

PLANNING COMMITTEE AGENDA

Tuesday 22nd February 2022 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 broadcast via the Council's YouTube Channel, webcast and audio recorded) www.braintree.gov.uk

This is a decision making public meeting of the Planning Committee, which may be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public who have registered to speak during Public Question Time may also choose to attend the meeting. Other members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

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

Membership:-

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy (*Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel*).

Apologies: 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.

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than one hour before the start 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 to Speak on a Planning Application/Agenda Item:

The Agenda allows for a period of up to 30 minutes for Public Question Time. 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 second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

Members of the public who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for 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 three minutes each to make a statement.

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

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at governance@braintree.gov.uk by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the continuing Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Some people

who have registered to speak during Public Question Time may also be in attendance at Causeway House. Members of the public who have not registered to speak during Public Question Time will not be able to attend the meeting 'in person', but they will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

Health and Safety/Covid: Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed around the building or given by Officers during the course of their attendance. All visitors will be required to wear a face covering, unless an exemption applies.

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that 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.

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

Substitute Members: Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

Documents: Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions: 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 may send these to governance@braintree.gov.uk

- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meetings**
To approve as a correct record the Minutes of the meetings of the Planning Committee held on 14th December 2021 and 8th February 2022 (copies to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications:-
 - 5a App. No. 20 01239 VAR – Polly’s Field Village, Church Lane, BRAINTREE** **6-48**
 - 5b App. No. 20 02060 OUT – Phase 4, Land North East of Rectory Lane, RIVENHALL** **49-146**
- 6 Wethersfield Conservation Area Character Appraisal and Management Plan** **147-223**
- 7 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.
- 8 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.

9 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.

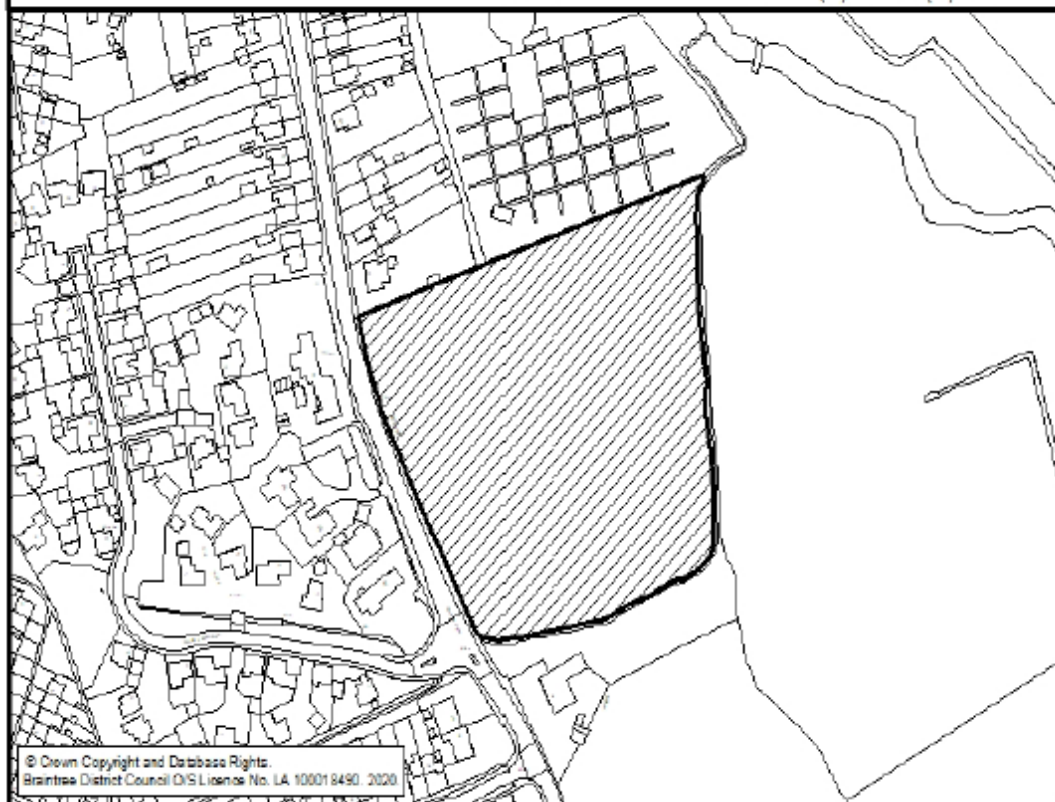
Report to: Planning Committee		
Planning Committee Date: 22nd February 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	20/01239/VAR	
Description:	Variation of Condition 2 (approved plans) following grant of planning permission 17/02026/VAR granted 19/01/2018 to vary planning permission 15/01584/FUL for Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards.	
Location:	Polly's Field Village, Church Lane, Braintree, Essex	
Applicant:	Abbeyfield Braintree & Bocking Society Ltd	
Agent:	Wendy Griffin, Nicol Thomas	
Date Valid:	29th July 2020	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: carol.wallis@braintree.gov.uk	

Application Site Location:

20/01239/VAR

7824

Grid Ref. (E) 75872 (N) 24828



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council’s Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 20/01239/VAR.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD’s) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p>

	<p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>
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1. REPORT

- 1.1 This application was previously considered by the Planning Committee on 2nd November 2021, where Members resolved to grant permission subject to the completion of a Deed of Variation modifying the Section 106 Agreement and subject to conditions. A copy of the Planning Committee Report, and a copy of the minutes from the meeting are attached as an appendix to this update report.
- 1.2 At the Planning Committee meeting, there were discussions in respect of the immediate neighbours' representations regarding boundary disputes, the raising of land level in the southern part and improper care of the water stream to the south and east of the application site. Following the Planning Committee meeting, and given the issues and concerns raised, it was considered prudent by Officers to withhold the decision, so a further investigation could be undertaken.
- 1.3 Subsequently, Officers appointed an independent surveyor in January 2022 to undertake a topographic survey with regards to the above matters, in order to establish whether there are any irregularities which need to be addressed, before the planning permission was issued.
- 1.4 This update relates to three issues:

1. Concerns regarding the relationship between the proposed development and No. 110 Church Lane (to the immediate north)

- 1.5 Following the topographic survey, Officers have compared the findings against the topographical survey submitted with the original application (Planning Application No. 15/01584/FUL) and the proposed plans submitted under the current application. The proposed main building to the shared northern boundary distances tally with each other (approximately 14.4m without the balcony). The proposed building as measured from the corner of the balcony to the corner of No. 110 Church Lane maintains to be approximately 20.6m.

2. Land levels on the southern part of the site and the potential for effects on the adjoining water course

- 1.6 Regarding the ground levels of the southern boundary, there are slight discrepancies of about 10cm to 20cm along the stream either higher or lower than the original topographical plans. Given that this section of the site is still under construction with unmade ground and piles of soil, Officers are of the view that these discrepancies could be rectified by way of a new condition, ensuring compliance with the original topographic survey prior to completion. An additional condition is recommend below.

3. Water course management during construction

- 1.7 Following the site visit on 25th January 2022, Officers raised concerns directly with the agent and site manager in respect of the fallen/out of place tree protection fencing, loose bits falling into the stream, and plastic wraps hanging on the trees. The site manager has subsequently confirmed on 1st February 2022 that these issues have been actioned and addressed, and all the debris removed from the ditch and the tree protection fencing is properly erected in place.

2. CONCLUSION

- 2.1 Officers are satisfied with the topographical survey received from the independent surveyor, and are content that the planning permission for the development can be issued, subject to the imposition of an additional condition to ensure ground levels are restored to previous levels, once construction works have been completed.

3. RECOMMENDATION

- 3.1 It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the Heads of Terms set out within the published Committee Report dated 2nd November 2021, and subject to the inclusion of the additional condition below, Officers recommend that the planning permission is issued.

Additional Condition (New Condition 24):

Prior to completion, the ground levels along the water course to the south shall be restored to the original levels as per the topographical survey (Drawings No. R_10861_201 Rev. A and R_10861_202 Rev. A) submitted under Application No. 15/01584/FUL.

Reason: In the interests of proper planning and residential amenity.

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 3.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Reference:	Description:
Plan Ref: B5402(PL)06 Version: G	Proposed Elevations
Plan Ref: B5402(PL)07 Version: H	Proposed Elevations
Plan Ref: B5402(PL)09 Version: E	Proposed Elevations
Plan Ref: B5402 (PL)12 Version: F	Proposed Elevations
Plan Ref: TNA_460_02 Version: D	Landscaping
Plan Ref: B5402(PL)02 Version: G	Proposed Block Plan
Plan Ref: B5402(PL)03 Version: G	Proposed Floor Plan
Plan Ref: B5402(PL)04 Version: G	Proposed Ground Floor Plan
Plan Ref: B5402(PL)05 Version: G	Proposed 1st Floor Plan
Plan Ref: B5402(PL)13 Version: E	Proposed Elevations
Plan Ref: B5402(PL)10 Version: C	Proposed Elevations
Plan Ref: B5402(PL)11 Version: C	Proposed Elevations
Plan Ref: B5402(PL)14 Version: D	Proposed Elevations
Plan Ref: B5402(PL)15 Version: D	Proposed Elevations
Plan Ref: TNA-460_10	Boundary Treatment

Conditions & Reasons and Informatives

1.

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

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

2.

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

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

3.

The development hereby permitted shall only be used for extra care retirement living and for no other purpose, including any use otherwise permitted within Class C2 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason: In order for the Local Planning Authority to control the use of the site and for any other use proposed to be duly considered against applicable planning policy.

4.

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

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

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

5.

The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy Rev. B produced by BSP Consulting, dated March 2016.

The mitigation measures as contained within the above mentioned Flood Risk Assessment and Drainage Strategy shall be implemented in full prior to the first occupation of the development and thereafter retained in the approved form.

Reason: In order to prevent flooding by ensuring satisfactory storage/disposal of surface water from the site.

6.

The scheme to minimise risk of offsite flooding during construction works shall be implemented in accordance with the details as agreed within Application No. 17/02262/DAC.

Reason: To ensure flood risk is not increased elsewhere by development during construction.

7.

The Maintenance Plan of surface water drainage system shall be carried out on site in perpetuity in accordance with the details as agreed within Application No. 20/01238/DAC, unless otherwise agreed in writing by the Local Planning Authority.

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

8.

The person(s) and/or organisation responsible for the maintenance of the surface water drainage system as identified in the Maintenance Plan required by Condition 7 above, shall produce yearly logs/records in perpetuity of the maintenance of the surface water drainage system in accordance with the approved Maintenance Plan. The yearly logs/records of maintenance shall be available for inspection to the Coal Planning Authority upon request.

Reason: To ensure the surface water drainage systems are maintained, such they continue to function as intended to ensure mitigation against flood risk.

9.

The Construction Method Statement shall be adhered to throughout the construction period for the development, in accordance to the details agreed within Application

No. 17/02262/DAC.

Reason: In the interests of the amenity of residents of the locality and in order to minimise nuisance caused by pollution in the interest of residential amenity.

10.

The pedestrian refuse island crossing shall be implemented and retained on site in accordance to the details agreed within Application No. 20/01238/DAC.

Reason: To ensure pedestrian accessibility to/from the site and to accord with the Highway Authority's Development Management Policies (2011).

11.

The vehicular access shall be constructed and retained as per the agreed details as shown on Drawing No. 1380-04 (attached to the Transport Assessment Addendum) of the original Application No. 15/01584/FUL .

Reason: In the interests of highways safety.

12.

The vehicular access of the above Condition 11 shall be provided with a clear ground visibility splay with dimensions of 2.4m by 43m to the north and 2.4m by 43m to the south as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

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

13.

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

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

14.

There shall be no discharge of surface water onto the highway.

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

15.

No flat/apartment shall be occupied before the car parking and vehicle turning areas as shown on Drawing No. B5402 (PL) 02 Rev. G has been laid out and constructed in its entirety and made available for use. Thereafter the said car parking and vehicle turning areas shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

Reason: To enable the Local Planning Authority to secure satisfactory provision for

the parking and turning of vehicles in the interests of highway safety.

16.

The mitigation/compensation works in relation to the Badgers Survey shall be carried out in accordance with the details as agreed within Application No. 17/01988/DAC.

Reason: To safeguard and protect protected species that could be present on the site and to ensure all impacts resulting from development are taking into account and mitigated.

17.

The noise mitigation measures for the apartments fronting Church Lane shall be adhered to in accordance with the details as agreed within Application No. 17/01988/DAC.

Reason: In the interests of residential amenity.

18.

The lighting scheme for the site shall be installed, maintained and operated in accordance with the details as agreed within Application 21/02521/DAC) and as illustrated within the revised External Lighting 3D document (produced by EASILUME dated 18 October 2021).

Reason: In the interests of visual and residential amenity and to prevent external lighting adversely affecting the ecological value of the site and surrounding area.

19.

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

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

20.

The hard and soft landscaping scheme shall be carried out on site in accordance with the approved drawings/specifications. 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 unless the Local Planning Authority gives written consent to any variation.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

The monitoring details of the agreed landscaping shall be undertaken on site and implemented until such time as the landscaping has been carried out in accordance with the approved drawings/specifications, or any other scheme as may be agreed in writing by the Local Planning Authority.

Reason: To ensure enhancement of the development in the interests of visual and residential amenity and to ensure the landscaping is undertaken appropriately to

ensure longevity.

21.

The Tree Protection Plan shall be implemented on site and retained throughout the construction process in accordance with the details as agreed within Application No. 18/00223/DAC.

Reason: To ensure the protection and retention of existing/remaining trees and hedges.

22.

The Wildlife Protection Plan and Mitigation Strategy shall be undertaken on site for the duration of the construction of the development, in accordance with the details agreed within Application No. 17/01562/DAC. Any amendment to the Wildlife Protection Plan and Mitigation Strategy shall be approved in writing by the Local Planning Authority prior to implementation of any such amendment.

Reason: To protect features of recognised nature conservation importance.

23.

The applicant shall ensure during the remaining construction stage of the development that a buffer zone from construction activities is retained to safeguard the existing stream which runs along the site's southern boundary and that this stream is kept clear of any building materials; spoil or waste.

Reason: To safeguard against off site flooding during the remaining construction phase.

24.

Prior to completion, the ground levels along the water course to the south shall be restored to the original levels as per the topographical survey (Drawings No. R_10861_201 Rev. A and R_10861_202 Rev. A) submitted under Application No. 15/01584/FUL.

Reason: In the interests of proper planning and residential amenity.

INFORMATION TO APPLICANT

1.

The applicant should refer to the advice given by Essex County Council Development and Flood Risk Officer dated 30th September 2021.

2.

The applicant should refer to the advice given by Essex Fire and Rescue Service dated 10th November 2020 and 6th September 2021.

APPENDIX 2:

POLICY CONSIDERATIONS

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
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP82	Sites of Special Scientific Interest
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP35	Specialist Housing
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat

Neighbourhood Plan

None

Other Material Considerations

Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2007)
External Lighting Supplementary Document
Parking Standards – Design and Good Practice (September 2009)

Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

APPENDIX 3:

SITE HISTORY

15/01584/FUL	Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards.	Granted with S106 Agreement	22.08.16
17/01562/DAC	Application for approval of details reserved by condition no. 18 of approved application 15/01584/FUL	Granted	28.09.17
17/01988/DAC	Application for approval of details reserved by condition nos. 19 and 20 of approved application 15/01584/FUL	Granted	23.01.18
17/02026/VAR	Variation of Condition 2 (approved plans) following grant of planning permission 15/01584/FUL - Due to the project challenges, a number of changes are required, please see the "List of Required Changes" document and the drawings on website for full details.	Granted with S106 Agreement	19.01.18
17/02262/DAC	Application for approval of details reserved by condition nos. 8, 11, 13 & 14 of approved application 15/01584/FUL	Granted	12.03.18
18/00223/DAC	Application for approval of details reserved by condition no. 24 of approved application 15/01584/FUL	Granted	22.03.18
18/00344/DAC	Application for approval of details reserved by condition no. 5 of approved application 17/02026/VAR.	Granted	12.03.18

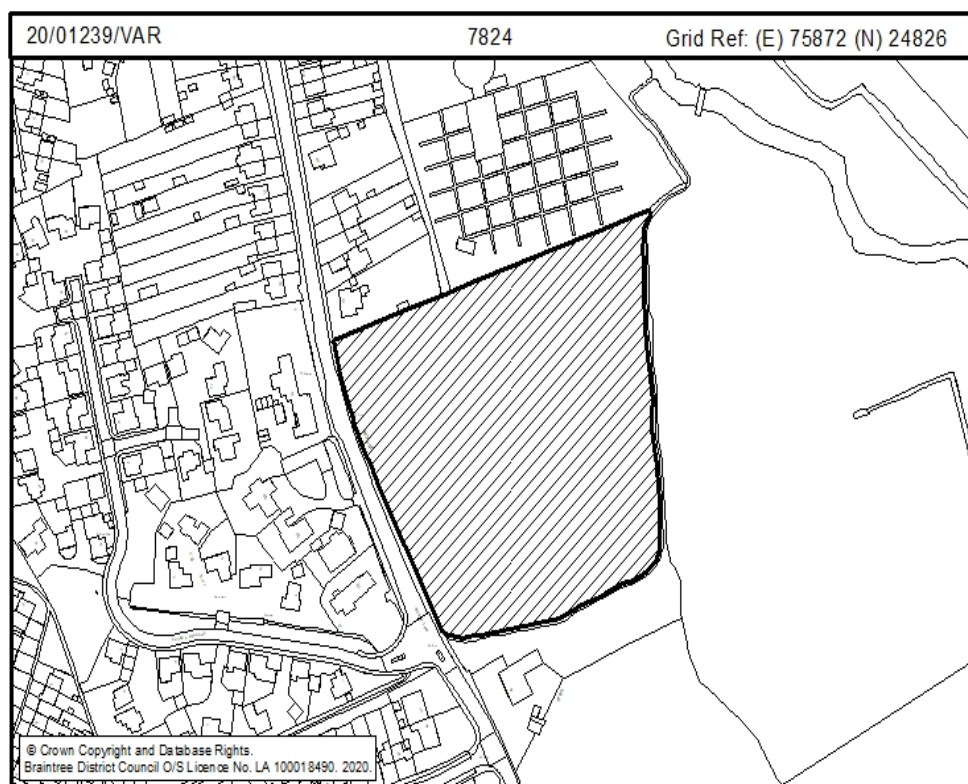
18/00701/DAC	Application for approval of details reserved by condition no. 23 of approved application 15/01584/FUL and condition no. 22 of approved application 17/02026/VAR	Granted	29.06.18
18/00749/DAC	Application for approval of details reserved by condition no. 3 of approved application 17/02026/VAR (15/01584/FUL)	Granted	04.07.18
20/00984/NMA	Non-Material Amendment to permission 17/02026/VAR granted 19.01.2018 for: Variation of Condition 2 (approved plans) following grant of planning permission 15/01584/FUL - Due to the project challenges, a number of changes are required, please see the "List of Required Changes" document and the drawings on website for full details. Amendment would allow :-Revision of boundary to reflect boundary on site of neighbouring property and minor elevation changes due to design development.	Withdrawn	16.07.20
20/01238/DAC	Application for approval of details reserved by condition 7, 9 and 12 of approved application 17/02026/VAR (15/01584/FUL)	Granted	18.01.21
21/02521/DAC	Application for approval of details reserved by condition 20 (Lighting Details) of approved application 17/02026/VAR.	Granted	08.09.21
21/02555/DAC	Application for approval of details as reserved by condition 5 of approved application 17/02026/VAR	Granted	08.09.21
22/00022/ADV	Display of non-illuminated fascia sign.	Pending Decision	

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01239/VAR DATE: 29.07.20
VALID:
APPLICANT: David Summersgill
Abbeyfield Braintree & Bocking Society Ltd, Wickham
House, 338-340 Coggeshall Road, Braintree, CM7 9EH
AGENT: Nicol Thomas
Wendy Griffin, Suite 108, Fort Dunlop, Fort Parkway,
Birmingham, B24 9FD
DESCRIPTION: Variation of Condition 2 (approved plans) following grant of
planning permission 17/02026/VAR granted 19/01/2018 to
vary planning permission 15/01584/FUL for Abbeyfield
retirement living 'Extra Care' proposal for 100 no.
apartments with associated communal facilities including
hall, gym, bistro, craft, IT/Library, hair & beauty salon,
cinema room, meeting spaces and garden conservatory
lounge set within landscaped courtyards. Variation would
allow revision of site boundary, layout and elevational
changes.
LOCATION: Polly's Field Village, Church Lane, Braintree, Essex

For more information about this Application please contact:
Carol Wallis on:- 01376 551414 Ext. 2534
or by e-mail to: carol.wallis@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QE8HQQBF FU800>

SITE HISTORY

15/01584/FUL	Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards.	Granted with S106 Agreement	22.08.16
17/01562/DAC	Application for approval of details reserved by condition no. 18 of approved application 15/01584/FUL	Granted	28.09.17
17/01988/DAC	Application for approval of details reserved by condition nos. 19 and 20 of approved application 15/01584/FUL	Granted	23.01.18
17/02026/VAR	Variation of Condition 2 (approved plans) following grant of planning permission 15/01584/FUL - Due to the project challenges, a number of changes are required, please see the "List of Required Changes" document and the drawings on website for full details.	Granted with S106 Agreement	19.01.18
17/02262/DAC	Application for approval of details reserved by condition nos. 8, 11, 13 & 14 of approved application 15/01584/FUL	Granted	12.03.18
18/00223/DAC	Application for approval of details reserved by condition no. 24 of approved application 15/01584/FUL	Granted	22.03.18
18/00344/DAC	Application for approval of	Granted	12.03.18

18/00701/DAC	details reserved by condition no. 5 of approved application 17/02026/VAR. Application for approval of details reserved by condition no. 23 of approved application 15/01584/FUL and condition no. 22 of approved application 17/02026/VAR	Granted	29.06.18
18/00749/DAC	Application for approval of details reserved by condition no. 3 of approved application 17/02026/VAR (15/01584/FUL)	Granted	04.07.18
20/00984/NMA	Non-Material Amendment to permission 17/02026/VAR granted 19.01.2018 for: Variation of Condition 2 (approved plans) following grant of planning permission 15/01584/FUL - Due to the project challenges, a number of changes are required, please see the "List of Required Changes" document and the drawings on website for full details. Amendment would allow:- Revision of boundary to reflect boundary on site of neighbouring property and minor elevation changes due to design development.	Withdrawn	16.07.20
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21/02521/DAC	Application for approval of details reserved by condition 20 (Lighting Details) of approved application 17/02026/VAR.	Granted	08.09.21
21/02555/DAC	Application for approval of details as reserved by condition 5 of approved application 17/02026/VAR	Granted	08.09.21

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP82	Sites of Special Scientific Interest
RLP84	Protected Species
RLP90	Layout and Design of Development

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

Braintree District Local Development Framework Core Strategy 2011

CS2 Affordable Housing
CS5 The Countryside
CS8 Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1 Development Boundaries
LPP33 Affordable Housing
LPP34 Affordable Housing in the Countryside
LPP35 Specialist Housing
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development
LPP60 Heritage Assets and their Settings
LPP68 Protected Species, Priority Spaces and Priority Habitat

Neighbourhood Plan

None

Other Material Considerations

Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2007)
External Lighting Supplementary Document
Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the eastern side of Church Lane between the residential properties of No.76 and No.110. The site is currently under construction and is fenced off. There is a small tribute wrapped around the

eastern and southern site boundaries, linking to River Blackwater to the further east.

The site is highest at its northwest corner and the ground levels fall gently to the east and south by approximately 6.3m and 4.8m respectively. Beyond the site to the east is open countryside which abuts the River Blackwater.

Church Lane presents a relatively eclectic collection of properties, both semi-detached and detached in form and of varying designs. The street has a strong character of linear form, with dwellings fronting onto Church Lane. Immediately to the north of the site is a detached bungalow at No.110 Church Lane. To the south of the site is a detached house at No.76 Church Lane.

The site is located within close proximity to several Grade II listed buildings at No.23 (Hill Malthouse) and No.125 Church Lane (Resting Seat House) directly opposite the site, and No.120 Church Lane (The White Cottage) to the further north.

PROPOSAL

In 2016, Application Reference 15/01584/FUL was granted subject to a Section 106 legal agreement for 100 units extra care retirement apartments with associated communal facilities.

In 2017, the applicant sought to vary this original permission via Application No. 17/02026/VAR which was granted permission in 2018. A schedule of changes to the project included omission of roof lights, a garden room and the 2-storey element over the community hub being reduced to single storey. Permission was granted and the development was commenced following discharge of relevant pre-commencement conditions.

This current application seeks to vary the 2018 permission. It was originally purported to be a variation to allow a revision of the site boundary, layout and elevational changes. The overall composition of changes includes:

Slight reduction of site boundary in the north-western part to reflect the actual 'on-site' boundaries.

Raising the ridge height of the northern part of the principal building by 1 metre, including parapets to roof design.

- Altering the width of the buildings proposed due to brick dimensions.
- Insertion of solar PV panels on the roof of the southern part of the principal building.
- Insertion of a new circular greenhouse with a flat roof glazed link to the rear of the principle building.
- Revisions to the hard and soft landscaping, including circulation around the building for residents and fire appliances, removal of water fountain features, trellis, pergolas and stone features.

- Revisions to the parking areas to provide a wider landscape strip with the northern neighbouring property.
- Changes to doors and windows.
- All retaining wall extended in length.
- Addition of 3 refuse collection areas.
- Fascias to be rationalised to be white in general and black over the balconies.

The applicant states the changes are mainly related to boundary disputes, to tally with drawings, manufacturer's specifications, construction methods, and to comply with the Building Regulations and Fire Authority requirements.

SUMMARY OF CONSULTATION RESPONSES

BDC Ecology

No objection subject to condition on implementation of lighting as per submitted details.

BDC Environmental Health

No response received.

BDC Landscape Services

The applicant's attention is drawn to the hedgerow H5 on the road frontage which shows the suggested specification in the schedule of planting on the LHS of the drawing but there is still an incorrect spec box on the drawing that refers to a hornbeam hedge at 4 plants/lm not a mixture of holly and hornbeam at 5 plants/lm.

The tree planting along the frontage will provide a good level of amenity but does rely heavily on two species which could make it vulnerable to tree losses if either become more vulnerable to disease in future years. The northern boundary treatment has also been adjusted, so no further comment.

The more ornamental spaces within the garden ground should provide an attractive setting for the residents but given the loss of the pergola and the other walks, there is a decline in quality of the amenity space within the scheme and the LPA would be expecting the provision of a suitable sheltered seating space that residents can use as a more tranquil environment for quiet relaxation.

ECC Highways

No response received.

ECC Historic Buildings Consultant

No objection.

ECC SuDS

No objection.

Essex Fire and Rescue Service

No objection. Access for fire service purposes is considered acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5.

PARISH / TOWN COUNCIL

N/A.

REPRESENTATIONS

12 representations were received making the following objections:

- Development getting larger in height and length.
- Landscaping on northern boundary lost to parking.
- Out of context with neighbouring properties and dominant.
- Grass roof on rear building gone so won't blend in.
- Loss of landscaping.
- Building in the wrong place, closer to neighbours, as building plans were faulty; boundaries have not changed.
- Breach of planning control and outstanding planning conditions.
- Work carries on without waiting for approval of submitted plans.
- Confusing plans and information.
- Significant imposition on neighbours and street scene.
- Carbuncle on rural area.
- Reduction in wildlife corridor.
- Increase in height affects the listed building known as Resting Seat House.
- 4m high lighting proposals are excessive and alternate lighting on sensor operation or timers should be used.

REPORT

Principle of Development

The principles of development for the proposed care home has been established in the previous planning permission granted in 2016. This application was subsequently varied under Application Reference 17/02026/VAR. This application seeks to vary Application Reference 17/02026/VAR which was granted planning permission in 2018.

The development is largely completed on the application site. Construction works have been ongoing despite a resolution on the application not having first been obtained. The current variation application was partially

retrospective in nature at the time of its submission, but numerous other changes during the lifetime of the application have been built-out by the developer such that the whole application is now retrospective.

Whilst regrettable that the development has pushed ahead without a proper permission in place, Officers are however reminded that proposals should be determined in accordance with the Development Plan. This application should be assessed on whether the variations proposed are acceptable with regards to planning policies, when compared to the varied design of the development that was granted in 2018 under Application Reference 17/02026/VAR.

Design, Appearance and Layout

There have been alterations to the width and length of the principal buildings because of the building materials not being properly dimensioned at the time of the original permission. The footprint of the main frontage building has therefore increased, albeit this is marginal and does not bring the development appreciably closer to any of the site boundaries.

The main difference from a street scene perspective is the raising of the ridge height across the main frontage of the northern section of the principal building by 1 metre and the adding of parapet walls to other elements of roof. The changes are said by the applicant to be principally structural and to accord with Building Regulations requirement, as well as to match the original approved height of the gables in 2018 permission under Application Reference 17/02026/VAR.

The care home, as approved in 2016 and as varied in 2018, was a large and expansive building development in its own right, especially when juxtaposed against the nearby domestic-scale properties. Whilst this does not in itself justify the 1m roof height increase, the additional ridge height sought in this current application must be assessed in the context of the whole building and its originally planned dominant appearance in the street scene.

In response to the representations, the applicant has provided and revised the planning support statement summarising the main modifications being sought and a roof analysis to explain how the alternatives have been considered in relation to the ridge height and roof arrangement.

Officers consider that, given the context and circumstances of the proposed development, including its setback from the highway (about 20m) and from neighbouring residential properties (the distances for which do not appreciably reduce through the marginal footprint increase reported above), the variation sought would not result in a building significantly more imposing than that originally approved. The proposed 1m increase in ridge height would allow the whole complex to maintain a uniform 45 degree roof pitch, which would be more aesthetically pleasing. This is also in line with the requirement of Essex Design Guide (2005) that buildings should be roofed at 50 degree pitch. Given the size of the overall building, the increase in ridge height would not be highly noticeable at eye-level from the public realm. The increase in ridge height

would not adversely affect the overall character or appearance of the building or the surrounding area, and would not pose significant visual harm upon the amenities of nearby residents.

Reference has been made by objectors to an appeal decision in Bures where a ridge height increase of 0.92m was found not to be within the tolerances of an original permission. It is however pertinent that the referenced appeal was an enforcement related appeal and the Inspector in that case was reviewing whether the development as built was within the tolerances of an extant permission. In the case of Polly's Field, the applicant is applying for the ridge height increase and therefore is not comparable in merit to the cited appeal decision.

The addition of a circular greenhouse in a southern position on the site, attached via a corridor to the rear of the main frontage building, is an inconsequential change as far as the street scene is concerned. It would not appear obtrusive or incongruous in views from the surrounding area. The applicant has reduced the size and height of the greenhouse and the link. The revised greenhouse is of a modest height and design, appropriate to the setting.

The loss of or insertion of roof lights, solar PV panels and windows, combined with other alterations to the facades of the proposed development, have minimal visual impact on the street scene or neighbouring occupiers. They have a cumulative effect on the character and appearance of the building, but Officers consider these changes are minor in nature and unlikely to noticeably alter the overall impression of the buildings on site from the public realm.

On this basis, if the proposed development was carried out in accordance with the details sought by this variation application, it would not have an adverse effect on the character or appearance of the area. The proposal would comply with, and meet the design expectations of, the aforementioned policies of the Development Plan.

Landscaping

A number of changes are proposed that, from a landscape perspective, have little visual consequence to views into and out of the site. Such changes include different tree species, re-orientation or extension of hard surfaced footpaths and circulation routes and removal of furniture.

There are two major changes proposed.

The first is the loss of landscaping at the northeast corner where a reinforced surface would be laid to support a fire engine gaining access around to the eastern side of the curved building. The sweep of the access would create a narrow strip between the edge of the access and the eastern site boundary. The need to revise the landscaping proposal to cater for a fire access to the curved shaped building was accepted under Application Reference 18/00701/DAC.

The applicant currently proposes to re-align the fire access to meet the fire safety specifications and to replace the blocked paved access into reinforced Ecogrid grass. The proposed fire access would appear 'laid to lawn' and thus have a less urbanised effect as compared to the previously agreed block paving. It is also noted that 2 adjoining curved fixed seating are also removed from the fire access. These structures should not be provided in close proximity of access as it could be an obstruction and hence there is no objection in this instance.

The second is that the northern section of hedgerow along Church Lane has been removed partly due to the need to provide the required visibility as requested by ECC Highways under s. 278 provision. Officers noted some time ago that the removal has already taken place than the extent that is required and agreed, exposing the development visually and starkly in the highway and Officers also recognise that the original hedgerow is regarded as de-functioning and any replacement hedgerow planted would take some years to mature.

Following the consultation, the applicant has revised the proposed roadside hedgerow H5 to be a mixture of holly and hornbeam at 5 plants to the metre as a double staggered row to improve biodiversity and provide an evergreen component through the winter months. The Council's Landscape Team has not raised objection to the scheme and it is considered that the proposals would mitigate the loss of the hedgerow as far as possible. However, given the loss of the pergola and other walks, it is considered that a provision of a suitable sheltered seating space is required for residents to use as a more tranquil environment for quiet relaxation. The applicant has subsequently revised the landscaping plan to re-introduce a pergola.

Overall, it is considered that the proposed variations sought in this application would have a neutral effect on the character, appearance and landscape qualities of the locality.

Visual Impact

The number of incremental changes and alterations to the design, layout and landscaping scheme for the development (having already been undertaken from a construction perspective) have a cumulative visual impact on the area. The increased height and the loss of the hedgerow to the frontage in particular, without landscape mitigation to date, have made the development stark. Nonetheless, the frontage building itself has not significantly or substantially changed from its original approved design or layout. In addition, landscaping for the whole site, if undertaken in accordance with the approved plans, would provide visual relief from the development as was originally intended or envisaged in the 2016 permission.

On balance, Officers consider that the visual impact of development, with mitigation in place, would not be materially greater than that already

approved. On this basis, the proposal would comply with the Development Plan.

Impact on Heritage Assets

Officers have noted objections raised about impacts upon the Grade II listed Resting Seat House directly opposite from the entrance to the application site, and are aware of Grade II listed Hill Malt House, which sits in a similar position. However, the impacts on these heritage assets from a planning perspective were largely considered as part of the original 2015 planning application and subsequently deemed acceptable to the extent planning permission was granted.

Therefore, in this instance, the Historic Buildings Consultant has reviewed the drawing revisions for this application and raises no objection. Officers have no reason to find against the advisor on this matter, thus concluding that there would not be any harm (for clarity, not even any 'less than substantial harm' as referred to the NPPF) to heritage assets as a result of the proposed variations.

Impact on Neighbour Amenity

As reported above, the proposed development would be physically closer to neighbouring occupiers, but only by an amount akin to a brick. Such change, whilst understandably frustrating for nearby residents given that the development has not been carried out in accordance with the approved plans, would not result in a perceptible effect on the living conditions of the neighbours. Given the distances between the flanks of the proposed development and the neighbouring properties, the minor variation in footprint and in the ridge height, would not give rise to any increased harms from overshadowing or overbearing. With no additional windows serving habitable rooms facing north or south by way of this variation, there is no increased risk of overlooking either.

Whilst boundary disputes are not for the planning regime to consider, it is relevant that landscaping proposals have changed for the northern site boundary adjoining No.110 Church Lane. The revisions to the site boundary have resulted in a narrowing of the originally intended landscape strip, although revisions to the car park in the current proposal have provided space for a hornbeam hedgerow combined with specimen conifers (Monterey cypress/*Cupressus macro*) to be planted. This tree species, if unmaintained, could grow up to 5m in height. Officers consider such boundary planting, in the position shown on the landscape plan, would provide visual relief from the development but not at the expense of a loss of light or outlook to the neighbouring occupier.

As compared to the approved Landscape Proposal under Application Reference 18/00701/DAC, the total number of trees to be planted would be reduced from 285 to 208, but the hedges will be increased from 3,661 to 4,171.

The northern landscape buffer ranging from about 2.4m to 6m in depth, combined with the distance between the flank of No.110 from the shared site boundary, would also assist in reducing any car-related disturbance and noise upon the amenities of that same occupier.

For these reasons, it is considered the variations sought would not harmfully impact upon the living conditions of nearby residents, in accordance with the Development Plan expectations.

Highway Issues

The proposal would alter the layout of some elements of the parking spaces provided within the site, although the overall quantum remains consistent between this current scheme and the earlier permission. A total of 70 parking spaces including 9 accessible parking spaces for blue badge holders would be provided. The visibility splays are shown on the landscape plan to be sufficient for the speed of the road and to be kept clear of visual obstruction, which underpins the landscape strategy for the road frontage.

The Highway Authority has not raised any objection to the revisions as proposed.

Conditions

The 2016 permission was granted subject to a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), as well as a suite of planning conditions.

In terms of the Section 106, this secured payments to open space and contributions towards affordable housing. Whilst the 2017 application was permitted with a 'tie-in' clause linking that permission to the Section 106, Officers consider it is pertinent and relevant to bind the current application to the terms of the original Section 106 (since the development and the site boundary have changed considerably since that time). In this regard, should permission be granted, the applicant will be required to enter into a Deed of Variation process to formally amend the original Section 106 and substitute those details and plan relevant to the current application.

With regards to the planning conditions, the Applicant has made submissions in respect of the 2016 and 2018 permissions, achieving discharges of all pre-commencement and pre-occupation conditions.

When determining a Section 73 application, the LPA can vary or add to the conditions attached to the planning permission, and are not confined to considering only the condition in respect of which the Section 73 application is made. The assessment of each of the conditions attached to approval of 17/02026/VAR is discussed below.

The following conditions remain valid:

- Condition 2 (In accordance with approved plans);
- Condition 4 (Permitted use of the site/buildings);
- Condition 6 (Construction hours);
- Condition 7 (Mitigation measures of Flood Risk Assessment and Drainage Strategy);
- Condition 10 (Yearly logs/record of surface water drainage system maintenance);
- Condition 15 (No unbound materials);
- Condition 16 (No discharge of surface water onto highway);
- Condition 21 (No burning).

Officers suggest the following conditions to be varied to reflect the fact that details/plan/strategy was submitted and approved by the LPA, and it is important for the applicant to implement and follow the terms of the agreed strategy:

- Condition 3 (Materials) – no objection to the proposed fascia colours which was not clearly specified previously, other materials shall be in accordance with the details agreed under Application No. 18/00749/DAC;
- Condition 8 (Scheme to minimise risk of offsite flooding during Construction works) – no objection received from ECC SuDs on the current changes, scheme to be implemented in accordance with details agreed under Application No. 17/02262/DAC and;
- Condition 9 (Maintenance Plan of surface water drainage system) – Details agreed under Application No. 20/01238/DAC;
- Condition 11 (Construction Method Statement) – Details agreed under Application No. 17/02262/DAC;
- Condition 12 (Pedestrian refuse island crossing) – Details agreed under Application No. 20/01238/DAC;
- Condition 13 (Provision of vehicular access) – constructed but need to be maintained as per original permission;
- Condition 14 (Provision of visibility splays) – provided but need to be maintained as per original permission;
- Condition 17 (Provision of car parking and vehicle turning areas prior to occupation) – Drawing Number requires update to reflect the latest parking provision as shown on the Proposed Site Block Plan;
- Condition 18 (Badger survey) – completed but mitigation/compensation works are required to be carried out according to the agreed details under Application No. 17/01988/DAC;
- Condition 19 (Noise Mitigation Measures) – details agreed under Application No. 17/01988/DAC and required to be implemented according to the agreed details;
- Condition 20 (Internal and External Lighting) – internal lighting details agreed under Application No. 21/02521/DAC. Revised external lighting details covering the proposed changes are included as part of this application which are acceptable to the Council's Ecology Officer. Require to be varied to implement and retain as per the agreed details;

- Condition 22 (Hard and Soft Landscaping) – details agreed under Application No. 18/00701/DAC. Revised details covering the proposed changes are included as part of this application, which are acceptable to the Council's Landscape Team. Require to be varied to implement and retain as per the submitted details;
- Condition 23 (Tree Protection Plan) – details agreed under Application No. 18/00223/DAC, apart from the northern roadside hedge being removed, all other details required to be implemented and retained throughout the construction process;
- Condition 24 (Compliance with details of Application No. 17/01562/DAC) – to reflect its relation to the details of agreed Wildlife Protection Plan and Mitigation Strategy (As required by Condition 18 of the original permission of 15/01584/FUL) for the avoidance of doubt.

