore conditions may be attached to permissions, which limit the goods to those mainly produced on the holding and limit the overall scale of development”.

Policy LLP8 of the Draft Local Plan refers to small scale commercial development outside of the development boundary and states such applications are assessed subject to the following criteria:

- *Location of site is accessible and sustainable*
- *No unacceptable impact on protected species or historic environment*
- *Access and traffic generated by development can be accommodated without adverse impact on local road network*
- *No unacceptable impact on residential amenity*
- *No unacceptable impact on character of the site or surrounding countryside and its value.*

Where there are no existing buildings on site and where a need has been demonstrated new buildings will be well designed and appropriately sited. New buildings shall be of a form, bulk and design that should not offend the local landscape character and protect and enhance heritage assets and their setting.

An independent Agricultural Consultant has reviewed the application on behalf of the Council and stated in the report, *“financial information on the existing farming business has been provided, together with a cash flow/budget for the proposed pizza business. It is clear from the accounts for the farming business that any additional income stream from an additional venture would benefit the business and increase profitability”*. The conclusion stated, *‘I advise that the proposed use of a shepherd's hut for one day a week trading as a catering business is a farm diversification scheme, however, any consent should be for a temporary period of no more than three years to enable the proposed scheme to become established and provide evidence that it is able to succeed and provide additional income to the farming business’*.

As such, it is considered that the proposal is acceptable in principle. In light of the advice from the Council's Agricultural consultant, it is recommended that planning permission is granted for a temporary period, up to 31st December 2020, to enable the local planning authority to review the viability of the enterprise and whether it would be appropriate to grant planning permission on a permanent basis.

Design, Layout and Landscaping

The site is currently used for the storage of farm equipment with a concrete hardstanding. There is currently a container on site situated on the south west boundary of the site and indicated on the plan as 'scout hut'. There is an

associated water tank onsite which measures 1.9 metres in depth and 1.2 metres in width. It is also situated on the southern western boundary of the site.

The application proposes the use of a portable 'shepherds hut' which is located to the south east of the above structures. The shepherds hut is currently situated on the site and has the appearance of a domestic shed. It measures 3.2 metres in depth and is set on wheels approximately 0.4 metres from the ground. It is proposed to be situated adjacent to the Public Right of Way on the southern western boundary of the site approximately 10 metres from the rear garden boundary of 5 Freezes Barns. It is noted that the applicant resides at 5 Freezes Barn.

The submitted plans indicate an orchard to the rear of 6, 7, 8 Freezes Barns with a small herb garden. A beetle bank is also shown to the north of the access track. The applicant has indicated the intention is to grow local produce on the site to use as ingredients for the pizzas. This aspect of the proposal however does not form part of the red line application site, and the growing of produce does not require planning permission.

The design and siting of the proposed shepherds hut is considered to be acceptable and would not have a detrimental impact upon the character and appearance of the locality.

Heritage

The comments from the Historic Buildings Consultant are noted. However, due to the siting of the shepherds hut, pizza oven and water tank close to the hedging on the south western boundary of the site it is not considered that the proposal will be unduly visible from views within the designated Conservation Area. While it is noted that the Historic Buildings Consultant has identified harm to the Conservation Area, the level of harm is indicated as less than substantial. However, in this case it is considered that the benefits of the proposal would outweigh the harm to the designated heritage asset.

Impact on Neighbouring Amenity

The proposed opening hours for the business is on Fridays 3pm to 9pm. It is proposed to be a takeaway service only.

Due to the limited hours of operation and the siting of the proposed shepherds hut, pizza oven and water tank (approximately 40 metres to the nearest neighbouring rear garden boundary) it is considered that the proposal would have a limited detrimental impact on neighbouring amenity in terms of overlooking, loss of privacy. The impact is not considered sufficient enough to warrant refusal of the planning application. The neighbouring concerns regarding smoke and smell pollution have been noted however, the Environmental Health Officer has considered the application and raised no objection to the proposal.