As the development has commenced, Condition 1 on time limit for commencement and Condition 5 on archaeological evaluation no longer apply. The remaining conditions will be re-numbered accordingly.

PLANNING BALANCE AND CONCLUSION

This variation application is retrospective in nature and has, understandably, caused much angst in the community for which Officers sympathise. It is however apparent to Officers that the various changes proposed in the application would not give rise to detrimental harm to the existing residents, to the landscape, or to the character of the area. Even if Officers were to have concluded that harm existed in some respects, the benefits of completing the development and implementing an effective landscape scheme would be compelling enough to outweigh any such harms.

For this reason, Officers recommend that, subject to the completion of a Deed of Variation modifying the Section 106 legal obligations pertinent to this development site and development, planning permission is granted for the this variation application, subject to the suite of relevant conditions.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations	Plan Ref: B5402(PL)10	Version: C
Proposed Elevations	Plan Ref: B5402(PL)11	Version: C
Proposed Elevations	Plan Ref: B5402(PL)14	Version: D
Proposed Elevations	Plan Ref: B5402(PL)15	Version: D
Boundary Treatment	Plan Ref: TNA-460_10	
Proposed Elevations	Plan Ref: B5402(PL)06	Version: G

Proposed Elevations	Plan Ref: B5402(PL)07	Version: H
Proposed Elevations	Plan Ref: B5402(PL)09	Version: E
Proposed Elevations	Plan Ref: B5402 (PL)12	Version: F
Landscaping	Plan Ref: TNA_460_02	Version: D
Proposed Block Plan	Plan Ref: B5402(PL)02	Version: G
Proposed Floor Plan	Plan Ref: B5402(PL)03	Version: G
Proposed Ground Floor	Plan Ref: B5402(PL)04	Version: G
Proposed 1st Floor Plan	Plan Ref: B5402(PL)05	Version: G
Proposed Elevations	Plan Ref: B5402(PL)13	Version: E

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

Reason

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

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

Reason

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

- 3 The development hereby permitted shall only be used for extra care retirement living and for no other purpose, including any use otherwise permitted within Class C2 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason

In order for the Local Planning Authority to control the use of the site and for any other use proposed to be duly considered against applicable planning policy.

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

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

Reason

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

- 5 The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy Rev. B produced

by BSP Consulting, dated March 2016.

The mitigation measures as contained within the above mentioned Flood Risk Assessment and Drainage Strategy shall be implemented in full prior to the first occupation of the development and thereafter retained in the approved form.

Reason

In order to prevent flooding by ensuring satisfactory storage/disposal of surface water from the site.

- 6 The scheme to minimise risk of offsite flooding during construction works shall be implemented in accordance with the details as agreed within Application No. 17/02262/DAC.

Reason

To ensure flood risk is not increased elsewhere by development during construction.

- 7 The Maintenance Plan of surface water drainage system shall be carried out on site in perpetuity in accordance with the details as agreed within Application No. 20/01238/DAC, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

- 8 The person(s) and/or organisation responsible for the maintenance of the surface water drainage system as identified in the Maintenance Plan required by Condition 7 above, shall produce yearly logs/records in perpetuity of the maintenance of the surface water drainage system in accordance with the approved Maintenance Plan. The yearly logs/records of maintenance shall be available for inspection to the Coal Planning Authority upon request.

Reason

To ensure the surface water drainage systems are maintained, such they continue to function as intended to ensure mitigation against flood risk.

- 9 The Construction Method Statement shall be adhered to throughout the construction period for the development, in accordance to the details agreed within Application No. 17/02262/DAC.

Reason

In the interests of the amenity of residents of the locality and in order to minimise nuisance caused by pollution in the interest of residential amenity.

- 10 The pedestrian refuse island crossing shall be implemented and retained on site in accordance to the details agreed within Application No. 20/01238/DAC.

Reason

To ensure pedestrian accessibility to/from the site and to accord with the Highway Authority's Development Management Policies (2011).

- 11 The vehicular access shall be constructed and retained as per the agreed details as shown on Drawing No. 1380-04 (attached to the Transport Assessment Addendum) of the original Application No. 15/01584/FUL .

Reason

In the interests of highways safety.

- 12 The vehicular access of the above Condition 11 shall be provided with a clear ground visibility splay with dimensions of 2.4m by 43m to the north and 2.4m by 43m to the south as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

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

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

Reason

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

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

Reason

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

- 15 No flat/apartment shall be occupied before the car parking and vehicle turning areas as shown on Drawing No. B5402 (PL) 02 Rev. G has been laid out and constructed in its entirety and made available for use. Thereafter the said car parking and vehicle turning areas shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

Reason

To enable the Local Planning Authority to secure satisfactory provision for the parking and turning of vehicles in the interests of highway safety.

- 16 The mitigation/compensation works in relation to the Badgers Survey shall

be carried out in accordance with the details as agreed within Application No. 17/01988/DAC.

Reason

To safeguard and protect protected species that could be present on the site and to ensure all impacts resulting from development are taking into account and mitigated.

- 17 The noise mitigation measures for the apartments fronting Church Lane shall be adhered to in accordance with the details as agreed within Application No. 17/01988/DAC.

Reason

In the interests of residential amenity.

- 18 The lighting scheme for the site shall be installed, maintained and operated in accordance with the details as agreed within Application 21/02521/DAC) and as illustrated within the revised External Lighting 3D document (produced by EASILUME dated 18 October 2021).

Reason

In the interests of visual and residential amenity and to prevent external lighting adversely affecting the ecological value of the site and surrounding area.

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

Reason

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

- 20 The hard and soft landscaping scheme shall be carried out on site in accordance with the approved drawings/specifications. 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 unless the Local Planning Authority gives written consent to any variation.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

The monitoring details of the agreed landscaping shall be undertaken on site and implemented until such time as the landscaping has been carried out in accordance with the approved drawings/specifications, or any other scheme as may be agreed in writing by the Local Planning Authority.

Reason

To ensure enhancement of the development in the interests of visual and residential amenity and to ensure the landscaping is undertaken appropriately to ensure longevity.

- 21 The Tree Protection Plan shall be implemented on site and retained throughout the construction process in accordance with the details as agreed within Application No. 18/00223/DAC.

Reason

To ensure the protection and retention of existing/remaining trees and hedges.

- 22 The Wildlife Protection Plan and Mitigation Strategy shall be undertaken on site for the duration of the construction of the development, in accordance with the details agreed within Application No. 17/01562/DAC. Any amendment to the Wildlife Protection Plan and Mitigation Strategy shall be approved in writing by the Local Planning Authority prior to implementation of any such amendment.

Reason

To protect features of recognised nature conservation importance.

INFORMATION TO APPLICANT

1 The applicant should refer to the advice given by Essex County Council Development and Flood Risk Officer dated 30th September 2021.

2 The applicant should refer to the advice given by Essex Fire and Rescue Service dated 10th November 2020 and 6th September 2021.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Minutes

Planning Committee 2nd November 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Yes
Mrs J Beavis	Yes	F Ricci	Yes
K Bowers	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	J Wrench	Yes
A Munday	Apologies		

70 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 21/01540/FUL - Land North of Helions Road, Steeple Bumpstead as Mr Matthew Wood, who had registered to participate during Question Time and had submitted a written statement, was a former employee of Braintree District Council and he was known to some of them.

Councillor D Mann declared a non-pecuniary interest in Application No. 21/01896/FUL - Land at Elizabeth Lockhart Way, Braintree as some of the objectors were known to him and he had given advice to them about submitting representations regarding the application. Councillor Mann stated that he had not discussed the application with the objectors.

Councillor Mann declared a non-pecuniary interest also in Application No. 20/01239/VAR - Polly's Field Village, Church Lane, Braintree as the applicant and some of the objectors were known to him. Councillor Mann stated that he had given advice to the objectors about submitting representations regarding the application, but that he had not discussed the application with anyone.

Councillor Mann declared a non-pecuniary interest also in Application No. 21/01882/OUT - Land rear of 27 to 33 Lyons Hall Road, Braintree as some of the objectors were known to him and he had given advice to them about submitting representations regarding the application. Councillor Mann stated that he had not discussed the application with the objectors.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 21/00365/HH - 5 Abbotts Croft, The Street, Sturmer as she had engaged with an objector regarding the application and she had discussed it with one of the Council's Planning Officers. Councillor Mrs Parker left the meeting when the application was considered and determined.

Councillor P Schwier declared a non-pecuniary interest in all applications on the Agenda as an Elected Member of Essex County Council.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise and took part in the discussion when the applications were considered.

71 **MINUTES**

DECISION: It was reported that the Minutes of the meeting of the Planning Committee held on 26th October 2021 were not available for approval.

72 **QUESTION TIME**

INFORMATION: There were eight statements made about the following applications. Those people who had registered to participate during Question Time made their statements immediately prior to the Committee's consideration of each application.

Application No. 20/01239/VAR - Polly's Field Village, Church Lane, Braintree

Application No. 20/01919/OUT - 31 Colchester Road, Coggeshall

Application No. 21/00365/HH - 5 Abbotts Croft, The Street, Sturmer

Application No. 21/01540/FUL - Land North of Helions Road, Steeple Bumpstead

Application No. 21/01896/FUL - Land at Elizabeth Lockhart Way, Braintree

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

73 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00365/HH (APPROVED)	Sturmer	Mr Robert James	Retrospective planning application to retain Annex

in the rear garden. Removal of the entrance canopy and open side lean-to store. Landscaping/tree planting. Provision of an extra car parking space at the front, 5 Abbots Croft, The Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01540/FUL (APPROVED)	Steeple Bumpstead	Mark Weatherhead and Troy Homes	Construction of 9 No. dwellings, new access from Helions Road and associated development, land North of Helions Road.

The Committee approved this application, subject to two additional Conditions as follows:-

Additional Conditions

28. No above ground development shall commence unless and until a lighting design scheme to protect biodiversity for the whole site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are sensitive for bats, including those areas where lighting could cause disturbance along important bat foraging routes; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that any areas of the development that are to be lit will not disturb or prevent bats using their territory.

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

29. Prior to first occupation of the development hereby permitted, an Electric Vehicle Charging Strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01896/FUL (APPROVED)	Braintree	Mr Sean Marten Stonebond Properties (Chelmsford) Ltd	Erection of 9 dwellings with access from Elizabeth Lockhart Way and associated landscaping and parking, land at Elizabeth Lockhart Way.

The Committee approved this application, subject to the amendment of Condition No. 21, an Additional Condition and the amendment of the Approved Plans as follows:-

Amended Condition (amendment to Tree Protection Plan reference number only)

21. Development shall only be implemented in accordance with the approved Tree Protection Plan (Reference SHA 1166 TPP Rev. A). Works to trees and hedgerows shall only be carried out in strict accordance with the approved Arboricultural Impact Assessment Report, dated April 2021 Rev A 21.10.21 (Reference SHA 1166 A).

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

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

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

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

Additional Condition

23. Prior to first occupation of the development hereby permitted, an Electric Vehicle Charging Strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner

thereafter.

Amended Approved Plans

Landscape Master Plan amended from 'PR219-01 Version: J' to 'PR219-01 Rev. I'
Tree Protection Plan amended from 'SHA 1166 TPP' to 'SHA 1166 TPP Rev. A'

74 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01239/VAR (APPROVED)	Braintree	David Summersgill Abbeyfield Braintree and Bocking Society Ltd	Variation of Condition 2 (approved plans) following grant of planning permission 17/02026/VAR granted 19/01/2018 to vary planning permission 15/01584/FUL for Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards. Variation would allow revision of site boundary, layout and elevational changes, Polly's Field Village, Church Lane.

DECISION: That the application be granted, subject to the completion of a Deed of Variation modifying the Section 106 Agreement legal obligations pertinent to the development site and the development, and subject to the relevant conditions as amended below. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of typographical errors in Condition Nos. 13 and 15 and to the following additional Condition. The Council's Officers were also requested to ensure that ground levels were checked on site:-

Additional Condition

23. The applicant shall ensure during the remaining construction stage of the development that a buffer zone from construction activities is retained to

safeguard the existing stream which runs along the site's southern boundary and that this stream is kept clear of any building materials, spoil, or waste.

75 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the reasons contained in the Planning Development Manager's report. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01919/OUT (REFUSED)	Coggeshall	Mr and Mrs Day	Outline application (with appearance and landscaping reserved) for the erection of 9 no. dwellings, 31 Colchester Road.

Councillor J Astley, Chairman of Coggeshall Parish Council, attended the meeting and spoke against this application on behalf of the Parish Council prior to the Committee's consideration of the application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01882/OUT (REFUSED)	Braintree	Mr and Mrs Christopher and Ashlea Webster Saxton 4x4 Limited	Outline planning permission with all matters reserved apart from access, for the demolition of existing buildings and the construction of 6 No. dwelling houses, land rear of 27 to 33 Lyons Hall Road.

It was reported that the description of the development as referred to in the Agenda should be amended from 'Land rear of 21 to 33 Lyons Hall Road, Braintree' to 'Land rear of 27 to 33 Lyons Hall Road, Braintree'.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

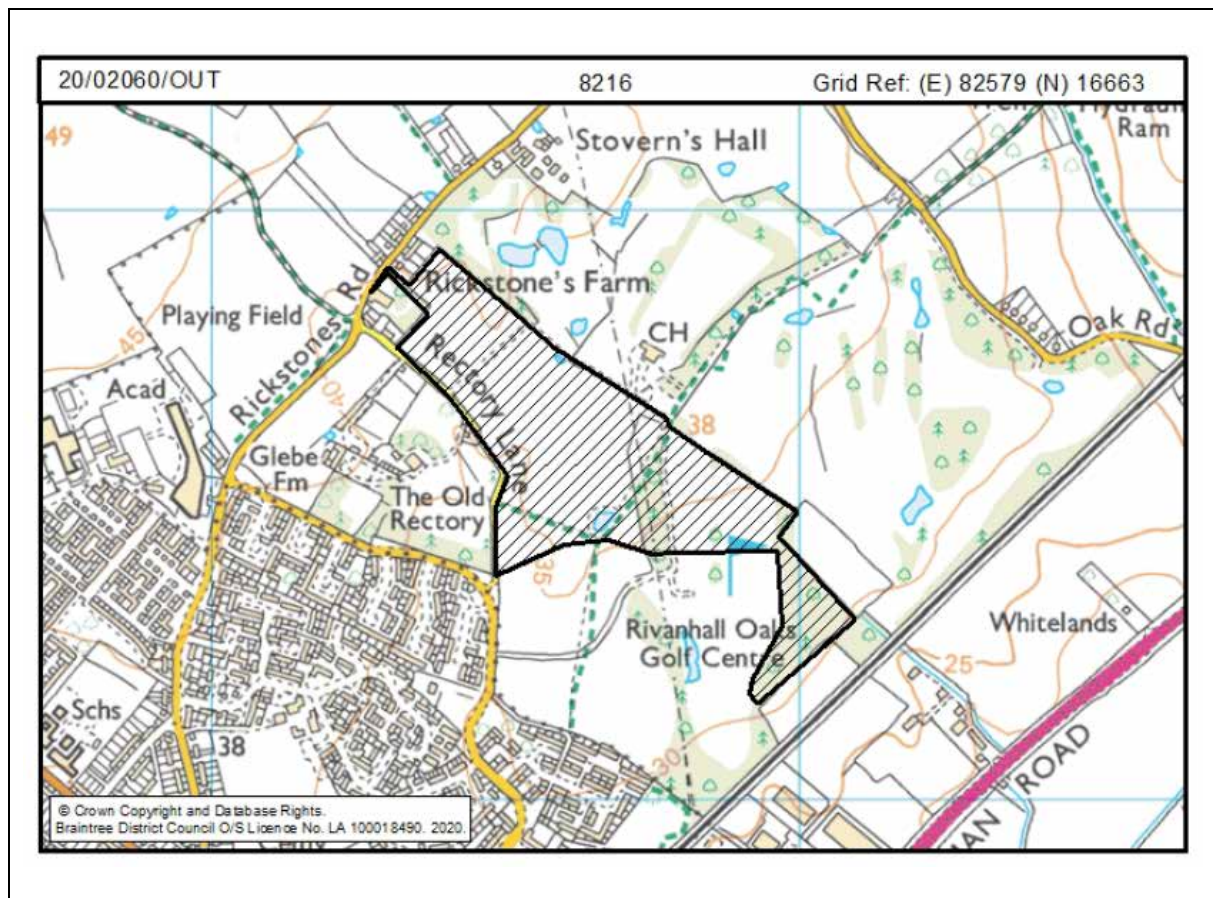
(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 9.30pm.

Councillor Mrs W Scattergood
(Chairman)

Report to: Planning Committee		
Planning Committee Date: 22nd February 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	20/02060/OUT	
Description:	Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans way, a bus, cycle and pedestrian connection to Rickstones road, sustainable drainage systems, landscaping and all associated infrastructure and development.	
Location:	Phase 4, Land North East of Rectory Lane, Rivenhall	
Applicant:	Mrs Sarah Cornwell, Bellway Homes Limited	
Agent:	Mr Olivier Spencer, Andrew Martin - Planning Limited	
Date Valid:	11th December 2020	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2523, or by e-mail: neil.jones@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 20/02060/OUT.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p>

	<p>The other abovementioned policy documents can be viewed on the Council's website:</p> <p>www.braintree.gov.uk.</p>
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1. EXECUTIVE SUMMARY

- 1.1 The application site, identified as Land North East of Rectory Lane. Rivenhall or 'Phase 4', comprises 17.1 Hectares of land which currently comprises predominantly agricultural land, with a small portion of the site currently in temporary use as a construction site compound. The site is located adjacent to existing edge of the town of Witham but it is located entirely within the Parish of Rivenhall.
- 1.2 The application seeks outline planning permission, with all matters reserved, for the development of up to 230 new homes. The development would include Affordable Housing; public open space including new grass sports pitches; a neighbourhood equipped area of play, sustainable drainage features and associated infrastructure. Whilst access is a reserved matter the description of development states that vehicular access will be from Forest Road via Evans Way with a bus, cycle and pedestrian connection also provided onto Rickstones Road.
- 1.3 This application was first reported to the Planning Committee on 26th October 2021 with an Officer recommendation for approval, subject to completion of the Section 106 agreement. After much discussion Members voted to defer the application, to allow the applicant and Officers to revisit the proposed Collingwood Road cycle scheme and to carry out further consultation on these proposals. That consultation period has now expired and the responses to this are reported in summary within this report. Although the application was deferred on just this one item it has been agreed that Officers will present a full report on the proposals.
- 1.4 The application site is not allocated for development and lies beyond any designated town or village development boundary in either the Adopted Local Plan or Draft Section 2 Plan. The development is therefore contrary to the Adopted Development Plan, including the Minerals Local Plan. This weighs against the development in the Planning Balance, along with harm to the designated heritage assets; loss of trees; harm to the character and appearance of the Area and Landscape Character; coalescence; sterilisation of mineral resources; and loss of Best & Most Versatile Agricultural Land.
- 1.5 When undertaking both the heritage balance exercise required by the NPPF and the flat planning balance exercise, having regard to the adverse impacts and benefits outlined above, and the requirements of the NPPF as a whole, it is necessary to weigh the public benefits of the proposal against the harm identified. In this case the public benefits are considered to include the delivery of Market & Affordable Housing; the provision of Open Space including grass sports pitches; and a package of infrastructure improvements including extensive schemes to promote or provide sustainable transport options for residents.
- 1.6 Although the recently completed public consultation has shown that there remains objections to the Collingwood Road cycle scheme Officers still

believe that the proposals would add to the package of sustainable transport measures being proposed by the applicant. When that package of sustainable transport measures is included in the list of public benefits arising from the proposed development then the public benefits outweigh the harms identified and it is recommended that the application is granted planning permission, subject to completion of a Section 106 legal agreement covering the Heads of Terms set out in this report, and subject to the recommended planning conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.
- 2.2 The application was previously considered by Members at Planning Committee on 26th October 2021, when determination was deferred so that the Applicant could review the proposed cycleway scheme and allow for more consultation to be undertaken on the proposed cycling improvements.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is located north east of Witham, within the Parish of Rivenhall, and comprises 17.1 hectares of agricultural land, of which a small portion is currently in temporary use as a construction site compound. The southern end of the application site abuts the current Town Development Boundary of Witham where the site adjoins a previous Bellway (Phase 1 & 2) development for 385 dwellings which was granted permission in 2016 and which is still partially under construction to the south. These new dwellings are accessed from an internal spine road, Evans Way, via Forest Road. To the north-east lies the Rivenhall Oaks Golf Course. To the north, the site abuts the rear gardens of a ribbon of properties on Rickstones Road, which are part of the hamlet known as Rickstones End.
- 5.2 Travelling west along Rickstones Road in the direction of Witham, there is the Bellway (Phase 3) development, known as the Bluebells, under construction for 58 dwellings. Beyond this lies the education complex on Conrad Road containing Elm Hall Primary School, New Rickstones Academy and Southview School as well as the recently constructed Chatten Free School, built on part of the playing fields of the New Rickstones Academy, which is a new school for children with Special Educational Needs (SEN). Included in the application site red line is a footpath link through Phase 3 from Rectory Lane to Rickstones Road and visibility splays within the highway on both sides of the proposed bus access junction onto Rickstones Road.
- 5.3 The site is relatively flat and is bordered on its north-east and western perimeter by hedges and trees. A substantial tree belt also crosses the centre of the site, located east of the existing access road to the Golf Course. In the south, the site contains an isolated triangle of woodland, with

an existing area dedicated for use as allotments beyond. To the west, on the opposite side of Rectory Lane, lies the Grade II listed Old Rectory. As part of the main modifications consultation on the Section 2 Plan, the development boundary has been redrawn around the Bluebells development on the Witham North allocation map. The remainder of the town development boundary runs along Forest Road.

5.4 An existing maintenance access to the Golf Course crosses the site in the northern portion of the site connecting the Golf Course to Rectory Lane. Two Public Rights of Way (PROW) lie within the site: PROW 105_58 runs east from Rectory Lane meeting PROW 105_59 at the juncture with the earlier phase of residential development in the south and then travels north-east towards the Golf Course. These footpaths form part of the John Ray Walk; a linear recreational route connecting Braintree with Witham. Rectory Lane is also designated as a 'Protected Lane' as identified under Policy RLP87 of the Adopted Local Plan. Essex County Council have also designated Rectory Lane as a Quiet Lane. Highway Authorities are able to designate country lanes as 'Quiet Lanes' in rural areas, under the Transport Act 2000. Quiet Lanes are a positive way of: - providing a chance for people to walk, cycle and horse ride in a safer environment; - widening transport choice; and protecting the character and tranquillity of country lanes.

5.5 The site is located in a Mineral Safeguarding Zone as designated within the Essex Minerals & Waste Local Plan. The site also lies within the Habitats Regulation Assessment Zone of Influence as identified in the Essex Coast RAMS Supplementary Planning Document (2020). A high pressure gas main crosses within the site, running north to south, parallel and adjacent to Rectory Lane.

6. PROPOSAL

6.1 The application seeks outline consent with all matters reserved to erect 230 dwellings on the site. The proposal would also include the provision of up to 69 (30%) affordable dwellings, areas of land dedicated to sustainable urban drainage, 7.6ha of open space including neighbourhood equipped play area, provision of sports pitches and landscaping.

6.2 Whilst all matters are reserved, the development is indicatively shown to be served by an extended access road from Phases 1 & 2 in the south (via Forest Road and Evans Way). An access is also shown in the north onto Rickstones Road restricted for use only by buses, taxis and motorcycles. Existing public rights of way, which connect in the south of the site from Rectory Lane to towards the Golf Course and into Phase 1, are shown to be retained within the open space areas.

6.3 The application is accompanied by the following plans and documentation:

§ Application Form

§ Site Location Plan BW219-PL-01 Rev E

- § Illustrative Masterplan BW219-01 Rev A
- § Revised Land Use Parameter Plan BW219-PP-01 Rev I
- § Revised Green Infrastructure Parameter Plan BW219-PP-02 Rev I
- § Revised Pedestrian Access & Movement Parameter Plan BW219-PP-03A Rev G
- § Revised Vehicular Access & Movement Parameter Plan BW219-PP-03B Rev F
- § Revised Storey Heights Parameter Plan BW219-PP-04 Rev J
- § Revised Access Plan 19140-001 B
- § Revised Swept Path Analysis for Refuse Vehicle Plan 19140-002 A
- § Revised Bus Access Plan 2002470-005 Rev B
- § Proposed Bus Lane & Gate Plan 2002470-012 Rev A
- § Proposed Rectory Lane Restrictions Plan 2002470-13 Rev E
- § Proposed Cycle Route Plan 2002470-014 Rev K
- § Potential Footway Widening Plan 2002470-16 Rev B
- § Wider Cycle Connectivity Plan 2002470-020
- § Local Cycle Connectivity Plan 2002470-019
- § Local Pedestrian Connectivity Plan 2002470-020
- § Illustrative Sports Pitch Layout BW219-SP-01 Rev B
- § Preliminary Tree Removal & Retention Plan TR&R/Prelim NE Witham/07.10.21
- § Revised Design & Access Statement (Aug 21)
- § Vision Statement (Sept 21)
- § Agricultural Land Use Classification Report (Dec 20)
- § Air Quality Assessment (Dec 20)
- § Archaeological Desk Based Assessment (Dec 20)
- § Revised Ecological Impact Assessment (Oct 21)
- § Draft Habitat Regulations Assessment (Dec 20)
- § Revised Reptile Mitigation Strategy (July 21)
- § Skylark Mitigation Summary Note (July 21)
- § Additional SES Technical Note on Ecology (March 21)
- § Flood Risk Assessment (Dec 20)
- § Additional Drainage Calculations (Jan 21)
- § Heritage Statement (Dec 20)
- § Landscape and Visual Appraisal Report (Dec 20)
- § Minerals Resource Assessment (Dec 20)
- § Advice Note on Viability of Mineral Extraction (May 21)
- § Noise Impact Assessment (Dec 20)
- § Phase 1 Contaminated Land Desk Study (Dec 20)
- § Planning Statement (Dec 20)
- § Statement of Community Involvement (Dec 20)
- § Transport Statement (Dec 20)
- § Tree Constraints Report (Dec 20)
- § Utility Assessment (Dec 20)
- § Proposed Collingwood Road Cycle Scheme Briefing Note (Dec 21)
- § Proposed Tree Management Location Details Based on Outline Plan (Nov 21)

6.4 Development of a similar nature, but a larger number of dwellings, was initially screened under the Town & Country Planning (Environmental

Impact Assessment) Regulations 2017 (as amended) in October 2020 (Application Reference 20/00005/SCR). The Local Planning Authority (LPA) concluded in that case that 250 dwellings would not have a significant impact of more than local importance upon the environment and therefore did not need to be accompanied by an Environmental Statement. The LPA has no reason to alter its screening opinion for this development given there has been a reduction in the number of dwellings proposed.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

7.1.1 No objection. Confirm there are assets that lie within the site.

7.2 Cadent Gas

7.2.1 No objection in principle, note that there are restrictions which will have to be observed and this will constrain the scale, layout and landscaping of the development at reserved matters stages.

7.3 Essex Fire & Rescue

7.3.1 No objection.

7.4 Essex Police (Designing Out Crime Officer)

7.4.1 No objection.

7.5 Health & Safety Executive

7.5.1 HSE does not advise on safety grounds against the granting of planning permission in this case.

7.6 Highways England

7.6.1 No objection.

7.7 National Grid

7.7.1 No objection; confirm apparatus within the vicinity.

7.8 Natural England

7.8.1 No objection; confirm they are satisfied that the mitigation described in the Appropriate Assessment is in line with their strategic-level advice and that this mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance. Advise that an appropriate planning conditions or obligations are attached to any planning permission

to secure the on-site mitigation measures, including links to footpaths in the surrounding area.

7.9 NHS England

7.9.1 No objections provided a commuted sum is provided towards extension of either Collingwood Road Surgery or Witham Health Centre.

7.10 Open Spaces Society

7.10.1 No comments received.

7.11 Sport England

7.11.1 Do not object in principle to the provision of outdoor sports pitches, however submitted an interim objection in the absence of an indicative plan showing how the pitches would be laid out and a schedule of minimum facilities. An Illustrative Sports Pitch Layout drawing was provided on 10th June 2021 and Sport England stated on 4th August 2021 that they have no comment to make on the amended plans. Sport England then also referred to their previous response, which made objection to the proposal on the basis that monies have not been secured which contribute to indoor sports facilities in the area. In their earlier response they also requested a condition is applied requiring the reserved matters to demonstrate that the principles of 'Active Design' Guidance have been considered and citing the Essex Design Guide (2018) as a policy basis for this [*Officer comment: Braintree District Council has not adopted the 2018 version of the Essex Design Guide Sport England refer to; the version (2005) which has been adopted does not make specific reference to Active Design.*]

7.12 ECC Archaeology

7.12.1 No objection, subject to conditions.

7.13 ECC Education & Housing

7.13.1 No objections, subject to commuted sums secured towards the provision of Early Years Childcare, Primary and Secondary Education provision and Library Services.

7.14 ECC Green Infrastructure Service

7.14.1 No objection, subject to conditions.

7.15 ECC Highway Authority

7.15.1 No objection subject to conditions and section 106 obligations being secured.

7.15.2 The Highway Authority have specifically commented that they are:

“Aware the planning application is accompanied by a Transport Statement, when a proposal of the scale being applied for would normally require a Transport Assessment. However, the National Planning Policy Framework (NPPF), updated in July 2021, places significant emphasis on the need to reduce travel, particularly by private motor car and promote the use of more sustainable modes of transport such as public transport, cycling and walking.

The location of development is crucial in achieving this key NPPF objective. It should also be in close proximity to services and facilities as well as options for onward travel connections by public transport, cycling and walking.

The Highway Authority accepts the proposal is likely to generate additional trips onto the local highway network, however, due to the proposed site’s location and significant improvements to public transport, cycling and walking mentioned below, this should minimise the number of additional trips such that they would be unlikely to have a severe impact as is the test set by the NPPF.

On this basis, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.”

7.16 ECC Historic Buildings Consultant

7.16.1 Do not object, concluding that the heritage balance (now Paragraph 202 of the NPPF 2021) is applied whereby the harm to the building must be weighed against the public benefits of the scheme and that Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. Provide specific comments as follows:

7.16.2 *“No heritage assets are located within the site. The Old Rectory, a Grade II listed building is to the west of the site (list entry number: 1122557, listed as ‘Rivenhall Old Rectory’). As all matters are reserved, this consultation response concerns the setting of the listed building and how the principle of developing the site will affect the special interest of The Old Rectory.*

7.16.3 *Set in spacious grounds, The Old Rectory is thought to date from the sixteenth century, with notable later phases of development. In particular, the extensions and alterations to the dwelling the eighteenth century created the formal entrance of the dwelling which overlooks the site. Early cartographic evidence highlights that the building was historically isolated, however the expansion of Witham from the late twentieth century to the present, including Phases 1-3 of the wider scheme this site forms part of, has encroached upon the setting of the building. The site remains the only remaining area immediately surrounding the wider setting of The Old Rectory which is undeveloped and maintains an agrarian character; if developed as proposed, the listed building will be surrounded by housing*

and associated infrastructure outside of its own garden curtilage. Whilst the immediate setting of the building will remain, the outlook from the principle elevation will be altered and the rural setting of the building eroded- this will affect how the building is viewed, understood and appreciated within the landscape.

7.16.4 *The Old Rectory did not have a functional relationship with the site, it is not a farmhouse set within its own farmland, for example, however its wider setting does make a contribution to the significance of the building. At present, The Old Rectory is the principal building in the immediate locality by virtue of its position, size and visual dominance within Rectory Lane. Although diurnal and seasonal changes alter the visibility of the building, The Old Rectory's detached position and the flat ground level of the site create wide views both to and from the listed building towards the east, maintaining the buildings historic sense of detachment from the settlements of Chipping Hill (now part of Witham) and Rivenhall. If the land is developed as proposed, the appreciation of the buildings setting and understanding of its development will be lost, harming its setting and therefore significance. Although the bulk of development will be located in the southern sections of the site, as indicated on the submitted masterplan, my concerns regarding the impact on the setting of the listed building are not fully mitigated. The change in use of the land is harmful, although locating the bulk of the residential units in the southern and centre of the site behind a green buffer, will offer mild mitigation solutions regarding the appearance of Rectory Lane and the way in which the listed building is viewed as the primary structure when travelling along the lane.*

7.16.5 *Any development of the site will have a negative impact on the setting of The Old Rectory, exacerbating the gradual encroachment of development that has occurred as Witham has expanded in recent decades. This harm is considered in the lower half of less than substantial harm, due to the cumulative affect of this phase, Phase 4, and other consented schemes."*

7.17 ECC Independent Living

7.17.1 No comment received.

7.18 ECC Minerals & Waste

7.18.1 Maintain an objection in principle on the basis that the site lies within a designated Minerals Safeguarding Area and the proposed development would act to unnecessarily sterilise an otherwise viable mineral resource, therefore is contrary to Policy S8 of the Essex Minerals Local Plan 2014, also noting that unless 'not normal' circumstances exist, the proposal would also be contrary to Paragraph 212 of the NPPF.

7.18.2 Following submission of a Report on the Viability of Mineral Extraction by the Applicant, the Minerals & Waste Planning Authority (MWPA) maintains that there is nothing to suggest in principle that the site does not have potential for future mineral working. However, should the LPA come to the

conclusion that ‘not normal’ circumstances exist to justify development within a Mineral Safeguarding Area, therefore is not contrary to Paragraph 212 of the NPPF, then *“the MWPA accepts that prior extraction ahead of the implementation of non-mineral development may not be practical, due in part to the relatively low yield, and has no further comment to make”*.

7.19 ECC SuDS

7.19.1 No objection, subject to conditions.

7.20 BDC Ecology

7.20.1 No objection, subject to a) securing ecological mitigation and enhancement measures; and b) Visitor management measures towards the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area, in line with the Essex Coast Recreational Avoidance and Mitigation Strategy.

7.20.2 Summary - We have reviewed the ecological documents, submitted by the applicant, relating to the likely impacts on designated sites, Protected species and Priority species/habitats. We are still satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

7.20.3 Recommend Conditions / Planning Obligations: to carry out development in accordance with the recommendations of the Ecological Appraisal; RAMS mitigation measures on and off-site; Retention of potential bat roost tree unless evidence provided that it does not contain bat roosts; Reptile Mitigation scheme; Skylark mitigation; Submission of EPS Licence for Great Crested Newts; Construction Environmental Management Plan; Bat Survey Report; Landscape and Ecological Management Plan; Biodiversity Enhancement Strategy; Wildlife Sensitive Lighting Scheme; Time limit on development commencing before further surveys are required.

7.21 BDC Environmental Health

7.21.1 No objections. Confirm no exceedance of air quality objectives are predicted due to the development, that they do not anticipate any significant land contamination matters arising and that indications are internal/external noise level standards can be met with mitigation. Request conditions relating to noise mitigation, confirming dust and noise controls at the time of construction, control hours of working, preventing the burning of waste and requiring prior agreement to any piling operations.

7.22 BDC Housing Enabling

7.22.1 No objections. A preferential mix for 30% affordable dwellings is provided which includes four wheelchair bungalows.

7.23 BDC Landscape

7.23.1 No objections.

7.24 BDC Waste

7.24.1 No objections. Comment that that detailed plans for refuse and recycling storage provisions are absent, therefore further comment cannot be given on these aspects. Criteria for road specification, bin collection distances and indemnity for damages/repairs are specified.

8. PARISH / TOWN COUNCIL

8.1 Rivenhall Parish Council

8.1.1 The application site is located within the Parish of Rivenhall.

8.1.2 Rivenhall Parish Council objected in January 2021 making the following comments:

1. The objections raised within the report on behalf of the Rickstones Road Action Group, a group independent of the Parish Council, are fully supported by the Parish Council and should be carefully scrutinised by the District Councils Planning Officers and Planning Committee Members.

2. The site, currently excluded from Part 2 of the Local Plan, being excluded from the 2014/2015 call for sites, is wholly within the rural Parish of Rivenhall and currently part Continued of open countryside which, as is the view of local residents and District Ward Councillors, should form part of the Green Buffer Zone to separate Witham from Rivenhall, discussions relative to this matter are currently in abeyance.

3. This site is not within the formally agreed and adopted Village Envelope. The proposed development, taken in addition to the site currently being developed along Rickstones Road, would double the size of Rivenhall and coalesce Rivenhall and Witham thereby destroying the rural benefits that existing local Rivenhall residents have bought into.

4. The development would have a detrimental impact upon ancient Rectory Lane. The application states that Rectory Lane is a Protected Quiet Lane which is part of the nationally recognised John Ray Walk. The application includes a reference that Bellway would seek to close the Forest Road end of Rectory Lane to all vehicles; this despite the fact that Essex County Council Highways rejected just such a similar request from Rivenhall Parish Council some years previously. Would delivery and refuse collection vehicles be required to reverse up Rectory Lane from The Lodge?

5. In the latest transport document in para 3.18, it states: "Key to the design and layout of phase 4 is the proposed continuation of the 3.5m wide foot

and cycle path from the NCN route at Motts Lane through phase 1. It is proposed to extend this route through phase 4 development (an additional circa 600m length) to connect to another new route alongside Rickstones Road via phase 3. In June 2015, the phase one application was submitted including a proposed cycle path through the site and onward to Motts Lane. A small section in phase one was constructed. In November 2018 Condition A14, a plan was submitted for the section between phase 2 and Motts Lane. The plan was put on hold, and after two years of failing to get a response from Bellway the route was officially refused in Sept 2020. So, five years after first promising to provide the 'important' link, they are now saying it is key to the phase 4 development. Bearing in mind it has been refused, it calls into question Bellway's intention to provide any more cycle paths.

6. The overall lack of medical facilities within Witham and the surrounding Parishes is of considerable concern even without the proposal for more residential dwellings being considered. Doctor's surgeries, Dentists and other associated practices are operating at full capacity and it is currently difficult to access many of these services, adding more dwellings will only exacerbate the problems.

8.1.3 No additional comments were received from the Parish Council in the light of recent revisions in September 2021.

8.1.4 A representation was submitted in November 2021 concerning the report and presentation of the application to the Planning Committee. The issues raised were:

1. The Officer presentation only mentioned Rivenhall Parish once despite the site being wholly within Rivenhall.

2. No photographs or other documents relative to the existing dwellings in the Rickstones Road area of Rivenhall and how the proposed bus gate would impact the area were displayed.

3. Officers failed to quote the policy in the Village Design Statement of avoiding coalescence with Witham, and misrepresented the policy on Rectory Lane.