It is noted that there is likely to be an increase in vehicular movements along the track when the catering business is open which may cause a temporary nuisance to immediate neighbours in terms of noise. However, as the track currently provides unrestricted access for agricultural vehicles, the limited hours of operation proposed and the existing use of the track it is not considered reasonable to refuse the planning application on this basis.

A condition is proposed to restrict the use of the catering business to a Friday between 3pm and 9pm.

Lastly, there is no external lighting proposed as part of this scheme. A lighting condition is recommended given the location of the site.

Highway Impact

The access to the site is proposed to be gained via the existing farm track situated off the cul de sac for Freezes Barns. The submitted plan indicates that it is proposed to widen the existing access and surface the track with a hardened surface. The applicant has indicated in the supporting statement, *'the additional traffic generated by this enterprise still serves the farm business, and Stock Farms reserves the right to use this access for agricultural based activities outside of the trading hours of this enterprise'*.

The proposed car park is situated to the north of the shepherd hut. The supporting statement indicates, *'car parking for 8 cars including 3 disabled spaces. The footpath and car parking area will be separated by a rope fence'*.

The applicant indicates the intention to widen the Public Right of Way to 6 metres. This does not form part of this application as it is situated outside of the redline plan and there would need to be separate discussion with Public Rights of Way regarding this matter.

The Highway Authority have raised no objection to the proposal and therefore is considered to be acceptable.

CONCLUSION

The NPPF supports the diversification of agricultural businesses to support the rural economy. An independent Agricultural Consultant has reviewed the application on behalf of the Council and it is considered that the proposed use can be supported on a temporary basis to enable to the local planning authority to review the viability of the enterprise and whether it would be appropriate to grant planning permission on a permanent basis.

Due to the siting of the shepherds hut, pizza oven and water tank and the proposed layout of the scheme it is considered that the proposal would have a limited detrimental impact on neighbouring amenity, the character and appearance of the Conservation Area and wider area.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan
Site Plan

- 1 This permission shall expire on 31st December 2020 and on or by that date the use of the premises/site for the purposes hereby permitted shall be discontinued.

Reason

This permission for a limited period is granted only in the light of circumstances appertaining in this case.

- 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 premises shall not be open for business outside the following hours-
Friday 3pm to 9pm.