8.1.5 In response to the recent consultation the Parish Council has submitted a report compiled by a qualified transport planner. In summary the main grounds for objecting are the failure by the developer to provide the cycle link to Motts Lane which was required by planning condition. It is claimed that the future connection to the station and town centre have not been demonstrated as being deliverable and this will mean more people using their private car, resulting in more congestion and having a severe impact on the highway network. Also object to loss of hedgerows along Rickstones Road which would urbanise the current village character.

- 8.1.6 Rivenhall Parish wish it to be known that they were not approached by the Applicant or Planning Officers to discuss the application and the proposed cycle improvements in Collingwood Road.
- 8.2 Witham Town Council
- 8.2.1 The Town Council were consulted on the application as the application is adjacent to the town of Witham.
- 8.2.2 Witham Town Council objected in March 2021 recommending refusal on the following grounds:
- § Severe impact upon local highways infrastructure and non-conformity with various Essex County Council Highways Policies as identified by other parties including Rivenhall Parish Council;
 - § Lack of amenities in Witham North including health facilities, a supermarket and employment opportunities;
 - § No clear boundary between Witham and Rivenhall;
 - § Damage to the green buffer separating the two communities;
 - § Section 106 monies should be spent in Witham North/Rivenhall;
 - § Provision of a community facility with combined varied uses;
 - § Lack of a Master Plan;
 - § Statement of community involvement is incorrect as Witham Town Council had not be consulted;
 - § This development should have been a single, phased development with a proper development brief and contrary to RLP10.
- 8.2.3 The Town Council confirmed on 15th September 2021 that in the light of recent revisions their original comments still stood.
- 8.2.4 The Town Council submitted a further letter of objection in February 2022. They listed the following grounds for their objection:
- § Severe impact upon local highways infrastructure and non-conformity with various Essex County Council Highways Policies as identified by other parties including Rivenhall Parish Council;
 - § Lack of amenities in Witham North including health facilities, a supermarket and employment opportunities;
 - § No clear boundary between Witham and Rivenhall;
 - § Damage to the green buffer separating the two communities;
 - § Section 106 monies should be spent in Witham North/Rivenhall;
 - § Provision of a community facility with combined varied uses;
 - § The lack of a Master Plan has led to piecemeal development and insufficient infrastructure;
 - § Statement of community involvement is incorrect as Witham Town Council had not be consulted;
 - § This development should have been a single, phased development with a proper development brief;

- § The proposed cycleway would increase congestion at the railway station with two sets of lights and with the possibility of a further set at Chipping Hill;
- § Narrowing of carriageway on a busy bus and HGV route;
- § Loss of car parking for residents of Collingwood Road who do not have off-street parking;
- § Loss of car parking which would affect small businesses in Collingwood Road;
- § Lack of cycle parking in the town centre;
- § Shared cycleway paths are not recommended;
- § Suitable alternatives which are included in the Cycle Action Plan should be considered;
- § The pavements at the railway station and adjacent to the Labour Club are of insufficient width to allow for safe cycleway;
- § Contrary to RLP10.

9. REPRESENTATIONS

9.1 Prior to the application being considered at Planning Committee on 26th October 2021 the Council received 66no. letters of objection and 3no. letters of support from members of the public in relation to the application.

9.2 A summary of the main issues raised are listed below.

- § Lack of compliance with planning policy RLP2, RLP3, RLP80, CS2 & CS8 and highways policies DM1, DM7, DM13, DM14 & DM15;
- § Development in countryside location outside village envelope;
- § Erosion of countryside buffer and coalescence between Witham and Rivenhall/Rickstones End;
- § Rivenhall has taken its fair share of housing;
- § Site rejected in call for sites;
- § Loss of agricultural land classified Best and Most Versatile;
- § Cramped development with tiny back gardens;
- § Inadequate mitigation and thus harm to setting of The Old Rectory from visible proximity of housing;
- § Unsustainable development due to lack of jobs in area results in 'out commuting';
- § Insufficient infrastructure to support development including lack of school, doctors and dentists places to meet demand;
- § Lack of Community Infrastructure Levy payment or s.106 contributions;
- § Lack of Transport Assessment;
- § Cumulative impact upon local highway network would be 'severe';
- § Additional cumulative impact in light of A12 alterations will be unsustainable;
- § Road infrastructure in area at capacity causing widespread delays;
- § Increase in traffic and pollution from traffic;
- § Air Quality assessment does not take all cumulative development into account;
- § Incremental change in character of area which is becoming more urban;

- § Cumulative impact of development upon Rivenhall including increase in traffic and damage to roads as a result;
- § Anecdotal evidence of differences in road traffic accidents and background traffic in vicinity in comparison to those reported in Transport Statement;
- § Place where pedestrians encouraged to cross on Rickstones Road is unsafe;
- § Rickstones Road is unsafe due to cars regularly speeding in this area;
- § Bus access on Rickstones Road is unsafe, notably due to chicane in road and parked vehicles;
- § Inadequate visibility splay to south of bus access on Rickstones Road;
- § Internal bus access road will be unsafe for pedestrians to cross due to shared use with business units;
- § Poor pedestrian access to existing bus stops on Rickstones Road;
- § Improvements to bus, cycle & pedestrian provision will not convince people to walk and traffic will still increase and modal shift aspired to will not be delivered;
- § Distance to walk or cycle to facilities in Witham is too far (measurements in Transport Statement are underestimates);
- § Internal estate road (Evans Way) unsafe for pedestrians/children crossing opposite play area and this will be exacerbated by traffic;
- § Urbanising impact of increased width of access on Rickstones Road;
- § History of flooding in locality and further development will exacerbate this;
- § Loss of vegetation to create visibility splay on Rickstones Road;
- § Need for Applicant to build in accordance with plans and honour wildlife mitigation required;
- § Impact upon, and harm to, protected and priority species;
- § Methods of mitigation for protected species would harm them, such as relocation of skylarks and machinery to scour the soil where GCN are present;
- § Mature trees should be stipulated for new planting to compensate for the vegetation and wildlife lost;
- § Loss of amenity to users of footpath (John Ray Walk) caused by proximity of housing and noise from playing fields which represent a harmful change to historic and landscape character of that area;
- § Harm to character and positive qualities of Rectory Lane as a protected lane;
- § Lack of need for Sports Pitches – existing at provision at Albert Moss Playing Fields in Rivenhall is not being used and Rickstones Academy and Laburnum Way also has playing fields;
- § Lack of parking for football pitches and potential use of car park by residents;
- § Proximity of bus access to playing fields is dangerous and high fence would be required which would be visually harmful;
- § Pitches are security risk for neighbouring properties on Rickstones Road;
- § Noise from playing pitches would cause loss of residential amenity;
- § Loss of amenity to 302 & 303 Rickstones Road as a result of additional bus traffic including noise and pollution;

- § Loss of amenity due to construction site operations;
 - § Impact of lighting of the development upon neighbouring properties;
 - § Lack of community engagement;
 - § Lack of detail on refuse and ownership of estate roads;
 - § Sterilisation of mineral resource in absence of 'not normal' circumstances;
 - § The provision of affordable housing is a significant benefit;
 - § House building will create badly needed jobs and social housing;
 - § It is good to see Witham growing, which will support the provision of new schools and increase viability of high street.
- 9.3 Matters raised which are not material to a planning decision included loss of view, preference for a different form of development and suggestion of other options, and conduct of the Applicant in relation to their other developments in the locality.
- 9.4 Following the deferral of the application, the Local Planning Authority has publicised the receipt of additional information concerning the Collingwood Road cycle scheme and on tree loss. The Local Planning Authority publicised the receipt of this additional information by putting up site notices around the site, Rectory Lane, Rickstones Road, Forest Road, and Collingwood Road. A public notice was published in the Braintree & Witham Times and the Council wrote to all residents originally notified about the application; members of the public who had previously submitted representations on the application; and additional properties along Collingwood Road. All the publicity included an additional reference to the proposed cycle improvements along Collingwood Road.
- 9.5 Following the publication of additional information, the Council received 39 further letters of representation objecting to the application. The main reasons for objecting to the application are summarised below:
- § Loss of amenity due to construction site operations;
 - § Local villages are already overloaded with additional housing estates
 - § Inadequate infrastructure to support increase in population – including health and highways;
 - § Contrary to Local Plan policies, being outside development boundaries and harming natural environment and failing to respect separate character of separate villages and hamlets;
 - § The development will cause Rivenhall to lose its village status. Concerns over coalescence;
 - § Development will add to pressure on supply of water, electricity, broadband and sewage. Development is contrary to policies which seek to protect and enhance the natural and historical environment, including Rectory Lane and the John Ray walk;
 - § Development will encroach on the green wedge between Rivenhall and Witham Rivenhall is a Tier 3 village which the Local Plan says is inappropriate for such a large development;
 - § Relocation of protected species will not be successful and will harm populations;

- § Loss of habitats for birds and other wildlife. W44 & W4 should be left as havens for wildlife along with the old oak. The areas are good for nesting birds, rabbits, foxes and dears;
- § Suggested modal shift is overstated. Every house has got parking spaces and it is proposed to put electric charging points – residents are likely to drive and not cycle;
- § No improvements proposed to any facilities in Rivenhall.

Collingwood Road Cycle Scheme

- § Trees in Collingwood Road are part of the heritage and should remain;
- § Traffic is already appalling at some times of the day. Cycle lanes would just add to congestion and resulting pollution especially in the area around the railway bridge;
- § No cyclist or family would choose to put themselves into the traffic around the station area, it is fast moving and potentially dangerous;
- § Collingwood Road is a safe quiet road. Cyclists are able to cycle in the road safely along Collingwood Road making the cycle lanes unnecessary;
- § The proposed cycleway would narrow the width of Collingwood Road despite the B1018 being the main from Maldon to Braintree and has regular bus services and HGVs. This will cause additional delays which will also cause noise, congestion and potentially pollution;
- § Loss of on-street parking which at present benefits residents, some of whom have homes without off-road parking, businesses, including a doctor's surgery, Witham Public Hall, Osteopath and Chiropractor and Nursery School;
- § No cycle storage is proposed for the town centre end of the route which will make it unattractive to cyclists;
- § Evening users of the Public Hall will be denied on-road parking and required to use the Newland car (payment required). There are unlikely to be many cyclists after dusk;
- § This scheme does not accord with the Braintree District Cycle Action Plan. There are better routes that are safer and likely to prove more attractive to cyclists identified in the Braintree District Cycle Action Plan;
- § Additional set of traffic lights near the railway bridge will add to congestion and traffic problems adversely affecting motorists and local residents;
- § Shared footpath / cycleway leading south from the Labour Hall to Guithavon Valley will pass houses whose front doors open to the shared facility;
- § Collingwood Road residents will need to cross the cycleway to access or leave their own driveways;
- § Cyclist are rarely seen on Collingwood Road. Cyclist are very rarely seen in Witham;
- § Route should go along Easton Road to the cycle racks in the station car park instead of Albert Road where there is no storage;
- § It removes bus stops provided for people to access Collingwood Road Surgery, Witham Public Hall and Witham Town Centre shops;

- § Expecting cyclists to cross Guithavon Valley then Collingwood Road seems extremely dangerous;
- § Recent highway code changes the cycle route is unnecessary in this instance as cyclist would still be able to use the road and motor vehicle will be bound by law to give them a wide birth;
- § The fact that this cycle path is only 1/3 of a mile long and doesn't actually go makes the scheme pointless;
- § No need as commuter needs at the station have dropped following Covid;
- § By narrowing Collingwood Road vehicles making deliveries, visiting tradesmen will park in and obstruct the carriageway causing delays;
- § Linking the River Walk with the station would be more advantageous - the justification for abandoning the proposal seems weak;
- § Changes to Collingwood Road would be detrimental to the appearance of the road, including the area around the Jubilee Tree and seat, at the top end of Guithavon Street;
- § The footways that are to become shared facilities are all heavily used already and would not be wide enough to allow everyone to use them safely;
- § The route is non continuous and requires cyclists to dismount/ mount multiple times;
- § Bellway's money would be better spent on putting solar panels on their homes and making them more carbon neutral and cheaper to run.

Rickstones Road

- § The bus gate will increase the incidents of accidents on Rickstones Road due to slow movements of large commercial and industrial vehicles during egress and access. Although it is a 30mph limit, the majority of vehicles speed up leaving Witham because they believe they are in a 60mph limit road. It is a straight stretch of road leading up to the double bend and drivers do not always appreciate the hazard ahead, often having to brake hard to avoid a collision;
- § The opening of the Special Needs school in September has increased traffic on Rickstones Road;
- § New cycle way will require removal of hedge previously saved from being removed as part of previous development.

9.6 One letter provided comments neither supporting nor objecting to the application.

- § No objection to building more housing in this area and am in support of more green spaces and cycle lanes. One concern is the number of vehicles coming through Forest Road – vehicles speed along this road and there should be more speed limit enforcement.

9.7 Ramblers Association

A public footpath runs along the north side of Rickstones Road between Rivenhall footpath 7 - the John Ray Walk - and what is now the new special

needs school. The Ramblers do not support the conversion of a public footpath to a foot/-cycle way as this removes the public right of way status from the footpath and removes the PROW from the Definitive Map and Statements. If a cycleway is desired, this can run alongside but not over or encroaching onto the legal width of the public footpath. The proposal is for a non-segregated foot/-cycle-way that is only 3 meters wide. The minimum recommended width for a foot/cycle-way is 3.5 metres to facilitate the safe passage and lack of conflict between cyclists and pedestrians, including adults with buggies, wheelchair and mobility scooter users.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

- 10.1.1 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).
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).
- 10.2 5 Year Housing Land Supply
- 10.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.
- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.
- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also

improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).
- 10.3.2 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 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.
- 10.3.3 The site is located in an area of 'countryside', therefore constitutes a departure from Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy. As a consequence, the proposal also represents a departure from the Development Plan as a whole. For similar reasons a conflict is also identified with Policy LPP1 of the Draft Section 2 Plan, albeit given its stage of preparation this document does not form part of the Development Plan. As set out within the Planning Balance section of this report, Officers consider that significant weight can be attributed to this conflict. Officers would however highlight that whilst the Draft Section 2 Plan continues to progress and is at an advanced stage following examination, Officers note that Planning Inspectors within recent appeal decisions have continued to only give limited weight to these policies despite the fact that the plan is now well advanced and moving towards adoption. This included the recent appeal decision at Brain Valley Avenue, Black Notley (20/02127/OUT).
- 10.3.4 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs that that permission should not be granted for this development unless material considerations indicate otherwise. Material considerations pertinent to this particular application include the NPPF and the District's five year housing supply. Paragraph 11 of the NPPF sets out the 'presumption in favour of sustainable development' and Paragraph 12 advises that "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 Witham is classified as a 'Main Town' in the Core Strategy and a 'Town' in the Section 1 Plan. In both cases, the underlying spatial strategy implies in principle that the town is capable of accommodating a significant amount of development, representing one of the most sustainable locations in the District for new growth on account of the availability of local employment, services, facilities and transport links. The spatial strategy in the Draft Section 2 Plan states that the broad spatial strategy for the Braintree District should concentrate development in the town of Braintree, Witham and the A12/Great Eastern Mainline corridor and Halstead. Policy CS7 of the Core Strategy supports this rationale by directing development into locations which are 'accessible' and where opportunities to take up sustainable forms of transport are available, or can be improved. The approach is consistent with the objectives of Paragraph 105 of the NPPF which states that:
- 11.1.2 "The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".
- 11.1.3 Approximate distances from developable areas of the site to key services and facilities within Witham are given below (as measured by Officers):

Service / Facility	Distance (metres)	Walk*	Cycle**
Retail			
One Stop Convenience Store & Osbon Pharmacy (Bellway - Phase One)	350	5	2
Premier Express Templars	800	10	3
Nisa Convenience Store (Cross Road)	800	10	3
Rickstones Neighbourhood Centre	900	11	4
Morrisons Supermarket	1300	16	5
Town Centre	2200	27	9
Schools			
New Rickstones Academy	850	11	4
Elm Hall Primary School	1000	12	4
Templars Primary School	1400	17	6
Health			
Collingwood Road Surgery	2000	25	8
Employment Areas			
Eastways Industrial Estate	1000	12	4
Other Facilities			
Witham Railway Station	1500	19	6

*Walk – (Mins) Based on 400m / 5mins

**Cycle – (Mins) Based on 10mph / 16km/h

- 11.1.4 There are existing bus stops on Forest Road and Rickstones Road within the vicinity of the site. However, if development were to go ahead on the site, the Section 106 Agreement would make provision as a minimum for two new bus stops and for buses to enter and turn within, or closer to, the site. The Agreement would also ensure the provision of four upgraded existing or new bus stops on Forest Road and/or Rickstones Road. In addition, it is also proposed to provide an internal route for buses to enter the site via Evans Way and exit the site to the north on Rickstones Road, thus following a loop, provided the use of this route in the north adjacent the sports pitches can be restricted via a Traffic Regulation Order to use only by buses, taxis and motorcycles (as shown in principle on drawing number 2002470-012 Rev A).
- 11.1.5 In addition, it is proposed to provide a financial contribution of £2.1million (index linked) to Essex County Council that can be used to fund public transport improvements. The contribution could be used to enhance the existing bus service that uses Forest Road, which could be through the provision of more frequent day time services and/or evening services

and/or weekend services. The contribution could also be used to fund a bus service or services that either runs from Rickstones Road to Forest Road through the Site or from Forest Road along Evans Way.

- 11.1.6 Options to enhance existing services could extend the No.90 (Witham-Heybridge-Maldon) bus service into the site and upgrade it to a 20 minute frequency service Monday to Saturday 6am-7pm as opposed to the present 30 minute frequency. Further improvements to the frequency could include at least hourly frequency 7pm to 10pm and 6am to 10pm Sundays. This bus service would allow residents of the development to access the supermarket (Morrisons) within Witham as well as the railway station and town centre by bus. The option of using the bus would be in addition to walking or cycling and would provide a further alternative for residents to private car use for these relatively short journeys.
- 11.1.7 The first tranche of the contribution would be paid prior to the first occupation of the development but the timing of when this would be is currently unknown. As a result the County Council consider it prudent to retain a degree of flexibility over the precise nature of the service enhancements so that they can carefully assess the situation when the contribution is received and ensure that the most beneficial bus service enhancements are made. Officers would expect the County Council's public transport team to be mindful of the potential impact on existing bus users if any bus services are diverted as part of the service enhancements.
- 11.1.8 Some doubts have been expressed about the value of investing in new or improved bus services, with claims that bus use is set to continue declining. It is true that Covid has impacted bus services, as it has so many aspects of day to day life, but the Government published a National Bus Strategy (Bus back better) in 2021 which set out a number of initiatives for the management and funding of bus services. Whilst acknowledging COVID-19 has caused a significant shift from public transport to the private car, bus services are identified as still having an important role in achieving a modal shift away from reliance on the private car and towards net-zero. Providing funding and infrastructure to improve bus services within the town is considered to be consistent with national transport policy.
- 11.1.9 The Parameters Plans provided with the application show how the existing cycle and footpath connections would be extended within the site and new connections formed, notably a continuation of the foot and cycle path that already runs through Phase 1 through Phase 4 to connect to Rickstones Road. As well as ensuring the southern part of Rectory Lane is restricted only for use by pedestrians and cyclists, those pedestrians and cyclists entering Rectory Lane from the north-west of the application site would be able to continue across Rectory Lane connecting to a new cycle/footpath running through Phase 3 to Rickstones Road.
- 11.1.10 Under the legal obligations of the Section 106 Agreement, the Applicant would also be obliged to provide an uncontrolled crossing with staggered cycle barriers across Rickstones Road. This would link to an improved

cycle/footway that the Applicant would provide on the northern side of this road. The existing footway and public footpath being widened and upgraded to allow cycles to connect to the new SEN school and existing primary and secondary schools on Conrad Road (as shown on drawing number 2002470-016B). Subject to further detail and Highway Authority approval, the Applicant would also be obliged under the Section 106 Agreement to also provide a controlled crossing on Rickstones Road at a point to be agreed anywhere between the junction of Conrad Road and the bus access into the site (points X and Y as shown on drawing number 20020470-016B).

- 11.1.11 When the application was presented to Planning Committee in October 2021 the proposed improvements to Collingwood Road attracted a lot of discussion and ultimately led to Members voting for the application to be deferred in order that the Applicant and Officers could revisit the proposed Collingwood Road scheme but also to undertake further consultation to ensure that all interested parties had an opportunity to engage with the process and comment on the cycling improvements.

Albert Road to Collingwood Road Cycle Scheme

- 11.1.12 Within the site going south towards the town centre, a cycle/footpath is shown on the Parameter Plans connecting the development to a cycle/footpath already to be provided in earlier phases that will then link to a new cycle/footpath which runs down to Motts Lane. Once the connection between earlier phases of the development and Motts Lane has been provided, residents of the development will have access to a cycle route which will combine segregated cyclepaths, Cut Throat Lane which rarely carries any vehicles and Albert Road which is relatively lightly trafficked. This route would provide access to both the Morrisons supermarket and the Train Station.
- 11.1.13 As part of the package of sustainable transport measures to help mitigate the impact of the development, Officers asked the Applicant to look at opportunities to add to the towns existing cycle network and provide a safe cycle route beyond the railway station towards the town centre. The aim was provide an attractive route that residents from the development could use to get to the town centre, including less confident cyclists. With this in mind the Applicant was asked to ensure that the scheme designed should, so far as possible, comply with national cycling guidance contained with Local Transport Note 1/20.
- 11.1.14 The developer has designed a scheme that extends beyond the station and connecting to the Town Centre. Current plans (reference 20002470-14 Rev K) show a new shared footway/cycleway starting on Albert Road, with a new Toucan crossing provided south of the railway line across the B1018, with the lights for this crossing linked to other crossings in the north in order to ensure the existing flow of traffic is not adversely affected. The new shared 3m wide footway/cycleway would then continue on the northern side of Collingwood Road from the junction with The Avenue down to the

junction with Guithavon Valley. Beyond this, south of the junction with Guithavon Valley down to Newlands Drive, the arrangement of Collingwood Road would be altered to provide a stepped cycle lane on both sides of the road. The entrance and exits to and from the segregated cycle lanes have been designed in accordance with national guidance to ensure that they have been designed to be as safe as possible.

- 11.1.15 None of the trees along Collingwood Road, south of Guithavon Valley, would be removed to facilitate the scheme. To create the space to construct the cycle lanes it will be necessary to remove the on-street parking bays on Collingwood Road. Currently the parking bays provide approximately 20 time limited parking spaces, subject to approval of a Traffic Regulation Order (TRO) to change on-street waiting restrictions. These parking bays are not restricted to residents or permit holders. There is no charge for parking but restrictions limit parking to 2 hours waiting.
- 11.1.16 Whilst it is understood that there is a value attached to the provision of free parking, particularly close to the town centre, it should be noted that all properties fronting Collingwood Road benefit from their own off-street parking. There are some non-residential uses along this part of Collingwood Road – most notably the GP Surgery and the Pelican Place Nursery. Both properties have some on-site parking. In addition the Newlands Drive Public Car Park is close to where the on-street parking bays would be lost. The District Council owned car park has capacity for 197 cars and there are charges for using the facility. Current charges are £1 for up to 1 hour and £2 for up to 3 hours.
- 11.1.17 The briefing note prepared by the Applicant show the location of further town centre car parking, including free time limited bays located along Newland Street as well as 3 hours free parking available at The Grove Shopping Centre (Tesco) car park, south of Newland Street.
- 11.1.18 Officers take the view that the benefits of delivering high quality segregated cycle lanes outweigh the harm arising from the loss of the time limited parking bays. Local and national policies are seeking to make walking and cycling more attractive to facilitate a modal shift away from reliance on the private car. Within existing towns, particularly within central areas there is often limited space available to provide these improved facilities. The only practical way to install better pedestrian and cycle facilities is to reallocate road space away from motor vehicles. In this case the width of the road can be maintained to current adopted standards but the parking bays would need to be sacrificed to create the space for the cycle lanes.
- 11.1.19 Whilst the route is intended to extend a safe and attractive cycle route from the development site to the town centre, Officers also consider that the scheme provides wider benefits as their proximity to the station means that the route could be used more widely by residents from other parts of the town to get to the railway station.

- 11.1.20 It is acknowledged that national guidance on cycleways is that shared cycleway paths do not provide the best facilities for cyclists and this is why segregated cycle lanes are proposed along Collingwood Road, where there is land available within the highway to provide them. Where there is insufficient highway land to provide segregated cycle lanes then shared pedestrian / cycleways can be provided, where this can be done safely. Because of the limited amount of highway land available between the railway station and Guithavon Valley segregated cycle lanes cannot be provided. This stretch of Collingwood Road is important both in terms of forming part of a link between the application site and the town centre but also for the wider town, being one of the main routes to the railway station. The shared pedestrian / cycleway was deemed to be the best way to provide improved facilities for pedestrians and cyclists passing through this area.
- 11.1.21 Concerns have been raised about the introduction of a second controlled crossing near the railway bridge and that the introduction of additional traffic lights will increase the number of times that the traffic is stopped, adding to traffic congestion. The Highway Authority have confirmed that both sets of lights, and additional part-time traffic lights at Chipping Hill that are due to be installed, will be linked so that the signals are controlled and coordinated to avoid that problem.
- 11.1.22 The Town Council note in their objection that carriageway is to be narrowed and they are concerned that this will be problematic as the road is a busy route used by buses and HGV's. There are no proposals to narrow the carriageway over the railway bridge. Collingwood Road will be narrowed but the retained carriageway would be 6.75m wide, which is the County Council standard for new roads which are designed to carry buses and HGV's.

Meetings with Witham Town Council & Alternative Scheme

- 11.1.23 The Applicant team met with the Town Council to explain what they considered to be the benefits of the cycle scheme in Collingwood Road. Following that meeting the Applicant's transport consultant met with the Town Clerk and Cllr Atwill in person to further discuss and look at cycle improvements. At this meeting a suggestion was made that a better cycle route would be to connect Collingwood Road with the River Walk via Guithavon Valley and Armond Road. Bellway agreed to investigate the feasibility of this route, which would have to include a shared pedestrian / cycleway which in places would only be 2.5m wide. The investigation however revealed that a safe scheme could not be delivered given the presence of a car parking space to the side of a property which would mean that cars leaving the driveway would be pulling out blind onto a path where cyclists could be passing at speed.
- 11.1.24 In addition, a further meeting was held 13th January, attended by the Applicant's transport consultant and Officers from the Development Management team and ECC Highways and representatives of Witham

Town Council. During this January meeting there was a discussion around an alternative scheme that had been investigated by the Applicant; cycling and the River Walk; and an explanation of the Collingwood Road scheme. At the end of the meeting there was some acknowledgement that parts of the Collingwood Road had merit but overall the Town Council remained opposed to the scheme and felt that there were alternative routes that would be more beneficial for cycling in the town.

Public Consultation

- 11.1.25 It was apparent from comments made in written representations and at the October Planning Committee meeting that there had been some misunderstanding of the proposals for Collingwood Road. To help address these misunderstandings the Applicant produced a briefing note which provided further background information on current local and national cycling policy and demonstrated how the sustainable transport measures being proposed as part of this application tied in to existing pedestrian and cycle routes within the town – particularly the Collingwood Road scheme which is intended to promote cycling to and from the town centre to residents of North Witham, with the added benefit of also being attractive to cyclists heading to the station from the town centre.
- 11.1.26 The additional information provided by the Applicant has been posted on the Council's website. To publicise the scheme and the additional information the Council have posted site notices around the application site, along Rickstones Road and along Collingwood Road. A further planning notice was published in the local newspaper and letters were sent to everyone who had previously submitted a representation on the application and to residents who lived along the route of the Collingwood Road cycle improvements. All of the representations that have been received in response to this additional consultation are summarised above.
- 11.1.27 The stepped cycle lanes proposed along Collingwood Road would be the first of their kind in the District and would be of a format which is held to be best practice within Local Transport Note 1/20 (Cycle Infrastructure Design 2020). The arrangement would give priority to cycles as a mode of transport in their own right and would promote the provision of a coherent, connected, segregated and safe cycle route in accordance with the Council's Cycling Strategy 2021. However, in order to provide this arrangement Traffic Regulation Orders are necessary to remove existing visitor parking on the carriageway and introduce restrictions. Should these orders not be successful, then the developer would be obliged to deliver a suitable alternative scheme delivering connectivity for pedestrians/cycles along this route.
- 11.1.28 As noted above, the Traffic Regulation Orders (TRO) which permit provision of the bus lane and provision of the cycle route along Collingwood Road are presently yet to be determined, but the TRO for restrictions to limit use of Rectory Lane to motorised vehicles is confirmed capable of being made. Traffic Regulation Orders are subject to a month long

consultation process and can require Essex County Council Cabinet Member approval to be signed off. As such, it is not known whether the outstanding TROs will yet be made in their present form, subsequently revised, or not made at all. In spite of this uncertainty, Officers consider that the Section 106 Agreement has accounted for as many eventualities as possible in order to secure the maximum benefits should they prove practicable to achieve.

- 11.1.29 In relation to those schemes subject to outstanding consents or subsequent approvals, Members are advised that the weight afforded to those highway works in the Planning Balance should only equate to the minimum which is guaranteed in the Section 106 Agreement as drafted. For example, there is an outlying possibility that the controlled crossing on Rickstones Road, the bus loop through the sports pitches onto Rickstones Road and the stepped cycleway along Collingwood Road may not come to fruition at all, or in the ideal forms shown. However, in general and as a whole, Officers consider there is potential for significant improvements to be secured to the existing sustainable transport network in connection with this development and it is noted those benefits would not be confined solely to being felt by the residents of the development alone

River Walk Cycle Improvements

- 11.1.30 Following their discussions with Witham Town Council, the Applicant became aware that the Town Council have aspirations to carry out improvements for cyclists to the River Walk, including improved connections to the River Walk. The Applicant had been willing to provide an improved cycle link to the River Walk from Collingwood Road, however as set out previously in this report further investigation by the Applicant's transport consultant revealed that this scheme was not going to be possible. Although they are unable to provide this link the Applicant is willing to make a financial contribution of £200,000 for River Walk improvements – this being the equivalent cost of the Guithavon Valley / Armond Road scheme. The Town Council explained to Officers at the January meeting that they would like to carry out improvements to the River Walk as well as improving connections for pedestrians and cyclists to the River Walk from the public highway. Works to the River Walk could be undertaken by the Town Council. Works on connections to the River Walk could be undertaken by the Town Council on land they own, or by the District Council on their land, or by the Highway Authority if the improvements are within highway land. For clarity, if the Town Council want to spend all of the contribution on improvements to the River Walk, on land that they own, and this is part of the River Walk purpose then subject to usual procurement procedures the whole of the contribution could be spent by the Town Council for any work that is consistent with the definition of the River Walk purpose in the Section 106 Agreement. In the event that the Town Council propose a scheme to improve connectivity to the River Walk that is on land owned by the District Council, or public highway, in the event that the District Council and Highway Authority agree to such a scheme, part of the contribution can be used for that purpose.

- 11.1.31 Taking the above into account, in summary, Officers consider the development's proposed location is, or can be, made sustainable and therefore it would not be justified to refuse the proposal on the basis that there is insufficient access to a genuine choice of transport modes in this location. In addition, the development proposes to deliver substantial improvements to the wider foot and cycle path network which those living nearby to the site can take advantage of as well as the residents of the development itself. Officers are of the view this amounts to significant additional benefits in the Planning Balance over and above that strictly required to comply with policy.

11.2 Impact on Local Highway Network & Highway Safety

- 11.2.1 Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Paragraph 112 states that within this context, development should *"give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas..."* and *"...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles."*
- 11.2.2 The Highway Authority, aware of the conclusions of Ringway Jacobs Local Plan Proffered Option Assessment (2017), agreed that there was very limited opportunities to improve the carrying capacity of the local highway network within the locality. On that basis, a Transport Statement was required from the Applicant rather than a Transport Assessment; it being acknowledged that such assessment is not likely to find that the existing network can be improved. Whilst this does give rise to a prima facie conflict with Policy RLP54 of the Adopted Local Plan, which requires a Transport Assessment for all Major development proposals, it is apparent that the Highway Authority remain comfortable they can determine the effects of this particular development upon traffic congestion, public transport, cycling and walking without a Transport Assessment in this specific case.
- 11.2.3 Within this context, the Highway Authority has stated they do not consider the residual cumulative impacts of this development upon the road network caused by this development would be 'severe'; therefore the NPPF would direct against refusing this application on highway grounds. This area of Witham has a potential to provide excellent access to alternative means of sustainable transport, but finds itself with a road network that is at times operating beyond capacity improvement – particularly during the morning and evening peak hours. In such a circumstance, it accords with policy for the focus of mitigation to shift towards improving existing networks which encourage use of more sustainable modes of transport rather than concentrate on facilitating the motor car instead. The Highway Authority has experience of a number of sites with similar constraints elsewhere in Essex and has observed that a generous package of improvements to existing sustainable transport networks can be very effective at reducing

trip rates from new development and that improved sustainable transport networks can also help facilitate a modal shift for some existing residents who will also be able to access improved bus services as well as pedestrian and cycle facilities.

- 11.2.4 The package of sustainable transport measures being proposed by the Applicant in this case seeks to deliver both a strong network of cycle and footpaths within the site, but also provide connections to attractive off-site sites, providing improvements to routes that residents can use to walk or cycle to a range of regularly used services and facilities, including primary and secondary schools, convenience stores, chemist, a supermarket, mainline railway station, major employment area, as well as town centre facilities including a doctors surgery. It is proposed that this will be achieved through new and improved routes for pedestrians and cyclists going north towards the schools on Conrad Road, via Rickstones Road and also south towards the town centre along Collingwood Road, together with the closing off of Rectory Lane to through traffic and a substantial contribution to fund the improvement of bus services serving the site and north Witham.
- 11.2.5 The Highway Authority advises that this will increase the offer from more sustainable transport modes, presenting the residents of the development with a realistic alternative to the motor car. Whilst it is not possible to quantify the precise modal shift towards sustainable modes of transport that would be achieved by these measures, given some of them are down to individual choice, it is likely the improvements will present similarly appealing opportunities for those living in the immediate locality as they would to residents of the new development. Overall it is considered that these measures have the potential to deliver a reduction in the level of car journeys undertaken by residents limiting the extent to which they will add to existing congestion within the road network and helping to make active travel and public transport a viable alternative to the motor car.
- 11.2.6 In relation to highway safety considerations, it is evident that the provision of the bus access onto Rickstones Road has generated a great deal of concern from local residents. The Highway Authority has reviewed the objections of the transport consultant who has produced a report on behalf of the Rickstones Road Action Group and, having considered their comments, has confirmed that, taking into account the speed limits of the road, they consider the junction arrangement to be safe. The visibility splay for vehicles entering Rickstones Road from the bus lane would be provided with 43m visibility in each direction. In addition vehicles traveling along Rickstones Road in both directions would have a clear view of a vehicle waiting to turn right into the bus lane should a bus need to wait to turn right. The access has also been designed with a widening taper to allow buses to turn left out of the access without needing to enter the oncoming lane of traffic and a swept path analysis demonstrates that buses can safely enter Rickstones Road without conflicting with traffic leaving Witham. The scheme has been subject to a Stage 1 Road Safety Audit post submission of the application, and the Highway Authority are satisfied with its conclusions.

- 11.2.7 Similarly, whilst local residents may be concerned regarding the safety of the uncontrolled crossing proposed across Rickstones Road, the Highway Authority are comfortable with its design. Whilst the Highway Authority felt they could not *insist* upon a controlled crossing being provided on Rickstones Road, due to the fact that demand for it was calculated to be relatively low, they are open to the principle of one being provided subject to the Stage 1 Road Safety Audit. The Applicant has in turn accepted a planning obligation in the Section 106 Agreement to undertake the necessary further design work that is required to fully assess the suitability of such schemes and subject to the Highway Authority's approval, they will install a controlled crossing at a point on Rickstones Road between Conrad Road and just north of the bus gate at Rickstones End.
- 11.2.8 Turning to the internal arrangements of roads and uses on the site, the Highway Authority raises no objections to any elements, including the indicative arrangement of the sports pitches and the bus lane.
- 11.2.9 Taking the above into account, it is concluded that a genuine choice of sustainable transport modes would exist for residents and that this would help support a modal shift that the Government and District Council want to see. So whilst some harm will always arise from any development due to the inevitable preference or necessity among some of its occupants to use a car, the siting of development is not such that the default choice need be the car, and the impacts generated from dwellings in this location will be less than they would be if housing were located in alternative settlements in the District which do not possess these attributes.
- 11.2.10 The proposals for traffic management on Rectory Lane; the imposition of restrictions on use of the bus lane; and the provision of the segregated cycle lanes on Collingwood Road, are all dependent on Traffic Regulation Orders (TRO's) being approved by the Highway Authority. Applications have been submitted for all three TRO's by the Applicant. To date the Rectory Lane TRO has been approved. The other two applications are with Essex County Council and are being worked on.
- 11.2.11 In the event that the TRO required for the Collingwood Road segregated cycle lanes is not made prior to Commencement of Development, a suitable alternative scheme that contains all the elements of the original scheme that do not require a traffic regulation order together with works to enable pedestrian/cycle use of B1018 from Guithavon Valley to its junction with Newlands Drive, shall be submitted by the applicant and agreed by the Council and the County Council.
- 11.2.12 In the event that the TRO required for the bus gate scheme is not made prior to Commencement of Development, a suitable alternative scheme to allow pedestrian and cycle access to the Site from Rickstones Road along the same route shall be agreed by the Council and the County Council and provided by the Applicant.

- 11.2.13 Officers consider that both schemes have clear benefits in promoting more sustainable modes of transport. The Collingwood Road scheme has been designed in accordance with technical guidance in the Governments Local Transport Note 1/20 and both schemes have been developed with input from Highway and Planning Officers. Accordingly Officers believe that both TRO's should be supported by the County Council but alternative schemes are specified in the Section 106 Agreement in the event that either TRO fail.
- 11.2.14 Concerns were raised about the deliverability of the improvements along Rickstones Road. A public right of way runs along the northern side of Rickstones Road, where the footway is that the Applicant proposes to upgrade to a pedestrian / cycleway. The Highway Authority that this matter does not need to be an impediment to the delivery of the scheme and this would be resolved as part of the detailed Highway Works agreement.
- 11.2.15 In summary, the site is regarded to be in an 'accessible location', and the proposal would not give rise to an unacceptable impact upon highway safety or result in residual cumulative impact upon the road network that would be severe. Thus the proposal is judged to be compliant with Policy CS7 of the Core Strategy and Paragraphs 111 and 112 of the NPPF.

11.3 Heritage

- 11.3.1 Policy RLP100 of the Adopted Local Plan states that, in instances where development involves a change of use, it will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land, and development will only be permitted where it does not harm the setting of the listed building. Policy SP7 of the Section 1 Plan requires that new development protect and enhance assets of historical value. Paragraph 199 of the NPPF advises that, when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. Paragraph 202 of the NPPF states that, where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.3.2 The Council has a duty under Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
- 11.3.3 The development is located approximately 100m from the Grade II listed Old Rectory. The Old Rectory is a large detached dwelling set within its own extensive grounds whose significance is largely derived from its historic fabric and societal value. The Parameter Plans submitted show an

open space area providing a buffer along Rectory Lane and resulting in a set-back of development from Rectory Lane. The sports pitches would also retain a largely open, green area which will continue through to the golf course. In addition, vegetation within the grounds of The Old Rectory and on either side of Rectory Lane currently offers some screening and separation from the listed building.

- 11.3.4 Recent revisions to the Green Infrastructure Parameter Plans now indicate there would be an 'Additional Landscape Planted Edge' along the perimeter of the development facing The Old Rectory. The Vision Statement commits to provide this planted edge within the developable area if it is not possible to do so in the open space due to restrictions on planting within the gas main easement.
- 11.3.5 The advice of the Council's Historic Buildings Consultant however is that the effects of development upon the setting of the listed building would not be fully mitigated. The separation of development and provision of the green buffer would not be sufficient to overcome the fundamental change of use of the land, and the gradual encroachment of development which has occurred since Witham has expanded in recent decades would be exacerbated. The result therefore would still amount to harm to the setting of the asset, judged to be in the lower half of the 'less than substantial' category.
- 11.3.6 The development would result in a reduction in the sense of spatial isolation enjoyed by the building historically. These negative effects have been cumulative due early phases of development occurring and then the proposal seeking to encroach closer. However, the public benefits of growth in the locality, and the particular offer of up to 230 dwellings on this site have also correspondingly cumulatively accrued. Therefore, whilst it may be argued the heritage balance advocated in the NPPF has been satisfied, it is not possible to conclude that the proposal enhances or does not harm the setting of The Old Rectory. On this basis there is a lack of compliance with Policy RLP100 of the Adopted Local Plan and only partial compliance with Policy SP7 of the Section 1 Plan given that harm, rather than protection, preservation or enhancement would occur. This factor weighs against the proposal in the overall planning balance.

11.4 Design

- 11.4.1 Paragraph 130 of the NPPF requires among other things that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy SP7 of the Section 1 Plan requires that new development responds positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy RLP90 of the Adopted Local Plan requires a high standard of design for all development and that the layout, height and overall design of development are in harmony with the character and appearance of the surrounding area.

- 11.4.2 The application is accompanied by Parameters Plans which cover Land Use, Green Infrastructure, Storey Heights, Vehicular Access & Movement and Pedestrian/Cycle Access and Movement. An Indicative Masterplan was submitted which Officers considered demonstrated that 230 dwellings could be suitably accommodated on the site. The Parameters Plans have been subject to revision and a new document; – a Vision Statement has also been submitted. Officers propose to use the Vision Statement to establish and bind the quality of development on the site, requiring that the Applicant submit a detailed Design Code, to be agreed prior to submission of the Reserved Matters, which demonstrates compliance with the design principles of the Vision Statement.
- 11.4.3 The Parameters Plans and Vision Statement show two development parcels in the south and east of the site, abutting previous development phases. In the west, a linear park is proposed, culminating in the north with land containing sports pitches and the bus lane linking to Rickstones Road. The Vision Statement which accompanies the application is forthright in its commitment to achieving high quality design; acknowledging that earlier phases of development are of a standard which needs to be improved upon today to meet the aspirations of the Council and the renewed emphasis that through the NPPF the Government has placed on good design and creating beautiful places. Instead the positive attributes of other areas of Witham such as Chipping Hill, The Avenue, Guithavon Street and Rectory Lane have been used as the foundation for the five character areas proposed: 'The Avenue', 'Country Edge', 'Parkland', 'Recreation Ground' and 'Internal Spaces'.
- 11.4.4 Unusually, the Vision indicates a strong commitment to raising standards aesthetically, creating beautiful surroundings and designing a high quality development which reflects the best characteristics that the existing town has to offer. Officers are of the view that some flexibility in the appearance of dwellings may be required if the scheme is to create a distinctive place which effectively achieves these aims.
- 11.4.5 In relation to energy use, the Vision Statement seeks to exceed building regulations with an enhanced approach to fabric, ventilation and heating design as well as a commitment to solar PV generation on every plot. A tree planting strategy is also provided within the document which acknowledges the ambition and requirement within Paragraph 131 of the NPPF that new streets are tree lined and which ensures that opportunities are taken to incorporate trees elsewhere in the development, such as through the provision of new woodland areas and parkland.
- 11.4.6 Officers consider that the Vision and expectations for the site are sufficiently clear as to comply with Paragraph 127 of the NPPF and to in theory achieve the high standards of place making required by Policy SP7 of the Section 1 Plan. The Design Code which is to be submitted prior to the Reserved Matters, will provide an opportunity for the principles acknowledged within the Vision to be explored further and developed.

- 11.4.7 In combination with the Vision Statement, the Parameters Plans offer a further framework which will govern spatial design and layout. For example, in terms of scale, there is a commitment to limit the scale of dwellings to two storey around the perimeter and a maximum of two-and-a-half storey buildings around the main access road. The Access and Movement Parameters Plans show the provision of an indicative spine road accessed from Evans Way, which converts into a bus lane as it enters the open space in the north, then exiting on Rickstones Road in conjunction with retained access for users of businesses at The Barn adjacent. The Plans also show the retention of main access to the Golf Course and a track used for maintenance vehicles from Rectory Lane in the north. Cycle paths are shown to be provided that connect to the existing cycle path provided in earlier phases. As well as retention of woodland in the central belt and triangle of land in the south, the Green Infrastructure Plan shows provision of a park in the west, sports pitches in the north, and a green buffer containing a path around the eastern boundary of the site. A Neighbourhood Equipped Play Area (NEAP) is shown in the south adjacent the existing Fort Play Area provided in earlier phases. New Sustainable Urban Drainage Solution (SuDS) features are to be located in the south-east and south-west. The location of gas main and high voltage electricity cabling can be seen on the Land Use Parameter Plan running south to north-west and south to north-east respectively within the site.
- 11.4.8 The developable area shown within these plans is 8ha, which gives an average density of 29 dwellings per hectare (dph), which is significantly lower than that of Phase 1 which equated to 40dph. The Vision Statement provided with the application acknowledges that Phases 1 and 2, particularly their interior, were not overly successful at fulfilling place making or design objectives in the past and therefore a new approach is required for Phase 4. Officers are of the view that the number of dwellings contained within the illustrative layout can be accommodated on the site in a manner that would, for the purposes of an outline application, accord with local and national policy, including the required levels of parking, separation distances and street trees.
- 11.4.9 Details of the indicative mix used to base the Illustrative Masterplan is provided below:
- | | | |
|--------|---------------|-----------------|
| 1 bed: | 6 affordable | |
| 2 bed: | 43 affordable | 36 open market |
| 3 bed: | 16 affordable | 69 open market |
| 4 bed: | 4 affordable | 56 open market |
| Total: | 69 affordable | 161 open market |
- 11.4.10 The open market mix is only indicative at this stage. However, the mix indicated above would require a higher proportion of 1 and 2 bedroom properties if it is to comply with Policy LPP37 of the Section 2 Plan at Reserved Matters stages. In order to achieve a suitably mixed community in accordance with Policy RLP7 of the Adopted Local Plan, the findings of

the 2015 SHMA update (or its successor) remain relevant. The Applicant noted the concerns expressed by Members at the October Planning Committee meeting about the market housing and the high number of large houses that were being proposed. Having reviewed the scheme again they are willing to commit to a higher percentage of 1 and 2 bed market dwellings, increasing from the previously agreed 20% to 25%. In order to secure the benefits of provision to this effect, a condition is recommended controlling the open market housing mix to provide a minimum of 25% 1 and 2 bedroom dwellings at Reserved Matters stages in accordance with the standard approach the LPA has adopted on similar sites of this nature in the past.

11.5 Open Space Provision

- 11.5.1 Policy RLP138 of the Adopted Local Plan requires land to be made available for open space in housing developments and for the size and location of the open space to be adequate to meet the needs of the development they serve. Policy CS10 of the Core Strategy provides standards for open space provision and these have been exceeded in this case.
- 11.5.2 As indicated on the Green Infrastructure Parameters Plan, the proposed development would provide a variety of public open space on the site, including the provision of grass football pitches, with changing facilities and car parking in the north, as well as a Neighbourhood Equipped Area of Play (NEAP) next to the Locally Equipped Area of Play (LEAP) delivered in Phase 1, and a woodland area to be managed for biodiversity in the south. This would provide a permeable and accessible network of green space which will be necessary to serve the needs of the residents of the development, but will also be of value to the wider community. In total the site would support 2.3ha of Sports Pitches, 2.2ha of Open Space and 3.1ha of Woodland (7.6ha in total) whilst residential development would comprise 7.6ha of the 17.1ha site.
- 11.5.3 Policy CS10 of the Core Strategy requires 2ha of land per 1000 population for use as Outdoor Sports facilities. Based on average occupancy levels within the District a development of up to 230 dwellings could be expected to provide 1.09ha of land for outdoor sports facilities. Neither the SPD, nor Policy LPP53 of the Draft Section 2 Plan would require on-site provision of outdoor sports facilities for schemes of 250 dwellings or under. The provision of 2.3ha of sports pitches in this case is therefore in excess of required levels for a development of 230 dwellings.
- 11.5.4 Rather than a contribution, in this case the developer will provide the land in order that it can be used for grass football pitches. The work they will undertake will include levelling the land, installing drainage as required, cultivating turf suitable for sports use, the provision of a car park for visitors to the site and a sports pavilion. When completed the facility will be transferred for a nominal fee to the District Council to own and manage.

Officers consider this to be a significant public benefit for the following reasons.

- 11.5.5 The Council's Playing Pitch Strategy identified that one of the main issues was the provision of appropriate pitches for junior football teams with a number of sites not having enough capacity to meet existing demand. The Playing Pitch Strategy is drawn up with input from Sport England, all the District's main football clubs and the Essex Football Association who provide data on current numbers and trends of football teams. In addition Officers acknowledge that the area around Rectory Lane and Rickstones Road has seen a significant growth in recent years, including 443 dwellings in earlier phases. With up to 230 further dwellings proposed within this application it is important that appropriate provision is made to meet the additional demand that these new homes will create.
- 11.5.6 Officers are also aware that there are pressures on existing sports pitches in the area. The Council owned Rickstones Sports Ground is heavily used and its popularity is known to be causing management issues. The Rickstones Academy make their playing field available for hire to football clubs at weekends but as with most school sites the school or trust running them can withdraw public access at any time and Officers are advised that this was the case for a time at the New Rickstones Academy. This is an issue that the Council's Playing Pitch Strategy acknowledges. The Council can use planning controls to prevent sports pitches being built on, but it cannot compel landowners to make sports pitches available for public use.
- 11.5.7 As the sports pitches on this development would be transferred to the District Council, Officers can be confident they will not only add to the number of pitches available in the area but that the pitches provided will also always remain publicly available. Members who were involved in the development of the Core Strategy in 2011 may also recall that when the land was promoted for development then the illustrative masterplan, which included this application site and the earlier phases, proposed grass sports pitches at the northern end of the site. The sports pitches being proposed by the Applicant are broadly reflective of the original intentions and Officers consider their inclusion to be appropriate and would help to provide a further part of the social infrastructure that is required to support the growth in this part of the town.
- 11.5.8 It is noted that some residents have questioned the need for new pitches when it is claimed that existing local facilities are not being used at the Albert Moss Playing Fields in Rivenhall, Rickstones Academy and Laburnum Way. Officers regard the proposed development as being an extension to the town of Witham and that appropriate facilities should be provided for future residents in the town, where they have the option to walk and cycle to access them, which would discount use of the playing fields at Rivenhall. Officers have spoken to the club using the pitches at Laburnum Way (Rickstones Sports Ground) and they have confirmed that the demand for youth football has seen significant increases in the number of teams in recent years and this is causing issues with pitch availability

and wear. It is acknowledged that there is space for pitches at the Albert Moss Playing Fields in Rivenhall but the fact that these are not being used indicates that the site is not attractive to local teams. It should also be noted that Officers have worked with representatives of Sport England and the County Football Association and that both have supported the provision of additional grass pitches to help meet existing and future demand.

- 11.5.9 An illustrative layout has been provided for the sports pitches which shows how one adult and one youth pitch can be provided alongside a pavilion containing changing facilities, cycle storage and a policy compliant level of car parking. The precise details of the arrangement of the sports pitches, surrounding landscaping and the setting out of the car park and pavilion would be determined through Reserved Matters applications. Sport England have also been consulted concerning the Section 106 planning obligation which sets out the Council's expectations and requirements for the facilities.
- 11.5.10 Unfortunately, Officers have been unable to identify an indoor sports facility that could be provided or improved with a Section 106 financial contribution, as advocated by Sport England in their holding objection letter. Officers have explained the situation to Sport England who have accepted the situation and agreed that their holding objection can be withdrawn, subject to the grass sports pitches and facilities being secured

11.6 Landscape Character

- 11.6.1 Policy CS8 of the Core Strategy requires amongst other things that all development proposals have regard for the landscape and its sensitivity to change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals to not be detrimental to the distinctive landscape features and successfully integrate into the local landscape. Paragraph 130 of the NPPF requires decisions to ensure that developments are sympathetic to landscape setting, whilst Paragraph 174 explains the planning system should recognise the intrinsic character and beauty of the countryside; a sentiment also echoed in Policy CS5 of the Core Strategy.
- 11.6.2 The site has been subject to Landscape and Visual Assessment (LVA) by the Applicant and this assessment has been assessed by the Council's landscape consultant, who has also made their own assessment of the application site.
- 11.6.3 The site is mostly located within the B18 Silver End Farmland Plateaux Landscape Character Area (LCA), with a small block of woodland at the south-eastern edge lying within the A9 Blackwater River Valley LCA. The site has no landscape designation, and it is not considered to be a valued landscape for the purposes of the NPPF. However, the western part of the site has value in providing a rural landscape setting to Rectory Lane, the Old Rectory, and the John Ray Walk (both within the site and along the

lane). The Council's Landscape Consultant considers that overall the value of the landscape comprising the site and its immediate setting is classified 'medium/high'.

- 11.6.4 The Council's landscape consultant agrees that the local topography and vegetation within and around the golf course means that there is no intervisibility between the site and either Rivenhall or Rivenhall End.
- 11.6.5 In short, the effect of development upon the landscape in this location is considered to be limited by a number of factors, including the enclosed nature of the site, its isolation from the wider arable farmland comprising the Silver End Farmland Plateau LCA and the visual and physical connections between the site and earlier phases of development in the south. Therefore, whilst development of the site would result in an inevitable loss of its rural character, the Green Infrastructure Parameters Plan which proposes supplemental planting and a wide corridor of open space separating development from Rectory Lane does respond to local sensitivities in the landscape. The Council's landscape consultant concludes 'Unusually for a development of the scale proposed there will be limited loss of landscape character beyond the site itself'.
- 11.6.6 As set out within the site description, Rectory Lane has a number of designations. It is a 'Protected Lane' as identified in Policy RLP87 of the Adopted Local Plan, and this designation carries forward in the Section 2 Plan. Policy RLP87 of the Adopted Local Plan and Policy LPP46 of the Section 2 Plan contain similar provisions. The policies state that the Council will conserve the traditional landscape and nature conservation character of Protected Lanes, including their verges, banks, ditches and natural features such as hedgerows. Any proposals that would have a materially adverse impact on the physical appearance of these Protected Lanes or generate traffic of a type or amount inappropriate for the traditional landscape and nature conservation character of a protected lane, will not be permitted.
- 11.6.7 It has also been designated as a Quiet Lane by the Highway Authority. Quiet Lanes are nationally recognised designations of single-track road where visitors and locals can enjoy the natural surroundings and use them for activities such as cycling, horse-riding, jogging and walking. It should however be noted the County Council's own guidance on Quiet Lanes states that the designation of a Quiet Lane should not be seen as a way to manage development and diversification in the rural environment.
- 11.6.8 The Rivenhall Village Design Statement 2005 (VDS) identifies Rectory Lane as an 'oasis of peace and old world charm'. The VDS includes guidelines that are intended to protect the lanes current dimensions and ensure vehicular traffic levels are not increased. These aims are consistent with the Local Plan policies. It also seeks to avoid development within the countryside between Rivenhall and Witham in order to protect the rural character of the area around Rectory Lane.

- 11.6.9 The only intrinsic change to the physical appearance of Rectory Lane would be the provision of the turning head to the bend lying south of The Old Rectory. The works are required in order to facilitate prohibition of the lane south of this to all vehicles except for cycles. This will prevent any through-traffic, reducing vehicular traffic in total and encouraging its use by pedestrians and cyclists. This would help achieve one of the objectives of the Quiet Lane designation and would also be considered beneficial in landscape terms as it would reduce vehicular traffic on the lane, consistent with one of the element of the VDS's objectives for the Lane. The provision of a turning head, capable of accommodating refuse vehicles, has the potential to impact on the character of the lane but the Council's landscape consultant raises no objection simply commenting that this will require careful consideration at Reserved Matters stage. The parameter plans produced by the Applicant show that built development would be separated from the Lane by an approximately 25m-140m wide corridor of public open space (POS). The set back of these dwellings away from the lane means they would not dominate the lane and the magnitude of change to people's visual amenity is assessed by the Council's consultant to be medium/low. The Council's Landscape Consultant considers that, subject to careful placement of additional planting along the lane and around the turning area at Reserved Matters stages, these changes would be beneficial in landscape terms. Overall the effect upon the local landscape character of the site is considered to be 'moderate adverse'.
- 11.6.10 It is acknowledged that the experience of the footpath which forms part of the John Ray Walk is already influenced by the proximity of earlier phases of development in the south. Whilst this footpath does provide users with some views looking north over arable fields within the western part of the site, any sense of arriving or setting off into the wider countryside is diminished by the residential and recreational uses nearby. Overall the effects upon the visual amenity of users of the footpaths on site is also considered to be 'moderate adverse'.
- 11.6.11 Having considered all these factors in the round, the Council's Landscape Consultant concludes their assessment by stating that 'Residential development of the scale sought on this site could be achieved without overall significant landscape or visual harm'.

11.7 Arboricultural Impacts

- 11.7.1 The application was submitted with a Tree Constraints Survey. The Applicant has subsequently submitted a Proposed Tree Management Note which considers in greater detail the anticipated tree works that the Applicant considers are necessary to facilitate the Proposed Development, both on-site and off-site where highway improvements are proposed. The Proposed Tree Management Note was based on updated survey work and sets out the number and quality of any trees that are likely to be removed along with annotated photographs to evidence some of the assertions that the author of the Note makes. Officers have summarised the main findings of the note and the likely arboricultural implications of the proposals.

On-Site

- 11.7.2 The Tree Constraints Survey identified a number of field edge trees and hedges mostly of moderate and low quality located around the site boundary. There are two Category A ancient veteran Oaks (T32 & T36) which are located within the highway boundary on Rectory Lane which are shown to be retained. The site also contains 12 Category B trees and 2 Category B woodlands - the woodland belt in the centre (W4) and woodland area within the triangle of land in the south (W100). In total the survey identified 70 individual trees, 13 groups of trees, 4 woodlands, 10 hedges and 3 shrubs.
- 11.7.3 A specific plan has been submitted (TR&R/Prelim NE Witham/07.10.21) which highlights all areas preliminarily identified for tree removal. A schedule of tree removals is provided with the plan which demonstrates that the majority of trees likely to be removed are Category C with four Category B trees.
- 11.7.4 Woodland Areas - W4 & W100 - These woodland areas are proposed to form part of the Public Open Space within the scheme. It has been recommended that these woodland belts will require targeted management in order to retain and increase their biodiversity in the long term and to ensure that the spaces are safe. These relatively young woodland belts have been planted on a uniform grid formation which has become overly dense, causing the trees to become crowded and limiting the establishment of ground flora beneath. The density of the planting also limits the amenity value for future residents and if unmanaged could pose management issues if public access is not restricted.
- 11.7.5 Selective tree removal to thin out the blocks of woodland along with provision of a more irregular 'scalloped' edge to the woodland, accompanied by additional planting of smaller native trees and shrubs adjacent this area will also help to diversify the habitat and naturalise the appearance of the woodland with healthy regeneration of self-seeded saplings, understory shrubs and ground flora. Works to thin the woodland will also aid the long term continuity of the woodland by providing a wider variety of species, age and structure. The woodland blocks would be subject to a management and maintenance regime implemented by a management company post occupation to ensure their improved amenity and biodiversity value.
- 11.7.6 To facilitate vehicular access to and from the site from Evans Way it would be necessary to clear a path through plantation block W4. It would not be possible to form the connections proposed without breaking through these landscape features. Similarly to create the bus lane connection to Rickstones Road it would be necessary to partially clear woodland block W44. The majority of the trees identified in this area for removal have been recorded as being trees with poor structural and physiological condition.

- 11.7.7 There would inevitably be loss of Category C trees/vegetation to facilitate the provision of a wider access road and longer western visibility splay to serve the bus lane on Rickstones Road. It is considered that the loss of trees around the new access on Rickstones Road (G102) would be unfortunate, but would not be unduly visually detrimental given the area is characterised by built development and has an open format already. The harm arising from the loss of vegetation here would need to be balanced against the provision of visibility splays at the junction that are agreed to be appropriate by the Highway Authority and this would also represent a benefit to existing users of the access as well as buses and indeed all through traffic passing the bus gate on Rickstones Road.
- 11.7.8 The Tree Constraints Survey specifically identifies removal of a short section of Category C vegetation (S49) in the north-west of the site comprising elm saplings, wild clematis and bramble in order to provide the foot/cycle path which crosses Rectory Lane providing onward passage through Phase 3/Rickstones Road. It is acknowledged that breaking the boundary along the Protected Lane is not ideal but is considered that this route will be important in providing residents with access to Rectory Lane which would provide an attractive pedestrian and cycle route to both Forest Road and Rickstones Road. Some Members will also recall that the Council has previously accepted a very similar pedestrian / cycle link onto Rectory Lane as part of the Phase 1 development,
- 11.7.9 There are several pockets of trees or woodland that are indicated to be likely to be removed to accommodate the proposed site layout. This includes the removal of part of woodland W4 in the centre of the site to provide the NEAP. Category C trees in group G99, in the south of the site, and G71 on the boundary with the golf course is also proposed for removal in order to accommodate the layout.
- 11.7.10 A substantial part of the Preliminary Tree Removal List originally submitted by the Applicant consists of a loose scattered group of 25 trees in the east of the site. Most of these trees are Category C, and whilst relatively young many are in poor condition. The group does however include two Category B Pine trees (T93 & T94). Acknowledging the concerns expressed by Members at the October Planning Committee, the Applicant has now proposed that they will translocate the two Category B pine trees within the site and Officers recommend that this should be covered by planning condition. The Applicant has also considered transplanting the 9 Category C trees but they have questioned the merit in transplanting these trees and consider that replacing them with better quality nursery stock, on a 2 for 1 basis is the better option.
- 11.7.11 It should be remembered that this an application for Outline planning permission and details including layout and landscaping will not be fixed until the detailed Reserved Matters application stage. The Tree Constraints Report and the subsequent Management Note are however still useful in understanding the extent of tree removal and can be used to inform a full

Arboricultural Impact Assessment (AIA) which would need to be provided once a fixed design layout is available.

Off-Site

- 11.7.12 To facilitate access to and from the site in the manner indicated, it would be necessary for a further 4 metre length of hedgerow to be removed to allow for pedestrians / cyclists to enter Rickstones Road, through the hedge that was translocated as part of the development of what the Applicant refers to as Phase 3, or the Bluebells development (H1 (Cyan)). It is also required to remove two category B sycamore trees on the Phase 3 site to allow the construction of the shared 3m wide foot / cycleway and a further two Category B sycamore trees would be lost to connect from this crossing through the Phase 3 site onto Rectory Lane. These removals are necessary to create an improved route for residents to use to walk to the schools on Conrad Road.
- 11.7.13 Specific concerns were also raised by Members about the proposals to create a new shared pedestrian / cycleway along the northern side of Rickstones Road as it appeared that hedgerow would be lost to achieve this. Whilst the Applicant's consultant indicated that both the school-side tall hedge and road-side low hedge would be retained, it was questioned whether there was sufficient space to accommodate the new 3-metre wide path between the two hedges. Officers have taken their own measurements and it is apparent that along most of the length there is sufficient space to provide the 3m wide path without loss of hedge. There are however locations where the hedge has grown through the chain link fence or is growing outside the fence. Some of this vegetation on the northern side of the path would need to be cleared to create sufficient space but all the vegetation growing inside the fence and the low hedge on the opposite side would be retained. It was also identified at the western end of the low roadside hedge the fence line of the school moves out and narrows the gap between the fence and the carriageway. In this location it would not be possible to retain 6m of hedge (approx.6% of the total length of the hedge) if the 3m wide pedestrian / cycleway were to be installed. The Applicant has also stated that they would plant up any gaps in the road-side low hedge when the improvements works are undertaken. The Applicant has proposed that the loss of approximately 6m of hedge could be mitigated by extending the length of the roadside hedge at its northeast end and/or filling existing gaps in the hedge with new native and higher quality hedge planting. This detail can be provided as part of the Reserved Matters application for approval of landscaping. Overall it is considered that with the majority of the hedgerow being retained the construction of the widened shared pedestrian / cycleway would not be detrimental to the character and appearance of this length of Rickstones Road.
- 11.7.14 As part of the improvements near the railway station and to facilitate the new controlled crossing and the widened shared foot / cycleway on Collingwood Road, it has been identified that three trees would need to be removed to ensure that people crossing the road would have adequate

visibility. Two ash trees and one apple tree of low (Category C) value are likely to be removed opposite the Easton Road junction and near Sherbourne House (T47, T48 & T49). It is possible that one or more of the trees could be retained if the Highway Authority determine that any of the trees would be outside the pedestrian visibility splays at the crossing point. The Highway Authority are unable to confirm whether this will be the case at this stage. On this basis Officers are reporting the worst case scenario here which is that all three trees would be removed.

- 11.7.15 It is again stressed that whilst concerns were raised by speakers in earlier representations and at Question Time at the October Planning Committee, none of the avenue-scale trees on Collingwood Road would be removed to accommodate the new shared foot and cycleway and segregated cycle lanes.
- 11.7.16 It is considered generally that where localised areas of tree removal may need to occur in order to facilitate development, there is sufficient space within the open space areas, notwithstanding the necessity to keep easements and sports pitches clear, to provide compensatory planting that would mitigate the impacts to an acceptable degree. The Applicant has offered to commit to providing a net gain in numbers of trees and hedges by planting at least two new trees for each tree that is removed. Officers also note that details of future landscaping are a Reserved Matter and that the precise number type and location of new trees will be agreed at this time, however these would be governed by the layout Parameters agreed at Outline stage. It is right therefore that, at Reserved Matters stages, conditions ensure an Arboricultural Assessment Report also accompanies the submission whereby the detailed areas of tree loss can be finally agreed. Following this, conditions recommended ensure the trees to be retained will be protected by an Arboricultural Method Statement and Detailed Tree Protection Plan prior to commencement. Therefore Officers consider the information submitted at this Outline stage is sufficient to establish the principle and quantum of development can be accommodated on the site and to evaluate the likely harm arising from tree loss in those areas where the layout parameters will offer little flexibility for change. The loss of established and healthy trees and plants is not encouraged, but the tree removals proposed are considered necessary to allow for a logical and efficient use of the land. Due to the large number of trees already on the site the removals would still leave a healthy level of tree cover across the site but the retained trees would be in location and a form that would allow them to co-exist with the residents of a new housing development.
- 11.7.17 It is therefore considered that the development can be accommodated without giving rise to significant landscape or visual harm. It is concluded that the proposal would comply with the requirements of Policy CS8 of the Adopted Core Strategy, Policies RLP76 and RLP80 of the Adopted Local Plan in so far as they relate to landscape impacts. It would also comply with the requirements of Paragraph 174(b) of the NPPF and the aspect of Policy CS5 of the Core Strategy which seeks to protect the intrinsic character and beauty of the countryside.

11.8 Ecology & Biodiversity

- 11.8.1 Policy CS8 of the Core Strategy requires that proposals create and enhance the biodiversity value of wildlife corridors and promote wildlife enhancements which contribute to the targets set out in the Essex Biodiversity Action Plan. Policy RLP84 of the Adopted Local Plan directs that planning permission is not granted for development which would have an adverse impact upon protected species. Paragraph 174(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity.
- 11.8.2 The site comprises mostly agricultural fields with hedgerow and trees to the boundary, areas of semi-improved grassland and plantation woodland as well as two ponds. The Preliminary Ecological Survey conducted in May 2020 identified that bats, birds, great crested newts and reptiles are present on the site. The Reports which accompany the application propose specific measures to mitigate harm to the protected species identified and deliver enhancement in the biodiversity of habitats within the site. These include the provision of two skylark plots on nearby land, retention and enhancement of the two ponds existing on site, and provision of new areas of complimentary interconnected habitat, including a triangle of land in the south, which will be managed specifically with biodiversity in mind.
- 11.8.3 The Applicant has offered to provide a 0.13ha extension to the existing allotment site that was provided as part of the development approved in 2016 which are located in the earlier phases of development. Unfortunately the only land available to do this currently comprises part of the existing reptile receptor site established in earlier phases. Surveys undertaken in the summer of 2021 suggest that this site presently supports a good population of slow worms and common lizards. Prior to commencement of the allotments, the developer would be obliged under the Section 106 Agreement to exclude and remove the existing reptiles from the area which will become allotments and provide two new areas adjacent this for reptile enhancement. The new areas would then be managed for reptiles in accordance with a maintenance plan which has been provided within the submitted Reptile Mitigation Strategy. Whilst as a general rule a translocated population should not be subject to translocation a second time, in this instance the Council's Ecological Consultant considers an exception can be made as in this specific circumstance the allotments themselves represent an attractive habitat to reptiles.
- 11.8.4 A Breeding Bird Survey was submitted as part of the Ecological Impact Assessment Report. This indicated that a number of priority farmland birds were present, including a maximum number of one skylark territory. An Additional Ecology Note was then submitted which contained a mitigation strategy for Skylarks and this would involve the provision of two skylark plots on nearby agricultural land owned by the Applicant for a period of ten years as secured by Section 106 Agreement.

- 11.8.5 Bats have been identified to be using the site for foraging and commuting. Ten trees have been identified on the site with bat roosting potential; all but one of these are indicated to be retained. In order to mitigate harm to bats, a recently amended version of the Ecological Impact Assessment proposes the provision of a number of bat boxes within the peripheral areas of retained vegetation, also noting that the new open space corridors would provide enhanced opportunities for foraging and commuting subject to sensitive lighting controlled by conditions if consent were granted.
- 11.8.6 The tree proposed to be lost (T1) is a dead tree located in the north of the site and due to its condition it was deemed unsafe to conduct an Aerial Tree Inspection at the time of survey. Due to this tree being covered in ivy, it could not be ruled out that features of interest to bats may lie beneath this cover and thus the tree was preliminarily classified with 'moderate' bat roost potential. The loss of this tree would be unavoidable if the bus lane / access were to be provided, but it could potentially be retained if only a foot/cycleway were provided. It is not possible to say at this stage whether the removal of this tree is acceptable due to a lack of surveys undertaken May to September to determine if roosts are present within this tree. Whilst the absence of this information does not undermine the principle of development of the site, it does affect the principle of providing the bus lane / access as would otherwise be required. A condition is recommended to ensure the bus lane is only provided subject to LPA agreement following the submission of further bat surveys and if the surveys indicate the tree must be retained, then the bus lane / access would not go ahead.
- 11.8.7 Concerns have been raised about the potential impact that the development would have on a Local Wildlife Site (LWS) located near Rectory Lane. Council records indicate that the closest LWS is Tarecroft Wood which is an Essex County Council woodland located approx. 0.4km north of the site. The Old Rectory Meadows, on private land to the west of the site, used to be designated as a LWS but the Essex Wildlife Trust advised that the site was deselected in 2017 and therefore no longer holds that local designation.
- 11.8.8 The biodiversity metric calculations which accompany the application take account of areas of tree loss and new planting. They suggest that it is possible to secure a Biodiversity Net Gain in accordance with NPPF policy. Taking the above considerations into account, Officers consider the proposal is compliant with Policy CS8 of the Core Strategy, Policy RLP84 of the Adopted Local Plan, and Paragraph 174 of the NPPF.
- 11.9 Habitat Regulations Assessment (HRA / RAMS)
- 11.9.1 As part of the proposal, a financial contribution per dwelling has been agreed to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC). The planning obligations will also secure a package of on-site measures to encourage residents not to travel to the protected coastal sites, including

the provision of 7.6ha of open space and a 2.5km peripheral walk incorporating the earlier phases of development. The approach has been the subject of Appropriate Assessment in accordance with Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended) and, as agreed with Natural England, the development would not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS Strategy, either alone or in combination with other plans and projects.

11.10 Impact on Neighbouring Residential Amenities

- 11.10.1 Policy RLP90 of the Adopted Local Plan requires that planning permission shall only be granted where there is no undue or unacceptable impact upon the amenity of any nearby residential properties. Paragraph 130 of the NPPF seeks to ensure good standards of amenity for existing and future users. Specifically in relation to the provision of sports pitches, Policy RLP129 of the Adopted Local Plan requires that, if no town centre sites are available, edge of centre sites remain accessible both by public and private transport, are located where there are no overriding traffic problems, where access to the development is safe and is not detrimental to residential amenity. Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution.
- 11.10.2 The application site is located adjacent to residential dwellings, notably the back gardens of properties on Rickstones Road in the north, opposite properties on the other side of Rectory Lane and facing those dwellings on the periphery of earlier phases of development in the south. In the south and east there would be sufficient buffer provided by the open space areas shown to ensure there were no adverse impacts upon amenity of nearby dwellings such as loss of privacy, outlook or overlooking. Other land uses such as the NEAP in the south would be separated by the spine road or the buffer accommodating the gas main therefore would not be close enough to significantly adversely affect the amenity of those living in earlier phases either.
- 11.10.3 Properties in Rickstones End, to the north of the site, have raised concerns regarding potential noise and disturbance from the sports pitches and the additional traffic generated by the bus lane, including the effects upon the closest neighbouring property at 302 Rickstones Road which stands approximately 9.5 metres from the proposed bus lane carriageway. In the event that planning permission was granted, the Applicant would look to discuss and agree a revised boundary treatment with the neighbours and the Local Planning Authority at the detailed design stage. This could involve new street trees and a hedge to the north of bus route (i.e. along the southern edge of the timber fence) and potentially a new fence (if the existing fence is ageing and the property owner agrees to the Applicant installing a new one).

- 11.10.4 An illustrative layout has been provided for the sports pitches which demonstrates that a separation distance of 30m is achievable to the back gardens of properties in the north; the dwellings themselves lying some distance beyond this. This is considered adequate to ensure that activities on the pitches do not cause unacceptable levels of noise and disturbance to nearby neighbours, noting that the pitches would be owned by the Council who is a publically accountable body rather than a private organisation and that a condition is recommended which would prevent any floodlighting of the pitches therefore they could only be used during daylight hours unless details were submitted at reserved matters stages or a planning permission granted under a separate planning application in the future.
- 11.10.5 As described earlier in this report, a TRO has been submitted to the Highway Authority which will apply restrictive access to the bus lane and only permit buses, taxis, and motorcycles by bus gates installed a point north of the changing/parking facilities and south of the existing business units on Rickstones Road. Whilst this TRO is still to be determined, it is proposed to enforce vehicle prohibition by enforcement cameras at either end of the bus gate. The system is common place in Essex and has proved effective in the past at ensuring unauthorised vehicles do not enter restricted areas. Given the buses would likely not run with a frequency in excess of 30 minutes and would only run between the hours of 6am to 10pm, it is not considered that they would result in a significant increase in noise and disturbance to the properties closest on Rickstones Road, particularly when the presence of the existing business units which have been known to generate HGV vehicle movements are considered. Whilst there would still be the potential for taxis and motorcycles to use the route, given the sites peripheral location in Witham, it is not considered that this would give rise to anything other than occasional use.
- 11.10.6 Internally within the site, the Illustrative Masterplan submitted demonstrates that the required separation distances can be achieved between the new properties and their neighbours, therefore complying with the standards recommended in the Essex Design Guide. It therefore considered that the principle of development on the site is acceptable as it would not lead to an inevitable harm upon the residential amenities of nearby properties.
- 11.10.7 Local residents have voiced concerns regarding potential disturbance caused during the construction phases. Such impacts would be temporary, and the Council's Environmental Health Officer raises no concerns with the scheme. Conditions are recommended requiring a construction management plan, hours of working and details of piling if proposed. Subject to these conditions, the proposal is therefore considered to be compliant with the policies listed above and would not result in undue or unacceptable impact upon the amenity of nearby residential properties.

11.11 Best and Most Versatile Land

11.11.1 Policy CS8 of the Core Strategy requires amongst other things that development should protect the best and most versatile agricultural land. In this case the majority of the site (circa 80%) is classified 3a (Best and Most Versatile –BMV) agricultural land. It is acknowledged that agricultural farmland can be used to produce both food and energy, both of which are needed to meet the needs of the growing population. The loss of several hectares of BMV land as a consequence of this development would therefore weigh negatively in the Planning Balance against this proposal, but this loss is mediated when it is appreciated that Braintree as a District overall has a proliferation of BMV land. It must also be remembered that the Council is also required to meet the growing demand for housing and has to balance a wide range of factors when assessing a sites suitability for development, as set out within this report. Having appreciated this wider context, it is considered that the loss of BMV land would remain relatively small and would not be of a scale likely to significantly undermine the provision of such land throughout the District as a whole. In this context Officers would not recommend that the loss of BMV Agricultural land would warrant refusal of the application however the loss merits acknowledgement and consideration. However, this loss has been considered in the wider Planning Balance as detailed in the Conclusion to this report.

11.12 Safeguarding of Mineral Resource

11.12.1 The site lies within a Minerals Safeguarding Area (MSA) for sand and gravel as identified in the Essex Minerals Local Plan (2014). This Plan forms part of the Development Plan and contains Policy S8 which directs that “Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.”

11.12.2 Paragraph 210 of the NPPF requires that the sterilisation of minerals identified in Minerals Safeguarding Area should be avoided and that the prior extraction of this minerals resource should be encouraged where practical and environmentally feasible. ‘Sterilisation’ is a term used when development or land-use changes take place which permanently prevent extraction of the mineral resource from the ground.

11.12.3 Paragraph 211 of the NPPF gives guidance on a national level and advises that, when determining applications, great weight should be given to the benefits of mineral extraction. Paragraph 212 of the NPPF states that “Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”

11.12.4 The Essex Minerals Local Plan plans for mineral provision up to 2029. Sections 2.22 & 2.23 of the document explains that sand and gravel resources in Essex are significant in national, sub-national and local terms;

with Essex being one of the largest producers in the UK. However, the majority of the sand and gravel produced (about 78%) is used within the County itself and this looks unlikely to change in the long term. Consequentially the main factor influencing the production of sand and gravel is the need to meet the minerals demand for Essex itself, much of which is required to support the construction industry. The most extensive and significantly mixed (i.e. of most versatile application) resource lies geographically within the centre and north of Essex, including Braintree District.

- 11.12.5 The Essex County Council Minerals Waste Planning Authority (MRWA) currently advise that there are sufficient existing, permitted, Preferred and Reserve mineral sites within the pipeline in the immediate future up to 2029 meet the identified demand of 4,310,000 tonnes per annum for sand and gravel within the County. This will ensure a steady and adequate supply in the short term. However in the long term, MSA's also provide security by protecting these finite resources for the future. In selecting such areas for designation, the MWPA is not required to work on the presumption that the resources defined will ever be worked.
- 11.12.6 The Applicant has submitted a Minerals Resource Assessment which was subsequently supported by a Report on the Viability of Mineral Extraction. The documents suggest that the mineral resource beneath the site is good quality and approximate net output of 281,088 tonnes. There remains a difference of opinion between the Applicant and the MWPA as to whether the minerals resource beneath the site is viable or not on account of the proportion of overburden, effects of buffers to neighbouring properties, ability to access the site access and whether it is worked independently or in tandem with another quarry in the area, or as part of a larger site incorporating adjoining land.
- 11.12.7 In the opinion of the MWPA the exploitation of the mineral resource would be commercially viable and environmentally acceptable. This fact is sufficient to give rise to an in principle conflict with the requirements of Policy S8 of the Essex Minerals Local Plan on the basis that it is 'not necessary' to sterilise this resource, therefore the Policy suggests that development should be opposed in principle. The MWPA also consider there to be a conflict with Paragraph 212 of the NPPF on the basis that, in theory, the development 'might constrain the potential future use of the site for a mineral working'. However, as demonstrated in the Report on the Viability of Mineral Extraction, the site would represent a relatively low yield and, for various reasons, it is unlikely to be commercially attractive for most operators to work in practical terms. As a consequence, if permission were granted, the MWRA are not minded to advise prior extraction is encouraged.