Reason

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

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

Reason

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

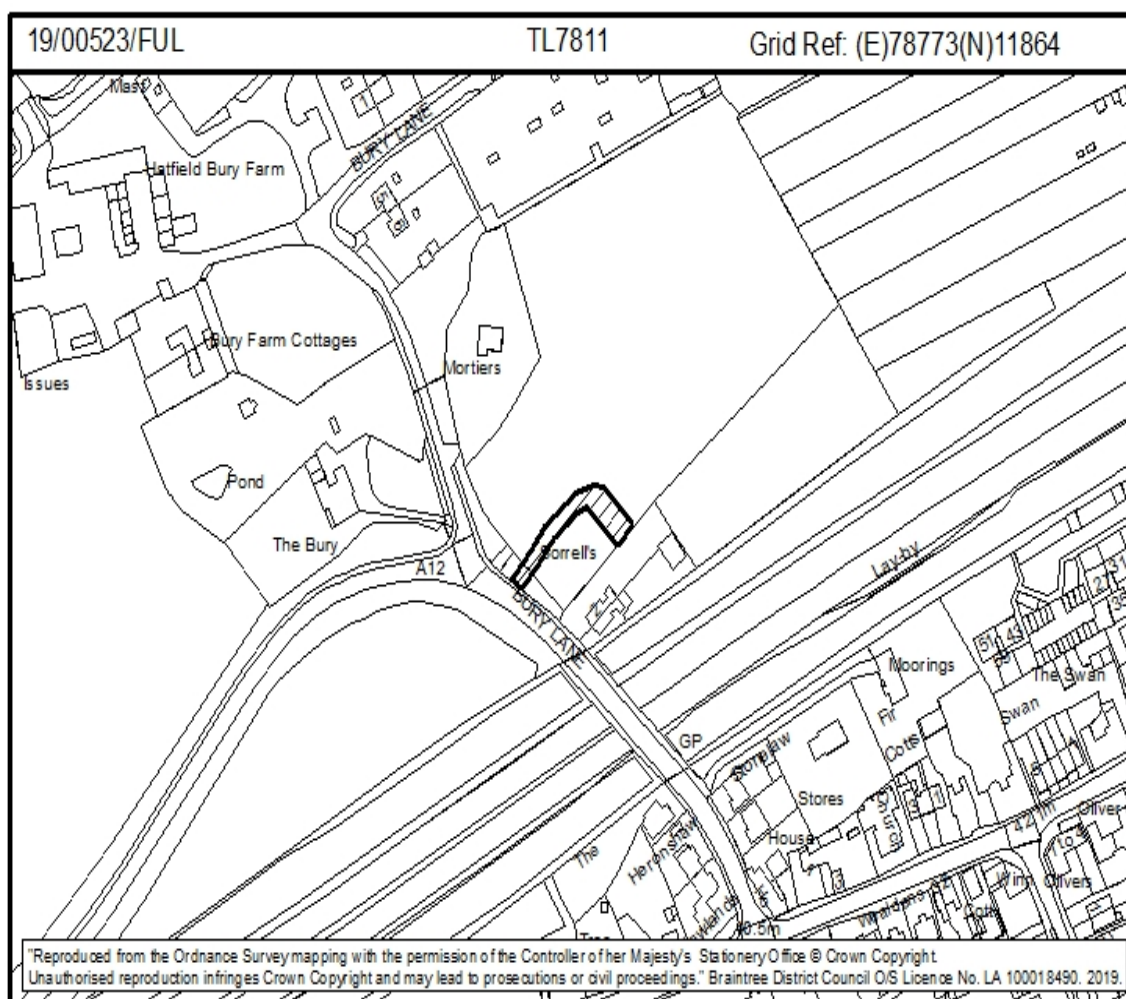
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/00523/FUL DATE: 19.03.19
VALID:
APPLICANT: Countryside Properties (UK) Ltd
C/o Agent
AGENT: Mr Michael Ward
Coval Hall , Rainsford Road, Chelmsford, CM1 2QF
DESCRIPTION: Installation of underground Calor gas tanks and associated engineering works, landscaping and infrastructure to supply the dwellings approved under 17/00973/FUL.
LOCATION: Land At, Bury Lane, Hatfield Peverel, Essex

For more information about this Application please contact:
Mr Andrew Martin on:- 01376 551414 Ext.
or by e-mail to: andrew.martin@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POMFAGBF FNN00>

SITE HISTORY

15/00004/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential development of 48 dwellings	Screening/ Scoping Opinion Adopted	26.03.15
15/00463/FUL	Erection of 46 no. dwellings with associated garages, parking areas, gardens, amenity areas, public open space, access road, driveways, footpaths and associated external works and landscaping	Withdrawn	11.11.15
17/00973/FUL	Erection of 50 no. dwellings with associated access, landscaping and public open space	Granted with S106 Agreement	13.11.18
19/00396/DAC	Application for approval of details reserved by condition nos. 14(a), 15, 23 and 24 of approval 17/00973/FUL	Pending Consideration	
19/00610/DAC	Application for the approval of details reserved by condition 21 of approved application 17/00973/FUL	Granted	12.06.19
19/00759/DAC	Application for approval of details reserved by conditions 11 and 12 of approved application 17/00973/FUL - Erection of 50no. dwellings with associated access, landscaping and public open space	Part Grant, Part Refused	25.06.19

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.