11.13 Local Plan – Call for Sites

- 11.13.1 The site was put forward for development by the landowner as part of the Call for Sites for the new Local Plan. The site was assessed by Policy

Officers in 2015 and was reported to the Local Plan sub-committee for consideration at the meetings on 13th April 2016 & 15th December 2016.

- 11.13.2 A number of concerns were highlighted in the Officers report in April 2016. These included the fact that whilst the site is in close proximity to education and employment opportunities and the railway station, it is further away from the main facilities in Witham town centre; potential harm to the protected lane at Rectory Lane; that the development would be within around 400m of Rivenhall main village and would join development at Witham with the built development of homes at Rickstones Road in Rivenhall, changing the character of the journey between Witham and Rivenhall. Officers concluded at the time to not propose that the site was allocated, however they noted that if additional homes are required then this site could be reconsidered, subject to the traffic implications of development.
- 11.13.3 The site was considered further at the Local Plan sub-committee meeting on 15th December 2016. The Officers report concluded that the issues for not allocating the site in the draft Local Plan continue to be unresolved, in particular, coalescence, impact on Rickstones Road and the Local Wildlife Site.
- 11.13.4 The fact that the site was not allocated for development is not a reason of itself to refuse the current application. It is still necessary to assess the application against relevant local and national planning policies. As Members will be aware the process by which sites are assessed for allocation in the Draft Local Plan is different to the process for assessing a site where an application for planning permission is made. The Local Plan sub-committee cannot consider sites in the same level of detail as with a planning application. This is because the sub-committee are often considering a large number of sites at any given meeting (for example the April 2016 meeting considered the Inset maps and allocations for Witham, Rivenhall, Kelvedon Park, Hatfield Peverel and a dozen villages in the north of the District) and because a planning application is supported by a wider range of more detailed technical documents and assessments.
- 11.13.5 This application is accompanied by a detailed ecological appraisal, and as previously set out in this report, the Council's ecologist raises no objection. Previously there was a Local Wildlife Site (LWS) designated at Old Rectory Meadows, to the west of the application site. The site, which was always on private land and not publicly accessible, is no longer designated as a LWS. In respect of the transport implications of the development there is no objection from the Highway Authority and as set out earlier in this report, there is a detailed package of sustainable transport measures to help mitigate any impact on the highway network. The issue of coalescence is discussed below.

11.14 Coalescence

- 11.14.1 The Draft Section 2 Plan has included additional measures to ensure that gaps are maintained between urban areas and the surrounding villages. It is proposed that green buffers will be identified on the inset maps to support this aim. The Section 2 Plan also goes to say that development proposals outside of green buffers would still be considered on their merits through the presumption in favour of sustainable development and Local Plan policy.
- 11.14.2 The Section 2 Plan contains Policy LPP72 which seeks to establish one of these Green Buffers on land between Witham, Rivenhall and Rivenhall End. The proposals map designates a swathe of land north-east of Witham for this which includes the land associated with the Golf Course, but does not extend into the application site. Whilst it is acknowledged that the development is on land that is within the Parish of Rivenhall, the development will read as an extension of Witham. The application respects the proposed green buffer and maintains the substantial green gap between the urban area of Witham and the neighbouring villages of Rivenhall and Rivenhall End. The proposed development would extend built development towards the group of around two dozen houses referred to as Rickstones End, although the existing houses would be separated from the new homes by open space and the sports pitches.
- 11.14.3 As the proposed development does not breach the Green Buffer Officers do not consider the proposal to be in conflict with Policy LPP72 of the Section 2 Plan on the basis that the setting of the area would be preserved and coalescence or consolidation between built areas would not occur. The fact that the Green Buffer does not extend further south, to buffer the rear of the Rickstones End properties, would be a material consideration for a Planning Inspector if the application was appealed after being refused. It is considered that the drawing of the Green Buffer is designed to protect the neighbouring villages of Rivenhall and Rivenhall End, and not the group of properties at Rickstones End. In addition, the site boundary does not adjoin the development of Stovens Hall in the north east, it does not present frontage to Rickstones Road or contribute to existing ribbon development along its length. The Council's Landscape Consultant concurs with this view commenting that it is not considered the proposal would cause coalescence between Witham and Rivenhall or Rivenhall End because any meaningful sense of separation between properties on Rickstones Road and Witham has already been lost by the recent development of the Rickstones Road development (the Bluebells / Phase 3) and the Chatten Free School and the Green Infrastructure Parameters Plan proposes sports pitches in the north westernmost corner of the site, which means a gap of open space will be kept between the properties along Rickstones Road and those within the proposed development.

11.15 Impacts of Growth

- 11.15.1 When Members considered the application at the Planning Committee meeting in October 2021, concerns were expressed about the fact that the proposed development would result in the population of the Parish of Rivenhall doubling, when the village of Rivenhall is identified as being at the lowest level of the Council's settlement hierarchy, with reference to access to services and facilities. This is true and if the proposal was to double the size of Rivenhall village Officers would be extremely unlikely to support such a proposal. However, whilst the development is located within the Parish of Rivenhall it is attached to the town of Witham and Officers consider it highly likely that the residents will consider themselves to be residents of Witham and use the town's facilities to meet most day to day living requirements. Open space and play areas are being provided within the development negating a need to improve the playing fields in Rivenhall. It will be for the Education Authority to determine where additional school capacity is provided to meet the demand generated by the development. As set out elsewhere in the report, Officers consider that the contribution to improve community facilities should be allocated to the Maltings Lane project. Overall, whilst the development is within the Parish of Rivenhall it is considered unlikely that the residents of the development would be reliant on the village of Rivenhall to meet their needs and the obligations within the Section 106 Agreement therefore do not make specific provision for improvements to facilities in Rivenhall.
- 11.15.2 Concerns were also expressed about the impact the development would have on North Witham when assessed cumulatively with other schemes consented in the north of the town. Large schemes that have been consented, or are being built out include 385 homes (Phase 1 & 2 North East Witham Growth Location); 58 homes (Rickstones Road); and 150 homes at Conrad Road. The current application if approved would result on over 820 new homes being built in North Witham but given that Witham is identified as a focus for housing growth in the Council's spatial strategy a high level of growth is not unexpected. The Council has sought to direct housing growth to the most sustainable locations within the District and this has resulted in some areas taking very significant amounts of growth. North Witham is not alone in this. The north of Braintree and Bocking has seen very significant housing growth concentrated with developments approved at Straits Mill / Broad Road; Panfield Lane; and Towerlands for example. Officers consider that each application is assessed in terms of its impacts, be they impacts on the highway network or on other community infrastructure, and where necessary mitigation is secured. The fact that there has been a lot of development within this part of the town indicates that the Council consider that it is a reasonably sustainable location for development and the concentration of development is not reason itself to refuse the application.

11.16 Noise

- 11.16.1 Policy RLP62 of the Adopted Local Plan advises permission not be granted for development or changes of use which give rise to noise emissions which harm the amenity of nearby residents. Policy SP7 of the Section 1 Plan requires that the amenity of existing and future residents is protected in regard to noise and vibration arising as a consequence of development. Paragraph 185 of the NPPF recommends that planning decisions mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (acknowledging advice contained within the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)). In this case the Environmental Health Officer is satisfied that occupants of the development would not be subjected to unacceptable levels of noise and has suggested that these noise levels be mitigated and minimised through a condition which is applied to the permission if consent is granted.

11.17 Air Quality

- 11.17.1 Policy RLP63 of the Adopted Local Plan states that, in situations where air quality objectives are likely to be prejudiced as a result of development proposals and/or resultant traffic movements, that a specialist assessment is submitted and planning permission only granted where air quality objectives can be met. Paragraph 185 of the NPPF requires that noise levels are mitigated and reduced to a minimum. Paragraph 186 of the NPPF requires that *“opportunities to improve air quality or mitigate impacts should be identified”*, and that *“decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*
- 11.17.2 The Applicant has submitted an Air Quality Assessment which concludes that there will be no exceedances of the air quality objective levels, but recognises the need to employ mitigation to minimise the emissions of dust/particulate matter at the time of site clearance and construction works. The Council's Environmental Health Officer raises no concerns with the methodology of the assessment. The Assessment provides assurance that the changes in concentrations of nitrogen dioxide, PM10 and PM2.5 for residents in the area at worst case receptors would be negligible in all cases.
- 11.17.3 Concerns were raised about levels of nitrogen dioxide in the centre of Witham and Officers have sought further reassurance from the Council's Environmental Health Officer. They have advised that the annual mean objective levels for nitrogen dioxide (NO₂) should be applied at relevant receptor locations only – i.e. facades of residential property. The site at BR5 on the railway bridge is not at a residential facade therefore represents a worst case scenario to assess levels for pedestrians on the bridge. DEFRA Technical guidance indicates that where the annual mean value is greater than 60µg/m³ then the short term hourly mean may be exceeded

which poses a risk to members of the public at the location. The annual mean reported for site BR5 for 2019 was 39µg/m³, and for 2020 much lower (31 µg/m³ given the road traffic reductions due to the pandemic. There is no concern therefore about exceedances of the short term objective level at this site as it is consistently below 60µg/m³.

- 11.17.4 In the past two years a NO₂ diffusion tube has been placed on a property at Avenue Road close to the mini roundabout junction and no exceedances are predicted (with levels in 2019 at 24 where the objective level is 40 as an annual mean.) On this basis the Environmental Health Officer accepts the Applicant's Air Quality report conclusions in regard to pollutant levels distant from the site. Thus it is considered that the proposal would not give rise to unacceptable impacts of air pollution and will not prevent sustained compliance with limit values or national objectives for air pollutants.

11.18 Flood Risk & Drainage

- 11.18.1 Policy RLP69 of the Adopted Local Plan requires that developers use Sustainable Drainage techniques such as grass swales, detention/retention ponds and porous paving surfaces, as methods of flood protection, pollution control and aquifer recharge. Policy CS8 of the Core Strategy requires that Sustainable Drainage Systems (SuDS) are used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise.
- 11.18.2 The site is located exclusively in Flood Zone 1, therefore at low risk of flooding. The Applicant's Flood Risk Assessment proposes that drainage on the site to be managed by a SuDS network which includes swales and attenuation basins, the location of which are shown on the Parameters Plans. Surface water will then be discharged southwards via Phases 1 & 2 and restricted to Greenfield runoff rates, plus an additional 40% allowance to account for future climate change. The system will be maintained and managed in accordance with a Plan/Statement agreed via conditions in order to ensure the continued longevity of this infrastructure. The Lead Local Flood Authority raises no objections to the proposed drainage approach and therefore the proposal is compliant with the aforementioned policies concerning this issue.

11.19 Land Contamination

- 11.19.1 Policy RLP64 of the Adopted Local Plan requires that Applicant's carry out a thorough investigation of sites stating that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination so as not to harm those inhabiting the site or the surrounding environment. Paragraph 183 of the NPPF requires that planning decisions ensure that the site is suitable for its proposed use taking account of any risks arising from contamination. The findings of the Phase 1 Desk Study Report indicate that the site has remained undeveloped agricultural land since the 19th Century. No on-site sources of

significant contamination have been identified that would pose a risk to future site users or the environment. In relation to off-site sources, there are a number of farm buildings located in close proximity to the sites northwest corner. In order to confirm that no potentially contaminative activities associated with the farm have encroached onto the site, further Phase 2 investigations are likely to need to be carried out as part of a condition of any consent. The proposal is therefore considered to be compliant with Policy RLP64 of the Adopted Local Plan and Paragraph 183 of the NPPF, in that it would be suitable for the proposed use taking account of the above factors.

11.20 Archaeology

- 11.20.1 The application is supported by an archaeological desk based assessment. This confirms that the proposed development would affect a site of archaeological interest. Previous investigations on land in the vicinity of the site have yielded evidence of a significant Iron Age settlement and also suggest there is potential for finds from the prehistoric, Bronze Age and Roman periods. Conditions are proposed which would secure a programme of trial trenching together with the subsequent investigation and evaluation of any archaeological assets identified. The proposal is therefore considered to be compliant with Policies RLP104, RLP105 & RLP106 of the Adopted Local Plan and Policy CS8 of the Core Strategy.

11.21 Gas Main

- 11.21.1 As noted previously, there is a high pressure gas pipeline which crosses the site from north to south in the far west of the site parallel to Rectory Lane. In accordance with Cadent Gas criteria the Illustrative Masterplan shows no buildings in the 14m which is the minimum Building Proximity Distance required. Whilst landscaping within the pipeline easement is also restricted, it should still be possible to provide the majority of the hedgerow supplementation and additional planting which is shown in the open space area on the Parameters Plans. As noted above, it has been highlighted by the Landscape Consultant that it may not be possible to provide adequate additional planting where the open space is at its narrowest point in the open space area next to Rectory Lane on the Land Use Parameters Plan. The Applicant has noted in their Vision Statement that, if this is the case, then any future layout would prioritise the provision of landscape screening in this area in order to minimise the visual impact of development upon the traditional landscape character of the Lane and the setting of The Old Rectory which lies beyond. The Health and Safety Executive automated consultation system has also confirmed that they do not advise on health and safety grounds against the granting of planning permission in this case.

11.22 Community Infrastructure

- 11.22.1 Policy LPP82 of the Section 2 Plan states that planning permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development. Where the impact of the

development needs to be mitigated, the policy states that this can be done through financial contributions towards new or expanded facilities; On-site construction of new provision; Off-site capacity improvement works; and/or the provision of land.

11.22.2 Policy LPP82 of the Section 2 Plan states that the Council will apply widest reasonable definition of infrastructure when considering what is necessary. The Core Strategy identified a list of key facilities and infrastructure that would be required to support development proposed in that plan and the plan included site specific requirements for the North East Witham (in the Parish of Rivenhall) Growth Location. Whilst the application site is not part of the Core Strategy allocation it is immediately next to it and therefore represents the Council's assessment of necessary infrastructure to support residential development in this area. This list is set out below, with a brief note in brackets after each item commenting on how the development addresses each one.

11.22.3 **Critical:**

- § Sewerage network capacity upgrade (the Anglian Water consultation response does not require the Applicant to contribute towards capacity upgrades);
- § Improvements to the Cypress Road/Braintree Road Junctions (Applicant has completed these works as part of the highway mitigation for Phase 1 & 2);

11.22.4 **Required:**

- § Extension of GP surgery provision (financial contribution towards capacity improvements are to be sought through S106 agreement in accordance with the consultation response from the Health & Care Partnership);
- § Public Open Space, Play and Recreation Areas in line with the standards set out in the adopted Open Space SPD (on-site provision which meets or exceeds the Council's standard for a development of this size);
- § Allotment provision in line with the standards set out in the adopted Open Space SPD (required additional allotment space being provided through extension of the adjoining allotment site);

11.22.5 **Desirable:**

- § Quality Bus Partnership and Public Transport Improvements (£2.1 million contribution to Essex County Council to fund public transport improvements)
- § Public Realm Improvements (the Vision Statement establishes the expectations for a high quality public realm within the site. Proposals for supplemental planting along boundary with Rectory Lane and the closure of Rectory Lane to through traffic can be considered improvements to the current situation);
- § Footpath and Cycleway provision, both on site and links to existing network (as set out within this report extensive improvements to footways and creation of new cycle facilities on routes between the

- application site and the schools on Conrad Road and between the railway station on towards the town centre);
 - § Neighbourhood Centre (may include religious, retail and leisure facilities) (retail unit provided and well established as part of Phase One of the development);
 - § Contribution to community centre (financial contribution towards scheme at Maltings Lane which is intended to provide a facility which serve the whole town)
- 11.22.6 Officers consider that this demonstrates that the Applicant is committed to providing, or making contributions that will mitigate the impact of the development and contribute towards improving the town's infrastructure. It is noted that the application site is located within the Parish of Rivenhall but Officers consider it unlikely that residents of the development would look towards the village of Rivenhall to provide access to facilities such as play areas, allotments, community halls, and sports pitches. The focus has therefore been on making provision on-site, or improving facilities within the town of Witham, which is consistent with the Council's approach on the North East Witham Growth Location (in the Parish of Rivenhall); Lodge Farm, Witham and Oak Road in Halstead.
- 11.22.7 In October specific issues were raised around the provision of community facilities and health care provision in north Witham and additional commentary on these issues are set out below.

Health Facilities

- 11.22.8 Reference was made to the fact that there is no healthcare facility or dentist within north Witham, or Rivenhall. The closest GP practice is on Collingwood Road, past the junction with Guithavon Valley and there are a number of dental practices located around the town centre.
- 11.22.9 The Health & Care Partnership who are responsible for planning and delivering health services. In their consultation response they have advised that the development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision. The CCG therefore requests that the sum of £87,190 (based on a development of 230 dwellings) be secured through a planning obligation to increase the capacity of the Witham Healthcare Centre for the benefit of patients of that practice.
- 11.22.10 In years past as towns grew it was not uncommon for satellite surgeries to open to serve new housing developments, however the current model of providing health centre facilities is to consolidate the number and location of practices, and this is something that has been discussed previously for Witham.

- 11.22.11 Officers consider that whilst there are no facilities in the north of the town, residents of the development would be able to reach the health centres and dentists within the centre of the town. The Health & Care Partnership have also confirmed that whilst there is currently limited capacity in the town, to accommodate the needs of the additional residents who would live on this development, they have no objection to the proposed development subject to the payment of the recommended financial contribution.

Community Building

- 11.22.12 The Section 106 Agreement for the North East Witham (in the Parish of Rivenhall) Growth Location included a financial contribution towards the provision of a new community facility on the Maltings Lane development.
- 11.22.13 There were objections to the Section 106 contributions being allocated to that project, including from some District Council Members and Witham Town Council who considered that the contribution be spent within north Witham. Given these concerns Officers contacted the Town Council during the course of this application to understand which project or facilities the Town Council felt should be supported by a financial contribution from this current application. In their response the Town Council raised a number of concerns regarding the process of securing and spending planning obligations, but did not identify a community building project in north Witham for funding. At the October Planning Committee, Cllr Abbott suggested the contribution should be spent at Little Elms / Rickstones Neighbourhood Centre. As Members will be aware from the recent discussion at Planning Committee concerning the proposed redevelopment of the shops and flats the existing wooden pavilion is currently leased to a youth football team. There are currently no plans, or funds, for the existing wooden structure to be replaced with a new community building, and as a result, Officers do not believe that it would be sensible to allocate money to that site when there are no plans in place that would ensure that the money can be spent there within a reasonable timeframe and in a manner which benefits the wider community.
- 11.22.14 As Members will be aware the Council is developing proposals to provide a new community building on land owned by the Council within the Maltings Lane development, at the southern end of the town. Officers are continuing to work on that project, supported by a Community Steering Group. It is currently envisaged that the building would be designed to provide some indoor sports facilities as well as providing spaces for other community groups and activities. Unlike the sports halls at the town's secondary schools, the new community building could be available to use throughout the day and as such would provide an additional facility that the whole community can use and benefit from.
- 11.22.15 The Applicant has agreed to make a proportionate financial contribution of £499.62 per dwelling towards the delivery of the new community facility at Maltings Lane. The actual level of contribution would be dependent on the

number of dwellings that are built, but a development of 230 dwellings would generate a contribution of £114,912.

12. PLANNING OBLIGATIONS

- 12.1 As is common with applications of this scale there are obligations relating to the policy compliant provision of 30% of the new homes being built provided as affordable housing; financial contributions towards HRA/RAMS, education, health, community facilities and libraries; and provision/maintenance of open space on-site in the usual way. A contribution of has also been secured towards a community building (see Community Building Section above).
- 12.2 In addition, obligations have been drafted to ensure the provision of the Sports Pitches and facilities according to a specification, the full details of which will be agreed at Reserved Matters stages. The completed facility will then be transferred to the District Council. As noted in the Ecology & Biodiversity Section above, 0.13ha of land has been agreed as an extension to the existing allotments site provided in earlier phases, but in order to provide this, Reptiles would need to be relocated to a new receptor site. The Section 106 Agreement would ensure the receptor site is provided prior to the allotment works commencing. Provision is again made for the new allotment site to be transferred to Witham Town Council.
- 12.3 There is also provision within the agreement to ensure two Skylark plots are provided on the Applicant's land and maintained for a period of ten years in order to provide mitigation/enhancement for habitat lost as a consequence of the development.
- 12.4 As also mentioned, a condition would hold the principle of removing the tree which is located in the area of the bus lane only acceptable subject to favourable results from further surveys. For the reasons set out, it those Sections relating to Highways matters above, there is a bespoke package of generous measures to encourage the take up of sustainable modes of transport by residents of the development also these facilities will also available and beneficial to the wider community. These consist of the potential provision of pedestrian and cycle improvements along Rickstones Road including provision of both an uncontrolled crossing and a controlled crossing on Rickstones Road; pedestrian and cycle improvements along the B1018 and Braintree Road between Albert Road and Newlands Drive; closure of the southern part of Rectory Road to motorised vehicles; provision of upgraded/new bus stops on Rickstones Road and/or Forest Road; provision of a bus access controlled by a bus gate through the site; the implementation of a Residential Travel Plan to encourage residents to use more sustainable modes of transport and payment of a fee to ECC to monitor the effectiveness of the Travel Plan; and a contribution of £2,100,000 to increase the frequency of existing bus services and/or provide new bus services between the site (or the vicinity of the site) and Witham Town Centre.

13. PLANNING BALANCE AND CONCLUSION

- 13.1.1 As set out within 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 application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is 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. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.
- 13.1.2 Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.
- 13.1.3 Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.
- 13.1.4 As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.
- 13.1.5 As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
- 13.1.6 In this case the basket of policies which are considered to be the most important for determining the application include those which govern the principle of development such as Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2 and RLP100 of the Adopted Local Plan and Policy CS5 of the Core Strategy.
- 13.1.7 Policy SP1 of the Section 1 Plan states that, when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable

development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

- 13.1.8 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to recognise the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.
- 13.1.9 Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 201 and 202 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policy RLP100 pre-dates the NPPF and does not explicitly state the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. In this sense the Policy is partially consistent with the NPPF: it is not entirely out-of-date but can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

- 13.1.10 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 13.1.11 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 13.1.12 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
 - a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
 - an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

13.2 Summary of Adverse Impacts

- 13.2.1 The adverse impacts and the weight that should be accorded to these factors are set out below:

Conflict with the Development Plan

- 13.2.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "*genuinely plan led*".
- 13.2.3 The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy (with regard to the

Council's spatial strategy, because it proposes development outside of defined development boundaries and within the countryside, albeit not arguably because it offends the wider countryside preservation interests specifically acknowledged within this policy). This conflict is afforded significant weight.

- 13.2.4 There would also be a partial conflict with Policy CS8 of the Core Strategy on account of the loss of BMV agricultural land. This conflict is afforded limited weight.
- 13.2.5 There would also be a conflict with Policy RLP100 of the Adopted Local Plan on account of the fact that the proposal would not preserve and enhance, and would harm, the setting of The Old Rectory. For similar reasons there is only partial compliance with Policy SP7 of the Section 1 Plan on account of the fact the proposal would not protect and enhance an asset of historical value. This conflict is afforded significant weight.
- 13.2.6 The proposal also presents an in principle conflict with Policy S8 of the Essex Minerals Local Plan, albeit in this case the effects of sterilisation in economic terms would not be significant. Taking the above factors into account, Officers afford limited weight to this conflict.

Conflict with the Section 2 Plan

- 13.2.7 The proposal would conflict with Policies LPP1 and LPP60 of the Section 2 Plan. Given the stage of preparation of this plan, this conflict is afforded significant weight.

Character and Appearance of the Area and Landscape Character

- 13.2.8 A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site. Overall the landscape and visual effects are judged to be '*moderate adverse*' and include the loss of amenity to users of the footpaths which cross the site. However, these effects would be highly localised and would not result in an unacceptable impact upon the character and appearance of the area, thus are attributed limited weight.

Coalescence

- 13.2.9 It is acknowledged that the development is located within the Parish of Rivenhall, as was the North East Witham Growth Location (Phases 1 & 2 of the Bellway development). The Local Plan states that the Council will seek to protect against the coalescence between the main towns and neighbouring villages and to this end the Section 2 Plan specifically identifies a Green Buffer between Witham and the villages of Rivenhall and Rivenhall End. When assessing the potential for coalescence as a result of the proposed development it must be acknowledged that the application site is outside the proposed Green Buffer and it can be reasonably concluded that the proposals would not result in coalescence with those

villages. The development would however result in the built form of Witham extending further towards the houses on Rickstones Road. The construction of the Chatten Free School on Rickstones Road and the Bellway development on Rickstones Road have already diminished the separation between these houses and the town. The open space and sports pitches would still separate the new housing from the properties on Rickstones Road. In an appeal situation Officers are mindful that a Planning Inspector is likely to question why the Green Buffer was drawn as it was if the Council felt the need to afford specific protection against coalescence to the houses at Rickstones End. However, because the development would result in these houses being closer to the built form of the town, limited weight is attributed to this harm.

Tree Loss

- 13.2.10 A degree of harm is likely to arise from the loss of trees in those areas where alternative layout solutions do not exist. For example, trees lost to provide the Bus access and gate / lane to Rickstones Road; trees lost to link the development across the woodland in the centre of the site; trees lost on Collingwood Road to provide the highway works; trees lost to provide the pedestrian link across Rectory Lane, through Phase 3, and out to Rickstones Road from the north-west of the site; and scattered trees lost in the developable areas as shown indicatively on the Preliminary Tree Removals Plan (TR&R/Prelim NE Witham/07.10.21). However, it is considered that much of this harm will be mitigated through the provision of a biodiversity net gain across the site and obligations to provide new trees in accordance with Paragraph 131 of the NPPF for all new streets to be tree lined, this obligation also extending to a requirement that opportunities are taken to provide new trees elsewhere in new developments. Benefits such as enhanced habitat management, provision of public space and enhanced sustainable transport links cannot be derived without some tree loss occurring. Taking the above into account, Officers attribute this harm limited weight.

Heritage

- 13.2.11 The Council's Historic Building's Consultant advises that the harm caused to the setting of The Old Rectory which would be of the magnitude '*less than substantial*' - in the lower half of that scale. The harm identified is cumulative due to the adverse impacts of earlier development phases resulting in erosion of the buildings historic sense of detachment from nearby settlements and reduction in its dominance as a feature of Rectory Lane. By the same token however, provision of new housing in the area has delivered substantial economic and social benefits. Great weight is attributed to the conservation of this asset, however, having weighed this harm against the public benefits (as per Paragraph 202 of the NPPF), Officers consider the harm of granting permission would be outweighed by the public benefits of development. When the impacts are weighed in the wider planning balance, this harm attracts limited weight.

Highways Considerations

- 13.2.12 As described above, the existing highway network in this location is at times operating at capacity and therefore it is inevitable that additional development on the site will give rise to some car movements which will place additional strain upon the existing highway infrastructure in the locality. However, these effects will not be as great as they would otherwise be on account of the measures being taken to encourage residents to take up alternative sustainable modes of transport. It has been judged that the residual cumulative impacts on the road network would not be 'severe' within the meaning of Paragraph 111 of the NPPF and thus would not be sufficiently substantial as to outweigh the benefits of this proposal in isolation. In the opinion of Officers, this harm has been attributed limited weight.

Sterilisation of Mineral Resource

- 13.2.13 In this case, the loss of minerals resource is not considered to be significant economically; noting the high prevalence of sand and gravel resource generally throughout the District and the low yield provided by this particular site. However, it must be acknowledged that a limited degree of harm would arise from the sterilisation of the resource which has potential in theory to have value in the long term, should future circumstances change to make it more practical or commercially attractive to exploit. For the above reasons, it is not considered that the conflict identified with Paragraph 212 of the NPPF gives rise to a conflict with the Framework as a whole and thus is attributed limited weight.

Best and Most Versatile Agricultural Land

- 13.2.14 Whilst this harm arising from loss of BMV land is a harm over and above that strictly necessary for the District Council to meet its housing requirements, given the contextual prevalence of such land throughout the District, this harm is judged to remain very limited.

13.3 Summary of Public Benefits

- 13.3.1 The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market and Affordance Housing

- 13.3.2 The development proposes 230 dwellings of which 30% would be affordable housing. It is also acknowledged that although this is an Outline planning application, the Applicant has committed to providing the mix of Affordable Housing that exactly meets the Council's requirements, including the provision of bungalows that are designed for use by wheelchair users. The provision of this market and affordable housing would deliver associated economic and social benefits, some of these would only exist during the construction phases, whereas others would be sustained, such

as the increased patronage of existing services and facilities in the Town. The housing would be delivered in a location that is considered to be sustainable, where attractive sustainable transport options exist, not least because the town's main facilities and services are within reasonable distance on foot or by bike.

- 13.3.3 If granted permission, the development would also improve the Council's housing land supply position and assist with housing delivery which would help the Council to resist speculative applications in less sustainable locations and developments which offered less in terms of community infrastructure. Members will recall that when the Planning Inspector considered the appeal concerning residential development on an unallocated site at Gilda Terrace they attributed weight to the benefits that additional housing supply would bring, despite the fact that the Council at the time was able to persuade the Inspector that we had a 5 Year Housing Land Supply. Officers consider these benefits in combination attract significant weight.

Open Space & Sports Provision

- 13.3.4 As indicated on the Land Use Parameters Plan, the proposed development would provide a variety of public open space on the site, including the provision of grass football pitches, changing facilities and car park in the north and a generous area of open space. In total, the proposed formal/informal open space provision is 7.6ha, which is over three times the policy requirement for a development of this size (2.42ha) and will offer benefits to the wider community which go beyond those necessary to meet the needs of local residents. These benefits have been attributed significant weight.

Infrastructure Improvements

- 13.3.5 The development proposes improvements to the existing transport network which go beyond that strictly necessary to mitigate the impacts of development and whose effects would extend beyond the immediate residents of the development into the wider community. These benefits include a substantial public transport contribution to improve the local bus service, delivery of improved cycle routes between the railway station and Newland Street, prohibition of vehicles to a section of Rectory Lane, provision of a bus access onto Rickstones Road and improved pedestrian/cycle routes in the north along Rickstones Road. Taken together, on account of the fundamental contribution they would contribute to making the area more sustainable and increasing the offer from more sustainable modes of transport, these benefits are regarded to be significant.

13.4 Planning Balance

- 13.4.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the considerations in this case are finely balanced, but the package of infrastructure improvements offered in conjunction with this scheme would deliver benefits of a scale that would tip the balance to outweigh the adverse impacts identified. The proposal does not accord with up-to-date policies within the Development Plan and there is a conflict with this plan as a whole. However, the wider planning balance suggests that the objectives of sustainable development (as set out in Paragraph 8 of the NPPF) would in fact be satisfied. On this basis, Paragraph 11 of the NPPF directs that a presumption in favour of sustainable development is applied. This is an important material consideration which indicates that a decision should be made in this instance that is not in accordance with the Development Plan. Consequently Officers recommend that planning permission is granted for the development proposed.

14. RECOMMENDATION

- 14.1 It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
- § **Affordable Housing** - 30% dwellings on-site to be Affordable Housing, with affordable rent to shared ownership split 2:1 (in order that no less than 10% are shared ownership). All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M4(3)(2)(b).
 - § **Allotments & Associated Reptile Receptor Site** - Provision of 0.13h of land to be set out as allotments and provision of a Reptile Receptor Site to which reptiles will be translocated prior to work on the allotments commencing.
 - § **Community Building** - financial contribution of £499.62 per dwelling towards the delivery of the new community facility at Maltings Lane.
 - § **Education** - Financial contributions towards the provision of additional Early Years and Childcare places, Primary School Places and Secondary School Places, with the contribution to be calculated when the number of dwellings and number of qualifying units are known in accordance with Essex CC Developer Guide to Infrastructure Contributions (2020) and index linked to April 2020.

§ **Health** - Financial contribution of to be calculated at £381.00 per dwelling (index linked) towards the provision of capacity improvements at Witham Health Centre.

§ **Highways & Transport:**

Public Transport Contribution

£2,100,000 contribution to ensure increased frequency of existing bus services and/or the provision of new bus services between the site or the vicinity of the site and Witham Town Centre.

Travel Plan Monitoring Fee

Payable to ECC to allow for the monitoring of a Revised Residential Travel Plan imposed by condition.

River Walk Contribution

£200,000 contribution to fund improvements for cyclists to the River Walk, or improve connections to the River Walk from the public highway.

Highway Works under s.38 & 278 of the Highway Act 1980

Obligation upon the developer to enter into a Highway Works Agreement with the Highway Authority for the following:

- Provision of pedestrian and cycle improvements along Rickstones Road between the site and the schools on Conrad Road including uncontrolled crossing as shown in principle on drawing 2002470-016B;
- Provision of pedestrian and cycle improvements along the B1018 and Braintree Road between Albert Road and Newlands Drive as shown in principle on drawing number 2002470-014 K, or in the event a TRO is not made prior to commencement of development, a suitable alternative scheme as agreed with the Council and the County Council;
- Provision of works to achieve the closure of the southern part of Rectory Lane to motorised vehicles as shown in principle on drawing number 200247-013 Rev E;
- Provision of a priority junction and access of Rickstones Road controlled by a bus gate as shown in principle on drawing 2002470-005B and 2002470-012A together with two new bus stops at locations to be agreed with the County Council, but in the event the works fail to achieve the relevant consents/approvals, a suitable alternative scheme to ensure pedestrian and cycle access from the site from Rickstones Road and, if required by the County Council, a scheme to make provision of busses to turn around and enter the site and two new bus stops at locations to be agreed with the County Council;
- Provision of a controlled crossing within the location identified between points X and Y as shown on drawing number 2002470-016B, or in the event the County Council does not approve the

scheme submitted prior to Reserved Matters, a contribution for its provision as agreed with the County Council;

- Provision of upgraded/new bus stops on Rickstones Road and/or Forest Road.

§ **Sports Pitches** - Pitches to be provided with associated facilities including car parking, cycle parking and pavilion building containing adequate changing rooms and ancillary accommodation to meet the needs of those intended to be using the pitches.

§ **Libraries** - Financial contribution of £77.80 per dwelling (index linked) to be spent on improvements at Witham Library.

§ **Public Open Space** - (on-site) a minimum area of 7.6ha of Open Space (including SuDS) in accordance with Parameters Plans to include area of equipped play, amenity spaces, specified HRA mitigation (dog waste bins and circular walk) along with internal estate roads and pathways to be managed by a Management Company.

§ **HRA/RAMS** - Financial contribution of £127.30 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).

§ **Skylarks** - Provision of 2no. Skylark plots on nearby land and their maintenance for a period of 10 years.

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 14.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Reference:	Description:
Plan Ref: BW219-PL01 Version: REV E	Location Plan
Plan Ref: BW219-PP-01 Version: REV I	Land Use Parameter Plan
Plan Ref: BW219-PP-02 Version: REV I	Parameter Drawing
Plan Ref: BW219-PP-03A Version: REV G	Parameter Drawing
Plan Ref: BW219-PP-03B Version: REV F	Parameter Drawing
Plan Ref: BW219-PP-04 Version: REV J	Parameter Drawing

Conditions & Reasons and Informatives

1.

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

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

2.

Details of the:-

- (a) Scale,
- (b) Appearance,
- (c) Layout,
- (d) Landscaping, and
- (e) Access

of the buildings/site (hereinafter referred to as "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out in accordance with these matters approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

Reason: The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

3.

The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 230 dwellings with provision of public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace; vehicular access via Forest Road and Evans way; a bus, cycle and pedestrian connection to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development. The details submitted with these reserved matters applications shall be in broad conformity with the following Parameter Plans as approved:

- Land Use Parameter Plan BW219-PP-01 Rev I
- Green Infrastructure Parameter Plan BW219-PP-02 Rev I
- Pedestrian Access & Movement Parameter Plan BW219-PP-03A Rev G
- Vehicular Access & Movement Parameter Plan BW219-PP-03B Rev F
- Storey Heights Parameter Plan BW219-PP-04 Rev J

Reason: For the avoidance of doubt and in the interests of good design; to ensure interests of acknowledged importance are protected in line with the frameworks proposed and agreed at outline stage.

4.

Prior to submission of the first reserved matters, a Design Code for all areas of the site, including housing development, public realm and character areas, which demonstrates compliance with the design principles of the Rivenhall Park IV Vision Statement (submitted 22nd September 2021), shall be submitted to and approved in writing by the local planning authority. All reserved matters submissions shall accord with the approved site wide Design Code.

Reason: In the interests of achieving a cohesive well designed development that integrates with its surroundings; the Vision Statement requires further work to provide a local framework for creating beautiful and distinctive places that realise a consistent and high quality standard of design.

5.

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the following shall be submitted:

- i) A Confirmation Report from an Approved Inspector or Local Authority Building Control Service that the drawings for all houses and ground floor flats proposed as affordable dwellings and shown on the submitted Affordable Housing Scheme as such (or any revisions of this Scheme subsequently submitted for approval as part of the application) have been designed to comply with Building Regulations 2015 (as amended) Part M(4) Category 2.
- ii) A Confirmation Report from an Approved Inspector of Local Authority Building Control Service that the drawings for all bungalows proposed as affordable dwellings and shown on the Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) as needing to be compliant with Building Regulations 2015 (as amended) Part M(4) Category 3 have been designed as such.
- iii) Sufficient detail confirming that the affordable dwellings as shown on the

submitted Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) meet or exceed the Technical Housing Standards - Nationally Described Space Standards (2015) criteria.

The affordable dwellings shall only be built in accordance with the approved details and, in the case of plots indicated in the Affordable Housing Scheme to be constructed in accordance with Building Regulations 2015 Part M(4) Category 2 or Building Regulations Part M(4) Category 3, prior to their occupation, written confirmation from an Approved Inspector or Local Authority Building Control Service shall be submitted to and approved in writing with the local planning authority to certify that they have been built to the agreed standard.

Reason: In the interests of amenity; to ensure the affordable dwellings are built an acceptable standard to perform their optimum function. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and assessed.

6.

Concurrent with the submission of reserved matters for appearance or layout under Condition 2(b) or 2(c) of this decision, an updated Noise Assessment Report shall be submitted.

Reason: To ensure the layout and design of the development that is agreed at reserved matters stages can take into account the visual and practical implications of providing noise mitigation measures that safeguard the amenity of future occupants. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and assessed.

7.

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity shall be submitted to and approved in writing with the local planning authority. The Lighting Scheme shall detail the following:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and

maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site without prior consent from the local planning authority.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). The details are required to accompany the layout at reserved matters stage to allow these considerations to be evaluated and assessed.

8.

Concurrent with the submission of reserved matters for layout or landscaping under Condition (d) of this decision, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

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

Reason: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Biodiversity enhancement is integral to the development and therefore it is considered essential that this is considered concurrently with the reserved matters.

9.