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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.
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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
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development
RLP161	Utilities Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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
LPP55	Layout and Design of Development
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Draft Hatfield Peverel Neighbourhood Development Plan 2015-2033

INTRODUCTION

This application is being reported to the Planning Committee as Hatfield Peverel Parish Council has objected to the proposal, contrary to Officers recommendation.

SITE DESCRIPTION

The application site pertains to a piece of land within a broader site which has previously been granted planning permission, under application reference 17/00973/FUL, for 50 dwellings. Specifically, the proposal relates to the south-east corner of the broader site, in close proximity to the access off of Bury Lane.

In terms of its context, the application site is located outside the Hatfield Peverel Village Envelope, as designated within the Adopted Local Plan.

The A12 is situated in close proximity to the south of the site and there is a main railway line further to the north. Residential properties, accessed via Bury Lane, are located in close proximity to the south and west of the site.

PROPOSAL

The applicant seeks planning permission for the installation of five underground Calor gas tanks including the associated engineering works, landscaping, and infrastructure, required to facilitate the dwellings approved under planning permission 17/00973/FUL.

CONSULTATIONS

BDC Environmental Health

No objections raised but conditions recommended in respect of site clearance, dust and mud control management, and lighting. These conditions have not been attached, due to the subject matter either not being applicable, or being covered by separate legislation.

Essex County Council Highways

No objections raised.

Health & Safety Executive

The application does not meet the relevant criteria for consideration by HSE. A formal response will not therefore be provided.

Highways England

No objections raised.

PARISH / TOWN COUNCIL

Hatfield Peverel Parish Council

Objects to the application for the following reasons:

- Safety of gas tanks underground
- Proximity of proposed tanks to Sorrells Cottages
- Location of tanks in close proximity to A12 slip road, where there is a risk of accidents occurring.

REPRESENTATIONS

Letters were sent to adjoining properties and a site notice was publicly displayed within close proximity to the application site.

Two letters of objection have been received. The main reasons of objection are summarised as follows:

- Gas tanks would be sited in close proximity to Nos. 1 & 2 Sorrells Cottage
- Commensurate to a Control of Major Accident Hazards (COMAH) site
- Implications under Party Wall Act
- Safety of nearby families would be compromised
- If gas ignites, and an explosion occurs, debris would likely reach A12
- It would deprive enjoyment of possessions, contrary to the Human Rights Act (BBQs and fireworks)

- Original planning application (reference 17/00973/FUL) referred to use of main gas line in Station Road
- Tanker deliveries would be required to the detriment of highway safety
- Site notice not displayed in a prominent location.

REPORT

Principle of Development

Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development will be confined to areas within Town Development Boundaries and Village Envelopes. 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 located outside the Village Envelope of Hatfield Peverel and is therefore on land designated as countryside. However, the site is subject to an extant planning permission for 50 dwellings (application reference 17/00973/FUL), which is given significant weight as a material consideration in the determination of this application. This is because the gas tanks proposed would provide the necessary infrastructure to supply the permitted dwellings with gas. The provision of the storage tanks has been proposed due to existing limitations within Hatfield Peverel relating to the supply of gas via the mains network.

The other main planning considerations therefore relate to design, appearance and layout, impact upon neighbouring amenity, and highway considerations.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development', as it creates better places in which to live and work, whilst helping to make development acceptable to communities.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping.

Policy CS9 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan reflect the NPPF by seeking the highest possible standards of design and layout in all new developments.

The proposal is to install five underground gas tanks with associated landscaping. These tanks would be situated towards the south-west corner of a broader site with extant planning permission for residential development.

In terms of design and appearance, the gas tanks would be submerged, with only a small proportion of their form protruding above grade level which would be grassed over. In effect the proposal would result in a low-level mound with only the surface covers being visible.

A low-level, native hedge is proposed around the perimeter of the gas tanks with a 1.2 metre gate for access. The landscaping proposed would reduce the already limited visual impact of the level changes associated with the gas tanks. Landscaping and boundary treatment would also provide a degree of security.