Concurrent with the submission of reserved matters relating to landscaping under Condition 2 (d) of this decision, a Landscape Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of all 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 five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP 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 or bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP shall be implemented as approved in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). The management of landscape with ecological objectives in mind is integral to the development and therefore it is considered essential that this is considered concurrently with the reserved matters.

10.

Concurrent with the submission of reserved matters for landscaping under Condition 2(d) of this decision, a Landscaping Scheme shall be submitted to, and approved in writing by, the local planning authority. This shall comprise a detailed specification of hard and soft landscaping works, to include details of the following:

- Types and sizes of all trees/plants to be planted on the site, demonstrating that each tree that will be removed from the site a minimum of two new trees will be planted within the public open space on the site and for each 1 metre of hedgerow that is removed at the application site is replaced by a minimum of 2 metres of new hedgerow will be planted within the public open space at the application site;
- Numbers and distances of all plants to be planted on the site;
- Soil specification;
- Seeding and turfing treatment within the site;
- Colour and type of material for all public hard surface areas and private areas visible from the public realm;
- Watering maintenance regime for all areas of new planting;
- Programme and timetable for implementation of the above works.

The Landscaping Scheme shall subsequently only be implemented in accordance with the approved details. 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 available planting season with others of a similar size and species.

Reason: Landscape planting is integral to the character to the development and it is considered desirable for these to be dealt with concurrently with the reserved matters.

11.

Concurrent with the submission of reserved matters for layout, landscaping or access under Conditions 2(c), (d) or (e) of this decision, an Arboricultural Impact Assessment Report shall be submitted to, and approved in writing by, the local planning authority. The Report shall have regard for the Preliminary Tree Removals Plan (TR&R/Prelim NE Witham/07.10.21) and Proposed Tree Management Location Details based on Outline Plan (produced by SES, dated 24.11.2021) submitted at outline stage and the requirements of Condition 39 of this permission.

Reason: In the interests of amenity; to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required concurrent with the reserved matters as they affect the layout of the development and the provision of associated landscape features.

12.

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Refuse Scheme shall be provided including the following details:

- Location of refuse bins and recycling materials - their storage areas and waste/recycling presentation points;
- Appearance of any associated screening or/and enclosures;
- Confirmation that distances travelled by local authority refuse vehicle operatives from the location where a refuse vehicle are intended to stop to the presentation points specified do not exceed 20m each way;
- Confirmation of 26 tonne carrying capacity of all roads intended for use by local authority refuse vehicles;
- Refuse vehicle swept path analysis for all roads intended for use by local authority waste vehicles;
- Where relevant, provision of sufficient indemnity to prevent legal action against Braintree District Council for any damage or repairs caused to private roads (not intended for adoption by the Local Highway Authority) that are necessary to be used by the Council when performing its refuse collection functions.

The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter retained.

Reason: In the interests of amenity; to ensure that the development layout provides suitable facilities, to prevent the unsightly storage of refuse containers and that these requirements are accounted for in a layout presented at reserved matters stages.

13.

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Strategy detailing the location and specification of all Electric Vehicle Charging Points to be provided shall be submitted and which, as a minimum, shall ensure each new dwelling includes provision for with one charging point wherever practical.

Reason: To ensure that the new development makes adequate provision for electric vehicle charging in the interests of creating a sustainable development. Details are required concurrent with the reserved matters as the provision of these features an

affect layout.

14.

Concurrent with the submission of reserved matters for appearance or layout under Conditions 2(b) or (c) of this decision, a plan indicating the location and general design of all walls, fences, other boundary treatments and means of enclosure shall be submitted.

Reason: In the interests of visual amenity, to ensure the appearance of boundary treatments are considered in conjunction with the design of the dwellings.

15.

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the location and design of all garages/car parking spaces and cycle storage facilities shall be submitted. The garages/car parking spaces and cycle storage facilities shall be provided prior to occupation of the dwelling to which they relate and shall thereafter be retained and kept available for use for their specified purpose. The garages/car parking spaces and cycle storage facilities shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason: To ensure adequate parking, garage space and cycle storage facilities are provided within the site in accordance with the Essex Vehicle Parking Standards Supplementary Planning Document (2009) and to ensure that these requirements are accounted for in a layout presented at reserved matters stages.

16.

No development or groundworks of any kind shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Areas of the site identified as habitat for Great Crested Newts in which development should be restricted as it may adversely affect this species and thus may be subject to licence under Condition 17 of this consent.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Agreement is required as the impacts arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if biodiversity interests are to be effectively protected.

17.

No development or groundworks of any kind shall commence within the areas identified within the CEMP:Biodiversity under Condition 16i) until the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species) and s.17 of the Crime & Disorder Act 1998. Agreement is required as the impacts arise from the point of commencement of development in these areas; it is not therefore possible to delay this agreement until a later point in time if biodiversity interests are to be effectively protected.

18.

No development or preliminary groundworks shall commence until a Programme of Archaeological Evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation which has been submitted to, and approved in writing by, the local planning authority.

Reason: To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for investigation of the site prior to groundworks occurring may risk the loss or damage of archaeological assets.

19.

No development or preliminary groundworks shall commence in those areas identified as containing archaeological deposits until the satisfactory completion of fieldwork undertaken in accordance with the Archaeological Mitigation Statement detailing excavation/preservation strategy which shall previously have been submitted to, and approved in writing by, the local planning authority.

Reason: To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for mitigation of harm to archaeological assets identified in the fieldwork prior to groundworks occurring may risk the loss or damage of archaeological assets.

20.

No development shall commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. The scheme should include the following (but not be limited to this):

- Limitation of discharge rates to the 1 in 1 year greenfield rate for both the eastern (5.3l/s) and western (13.1l/s) parcel for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- Provision of sufficient storage to ensure no off site flooding as a result of development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstration that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
- Demonstration that Phases 1 and 2 of development in the south have been designed to accommodate the flows from the development hereby approved;
- Demonstration, as far as is practicable, that use of swales has been maximised throughout the development to enable the conveyance and treatment of water as close to source as possible;
- Demonstration that rainwater reuse has been considered and incorporated as much as possible as the primary method of managing surface water drainage;
- Provision of final modelling calculations for all areas of the drainage system;
- Provision of an appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach as detailed in Chapter 26 of the CIRIA SuDS Manual C753;
- Provision of detailed engineering drawings of each component of the drainage scheme;
- Provision of final drainage plan/s which detail exceedance and conveyance routes, finished floor and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting minor changes to the strategy that was submitted at Reserved Matters stages.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority.

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

21.

No development shall commence until a Scheme to Minimise the Risk of Offsite Flooding caused by surface water run-off and groundwater during construction works

and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

22.

No development shall commence until a comprehensive Phase 2 Land Contamination Survey has been undertaken to assess the nature and extent of any contamination on the site. No development shall commence until a copy of this survey's findings, together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk (if required), has been submitted to and approved in writing by the local planning authority and subsequently implemented unless otherwise agreed within any revised remediation scheme agreed under the provisions of this condition.

Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

Prior to occupation of any property hereby permitted on the part of the site where contamination is found the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed on that part of the site in accordance with the documents and plans detailed in the approved contaminated land assessment report/s and the approved remediation scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors. Agreement is required prior to commencement as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

23.

No development shall commence until an Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the local planning authority. The AMS will include a Detailed Tree Protection Plan (DTPP) in broad accordance with the Arboricultural Impact Assessment Report approved under Condition 11 and provide details of trees to be retained, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, operation of site machinery, site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. For the duration that construction occurs on the site, and at such intervals have been agreed within the AMS, the Project Arboricultural Consultant shall submit a report to the local planning authority summarising the findings of their site inspection/s carried out during that period.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

Reason: In the interests of amenity; to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

24.

No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall be implemented as approved. The Statement shall provide for:

- Construction Traffic Management Plan to ensure safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;

- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- A scheme to control noise and vibration during the construction phase;
- Provision of a dedicated telephone number(s) for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.

Reason: In the interests of residential amenity; to ensure the construction phases of the development operate without causing unacceptable harm to the amenity of nearby occupants and to protect highway efficiency of movement and safety in accordance with Policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. Agreement is required as the impacts arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

25.

No development shall commence until a Dust and Mud Control Management Scheme has been submitted to and approved in writing by the local planning authority. The Management Scheme shall be adhered to throughout the site clearance and management process.

Reason: In the interests of residential amenity; to ensure that dust and particulate matter emitted as a result of construction activity associated with the development is minimised and does not unacceptably affect the amenity of occupants of the development or/and in the surrounding area. Agreement is required as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

26.

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

Reason: In the interests of visual amenity, to ensure that the development does not prejudice the character and appearance of the locality.

27.

Prior to first occupation, a SuDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the local planning authority.

Should any part be maintainable by a maintenance company, details of long term

funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

28.

Prior to first occupation of the development hereby approved, a Revised Residential Travel Plan together with the contents of Residential Travel Information Packs for sustainable transport (including information as to circular walking routes accessible from the application site) shall have been submitted to and agreed in writing with the local planning authority. The Revised Residential Travel Plan shall be implemented as agreed. The provision of Residential Travel Information Packs shall be distributed as agreed to the owner/s of each dwelling at the point of their first occupation.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

29.

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

- Monday to Friday 0800 hours - 1800 hours
- Saturday 0800 hours - 1300 hours
- Bank Holidays & Sundays - no work

Reason: In the interests of residential amenity; to ensure that the construction work associated with the development does not unacceptably harm the living conditions of occupants of adjacent properties.

30.

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

Reason: In the interests of residential amenity; to prevent unacceptable harm to the amenity of residents within the development or/and the surrounding area.

31.

If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within three years from the date of this outline planning consent, all ecological measures previously approved shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of Protected or Priority species and ii) identify any likely new ecological impacts that might arise from the changes.

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

Reason: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Further agreement is required if commencement is delayed because this delay may give rise to new impacts which have not previously been accounted for; it is not therefore possible to delay this agreement until a later point in time if ecological interests are to be effectively protected.

32.

No piling shall be undertaken on the site in connection with the construction of the development until a System of Piling and resultant noise and vibration levels has been submitted to, and agreed in writing by, the local planning authority. The agreed noise and vibration levels shall be adhered to throughout the construction process.

Reason: In the interests of residential amenity; to ensure that noise and vibration caused by piling methods is controlled in order that it does not unacceptably affect the amenity of occupants of dwellings on the site or/and in the surrounding area.

33.

A Post Excavation Assessment shall be submitted to, and approved by, the local planning authority within six months of the completion of the fieldwork (unless otherwise agreed in advance with the local planning authority); such term shall include details of the completion of post excavation analysis, preparation of a full site archive and report and an undertaking for deposition of a post excavation report at the local museum. The report shall be deposited as agreed within the stated timeframes in the Post Excavation Assessment.

Reason: To enable full investigation and recording of assets of archaeological importance.

34.

The applicant or any successor in title must maintain yearly Logs of SuDS Maintenance which should be carried out in accordance with any approved Maintenance Plan under Condition 27 of this decision. The Logs of SuDS Maintenance must be available for inspection upon a request by the local planning authority.

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

35.

Unless revised under a condition of this consent or legal obligation tied to it, all ecological mitigation measures and/or works shall be carried out in accordance with the following documents: Ecological Impact Assessment (Southern Ecological Solutions Ltd, October 2021), Skylark Mitigation Strategy (Southern Ecological Solutions Ltd, Jul 2021) and Reptile Mitigation Strategy - Rev B (Southern Ecological Solutions Ltd, July 2021).

Reason: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

36.

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (England) 2015 (as amended) the Sports Pitches shown to be provided in the north of the site on Land Use Parameters Plan (BW219-PP-01 Rev I) shall not be lit unless the local planning authority gives written consent to details of such lighting either submitted in conjunction with reserved matters application to this planning application or by a separate application for planning permission made thereafter.

Reason: In the interests of residential amenity; to ensure that the effects of lighting erected to the Sports Pitches is given proper consideration and to provide an opportunity for the hours of use to be controlled as necessary.

37.

Notwithstanding the submitted details, the development hereby permitted shall provide for a minimum of 25% of the Market Housing as 1 or 2-bed dwellings.

Reason: To ensure an appropriate mix of market housing is secured across the site to help meet housing need for market housing as identified in the Council's Strategic Housing Market Assessment and in accordance with Policy RLP8 of the Adopted Local Plan Review.

38.

Notwithstanding the submitted details, the spine road to be provided through the development (as shown in principal between Evans Way and Rickstones Road on drawing number Vehicular Access & Movement Parameter Plan BW219-PP-03B Rev F) shall have a minimum carriageway width of 6.75 metres unless Essex County Council Highway Authority advise otherwise in writing to the local planning authority.

Reason: To protect highway efficiency of movement and safety and to ensure the proposed site is accessible by more sustainable modes of transport, such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

39.

Notwithstanding the submitted details, any works to provide the priority junction and site access off Rickstones Road, bus lane and gate, as shown in principle on

drawings numbered 2002470-005 B and 2002470-012 B, shall not occur unless and until a Bat Survey Report has been submitted and approved in writing by the local planning authority containing the results of at least two roost surveys of tree T1 (as identified in SES Ecological Impact Assessment October 2021) between the months of May to September together with associated proposed mitigation and enhancement measures should bats be found to be roosting in this tree. Tree T1 shall be retained unless the local planning authority has expressly agreed in writing to its removal.

Reason: In the interests of biodiversity; to conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

40.

No development shall commence until a Method Statement has been submitted to and approved by the Local Planning Authority setting out how the two Pine trees identified as T93 & T94 identified for translocation in 'The Proposed Tree Management Location Details Based on Outline Plan' (SES, 24 Nov 2021) will be re-located and detailing all stages of work and timescales for such work in relation to the development construction timescales. The Method Statement shall also identify relevant stages of the process at which an appropriately qualified Independent Specialist shall both certify that the work has been carried out in accordance with the approved details of the Method Statement and submit a certification statement to the Local Planning Authority for approval. The re-location of the identified trees shall be carried out in accordance with the approved details and timescales.

Reason: To ensure that the trees identified for translocation are re-located using the correct methodology. The Method Statement is required prior to the commencement of development to ensure that the re-location of the trees is not detrimentally affected by construction works.

41.

Concurrent with the submission of reserved matters for appearance under Conditions 2(b) of this decision, a plan indicating the location and design of solar photovoltaic generation equipment for every dwelling shall be submitted.

Reason: To ensure the design of the development that is agreed at reserved matters stages can take into account the appearance of the solar pv panels that are to be provided for every dwelling. Details are required at Reserved Matters stages in order that the appearance of the panels can be taken in to account when evaluating the appearance of the proposed dwellings.

42.

Concurrent with the submission of reserved matters for appearance or layout under Conditions 2(b) or (c) of this decision, a plan indicating the location and design of a smart Electric Vehicle charger on every plot shall be submitted.

Reason: To ensure the design of the development that is agreed at reserved matters stages can take into account the requirement to ensure that the occupiers of every dwelling is provided with a smart Electric Vehicle Charging point. Details are required

at Reserved Matters stages in order that the parking arrangements for all dwellings allows for the installation of this equipment and to ensure that this does not detract from the appearance of the proposed development.

INFORMATION TO APPLICANT

1.

Anglian Water has assets close to or crossing the site, or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate these assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2.

Please be advised of the following:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage Solutions (SuDS) which may form part of the future register, a copy of the SuDS assets in a Geographic Information System layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirement lies with the Local Planning Authority (LPA). It is not within the scope of the Lead Local Flood Authority (LLFA) to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- The LLFA will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The LPA should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

3.

Cadent Gas Ltd own and operate the gas infrastructure within the area of this development. Prior to carrying out works, you are advised to register on www.linesearchbeforeudig.co.uk and submit details of the planned works for review, ensuring any requirements are adhered to.

4.

With regard to the new street(s) included in the development, in the interests of all concerned it is important that the street(s) should be named and numbered at the earliest opportunity. In this respect, prior to or upon commencement of the development, you may wish to suggest names for consideration and it would be appreciated if you would forward your suggestions to the Director of Planning, Causeway House, Bocking End, Braintree CM7 9HB. Tel: Braintree 552525.

5.

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

6.

Please note, the applicant has entered into an Agreement under Section 106 of the Town & Country Planning Act 1990 in relation to this development. You are advised to ensure that the legal obligations contained within it are complied with alongside the discharge of any conditions connected to matters to which it relates. Should any dichotomies arise between the discharge of conditions and the fulfilment of your legal obligations with the Agreement it may be necessary to resolve these through a variation of either this Decision and/or the Agreement before proceeding with development.

APPENDIX 2:

POLICY CONSIDERATIONS

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
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP103	Parks and Gardens of Special Historic Interest
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance
RLP135	Floodlighting of Sports Facilities
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP72	Green Buffers
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None.

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)
Essex Coast RAMS Supplementary Planning Document (2020)
Essex Design Guide for Mixed Use and Residential Areas (2005)
External Artificial Lighting Supplementary Document (2009)
Open Space Supplementary Planning Document (2009)
Parking Standards – Design and Good Practice (2009)
Urban Place Supplement Guidance (2007)

Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

APPENDIX 3:

SITE HISTORY

21/03473/FUL	Retention of temporary (for a period of 6 months) construction site offices, storage containers and skips on the temporary contractor car park and a revised pedestrian bridge leading to Rectory Lane, to serve the consented development on the land south of Rickstones Road (in relation to planning permission ref. 18/00947/OUT).	Granted	14.01.22
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Report Title: The Wethersfield Conservation Area Character Appraisal and Management Plan.	
Report to: Planning Committee	
Date: 22 nd February 2022	For: Decision
Key Decision: No	Decision Planner Ref No:
Report Presented by: Emma Goodings	
Enquiries to: Alan Massow Ext 2511	

1. Purpose of the Report

- 1.1 The Wethersfield Conservation Area has been reviewed for the first time since its designation in 1973. This report seeks to consider the Conservation Area Character Assessment and Management Plan undertaken as a part of the review and amended following the public consultation exercise, and determine whether the document, including its proposed alterations to the Conservation Area, should be approved.

2. Recommendations

- 2.1 The Wethersfield Conservation Area Character Assessment and Management Plan be approved.**
- 2.2 That approval be delegated to the Corporate Director (Growth) to make any minor wording changes to the Conservation Area Character Assessment and Management Plan.**

3. Summary of Issues

- 3.1 The Council has been undertaking a series of reviews of Conservation Areas in the District. The basis for designation and review are set out primarily in the Planning (Listed Building and Conservation Areas) Act 1990 as mentioned above, and advice is contained in NPPF (Section 16) and Planning Practice Guidance. English Heritage issues more detailed advice in the following:
- Conservation Area Appraisal, Designation and Management, (Historic England Advice Note No 1 (Second Edition) Feb 2019 (based on 2018 NPPF)
 - Historic Environment Good Practice Advice in Planning: 3 (2nd Edition): The Setting of Heritage Assets (2nd Edition);
- 3.2 NPPF guidance is set out in Section 16 paragraph 191 as follows:

“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”

- 3.3 Wethersfield was considered as part of this most recent review programme as it has not been reviewed since its designation in 1973. Due to the specialist nature of the work heritage experts from Place Services have been procured to undertake this review and others in the District.
- 3.5 The Conservation Area Character Appraisal and Management Plan (CACAMP) looks at Wethersfield’s origin and evolution and location of listed buildings, heritage at risk, archaeological potential and an assessment of the Conservation Area’s significance. It delineates three character areas which it describes in some detail. It states that *“the special interest of the Wethersfield Conservation Area is predominately derived from its development as a small rural historic settlement and the resulting characteristic architecture and landscape.”*
- 3.6 The CACAMP is intended as a baseline study to inform decisions any future planning applications and development. As well as the legislative background, it sets out the history, evolution and character of the village. It contains three character areas which are described in detail and looks at such matters as listed buildings, important views, the public realm, archaeology, buildings at risk, management of future development. Opportunities for improvement and management are included.
- 3.7 A draft version of the CACAMP was issued for public consultation initially between 10th July and 12th August 2019. Following a request from residents the consultation period was extended to the 9th September 2019 to allow more people to make comments. The public consultation exercise above involved sending letters to all households within the Conservation Area and the Parish Council informing them of the Conservation Area Appraisal and Management Plan, how they could access the report and how they could respond. Copies of the CACAMP were deposited at Wethersfield Village Hall, Braintree Library and Braintree District Council reception. An electronic copy was made available online on the Council’s Consultation Portal and details of how to access copies were included in the householder’s letters. Details of the public meeting were supplied to the Parish Council it was arranged that this would take place with a scheduled Parish Council meeting, and a public notice advertising the meeting put up at the village hall.
- 3.8 A public meeting was held during the consultation period on the 17th July 2019 in Wethersfield to enable residents to discuss the draft CACAMP with the heritage consultants and Braintree Council officers. This was attended by approximately 120 people. Following a request from the Parish Council, a site visit was undertaken by officers and representatives from the Parish and the Parish was given more time to submit further evidence. This allowed the

Parish to put forward their views in detail to the heritage consultants and officers. The CACAMP was altered following this consultation exercise and it is this changed document which is now before committee.

- 3.9 During the consultation, strong objections to removing areas from the Conservation Area boundary were received. Residents raised concerns that those areas, once removed, would lack protection from inappropriate or damaging development or that its significance would be harmed. Several mentioned Hudson's Hill, the Manor area and the southern Conservation Area around Braintree Road in particular. It was not widely appreciated that the setting of Conservation Areas are carefully considered such that development should not be permitted which would harm Conservation Area significance or appreciation. Many representations view the Conservation Area as a protection against new housing development and that its removal would result in such development being likely.
- 3.10 Matters relating to housing scale and location or the adequacy of local services to accommodate such growth is a matter considered in the Local Plan whereas consideration of Conservation Area boundaries relates to heritage matters only. The Local Plan allocated only one site for housing and this has now been developed. No further sites have been allocated.
- 3.11 Many representations cite a lack of justification for removal of areas from the Conservation Area. Both original and revised CACAMPs mention the need that Conservation Areas comprise areas of "*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.*" A distinction must be made between areas which can demonstrate these terms in their own right, and which under the legislation can be included inside the Conservation Area, and those areas which do not possess these characteristics. This criteria is the justification for inclusion within the Conservation Area.
- 3.12 Areas which cannot demonstrate this requirement as set out in the Planning (Listed Building and Conservation Areas) Act 1990, may still be important if it represents Conservation Area setting. Historic England in their 'Historic Environment Good Practice Advice in Planning Note 3 (second edition)' state that setting is not in itself a heritage asset. Its importance lies in what it contributes to the significance of the asset or the ability to appreciate that asset. The 2021 CACAMP includes mention of some instances where setting is likely to be important (not intended as an exhaustive list) and this includes some of the land to be removed such as the site on Braintree Road labelled D in Figure 7 of the CACAMP.
- 3.13 The NPPF (paragraph 207) states that not all areas within the Conservation Areas necessarily contribute to its significance. Thus a judgement must be made on whether development proposals should be treated as causing

substantial or less than substantial harm when weighing a proposal in the Conservation Area against the proposal's public benefits. In doing so, the relative significance of the element affected and its contribution to the significance to the Conservation Area as a whole need be considered. If there is little or no significance to a location or element, less weight may be given to its protection.

- 3.14 Many representations raise concern that the loss of Conservation Area would result in greater development pressure on the village with negative consequences for wildlife and countryside character. These are issues addressed by the Local Plan, development management processes and wider legislation rather than in the consideration of Conservation Area boundaries. The Publication Plan as proposed to be modified, shows low residential growth proposed for Wethersfield. There are no further housing allocations following the completion of an earlier proposed allocation. It is classed as a third tier settlement, the lowest settlement rank with a settlement boundary.
- 3.15 Following receipt of further information relating to some of the areas to be removed, during the public consultation, the abovementioned alterations were made to the first CACAMP reducing the areas to be removed. This will address many concerns raised by residents while ensuring that those areas which remain included do merit Conservation Area status. Many residents support the inclusion of the areas now to be retained.
- 3.16 Some respondents questioned the need for changes to the conservation area. However, it is however a duty of the Local Planning Authority to review these boundaries. It is recognised that change does occur over time and that the boundaries should be checked to avoid eroding the quality of the conservation area and to seek opportunities for inclusion of new areas where appropriate.
- 3.17 Concerns were raised regarding the process, citing that insufficient time had been given in which to comment and exercise had insufficient coverage. The consultation steps mentioned above exceed those required for this exercise and include extending the time permitted for comments to be submitted.
- 3.18 Other concerns were raised that the report was presented as a fait accompli and that it was confusing or poorly worded. It is regrettable that some found the report confusing and this has attempted to be addressed in the final version. It does contain terms and concepts that for some are unfamiliar and derived from those which are set out in legislation and guidance. It is hoped that the additional explanation around setting will be helpful.

- 3.19 Several respondents cite references to Trodds Garage/John Pease and United Reform Church as being out of date, however these relate to the name under which the Listed Building is registered and would not need to be removed.
- 3.20 The following errors were identified will be corrected in a finalised CACAMP.
- (i) Bus station can be corrected to bus shelter
 - (ii) Page 6, 1.2, 4th para - “principals” should be corrected to “principles”
- 3.21 The full text of all responses received can be found on the Councils consultation portal at https://braintree.objective.co.uk/portal/ca_appraisals/wethersfield_ca_appraisal_1/wethersfield_cacamp?tab=list and a summary is set out in Appendix 1.
- 3.22 The 2019 CACAMP, which was subject to public consultation, had proposed to tighten the boundary to more closely follow development on Braintree Road, thereby removing most of the southern part of the Conservation area. It had also proposed the exclusion of much of the area from Hudsons Hill to the former Manor and removal of area D as set out in the CACAMP. Some small alterations were also proposed within the built up area of the settlement. These include adding the walled garden of the former Manor House and the southern part of the Congregational graveyard adjacent to the United Reform Church.
- 3.23 The present 2021 CACAMP proposals differ from that proposed above, to remove three smaller areas from the existing Conservation Area and more minor boundary adjustments as shown in CACAMP Figure 7. The Conservation Area now retains some areas previously shown for removal including the Hudson’s Hill/Brook Farm/Former Manor Area to the north and east, and Braintree Road area south of the former Manor. Areas labelled B, D and E in the CACAMP remain proposed for removal. Areas C and F remain proposed for inclusion.
- 3.24 The reasons for alterations are set out below:
- A - Exclusion of field north of the Manor. This has a history of agricultural use and is easily distinguishable from areas used in connection with the Manor
 - D – Although used for village activities in the past, this field does not have sufficient architectural or historic interest in its own right to justify inclusion. This area includes some modern estate style housing facing the field.

E – This area in agricultural use, paddocks, wooded and open meadows does not in itself have sufficient architectural or historic interest to justify its retention within the Conservation Area.

Other alterations

B - Removal of late 20th century modern houses at Saffron Close with insufficient architectural or historic interest to merit inclusion and do not contribute Conservation Area character.

C – The boundary has been extended to include the southern part of the Congregational Church graveyard – of historical interest and related to the Congregational Church.

F - The boundary has been extended to include the walled garden of the former Manor, thus ensuring that all parts of the former Manor with architectural or historic interest have been included within the Conservation Area. (The boundary of the walled garden of the Manor has been altered to remove a cartographical error which included some adjacent land).

3.25 Other minor alterations include

- an adjustment to the North western boundary such that it better follows a domestic and landscape boundary.
- to more accurately follow a dwelling boundary on Braintree/Gosfield Road at the southern edge of the Conservation Area.
- At former Parsonage Farm the boundary has been adjust to better reflect the field edge.

3.26 Additional text has also been added to the CACAMP to explain the importance of setting and the ability to protect it, which was an area of specific concern from the public consultation. This is set out both in general terms and in relation to specific sites adjacent to the new boundary.

3.27 The final CACAMP for approval, as altered following the public consultation period is attached as Appendix 2 to this report. Any minor wording or typographical changes to this are recommended to be delegated to the Corporate Director for Growth

4. Options

4.1 Approval as submitted or approval subject to further alterations could be undertaken if members felt there were other changes which were desirable and which met the requirements of the legislation.

- 4.2 Refusal of the proposal would mean that areas described as having significance would remain inside the Conservation Area and devalue its quality as set out within the Conservation Area Review.

5. Next Steps

- 5.1 A final Conservation Area Character Appraisal Document will be produced in paper form and an electronic copy placed on the Council's website. Relevant bodies will be notified and alterations made to the Council's electronic records. The final document would be used in determining planning proposals within the Conservation Area and its setting.

6. Financial Implications

- 6.1 No further financial implications from the contents of this report. The cost of appointing consultants to complete this work has been met from a specific budget secured to undertake Conservation Area Appraisals.

7. Legal Implications

- 7.1 The Conservation Area Appraisal will be a material planning consideration in determining planning applications within and adjacent to the revised boundary.

8. Other Implications

- 8.1 There are no other implications of this decision

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

(a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act

(b) Advance equality of opportunity between people who share a protected characteristic and those who do not

(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 9.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10. List of Appendices

- 10.1 Appendix 1. Summary of representations from public consultations.
10.2 Appendix 2 Wethersfield Conservation Area and Conservation Management Plan (CACAMP)

11. Background Papers

11.1 List of background papers

- National Planning Policy Framework (NPPF)
- National Planning Practise Guidance (NPPG)
- Localism Act (2011)
- Planning and Compulsory Purchase Act (2004)
- Planning (Listed Building and Conservation Areas) Act 1990 as amended
- Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (second edition)
- Historic Environment Good Practice Advice in Planning: 3 (2nd Edition): The Setting of Heritage Assets (2nd Edition);

1. Appendix 1

The below includes an overall summary of the comments which were received to the CACAMP in its public consultation period in the summer of 2019. The full text of all comments can be found on the Councils consultation portal

https://braintree.objective.co.uk/portal/ca_appraisals/wethersfield_ca_appraisal_1/wethersfield_cacamp?tab=list

The CACAMP

- Has been poorly publicised
- Is poorly written, confusing and poorly/incorrectly researched, contains inaccuracies, misrepresentations, inaccurately referenced photos and conflicting statements
- Contains no or poor justification for the changes
- Report written as if changes were determined and does not mention it is a draft.
- Should work with the Parish to produce a more considered report
- Figure 13 views show an inward looking policy constrained to the 'revised' area.
- Residents views should be considered

The Conservation Area should not be reduced in size for the following reasons

- No local support as evidenced at the meeting
- Areas of historical and visual significance important to the conservation area are being omitted contrary to government guidance
- Some key views are not shown
- It has served the village well for many years. There is no need for or benefit from the change
- Boundary revisions will encourage inappropriate new residential development, harming local views, the beauty and setting of Wethersfield, its wildlife and stressing local services and harming its leisure value
- Reason for boundary alterations is to facilitate development following previous housing refusals
- Management proposals are generic in nature
- Existing boundaries are defensible and appropriate
- Reduction will not strengthen the conservation area
- The MOD site at Wethersfield threatens to engulf our village if permitted.
- The document does not properly justify the changes
- Omits impact of overhead wires
- Character unchanged over many years
- Village needs understood in context of surrounding land /setting character and views and reductions will prevent this
- Removing countryside around the Manor will remove historic area with associations with the village and reduce its significance. Should be retained.

- Description of the playing field supports its inclusion not exclusion. This area has historical associations and key views under researched in the report. Its importance recognised in the refusal of an application in this area.
- Braintree Road area under researched. Braintree Road area retains its historic character, eg listed walls, buildings contrasting with open arable land
- Wethersfield has significant historical interest, 13th C church, treed village green, historic homes and landscape interest.
- The ancient wall defining the boundary to Ivanhoe House and Wethersfield Hall leads to Brook Farm which was the historic owner of both these properties and links them with the church and village centre and should be preserved for future generations
- The proposals are at odds with the integrity of listed buildings e.g. removal of fields belonging to Brook Farm. These views are a spectacular public vista.
- How can the heritage value of these listed buildings be preserved if the land next to them not protected from development?
- Recognise the need for affordable homes but this is not the way to proceed.
- Growth is necessary to support services/facilities but north of the village is more suitable.
- Reduction will harm tourism
- This will not preserve and enhance the Conservation Area

Wethersfield Conservation Area

Character Appraisal and Management Plan



Client:
Braintree District Council

Date:
May 2021





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1.0 Introduction

1.1 Summary

This Conservation Area Appraisal and Management Plan will provide an overview of the designation of the Wethersfield Conservation Area, outlining its designation history, alterations to the conservation area boundary, and highlighting the special interest of the area along with those buildings and features which contribute to its character. Conservation area designation gives broader protection than the listing of individual buildings, as it recognises all features within the area which form part of its character and ensures that planning decisions take the enhancement and preservation of the quality of the area into consideration.

The special interest of the Wethersfield Conservation Area is predominantly derived from its development as a small, rural historic settlement and the resulting characteristic architecture and landscape. Most notably this includes: the historic core to the north, following the linear development along the High Street; Silver Street; the Village Green; and the open fields and manorial land to the south. The southern part includes dispersed farmsteads and red brick walls flanking the southern approach to Manor House and Wethersfield Hall. The high density of listed buildings in the village centre, the prominent church, central Green, undulating topography and unusual red brick walls make positive contributions to the special interest of this conservation area, enhancing its rural character and offering quality examples of vernacular timber framed buildings. Figure 1 depicts the extent of the Wethersfield Conservation Area, as revised in 2019. For details of the revision history of the boundary, please see Section 2.4.

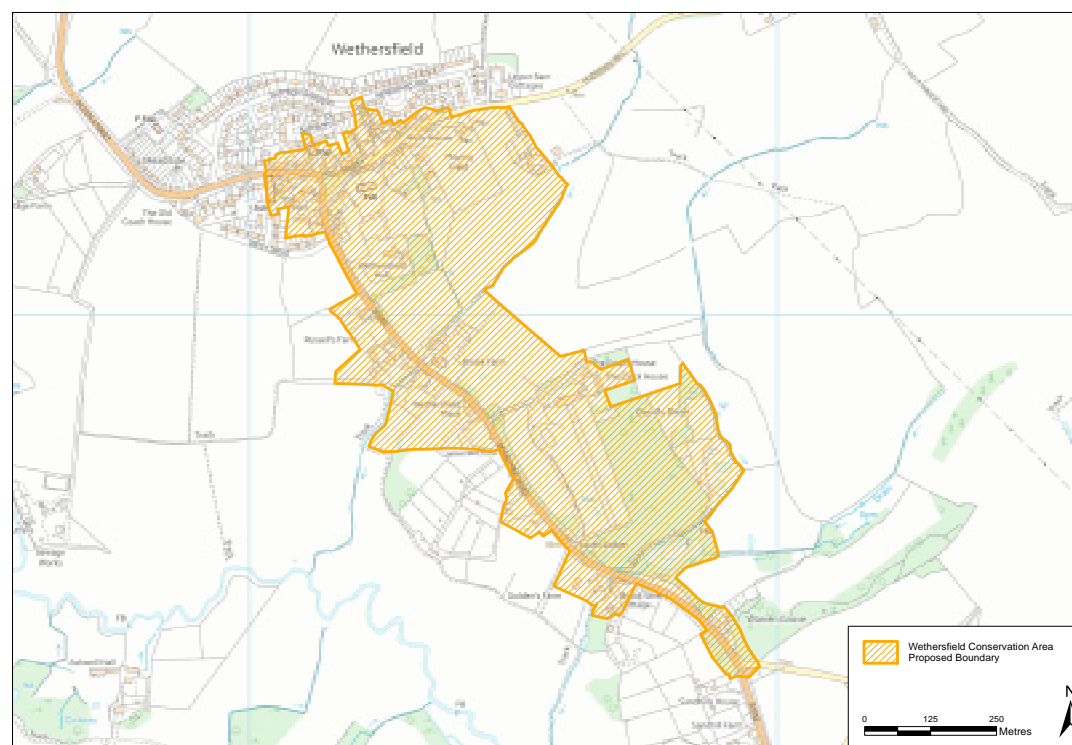


Figure 1 Wethersfield Conservation Area (2019)



In accordance with the National Planning Policy Framework and Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, a review of the Conservation Area boundary has been undertaken and this appraisal reflects the adopted changes. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. As a result of the boundary review, some areas have been excluded from the Conservation Area, which do not possess the requisite special architectural or historic interest.

These areas may have historical associations with the village, as part of the pastoral hinterland upon which Wethersfield has relied for centuries, but they lack the necessary special architectural or historic interest necessary for inclusion within the Conservation Area. However, these spaces, now positioned outside the boundary, form an important element of the Conservation Area's setting, allowing the significance of the Conservation Area to be appreciated. The description of the Conservation Area's setting and how it is important to preserve the particular attributes of setting which contribute to the area's significance, or allow it to be experienced and appreciated, can be found Section 3.3.

1.2 Conserving Braintree's Heritage

Braintree District Council has appointed Place Services to prepare a conservation area appraisal for the village of Wethersfield. This Conservation Area Appraisal and Management document is provided as baseline information for applicants to consider when designing or planning new development in Wethersfield and its environs. This appraisal provides an assessment of the historic development and character of Wethersfield and outlines its special interest. This will also consider the significance of individual heritage assets and the contribution that these, along with their setting, make to the character and special interest of the area. The understanding of significance will be used to assess the susceptibility of the conservation area to new development and highlighting key heritage assets of importance.

This assessment will consider how different character areas within Wethersfield came to be developed, their building styles, forms, materials, scale, density, roads, footpaths, alleys, streetscapes, open spaces, views, landscape, landmarks, and topography. These qualities can be used to assess the key characteristics of each area, highlighting potential impacts future developments may have upon the significance of heritage assets and the overall character of Wethersfield. This assessment is based on information derived from documentary research and an analysis of the individual character areas.

The National Planning Policy Framework (NPPF 2019) highlights good design as one of twelve core principals of sustainable development. Sustainable development relies on sympathetic design, achieved through an understanding of context, the immediate and larger character of the area in which new development is sited. This assessment follows best practice guidance, including Historic England's revised Historic England Advice Note 1 for Conservation Area Appraisal, Designation and Management (2nd Edition 2019) and The Setting of Heritage Assets (2nd Edition 2017).



1.3 Purpose of Appraisal

This document should be used as a baseline to inform future development and design with regard to the sensitivities of the Historic Environment and its unique character.

It is expected that applications for planning permission will also consult and follow the best practice guidance outlined in the bibliography.

Applications that demonstrate a genuine understanding of the character of a Conservation area are more likely to produce good design and good outcomes for agents and their clients. This appraisal will strengthen understanding of Wethersfield and its development, informing future design.

1.4 Planning Policy Context

The legislative framework for conservation and enhancement of Conservation Areas and Listed Buildings is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990). In particular Section 69 of this act requires Local Planning Authorities to designate areas which they consider to be of architectural and historic interest as Conservation Areas, and Section 72 requires that special attention should be paid to ensuring that the character and appearance of these areas is preserved or enhanced. Section 71 also requires the Local Planning Authority to formulate and publish a proposal for the preservation and enhancement of these areas. National planning policy in relation to the conservation and enhancement of heritage assets is outlined in Part 16 (Conserving and enhancing the natural environment) of the Government's National Planning Policy Framework (MHCLG February 2019).

The conservation area, which is the subject of this appraisal, is located within the area covered by Braintree District Council. Local planning policy is set out in the Braintree Development Plan. The current adopted Braintree District Development Plan is made up of a number of documents, including the Local Plan Review 2005 and the Core Strategy 2011. Policies which are relevant to heritage assets are listed below.