With regards to the layout of the development, the gas tanks would be situated adjacent to allocated visitor parking, in order to make refilling convenient and non-obstructive for future residents.

Overall, with regards to the layout, design and appearance, Officers are content that the proposed development would be acceptable.

Impact on Neighbouring Amenities

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan, both emphasise the need to protect the amenity of nearby properties by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

As aforementioned, the proposal would result in a low-level grass covered mound, enclosed by a native hedge and a gate. There would subsequently be no harm to the amenity of existing or future occupants.

Highway Issues

Access would be provided by the access previously granted under extant permission 17/00973/FUL. No changes would be made to the access to facilitate the proposed development.

The gas tanks proposed for installation would cumulatively provide 8 weeks of fuel storage during the coldest period of the year. Refill deliveries would as such be infrequent, even during times of high demand. To ensure the efficiency of the deliveries, all of the tanks would be fitted with telemetry, which monitors the gas contents in the tanks and automatically generates an order for delivery, mitigating against the potential for excessive/under delivery.

The tankers used to refill the gas tanks would be commensurate in size to a bin lorry and therefore no layout changes would be required.

Parking for the tankers, during refills, would be provided through the allocated visitor parking immediately adjacent to the north and east of the tankers. Delivery refill would take approximately 30 minutes.

Highways England and Essex County Council Highways have both been consulted on the application and neither have raised objections.

To conclude there would be no unacceptable highways impact as a result of the proposed development.

OTHER MATTERS

Hazardous Substances

The proposal is install to five underground gas tanks within relatively close proximity to the boundary of Nos. 2 and 1 Sorrells Cottages. On that basis, a principal concern has been raised by local residents, in respect of the safety implications.

Liquefied Petroleum Gas is a hazardous substance to which the Planning (Hazardous Substances) Act 1990 applies. This Act requires that a separate Hazardous Substances Consent be obtain from the local authority where over 25 tonnes is held on site. The practical effect of this measure is to limit the safety aspects of LPG gas storage as a concern of the mainstream planning system.

Moreover, the Control of Major Accident Hazards (COMAH) Regulations 2015 seeks to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any accidents which do occur, as overseen and enforced by the competent authority of HSE. These regulations do not, however, apply to LPG quantities below the lower tier threshold of 50 tonnes.

In light of the above, safety concerns raised are covered by separate legislation outside of the planning system, which in any event would not be applicable to the quantity of 20,000 litres proposed (approximately 10.2 tonnes).

HSE have been consulted in relation to the proposed development and have commented that no formal response will be provided. This is because the proposal does not meet the relevant criteria to be material for their consideration.

Similarly, BDC Environmental Health have also been consulted, returning no objections on safety grounds.

CONCLUSION & PLANNING BALANCE

Paragraph 8 of the NPPF defines sustainable development as having three overarching interdependent objectives as follows:

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

In conducting a planning balance it is necessary to weigh the benefits of the proposed development against the resulting harm.

Moreover, as set out under Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the proposed development pertains to the installation of five gas tanks, and the associated engineering works, infrastructure and landscaping, within a countryside location. Notwithstanding the application site's location outside of development boundaries, the broader site has an extant planning permission for the erection of 50 dwellings, under application reference 17/00973/FUL. Significant weight is given to the aforementioned planning permission and Officers therefore consider the principle of the proposal to be acceptable.

In terms of benefits, the proposed development would support the delivery of 50 new homes in the District, whilst also contributing towards the economic benefit through employment during construction.

No harms have been identified with regards to the proposed development.