Local Plan Review 2005 policies:

RLP 81 Trees, Woodland Grasslands and Hedgerows
RLP 90 Layout and Design of Development
RLP 95 Preservation and Enhancement of Conservation Areas
RLP 96 Demolition in Conservation Areas
RLP 97 Changes of Use in Conservation Areas
RLP 98 Environmental Improvements in Conservation Areas
RLP 99 Demolition of Listed Buildings
RLP 100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP 101 Listed Agricultural Buildings
RLP 102 Enabling Development
RLP 104 Ancient Monuments and Sites of Archaeological Importance
RLP 105 Archaeological Evaluation
RLP 106 Archaeological Excavation and Monitoring
RLP 107 Outdoor Advertisements
RLP 108 Fascias and Signs in Conservation Areas
RLP 109 Illuminated Signs in Conservation Areas

Core Strategy 2011 policies:

CS 8 Natural Environment and Biodiversity
CS 9 Built and Historic Environment

In 2014, Braintree District Council began on a new Local Plan which will set out the Council's strategy for future development and growth up to 2033. The document is in two parts:

Section 1 - Strategic Plan for North Essex - including the Garden Communities (This document is shared with Colchester Borough Council and Tendring District Council)

Section 2 - Policies, maps and sites for development, housing, employment, regeneration etc within Braintree District Council.

The New Local Plan was submitted to the Planning Inspectorate in October 2017. Section 1 is currently under examination by a Planning Inspector. We are advised that Section 2 will follow. Once adopted, it will replace both the Core Strategy (2011) and the Local Plan Review (2005).



Policies within the draft Braintree District Local Plan (2017)

which are relevant to heritage assets include:

- SP 6 – Place Shaping Principles
- LPP 55 – Layout and design of development
- LPP 56 – Conservation Areas
- LPP 57 - Demolition in Conservation Areas
- LPP 58 – Shop fronts, fascias and signs in Conservation Areas
- LPP 59 – Illuminated signs in Conservation Areas
- LPP 60 – Heritage Assets and their setting
- LPP 61 – Demolition of Listed Buildings or structures
- LPP 62 – Enabling Development
- LPP 63 – Archaeological evaluations, excavation and recording
- LPP 66 – Cemeteries and churchyards
- LPP 69 – Tree protection

The latest policy position and Development Plan Documents can be found in the Planning Policy section of the Council's website.

2.0 Wethersfield Conservation Area

2.1 Context and General Character

The village of Wethersfield is located in the northern half of Braintree District (NGR TL71153125). It is sited on a slight promontory formed by the junction of the Pant valley and a tributary, the Wethersfield Brook. The ground rises up to the village, from OD 58m at Brook Farm to OD 73m at Hudson's Hill on the eastern edge of the village. The historic village developed at the junction between the Braintree to Finchingfield Road (B1053) and also a road to Sible Hedingham. The junction forms a small triangular green. The road is slightly sunken, with many of the buildings on plots higher than the carriageway. The Parish Church of St Mary Magdalene is located on the southern side of the village. The village is clearly historic in origin, with the two roads flanked by largely historic buildings, many of them late medieval or early post-medieval in origin.

Modern development is largely confined to the Saffron Gardens housing estate to the north of the High Street and a smaller development to the south-west of the road junction at West Drive. Neither of these modern developments are located within the conservation area.

The conservation area extent is unusual, in that it incorporates a large amount of open land to the south of the historic settlement.

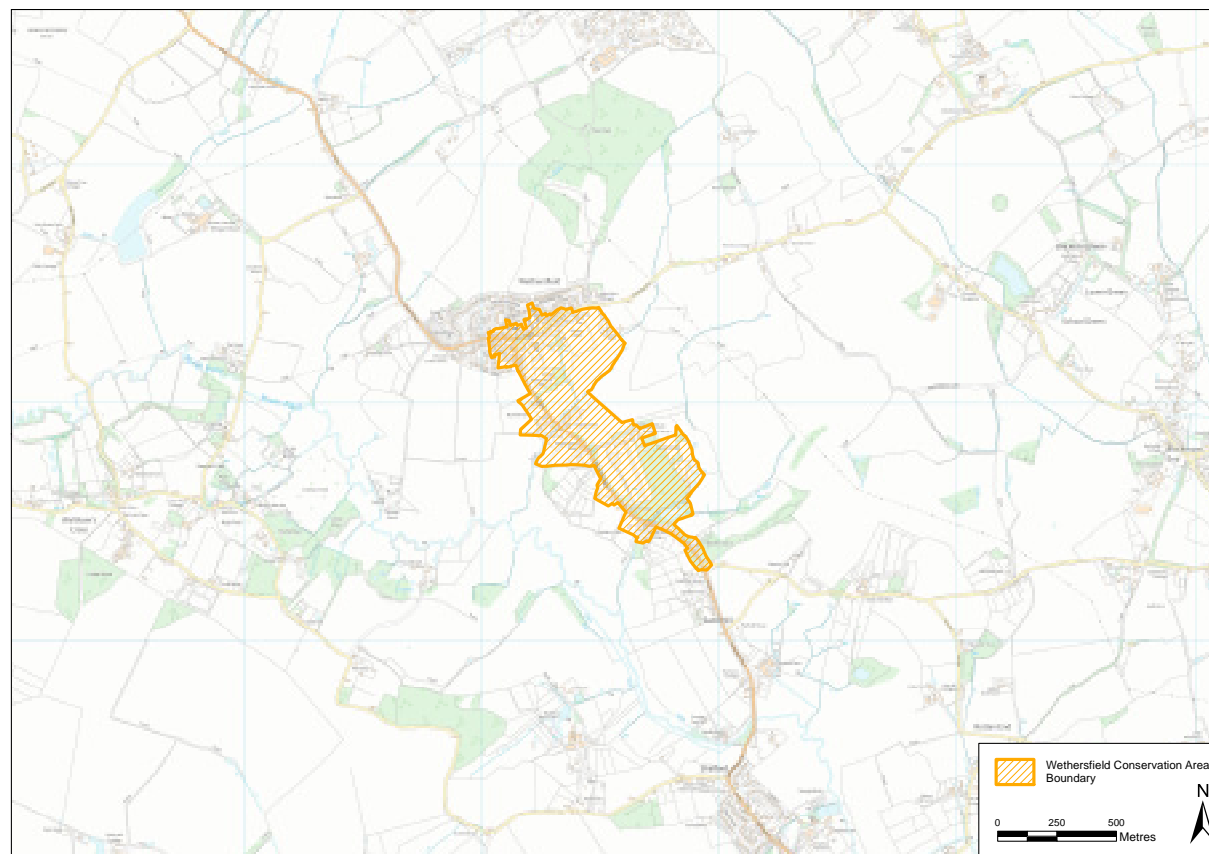


Figure 2 Wethersfield Conservation Area (2019) within its wider context

2.2 Origin and Evolution

Wethersfield is first recorded in the Domesday Book (1086) when it was held by Picot from the King, having been held by Earl Algar in 1066. It was already a reasonably large holding, with 43 households. In 1086 there was arable land for 13 plough-teams and a large amount of woodland (sufficient for 500 pigs), as well as meadows and two mills. In addition to the main manorial holding there were other smaller land-holdings, of which two were held by priests before the Conquest, and a third mill. At this date all of the mills would have been water-mills, presumably located on the River Pant and the Wethersfield Brook.

The historic village is focussed on the junction of the Braintree Road, High Street and Silver Street. The junction forms a small triangular green. The road is slightly sunken, with many of the buildings on plots that are higher than the carriageway.

The Parish Church of St Mary Magdalene is located on the southern side of the village, on the eastern side of the junction. The Parish Church of St Mary Magdalene has a possibly pre-Conquest nave, with ongoing additions and remodelling throughout the medieval period. The tower is early thirteenth century, and the chancel is early fourteenth century in origin.

Wethersfield Hall is located approximately 130m to the south of the Church, and was accessed by a lane from the High Street next to the Churchyard and a second lane from the Braintree Road. The Manor of Wethersfield was held by Henry de Cornhill, Bailiff of London in 1190, and then by the Nevill family in the thirteenth century. The Parsonage (now Parsonage Farm) was situated on the eastern edge of the village.



Figure 3 Excerpt from the 1777 Chapman and André map showing Wethersfield and its immediate environs

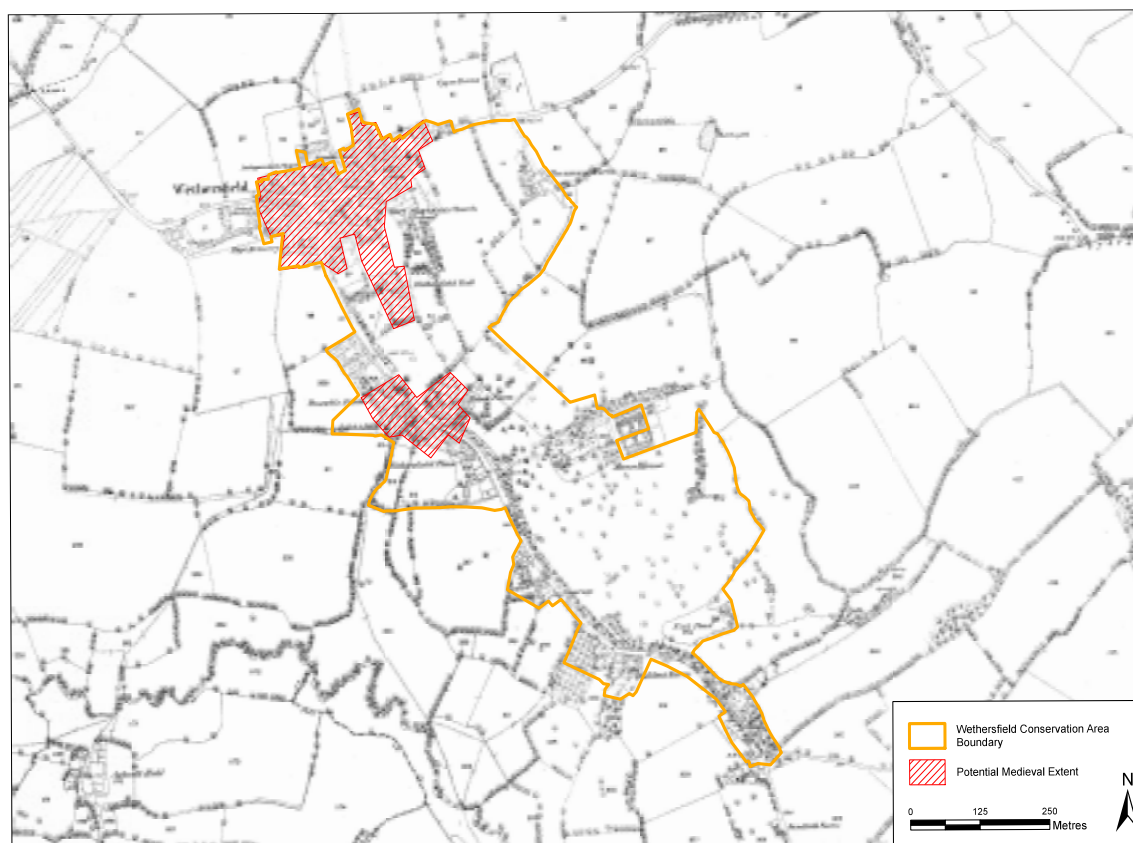


Figure 4 Potential Medieval extent in Wethersfield

Dispersed farms and cottages were positioned along the Braintree Road led into the village; these were not as densely grouped as those within the historic core of the village.

A number of medieval buildings survive in Wethersfield, in addition to the Parish Church of St Mary Magdalene. Brook Farmhouse on the Braintree Road has late thirteenth/early fourteenth century origins, before being altered in the sixteenth century. On the High Street, Trodds Garage is a fifteenth century hall house, and The Gables and Church Hill House are late fifteenth or early sixteenth century timber-framed houses with later alterations.

The sixteenth century in Wethersfield appears to have been associated with a period of growth, or at least of rebuilding, with many of the listed buildings on the northern side of the High Street dating to this period – it is not known what proportion of these may have incorporated earlier fabric. To the south, Russell's Farm is largely seventeenth century in date. There was a phase of nineteenth century building within the village, most notably with the United Reformed Church (formerly the Congregational Chapel), which is located on the north side of the Green.

A chapel was constructed on the site in 1707, and was rebuilt in 1822, before being enlarged in 1861. The former schoolroom was constructed in 1876 in the Gothic Revival style. To the right of the approach to the chapel is the late sixteenth century Manse.

The industries associated with Wethersfield are typical of rural Essex settlements, comprising milling, brewing and brick-making. The Wethersfield or Hope Brewery site, on the south-western corner of the road junction, is a complex formed of a number of extant components of a large nineteenth century village brewery, comprising a brewhouse, malthouse, brewery owner's house, public house and stabling. There was a second malthouse to the rear of Brook Farm; part of the kiln of this structure survives.

A windmill, known as South Mill, was depicted on the 1777 Chapman and André map to the south of the eighteenth century village, and another is depicted on the western side of the village on the 1881 first edition Ordnance Survey (OS) map.

Russell's Farm Brickyard, Finchingfield, manufactured bricks and tiles in the 1840's to 1850s. It was located to the south-west of the village to the rear of Russell's Farm. John Giblin was the owner and occupier of this brickyard and kiln until succeeded by Charles Davey, circa 1844. At the time of his death in 1850, Charles Davey held wind and water mills in addition to this brick kiln. His father, Matthias Davey was a miller at South Mill, Wethersfield by 1782 until 1810 when Charles Davey went took it over. Charles Davey also purchased a post mill (which stood near his West Mill) from the executors of John Livermore, formerly a farmer and miller of Wethersfield. This was a newly built post mill probably erected c.1806. There is no further reference to it after 1814 and it is presumed that it was demolished.

The Manor House, located 600m to the south-west of the Church, is depicted on the 1881 first edition OS map, and it is not shown on the 1777 map. It had formal gardens and an area of parkland. The current building is on the site of former Dobbins Farmhouse, (as shown on the 1724 'Plan of the Alexandra Palace and Park' by Bland Joseph, Parker Samuel, Smyth Payler and Warburton John). However, it is now known how much if any for this building survives, as a fire originated in this earlier part of the house in 1933, and the western wing was rebuilt as a result. The Manor House now comprises of an early nineteenth century high status building.



Figure 5 Kiln at Wethersfield, ERO (Ref IMb 397-1-3)

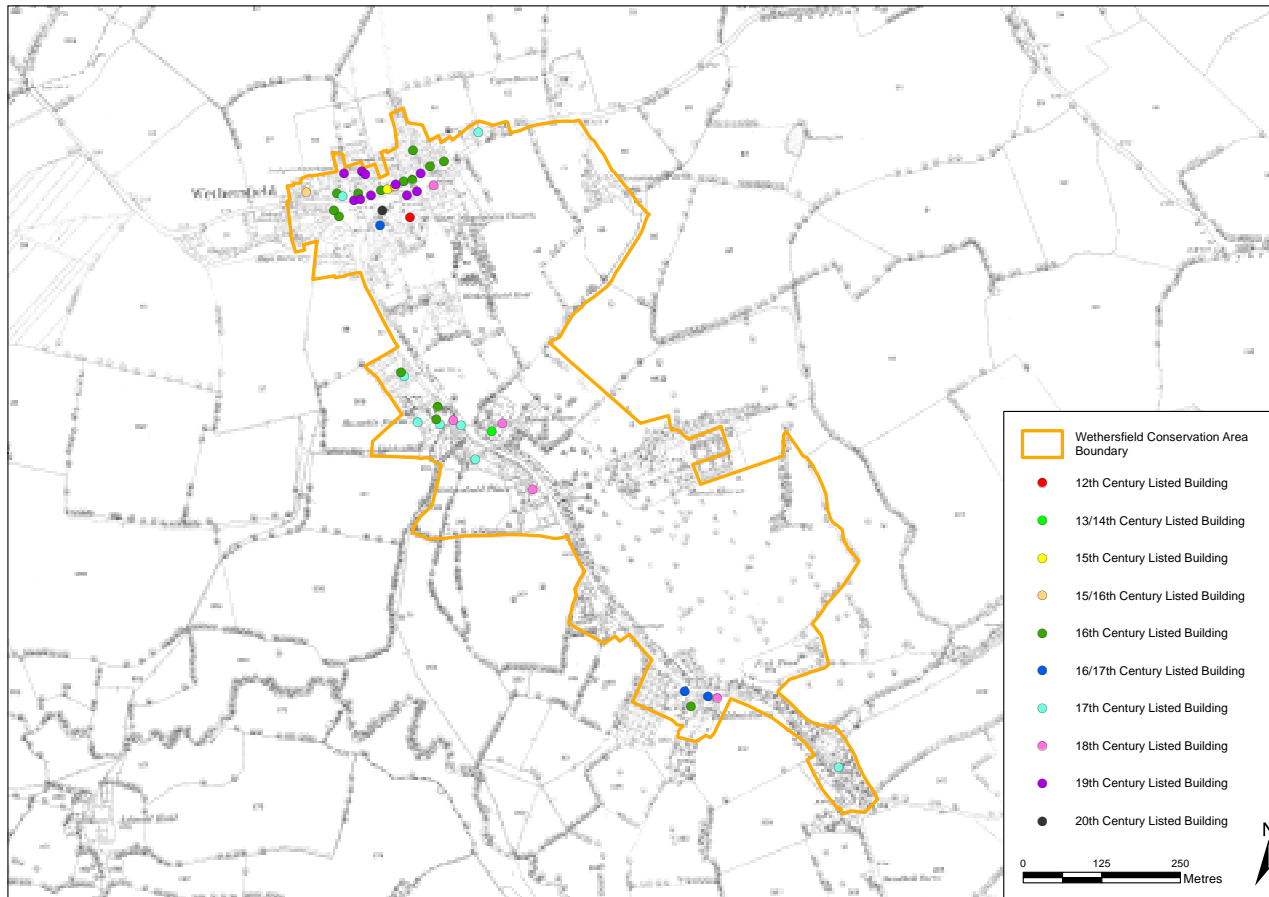


Figure 6 Post-medieval Wethersfield. The Listed Buildings have been superimposed over the first edition OS map (1881)

The immediate surroundings of the village are overwhelmingly agrarian in character, as they would have been during the entirety of its existence. To the west of the village, cropmarks show where smaller fields have been amalgamated to form larger fields.

Twentieth century built development has been largely confined to the north of the conservation area, with few areas of infill within the historic core. This development includes the Saffron Gardens housing estate to the north of the High Street, and a smaller development to the south-west of the road junction at West Drive. The introduction of the playing fields expanded the village to the east and provided a key, communal public space for the residents of Wethersfield, where useable public realm spaces had previously been lacking.



2.3 Designation of the Conservation Area

Wethersfield Conservation Area was designated in 1973. The extent of the conservation area was mapped, but there has been no accompanying Character Appraisal or Management Plan.

In 1988 Braintree District Council produced a booklet on 'Conservation Areas and Historic Buildings in Braintree District' which in the introduction makes comment that "The 1967 Civic Amenities Act introduced the concept of conservation areas as a basis for safeguarding areas of special architectural or historic interest thereby acknowledging that the quality of the architectural interest lay not only in the buildings themselves but in building groups and entire environments." The criteria for conservation area designation include the setting of the conservation areas 8a. Landscape setting/topography (settlement in valley, hilltop or ridge), 8b. Settlement landscape: village greens, ponds, trees, riverside setting.

2.4 Revisions to the Boundary

As part of this review, the conservation area boundary has been revised to reflect changing methodologies of good practice and provide a clearer strategy which acknowledges the practicalities of Wethersfield's unique historic built environment.

Justification for the boundary revisions

The NPPF (2019, para. 186) states that "When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest".

The significance of the Wethersfield Conservation Area is derived from its historic settlement pattern and its high-quality buildings of historic and architectural merit. The Conservation Area has been divided into three distinct character areas, the historic village centre, Wethersfield Hall and Russel's Farm area and the manor House area (see Section 3.3). The varying elements of Wethersfield's historic settlement pattern is legible in these three areas and the rural setting of the Conservation Area enhances the observer's ability to experience and appreciate that significance.

The Glossary of the NPPF defines setting as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral" (NPPF, Annex 2: Glossary).



Wethersfield Conservation Area was designated in 1973 and no review of its boundary has been undertaken since its designation. Since 1973 the understanding of conservation and heritage issues, such as significance and setting, has evolved significantly, partly due to the pressure from development. This evolution of understanding has been reflected in the latest iteration of planning policy, the National Planning Policy Framework and its associated guidance (updated 2019).

Throughout England it is impossible to find an area of land, field, paddock, plantation or meadow that does not have a long history of use, cultivation or ownership. Yet this alone does not provide sufficient historical significance worthy of Conservation Area designation. An area would need to have special architectural or historic interest for such designation and it is solely in order to ensure the robustness of the Wethersfield Conservation Area, that those parts lacking the necessary special interest have been excluded. However, open areas that have been excluded form an important part of the setting of the Conservation Area. The undeveloped pastoral character of the setting contributes to the Conservation Area's significance and allows that significance to be appreciated. The setting of the Conservation Area is discussed in detail in Section 3.3.

Any application for inappropriate development within the setting of the Conservation Area would therefore be considered unacceptable, if it failed to preserve the elements of setting that make a positive contribution to the Conservation Area (or which better reveal its significance). Therefore, the local authority would actively support proposals that retain the open, pastoral character of the Conservation Area's setting. Any development proposals that fail to retain this character would not be favourably judged by the local planning authority as there would be a detrimental impact on the significance of the Conservation Area.

This forms a strong and clear argument for the retention and preservation of the pastoral character of the Conservation Area's setting and the contribution it makes to its significance.

The removal of open meadows and fields that do not have special architectural or historic interest and their subsequent characterisation as part of the Conservation Area's setting, is essential in order to ensure the continued strength of protection the Conservation Area designation brings.

The Boundary Changes

Please refer to Figure 7 and the numbered areas described in the text below.

Area A

This area has been excluded from the east of the former Conservation Area boundary. It is currently an agricultural field and is shown as being under arable cultivation on the 1842 Tithe Apportionment. Similarly, the field is shown as being one of the many agricultural fields of the Manor House Estate, within the landscape to the east of the village, in maps relating to the sale of the estate in 1877. The area excluded therefore has a history of agricultural use and a functional connection to the village, which it shares with many of the fields in the wider landscape. To the west and north of Area A, the open area belonging to the Manor was landscaped and the entry drive up to the Manor was known to have originally run through this area, with a gated entrance off the High Street, to the east of St Mary Magdalene Church. Therefore, this area, with its historic special interest, and its landscaped character, can be easily distinguished from Area A, the cultivated land to the east. The boundary has therefore been redrawn to retain the open land with historic special interest in the form of the designed and landscaped approach to the Manor but exclude the agricultural field to the east. The excluded area forms a valuable part of the agricultural setting of the Conservation Area and this is discussed in detail in Section 3.4.

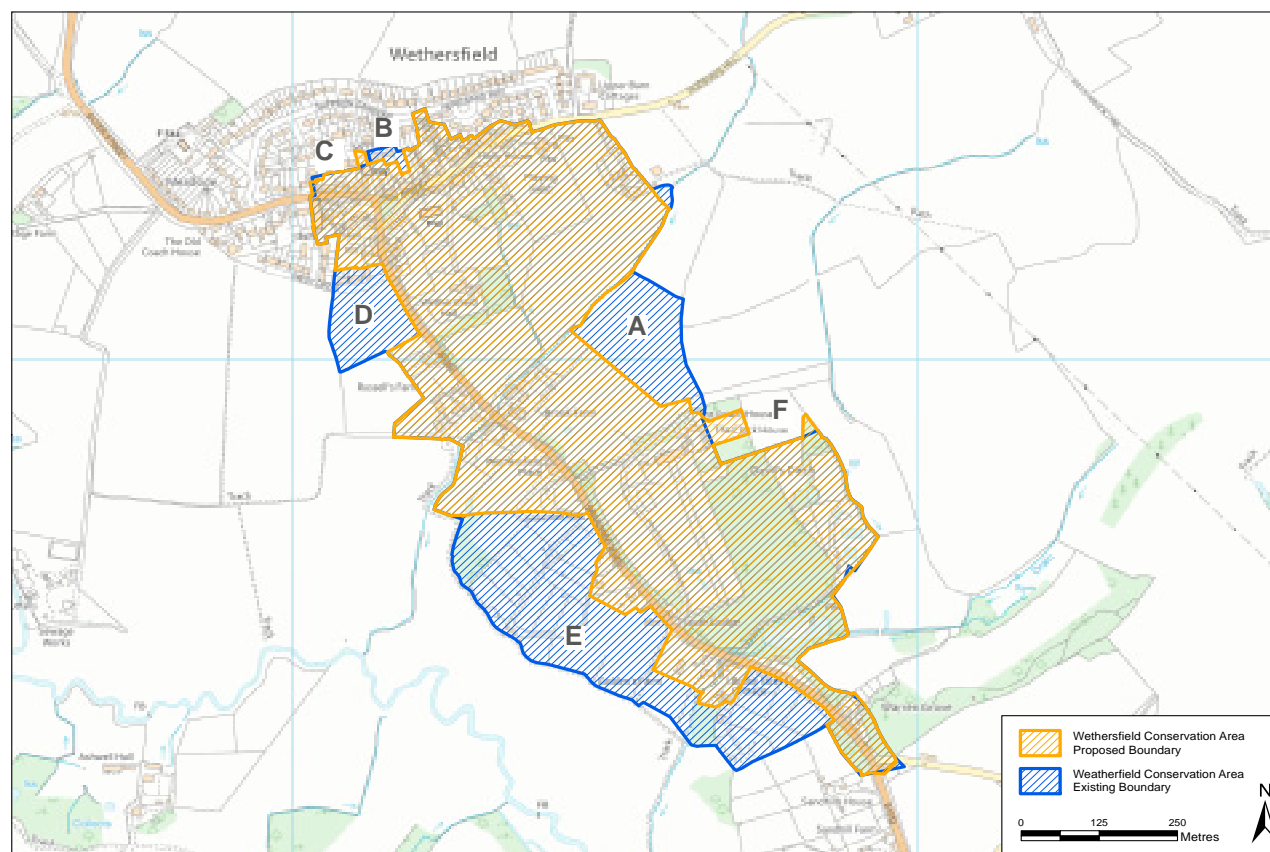


Figure 7 Revisions to 1973 Conservation Area Boundary



Area B

To the north of the Conservation Area, numbers 3 and 4 Saffron Close have been excluded. The semi-detached dwellings were built in the late twentieth century and lack architectural or historic special interest. In appearance they do not contribute to the character of the Conservation Area.

Area C

The boundary has been extended to include the southern part of the Congregational Graveyard, containing well maintained open green space of historical interest and forming a strong relationship with the United Reformed Church.

Area D

Area D is an open meadow to the south of West Drive. Prior to the development of West Drive the meadow was more extensive and the area is known to have been used as the site of village cricket matches in the past. The area is flanked to the west by a public footpath (PROW 117_10) and the open space allows important views towards the village and the Conservation Area. However, while the space is close to the village core and has been utilised by the village in the past, the space does not have sufficient architectural or historic interest in its own right to justify inclusion within the Conservation Area. Yet as an element of setting, its undeveloped and pastoral character makes a valuable contribution to the Conservation Area. The Conservation Area's setting is discussed in detail in Section 3.4.

Area E

The open meadows and paddocks to the south-west within Area E have a history of agricultural use and doubtless a historical connection to the nearby properties of Wethersfield Place, Parkside, the Vicarage and Goldens Farm. Much of Area E is still sub-divided to form paddocks, while other areas are more wooded or open meadows.

However, in its own right Area E does not have sufficient architectural or historic interest to justify inclusion within the Conservation Area. Yet, as a setting, the pastoral character of the area provides an important element that makes a positive contribution to the Conservation Area, allowing its significance and special interest to be appreciated.

Area F

The boundary has been extended to include the walled gardens of the former Manor House. Thus, the parts of the manorial estate, that retain the requisite special architectural or historic interest, have been brought into the Conservation Area boundary.

Appropriate alternative designation for open areas excluded

While areas that have been excluded lack the architectural and historic special interest worthy of Conservation Area designation, they may qualify for Local Green Space designation. Historic England describe this as a discretionary designation, to be made by inclusion within a local development plan or neighbourhood development plan.

The designation should only be used where the land is not extensive, is local in character and reasonably close to the community; and, where it is demonstrably special, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. Policies within the local development plan or neighbourhood development plan for managing development within a Local Green Space should be consistent with the policies protecting green belts within the NPPF. Where a community wishes to take up the opportunities offered by neighbourhood planning, the legislation enables a parish or town council, a neighbourhood forum, or a community organisation to lead in the formation of a local development plan and designations such as Local Green Spaces.

2.5 Designated Heritage Assets

There are 44 listed buildings within the conservation area (see Appendices 6.2). Of these, the Parish Church of St Mary Magdalene is Grade I listed, and there are two of Grade II*: Simm's Farmhouse and St George's House. The remainder are Grade II listed. These are shown on Figure 10.

2.6 Non-Designated Heritage Assets

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.

There is currently no adopted list of buildings of local historical and/or architectural interest in the District. In 2017 Braintree District Council, in partnership with Place Services, began the process of reviewing built development within Wethersfield to assess suitability for inclusion in a local list. At present no non-designated heritage assets within Wethersfield have been considered for inclusion, however, buildings within the conservation area which should be considered for inclusion are identified below.

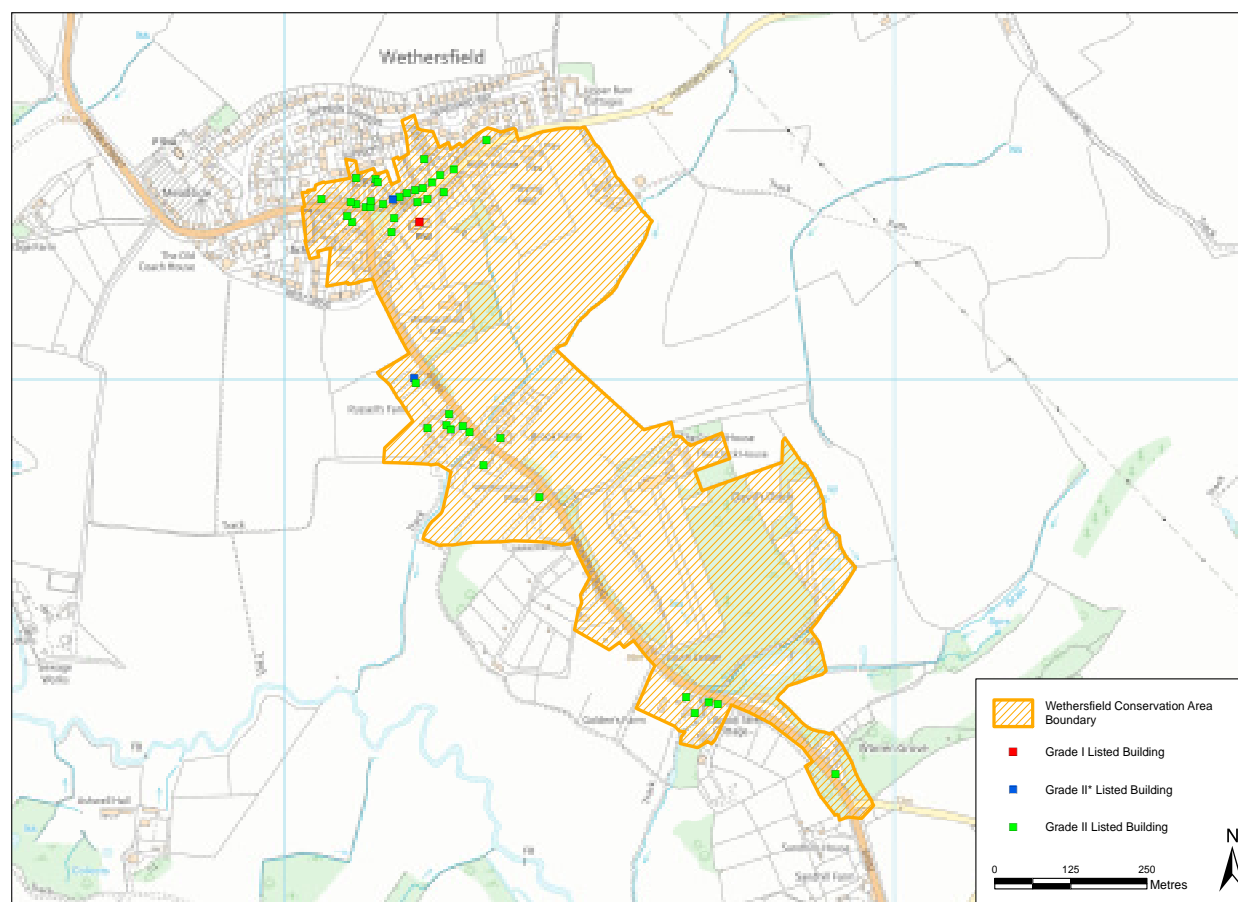


Figure 8 Designated heritage assets

These buildings have been identified as they are either considered to be good examples of their type or architectural style, are prominent local landmarks, demonstrate use of local materials or design features, or are connected to local historical events, activities or people, and are all relatively complete in their survival. Other buildings within the Conservation Area that make a beneficial contribution to the area's character may also be identified in the future as non-designated heritage assets, during the decision-making process on planning applications.

- The Wethersfield or Hope Brewery site (HER 15973), including: the Brewhouse; brewery malthouse, now the village hall; 'Hillfoot House', the former brewery owner's house; the Brewery Tap public house; and the former stables;
- Wethersfield Hall; and
- The Manor House and its associated buildings.

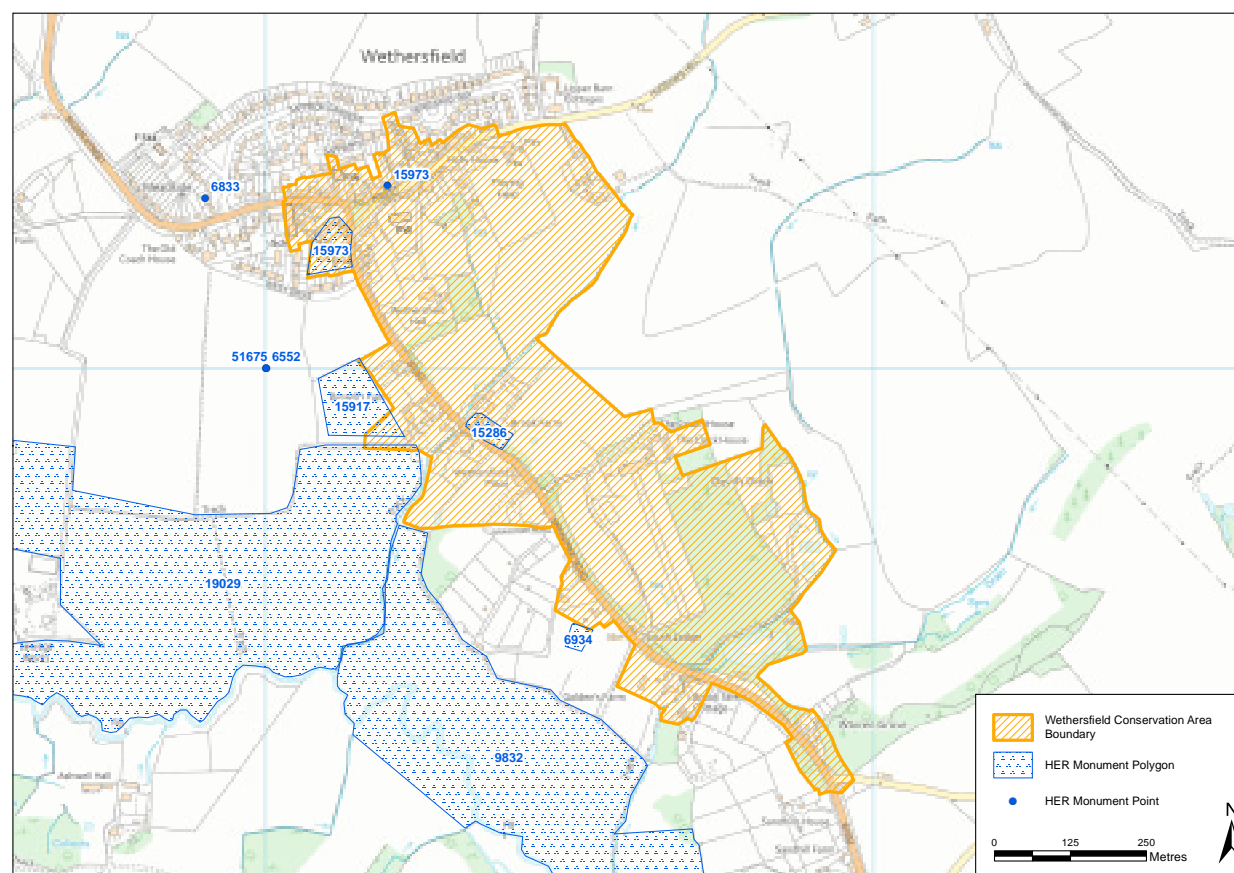


Figure 9 Non Designated heritage assets

2.7 Heritage at Risk

The Grade II Listed Barn, approximately 12 Metres South West of Russell's Farmhouse, is currently in state of deterioration, and is considered to be at risk from further deterioration and potential loss of fabric. It will require maintenance and appropriate repairs.

It is also considered that the red brick walls in the conservation area are regularly assessed and maintained, as these form a unique feature of the conservation area and contribute to its significance, and parts could be lost if remedial works are not undertaken.

2.8 Archaeological Potential

There has been no archaeological fieldwork within Wethersfield to date. However excavations in neighbouring Great Bardfield have demonstrated the survival of below-ground archaeological deposits relating to the origins and development of the settlement, and there is no reason to believe that Wethersfield would be any different. Whilst settlement evidence is more likely to be sited along the street frontage, the backyard areas will contain evidence for ancillary activity, such as wells, cess-pits, yards and middens, as well as industrial activity. The soil-type is conducive to the survival of bone and ceramics, and there is the potential for significant palaeoenvironmental deposits associated with the River Pant. Waterlogged deposits can also be anticipated within deeper features such as wells and cess-pits.



Figure 10 The Green looking west



Figure 11 Looking North East from footpath towards Village

3.0 Assessment of Significance

3.1 Summary

Introduction

The special interest of Wethersfield is derived mainly from its historic settlement pattern, which is still discernible in the existing landscape, and high quality buildings of historic and architectural merit. The historic housing stock is in good condition across the conservation area, with buildings ranging from the sixteenth to nineteenth centuries. Modern development has largely been confined to the north of and east of the conservation area, leaving the historic core as predominantly historic in terms of its building stock.

Its open manorial and farm character to the south also contributes to its special interest, the open fields juxtaposing with the brick walls and historic hedgerows which line the route north to the village centre.

The topography of the conservation area also contributes to its character; undulation within the village core provides a varied roofscape and street scene, and elevates buildings surrounding the Green to create a visually appealing core to the village. The Parish Church of St Mary Magdalene and The Manor House are located on high ground, on either side of the valley; this creates inter-visibility between the two, and creates views from within and towards the conservation area.