When considering the planning balance, and having regards to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would constitute sustainable development and it is recommended that planning permission be 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	Plan Ref: 8424/01	
Access Details	Plan Ref: P893004	Version: A
Landscape Masterplan	Plan Ref: L-PL-001	Version: C3
Landscape Masterplan	Plan Ref: L_PL_001	Version: C6
Levels	Plan Ref: E3720/400/M	

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

Reason

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

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

Reason

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

- 3 The scheme of soft landscaping, indicated upon approved plan L_PL_001 Rev C6, and pertaining to the land included within the red line of drawing number 8424/01, shall be carried out during the first available planning season after the commencement of the hereby approved development. Any trees or plants which die, are removed, or become seriously damaged, or diseased, within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

- 4 Prior to the first use of the development hereby approved the enclosures as indicated on drawing number L_PL_001 Rev C6, and pertaining to the land included within the red line of drawing number 8424/01, shall be erected and permanently retained as such.

Reason

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

- 5 Notwithstanding what is shown on the hereby approved plans, this permission only relates to the installation of the underground gas tanks and associated works pertaining to the land included within the red line drawing number 8424/01, and does not give consent for the wider illustrated development.

Reason

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

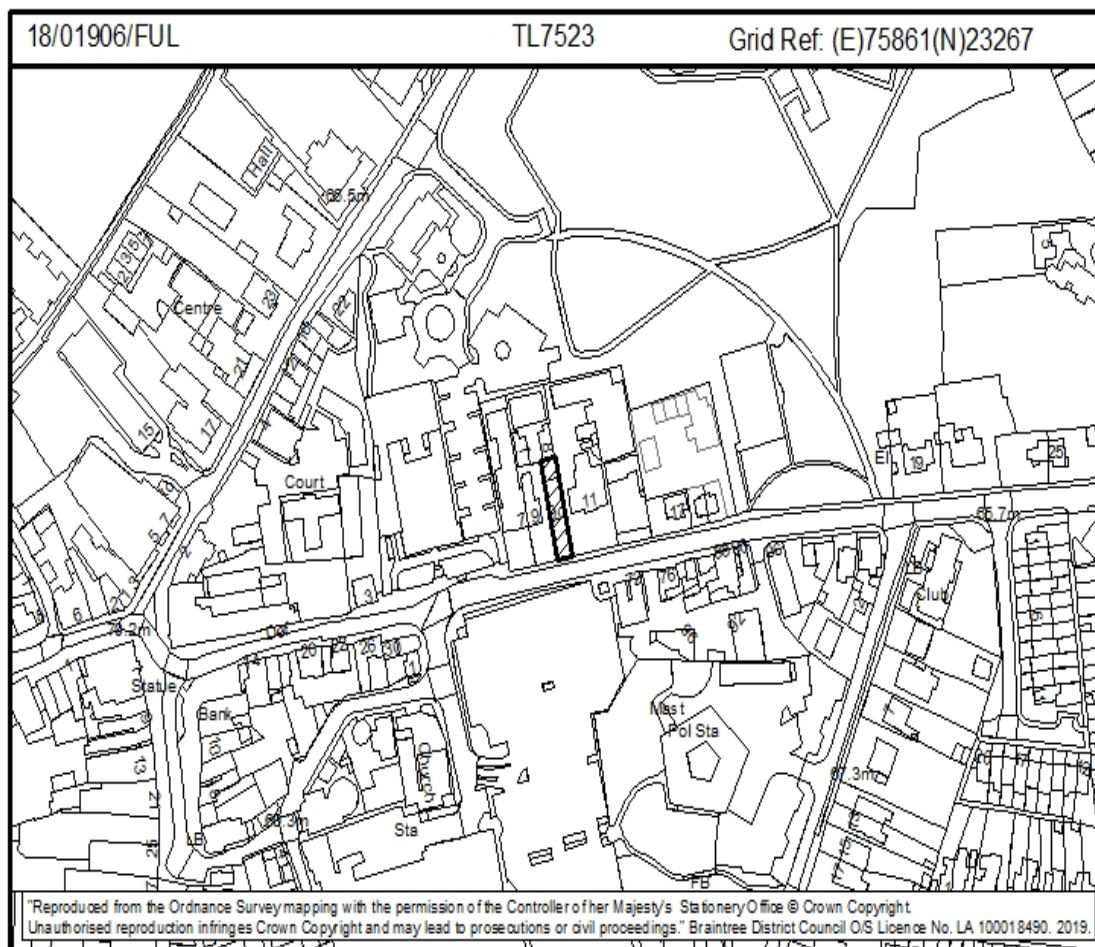
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 18/01906/FUL
DATE: 22.10.18
VALID:
APPLICANT: Dr Adrian Mohseni
9C Braintree Dental Centre, Coggeshall Road, Braintree,
Essex, CM7 9DB
AGENT: Mr John Baugh
67 Church Lane, Bocking, Braintree, Essex, CM7 55D
DESCRIPTION: Addition of second floor extension to provide new
administrative office and associated works.
LOCATION: Braintree Dental Centre, 9B - 9C Coggeshall Road,
Braintree, Essex, CM7 9DB

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=PH2317BF01000>

SITE HISTORY

03/02350/ADV	Display of illuminated fascia sign and hanging sign - APPLICATION NOT PROCEEDED WITH		
07/00572/FUL	Proposed additional floor to provide new administrative office and staff facilities	Withdrawn	04.05.07
07/01223/FUL	Proposed additional floor to provide new administrative office and staff facilities	Granted	31.08.07
08/00586/COU	Change of use from offices to surgery waiting room and extension	Granted	20.05.08
10/01149/FUL	Application for a new planning permission to replace an extant permission (07/01223/FUL) in order to extend the time limit for implementation - Proposed additional floor to provide new administrative office and staff facilities - APPLICATION NOT PROCEEDED WITH	Application Returned	
11/00638/FUL	Application for a new planning permission to replace an extant planning permission (08/00586/FUL) in order to extend the time limit for implementation - Change of use from offices to surgery waiting room and extension	Granted	07.07.11
15/00890/FUL	Erection of second floor extension	Granted	21.10.15

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
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
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 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's scheme of delegation, as the Planning Agent is a Braintree District Councillor.

SITE DESCRIPTION

The site is located in the centre of Braintree on Coggeshall Road, within the Braintree Town Development Boundary and Conservation Area. The site contains the Braintree Dental Centre which is a detached two storey, flat roofed building finished in dark red multi bricks with large glass panels on the front elevation and the side elevations finished in white render. In terms of neighbouring properties, the site is surrounded by built development on three sides. To the west of the site there is a building which is believed to be of commercial use (9 Coggeshall Road), to the north of the site are three blocks of apartments (1, 2 to 7, and 8 Coggeshall Road) and to the east of the site is a residential care home (11 Coggeshall Road) which has been substantially extended. There is existing car parking at the front and rear of the site for 9 vehicles and this would not change as a result of the proposal.

PROPOSAL

The application seeks planning permission for the addition of a second floor extension to provide a new administration office and associated works for the Braintree Dental Centre.

CONSULTATIONS

BDC Environmental Health

The Environmental Health Officer has no objection to the application on Environmental Health grounds. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents. Conditions are recommended in this regard.

Historic Building Consultant

The Historic Buildings Consultant was consulted twice on this application as revised plans were submitted. The original proposals were the same as

previously granted permission under application reference 15/00890/FUL and 07/01223/FUL, but have never been implemented. On this basis, the Historic Buildings Consultant considered there were no grounds to object to the proposals.

Revised plans were submitted and further comments were received from the Historic Buildings Consultant stating that the previous roof was considered more appropriate than the latest iteration which raises the perceived datum level over and above the neighbouring buildings and greatly increases the prominence of this building and accentuates its height which is disproportionate to its width.

REPRESENTATIONS

Two representations have been received from neighbouring properties from No. 6 Park View and No. 5 Park View (immediately behind the rear of the site) and had concerns regarding the construction of the development, the impact upon surrounding residential properties, and the level of parking for the site.