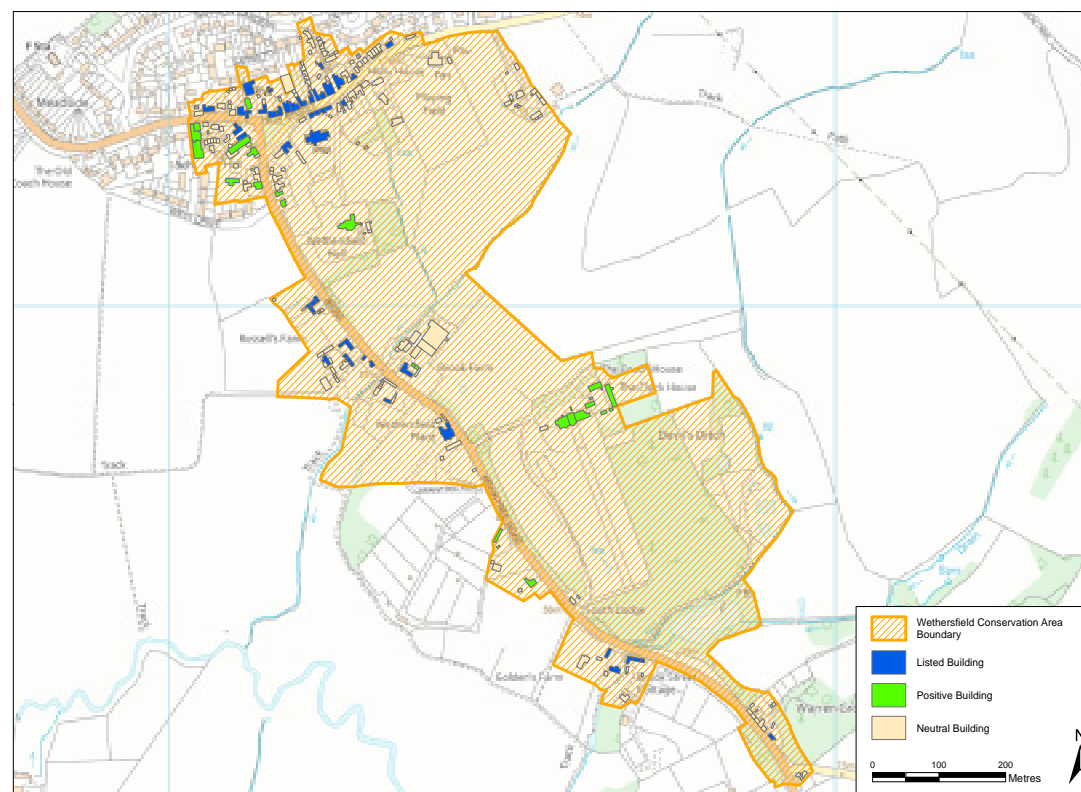


Figure 12 Looking North East from footpath towards Village

Built Environment

The late medieval and post-medieval housing stock is in good condition throughout the village; as such, a number of buildings make a positive contribution to the area. These, along with neutral, negative and listed buildings, are highlighted on Figure 12.

Land Usage

The conservation area predominantly comprises of residential buildings to the north, with some commercial elements and amenity buildings such as the school, churches, playing field, and former breweries. To the south, the conservation area consists of some residential buildings, including Manor House, Wethersfield Hall and dispersed farmsteads, set within agricultural land.

Key Views

Key types of views are identified below, although this list is not comprehensive and other views of significance may be identified during decision-making process on planning applications. Any proposals for development within the conservation area, or its environs, should consider the types views below and any others which may be relevant or bespoke to that proposal. It is also notable how these views alter in character between winter and summer months which must be taken into account.

- Type 1 Open views towards the settlement;
- Type 2 Designed views between notable buildings;
- Type 3 Views out to the agrarian landscape;
- Type 4 Views of notable buildings;
- Type 5 Views of notable spaces;
- Type 6 Medium distance developing views;
- Type 7 Views from alleys and narrow streets; and
- Type 8 Glimpsed views throughout the conservation area.

Some key views of these types have identified based on the above criteria. Note the views included are a selection of key views; this list is not exhaustive and there are numerous other views of significance. Examples of these view types are identified on Figure 10.

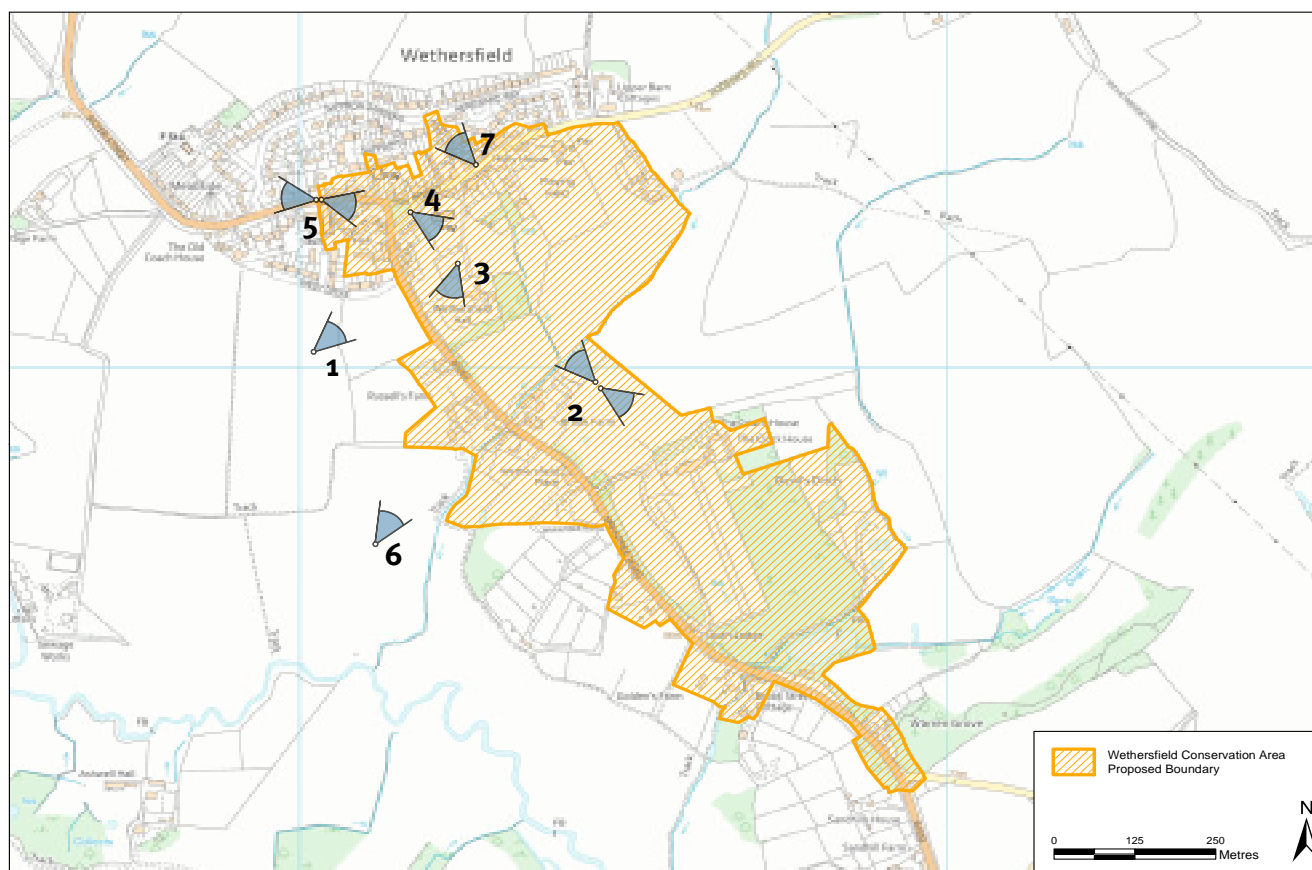


Figure 13 A selection of key views

- Type 1 Towards the settlement from the public footpath which adjoins the settlement at West Drive;
- Type 2 Views between Manor House and the Parish Church of St Mary Magdalene;
- Type 3 South and south east from the churchyard of St Mary Magdalene;
- Type 4 Towards the Parish Church of St Mary Magdalene's from the village Green;
- Type 5 East and west along Silver Street;
- Type 5 West from Braintree Road towards the Brewery;
- Type 6 North East from Public Right of Way towards the village centre; and
- Type 7 North from Dog Chase towards open fields.



Landscaping and Open Spaces

There are several key areas of green space within the conservation area. They make a positive contribution to the conservation area in that they are visually appealing elements of the village, however they do not provide public realm or amenities for congregation and village activity. The later addition of the recreation ground to the east reflects this.

The most significant open space from a public realm perspective within the conservation area is, arguably, the central village Green. The Green is located at the village's main junction of three arterial routes, creating a space where the buildings which surround it can be appreciated. The land slopes to the north, creating aesthetic views of the Green and giving it more prominence in these views. The Green is planted with mature plain trees. This makes a positive contribution to the conservation area

Uncharacteristically within the conservation area, buildings which surround the Green are also set back from the street behind smaller areas of grassed verges. These visually enhance the street scene, providing an aesthetic break between the street and surrounding buildings; the generosity of this space also provides juxtaposition between the enclosed character of those streets which adjoin it, most notably perhaps Silver Street.



Figure 14 The central village Green



Figure 15 Looking NE from footpath towards Village

The churchyard of the Parish Church of St Mary Magdalene is another key area of green space within the conservation area. Its mature boundary trees are partially visible from the High Street and make a positive impact on the street scape. The churchyard itself provides an important area of public realm, of historical associative and communal value to the village, and consists of a well maintained and positive ecclesiastical setting to the church. The churchyard is enclosed by some buildings and planting to the north, however shares a visual link with fields to the south east, which enhance the rural landscape setting of the church, assisting in establishing a tranquil space of remembrance.

To the south of the village core, wide areas of open landscape form a significant feature of the conservation area. These fields and manorial grounds are reflective of historic land use, and have been retained to the south of the conservation area.

Traditional/Local Building Materials and Details

Buildings within the village core are constructed in materials which are regionally typical; in red brick with plaster rendering and handmade red clay tile roofs. Barn buildings to the south of the conservation area are clad in weatherboard with red clay tile roofs. There are examples of later buildings which are red brick, or stucco, and slate roofs in the north of the conservation area, and some thatched cottages to the south. Red brick and plaster are the predominant building materials in buildings and boundary walls throughout the conservation area.

Architectural detailing is simple. Flat and arched lintels can be found on nineteenth century buildings, as well as some decorative brick coursing, pargetting and exposed timber beams. Bow windows are also a common feature, and many buildings have retained sash windows. Cast iron and red brick boundary treatments are also common features across the conservation area.



Figure 16 View of Manor Park 1988 (ECC)

Public Realm

Public realm is largely formed of pavements, roads and associated street signage to the north of the area. Many properties in the historic core front directly onto the pavement, and while some have land between their front doors and the street, this is often small and enclosed by boundary walls. Some buildings have steps leading to front doors above street level and several feature iron railings. This pattern of development has left little room for public realm features such as benches, bins, and street lighting along the High Street and Silver Street. There are some benches on the Green and a village sign; however this area is predominantly sparse of street furniture.

To the south of the area, the historic route often has stretches without a pavement, and there is no street furniture.

Beyond the Conservation Area Boundary

The conservation area draws significance from the wider landscape. The former manorial park, associated with the Manor House, is located in the south of the area and south east of the House; this provides the Manor House's original setting, and contributes to our understanding of the heritage asset, and how we experience and interpret the heritage values of the Manor House and Conservation area (Figure 11). It is not, however, included in the conservation area, due to the significant change in land use and loss of original parkland features. These areas contribute positively to the setting of the Manor House and the setting of the conservation area; however they are no longer in themselves of significance.



Open fields to the south west and north of the area also make a positive contribution to the conservation area; they enhance our understanding of the development of the village within its rural landscape, and the valley topography allows for clear views from the village and into the village from its arable setting. They also provide a clear distinction between the agrarian landscape, comprising of fields associated with each farm, and the village.

The playing fields to the north east of the area contribute to the conservation areas significance by forming an important part of its setting, enhancing the way in which it is experienced, understood and appreciated. They also form an area of open space which affords wide reaching views towards the south of the area.

The airfield to the north of the village is also a significant feature which contributes to the area. Although it is not visible from the village, the introduction of the airfield would have impacted on the village economically and socially during the war, and is of historic and communal value to Wethersfield.

There is now considerable twentieth century housing to the north of the conservation area, which forms the immediate setting of the historic core. This has impacted the historic plan and detached the core from its agrarian landscape setting in the north.

3.2 Character Analysis

The conservation area is divided into three character areas reflecting the predominant land use, location and historic development of the village. The three distinct character areas which comprise the conservation area are the Historic Village Core (Character Area 1), Wethersfield Hall and Russell's Farm area (Character Area 2), and Manor House area (Character Area 3).

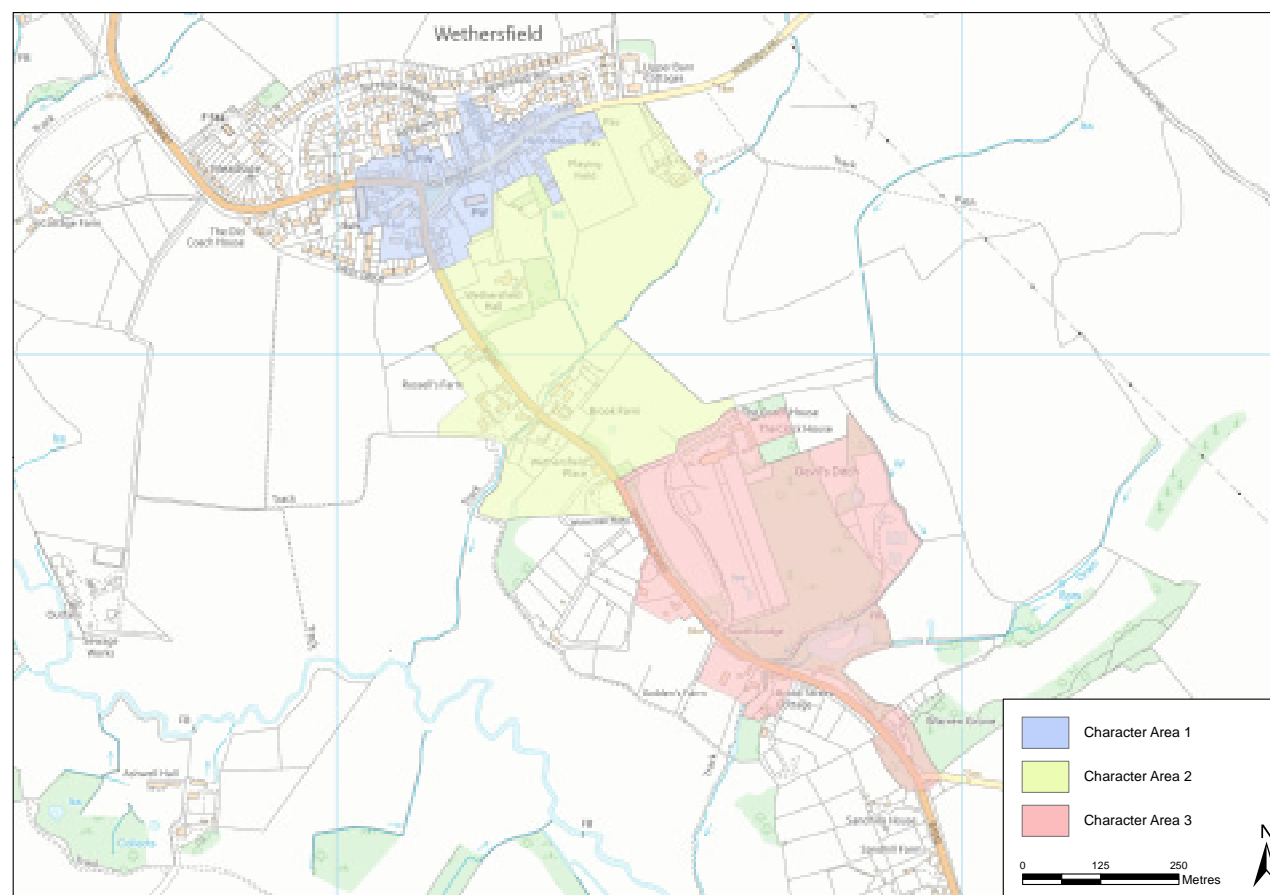


Figure 17 Character Areas

Character Area 1 Historic Village Centre

This character area includes the historic core of the village, which is centred on the road junction. The area consists of the majority of the built development in the conservation area, developed around the High Street, Silver Street and the Green. The area is formed of high land to the north, with the Green partly sunken, affording clear views of surrounding dwellings and sense of enclosure from within the village centre.

Streetscape and building materials

The building stock is largely formed of rendered timber frame buildings, often cream coloured with red clay tile roofs, and later nineteenth century red brick, with slate and plain tile roofs. The majority of buildings are residential and of a fairly small scale, typically ranging from 1.5 to 3 storeys (the latter being the exception rather than the rule). Gables, dormers and chimneys, combined with the gradual include in topography, create lively roofscapes. Windows and doors are typically of timber and single glazed, though there are exceptions, which has on occasion been to the detriment of the properties aesthetic value and the character and appearance of the conservation area.

Historically the village has developed around the convergence of Silver Street, Braintree Road and High Street, centred on the village Green. This has resulted in typically narrow plots, with buildings slightly set back from the pavement behind small front gardens or planting, sometimes defined by low brick walls or iron railings. This gives a strong sense of enclosure within the historic core (Figure 16).

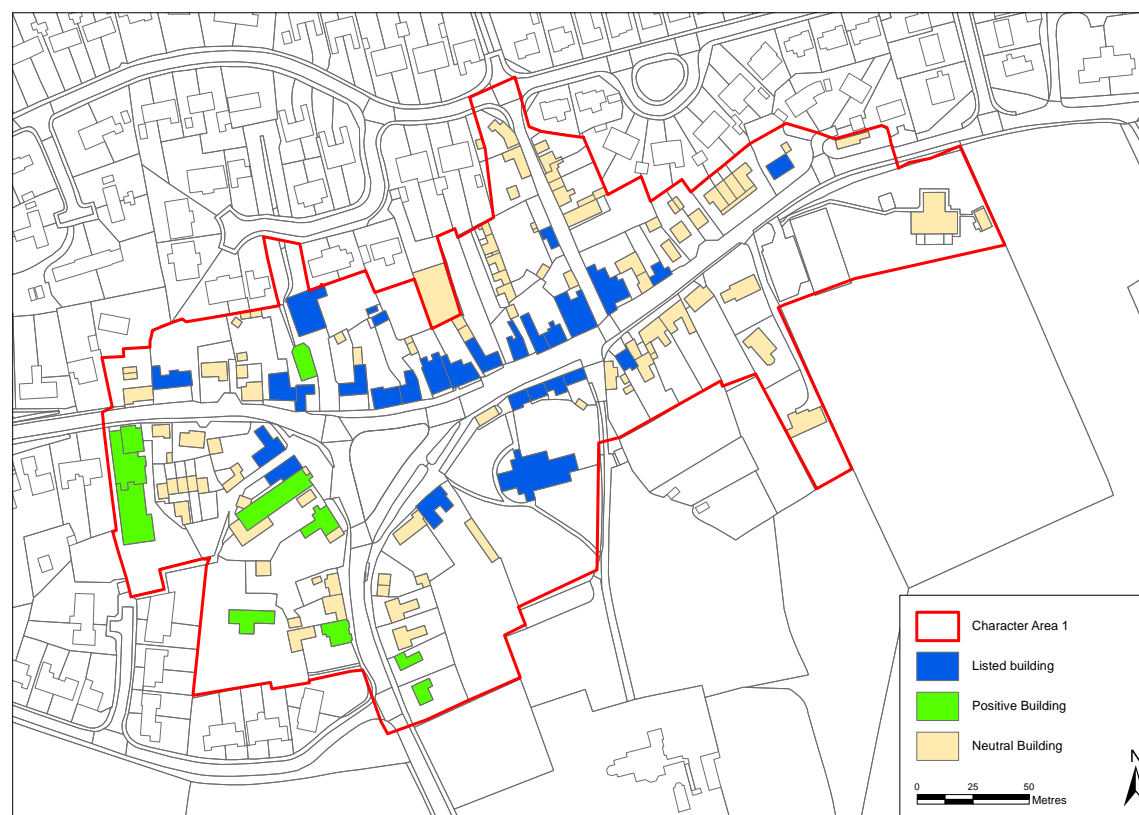


Figure 18 Character Area 1 Historic Village Centre



Figure 19 High Street looking east



Figure 20 Example of boundary treatment,
Olive House Silver Street



Figure 21 Churchyard looking South East

Boundary treatments

Many dwellings have retained boundary treatment, formed of low brick walls and iron fencing, with planting in gardens. This contributes positively to the character of the area, with original plots well defined, well maintained and enhanced by planting which softens the streetscape (Figure 17).

Planting

With the exception of the central green and churchyard, soft landscaping (including trees and hedges) is primarily within private land. There are frequent examples of established planting in front gardens, and even houses which front onto the pavement and street have well maintained pots of climbing plants, to bring greenery to the streetscape. The garden of the Manse is particularly notable; in a prominent position overlooking the green, and set behind Grade II listed iron railings, the garden is planted with well-maintained box hedge parterre.

There is also substantial boundary planting within the Parish Church of St Mary Magdalene's churchyard (Figure 18), which is visible from views towards the church.

Views

This area comprises of the following kinetic views:

- Continual views of church tower throughout conservation area;
- Glimpsed views of some areas of backland development (for example Dog Chase);
- Glimpsed views of Wethersfield Hall from the south of the area;
- Views towards the settlement from roads and PROW, as well as key properties (Manor House); and
- The topography of the area, together with differing building heights, gives layered views throughout the High Street.

There are limited outward views when within village, due to the building density and enclosed character.

Individual Listed Buildings

This character area includes the highest density of listed buildings along the historic high street and surrounding the village green. All of the Listed Buildings are Grade II unless otherwise stated.

North of Silver Street and High Street

To the north of the High Street, a high density of listed buildings forms the streetscape, all of which make a positive contribution to the historic character of the village.

Along Silver Street, The Gables (LB 1337864) is located at the north west end of the conservation area. The house is predominantly of fifteenth and sixteenth century, altered in eighteenth, twentieth and twenty first centuries. The building is timber framed, rendered (although previously clad with twentieth century weatherboards), and roofed with handmade red clay tiles. The main range is of one storey with attics, dormer windows and gabled dormers.

Further east is Castle House (LB 1168521), an early sixteenth century jettied and plastered timber framed building, of four bays and two storeys, with a handmade red clay tile roof. The house is set back from the road and enclosed by adjacent building, Chapel Cottage, to the east. Castle House was altered in the eighteenth, nineteenth and twentieth centuries, and now includes a stack at the left end, eighteenth century extension with gambrel roof to rear of right bay, twentieth century extensions to the rear, and twentieth century door and shop window in right bay. The building retains simple architectural features such as the four nineteenth century scrolled brackets below the jetty (Figure 21).



Figure 22 Castle House, High Street



Figure 23 United Reformed Church

Adjoining Castle House at the east is Chapel Cottage (LB 1123334). This early seventeenth century house, extended in the twentieth century, was possibly built as an extension to Castle House, although is now a separate dwelling. The house is timber framed, rendered, with handmade red clay tiles. A twentieth century extension extends to the north east, forming an L-plan footprint. The building encloses a small garden to the east, and garden wall abutting the pavement. The west elevation retains the head of an original oriel window, with mortices for 4 mullions and 3 diamond saddle bars, a rare feature.

Set back from the road opposite the junction of Silver Street and High Street is the early nineteenth century United Reformed Church. Its southern main façade is constructed in gault brick with dentileaves course, and in red brick elsewhere, in Flemish bond with a slate roof. The church was built in two stages, beginning with the north part and extending to the south in 1822. The Church is two storeys, with two pairs of pedimented double doors, each with two panels, and overlights, with panelled jambs and lintels. Each side wall has four similar windows on each floor, with a straight joint between the two stages.

The Mausoleum approx. 20 metres east of United Reformed Church (LB 1306940) is early nineteenth century in origin, built in red brick in Flemish bond under a slate roof. It is a rectangular plan, facing west, and is of one storey in height. Inscribed stone panels represent the Legerton family, including Isaac Legerton, 1832, Susanna Mary Ann Legerton, 1856, and the other members of the same family, all of Shalford.

South of the Mausoleum is the Cottage approx. 30 metres north-north- west of Lysvean (LB 1337877). This early nineteenth century cottage is timber framed, plastered and weatherboarded, and roofed with handmade red clay tiles. It consists of two bays facing south east, and is one storey with attic.

Further east are 'railings approx. 37 metres south-south-east of United Reformed Church' (LB 1123335). This includes railings and two square piers of early nineteenth century. The railings are cast iron with fleur-de-lys finials, and the piers are hollow with an ornate scroll and foliage design; these were filled with concrete in twentieth century, and are topped with solid iron tented finials.

The listing entry for the Railings and gateway approx. 7 metres south of The Manse (LB 1123336) includes the nineteenth century cast iron railings and gateway. The railings are in six sections, stepped up gradient, and set on a low red brick base, with fleur-de-lys finials. The hollow square piers at East end and on each side of gate are elaborately designed with scrolls and foliage.

The Manse (LB 1168561) is an impressive dwelling set behind the cast iron railings and an ornate garden, walled to the west. The house is late sixteenth century, altered in the early seventeenth, and is timber framed, rendered and roofed with handmade red clay tiles. The south façade is of three bays, with a stack in middle bay against the front wall, and a seventeenth century bay extension to right. The building is two storeys and attic, the rear wing of one storey and attic. The south façade consists of three-window range of eighteenth century three-light windows, which have been restored. The two feature gables and central gabled dormer are prominent in the main facade, each with one eighteenth century two-light window. The building is symmetrical, apart from the front door which sits to the east of the centre bay with 6 fielded panels and a shallow hood on scrolled brackets.



Figure 24 The Manse



Figure 25 Brick House and Lysevean



To the north of the Green is Brick House Lysvean (LB 1306955). This early nineteenth century dwelling was originally constructed as 1 house, and is now 2 separate dwellings. It is constructed in red brick in Flemish bond, roofed with handmade red clay tiles. Its main façade is well proportioned, with simple architectural details retained, with windows decorated with rendered flat arches and the western doorway adorned with a decorative fanlight. The main façade fronts south overlooking the Green.

St. George's House is Grade II* listed (LB 1337878). It was constructed in the early sixteenth century, in the eighteenth century, and altered in nineteenth. The building is timber framed, rendered and partly of painted brick, with slate roof. It has a symmetrical principal southern façade, comprising a sashed front of c.1800 three windows wide. It has a small, paved front patio enclosed by iron railings and a gate with steps down to pavement level.

Further east is Trodd's Garage (John Pease Motors) (LB 1123338). This fifteenth century timber framed building extends east from St George's House, and is stepped up following the gradient of the High Street. The building is two storeys in height, rendered, roofed with slate.

Church Hill House, (LB 1168634) was formerly listed as Church View and Hill Cottage. The timber framed house was constructed in c.1500, later altered in the sixteenth and twentieth centuries. In keeping with the High Street, it is rendered, and roofed with handmade red clay tiles. The house is two storeys, with three twentieth century casements at first floor level and twentieth century bow window, six panel door and garage under tiled hipped canopy at ground floor level. The western façade contains the exposed red brick chimney stack. Under the bow window, a small garden plot is enclosed by a low brick wall, planted with an established wisteria and flowerbed.

The Hoods (LB 1123339), constructed in the early sixteenth century and extended in the late seventeenth, is a timber framed, rendered dwelling with handmade red clay roof tiles. Its south east elevation fronts onto the High Street, and comprises of a two-window range of twentieth century sashes of four lights. The twentieth century door is designed in late sixteenth century style, and fronts onto brick steps and iron handrails leading to the pavement level.

The Bakery and Burleigh Cottage (1168649) were constructed in c.1580, and extended in the seventeenth and eighteenth centuries. It is a two storey property, with two separate front entrances and well-proportioned windows. The bakery is set back slightly from the main cottage façade to the west, with the nineteenth century shopfront window under a slated canopy. The roof is red clay tiles, and the building timber framed and plastered.

The Dog Inn (LB 1337840) was constructed in the early nineteenth century in red brick, with stucco at the principal southern façade only, with a slate roof. It is two storeys, with early nineteenth century sash windows of a good proportion. The building was converted to residential use in the twenty-first century and is referred to as Chase House.

Following Dog Chase north (Figure 25), The Cottage (LB 1123329) is located to the west of the lane. The house is timber framed, rendered and with a red clay tile roof constructed c.1550. Its interest is derived from its simple frontage, which has retained its historic character. An abstract of title states that it was built by Richard Hitching on land formerly part of The Hoods, date not stated.

Further east, the Virginia House and The Stores (LB 1168689) is located on the other side of Dog Chase on High Street. The building was constructed in c.1570, and the site comprises of a house, set back from the pavement, and shop. These are timber framed, rendered and roofed with handmade red clay tiles. The left bay of the main range forms The Stores; the remainder to the east is Virginia House. Virginia House is set back behind a small garden enclosed by a low red brick wall. Iron railings and piers are located atop the wall, with a hedgerow behind. The house has bow windows at ground and first floor level, with the Stores consisting of large commercial windows to ground floor and a small sash window to the first floor.

Blenheim House, built in the late sixteenth century, is a timber framed, rendered dwelling, with some exposed imitation framing to the eastern façade, and roofed with handmade red clay tiles. It is one storey with attics, with leaded dormer windows and bow window at ground floor level.

Seventeenth century Briar Cottage is located north east of the High Street; the house is one storey house with attic dormers, constructed in timber frame and roughcast render, roofed with handmade red clay tiles. The building is an unusual example of a small house of the first half of the seventeenth century, with high quality finish. It was originally symmetrical, but was extended by one bay to the east, with a bay window to the western end. The house is set back from the street, within a planted garden.

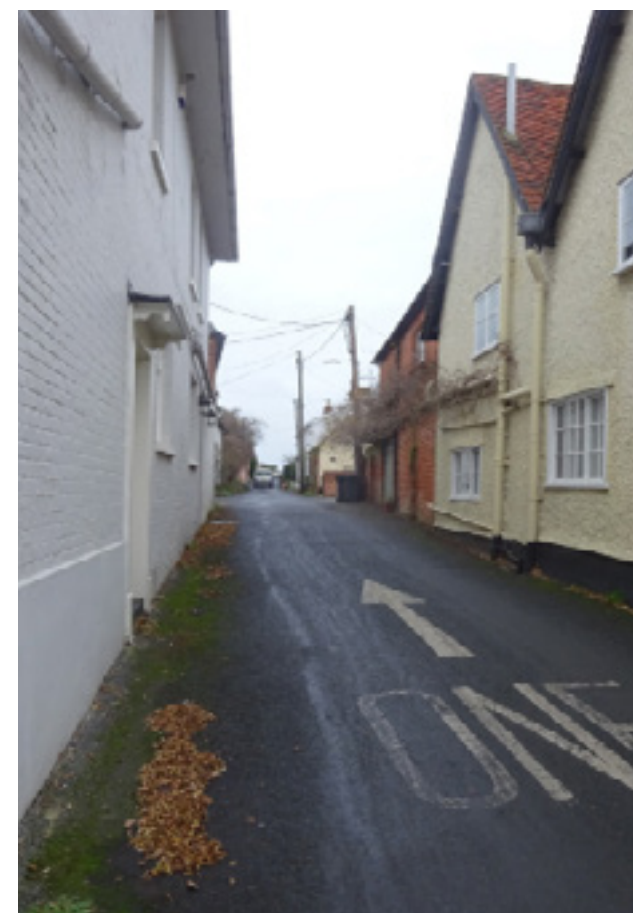


Figure 26 Dog Chase



Figure 27 High Street looking east



Figure 28 The Green and Church

South of the High Street

Eighteenth century Smithy Cottage (LB 1337841) is set back from the High Street behind a low garden wall and front garden; it is a timber framed, rendered, dwelling, roofed with handmade red clay tiles. The building is two storeys in height and of an L-shaped plan, orientated north-west.

(Sparrows) Post Office Cottages (LB 1168712) consists of a row of early nineteenth century red brick cottages, roofed with handmade red clay tiles. These are prominent in the street scene, and are 3 storeys in height, with a well-proportioned frontage and simple plaster architectural details over the ground and first floor sash windows and semi-circular arches above the panelled doors.

Further west, Numbers 3 and 4, (Churchyard Cottage), Post Office Cottages (LB 1123299) are located. These are a pair of mid-nineteenth century attached cottages, built in red brick and roofed with handmade red clay tiles. The dwellings are a rectangular block plan form, orientated North West with a prominent central stack. The sash windows are symmetrical apart from the ground floor eastern window, which has been enlarged to form a shop window and subsequently converted to a twentieth century casement.

South of the Green

The Parish Church of St. Mary Magdalene (LB 1337860) is a prominent feature of the Green, despite being set back, due to the topography of the area. The church is mainly twelfth to early fifteenth century in origin, altered in eighteenth century and restored in nineteenth. It is constructed in flint and pebble rubble, with dressings of limestone and clunch, and roofed with handmade red clay tiles and lead.

Opposite the Green is Ivanhoe House; this house fronts onto the Green, its main façade to the North West. The house was constructed in the sixteenth and seventeenth century, and altered in the twentieth century. It is characteristic of the area, timber framed, rendered with some exposed framing and roofed with handmade clay tiles. The two bays facing onto the Green are early sixteenth century. The dwelling is two storeys with dormer attic, however appears prominent due to its position on high ground. The right half of the front elevation is jettied, with the jetty and framing above exposed. The Bressumer is carved with folded leaf design.

The Telephone Kiosk to north of Ivanhoe House (LB 1329385) is a type K6 telephone box designed by Sir Giles Gilbert Scott in 1935. The square kiosk is constructed in cast iron, with its recognisable domed roof.

To the west of the village green is the dwelling named The Green (LB 1168614, listed as The House on the corner of The Green and Silver Street); the building is a late sixteenth century house, which was extended in the seventeenth, eighteenth and nineteenth centuries. It is timber framed, plastered and roofed with handmade red clay tiles. It is two-storeys high with attics. The original house comprised 4 bays facing onto the green, with an original wing behind the left end. Subsequent extensions on all sides have produced a complex building plan; it was in multiple occupation until c.1970. The house forms a substantial corner plot at the joining of High Street and Silver Street, set back from the street behind a low boundary wall.



Figure 29 Looking West over the Green



Figure 30 Ivanhoe House

Further south is Mill Chase House (LB 112337, listed as Rudi's Restaurant), a sixteenth century timber framed and rendered house under a slate roof. The building was altered in the early nineteenth and twentieth centuries. The house is set back from the street, although due to later alterations is three storeys tall, making it prominent in the group of buildings on the west of the Green.

Other buildings that make an important architectural or historic contribution to the street scene

The school forms the boundary to the north west of the conservation area, and makes a positive contribution to its character. Constructed in 1876, the Gothic Revival building is constructed in red brick under a slate roof, with decorative polychrome brickwork on its northern façade facing onto the street. Further east, and set back from the street, is the meeting room (former schoolroom). This building was constructed in 1876 in the Gothic Revival style, in red brick with stock brick and stone dressings. It is located within the complex of the United Reformed Church, the Chapel Cottage, the Manse and Mausoleum, therefore contributing to the significance of this grouping.

To the southern boundary of the character area are two cottages, elevated above street level behind a grassed verge, pavement and low brick wall boundary. The cottages are typical of the building stock in the historic core, constructed in timber frame, rendered and under a red clay tile roof. The northernmost cottage has an early eighteenth-century extension at the southern end and a modern addition at the back. This extension alters the original plan of the building, and modern window replacements also impact its historic character. The cottage to the south has retained more of its historic façade and features, however modern window replacements impact on its character.



Figure 31 Graveyard of the United Reformed Church



A significant complex of buildings located in the south west of the area make a positive contribution to its character and our appreciation of its history. These buildings are the Brewhouse, former Malthouse (now the Village Hall), the former brewery owner's house (now Hillfoot House), and the Brewery Tavern. This grouping is a rare example of a large rural village brewery complex, intact, and of historic and architectural value. The nineteenth century brewery buildings are now all under separate ownership and uses, however are still discernible as a heritage asset. A report in 2002 on Breweries in Essex, produced by Essex County Council, describes these buildings:

"The brewhouse is a three storey red brick building, under a pantiled roof with single storey out buildings and the boiler house chimney extant. There are two full length round headed windows on the ground floor of the west facade, otherwise window openings are much altered. It was converted to private residential use in 1952 and remains a private house. To the north of the brewhouse is the brewery malthouse, now the village hall. This too is of red brick, two storeys under a slate roof with a lucam on the road front facade (north east). There has been some poor alteration to this structure - the kiln was demolished in the 1950s, a modern porch has been added to the ground floor under the lucam and some of the side extensions are in a poor state. 'Hillfoot House' to the south of the malthouse was the brewery owner's house. This is a magnificent double fronted house with a two storey bay either side of the front door. It is of rendered brick with white brick chimneys and a slate roof. The final component is the Brewery Tavern public house, built according to the plaque in 1879. It is of red brick with yellow brick dressings under a slate roof and also has much moulded tile decoration, such as on the gable ends, around some of the first floor windows and marking the top of the first floor. To the rear of the Brewery Tavern are the former stables, again of red and yellow brick, now under a corrugated roof."

The Village Hall is situated in a particularly prominent location within the character area, overlooking the Green. It was gifted to the village for use as a community hall in 1920/21, and has undergone unfavourable alterations since, including the erection of a lean-to bus shelter in 1975. The building still makes a positive contribution to the character and appearance of the conservation area and has potential for enhancement.

Further south, between Hillfoot House and the Brewery Tavern are a row of cottages, which adjoin the Tavern. Hillfoot Cottage is two storeys in height, rendered, with simple architectural detailing, timber windows and slate roofs. These details contribute to the historic character of the Cottage. The cottage adjoining this to the south, also two storeys in height, has intricate pargetting on its façade, and a bow window at ground level; however, plastic window replacements and concrete roof replacement has affected the architectural interest of the building.

Important trees and open spaces

The Green forms a key central open space, with the surrounding high quality building stock and topography contributing to the visual appeal of the Green, and its prominence within village centre.

The established plain trees in the Green and the boundary trees of the Parish Church of St Mary Magdalene make a positive contribution to the area, providing a verdant core to the village.



Detracting elements

To the south of the area, some plastic window and roof replacements have impacted the historic character of the buildings; however, the architectural features are of a high quality throughout the majority of the area.

There are some areas of inconsistent approach to hard surfacing, where driveways, private roads and sections of pavement are in varying states of repair and of varied material; along the road leading to the United Reformed Church and Dog's Chase in particular, may be enhanced through a consistent approach to material and maintenance of hard surfacing throughout the area.

Revised boundary changes

The area has been extended to the north to include the churchyard for the United Reformed Church; this space is of historical and communal value to the village, and forms a clear relationship with the Church and Memorial buildings. Therefore, its inclusion enhances our appreciation of this group of heritage assets, and makes a positive contribution to the area. Further details of boundary changes are included in Section 2.4.

Character Area 2 Wethersfield Hall and Russell's Farm area

This area comprises a small hamlet on the Braintree Road, adjacent to the Wethersfield Brook. It draws its significance from its historic rural character.

Streetscape and building materials

Development throughout this area is dispersed, consisting of farm houses and associated barns, isolated cottages, and Wethersfield Hall. Development is broken up by mature hedgerows, red brick walls associated with the Hall, and views out into the wider rural landscape.

The building stock consists predominantly of timber framed, rendered buildings under slate or red clay tile roofs, with some thatched cottages. Barns are typically black stained featheredge weatherboard. Materials are generally commensurate with the status and function of the building.

Boundary treatments

This area is characterised by extensive stretches of walls bordering the Braintree Road, from north to south. These comprise a high leaning red brick retaining wall along the Wethersfield Hall boundary, and then the high red brick wall associated with Russell's Farmyard. The farmhouse itself has a low brick wall with ornamental cast iron railings in front of it.