REPORT

Principle of Development

Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply.

The principle of a second floor extension to the existing building has previously been established through the grant of the previous two planning applications (application references 15/00890/FUL and 07/01223/FUL refer). The principle of development is therefore considered to be acceptable, subject to design, impact upon the Conservation Area and neighbouring residential amenity and parking.

Design, Appearance and Layout

There are two elements to the proposal, the second floor extension and the associated works.

The second floor extension would be 5.6m in width, 14.2m in length and measure 3m to the ridge of the roof. The front elevation of the extension would consist of a large pane of glass separated into 6 sections by glazing bars, similar in appearance to the existing front elevation with a small wall parapet wall (for internal head room) finished in bricks to match the existing building. The roof would be finished in natural grey slate in keeping with the local vernacular (former Tabor School now converted into apartments, the residential development to the rear and the China Dynasty restaurant, all of which have slate roofs). The proposed roof would be a pitched roof and have 7 conservation roof lights inserted into each roof plane to provide light into the

new admin office, kitchen, toilets and staff dining and rest area. The rear elevation of the extension would also be similar in appearance to the proposed front elevation and would also have a large pane of glass, separated into 6 glazing bars with a new parapet wall below. Street scene elevations have been submitted which indicate an acceptable relationship to adjacent buildings.

The application would also include the removal of an existing air conditioning unit on the side elevation, together with a sign for the dental centre on the front elevation. The proposed signage would require separate consent under the advertisement regulations and an informative to the applicant is recommended.

It is noted that the Historic Buildings Consultant stated that the revised design of the proposal would raise the perceived datum level over and above the neighbouring buildings. Having compared the original plans to the revised plans there is an increase in height of 1 metre. However the extension would not raise the perceived datum level over and above the neighbouring buildings, but be more in keeping with the existing scale of the existing buildings in the street scene.

Overall, it is considered that the revised proposals are an improvement upon the original proposals and would represent a good standard of design and layout in keeping with the character and appearance of the street scene and the Conservation Area.

Impact on Neighbour Amenity

While the proposal would be visible from the surrounding properties and within the street scene, the proposal would not have a detrimental impact upon neighbouring residential amenity, or give rise to an unacceptable overbearing impact. Furthermore, having regard to the separation distances it is not considered that the proposal would have a detrimental impact in terms of overlooking.

Highway Issues

With regards to parking, the site currently benefits from 9 car parking spaces. The adopted parking standards for D1 uses are based on the number of staff (1 space per full time staff plus 3 spaces per consulting room). In this case, the proposal would not increase the number of staff or the number of consulting rooms. There is therefore no requirement to provide any additional parking. Moreover, the proposal would not impact upon the existing available parking at the site.

Given the location of the site, a condition requiring the submission of a construction method statement is recommended, in order to ensure impacts during the construction process upon parking and the local highway network, are mitigated as far as possible.

CONCLUSION

The proposal is for the addition of a second floor extension to provide a new administrative office and associated works is considered to be acceptable. The revised proposals are an improvement upon the original proposals and would represent a good standard of design and layout in keeping with the character and appearance of the street scene and the Conservation Area. The proposal would also not have a detrimental impact upon neighbouring residential amenity or impact on the level of parking required for the dental centre. The proposals are considered to be acceptable, subject to conditions and therefore 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

Existing Plans Plan Ref: 0580/02/SC

Proposed Elevations Plan Ref: 0580/A10

Proposed Elevations

Proposed Plans Plan Ref: 0580/A13

General Plans & Elevations Plan Ref: 0580/A14

Design and Access Statement Plan Ref: REV A

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

Reason

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

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

Reason

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

- 3 Prior to installation, samples of the external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that

the choice of materials will harmonise with the character of the surrounding development.

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

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

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

- 5 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.

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER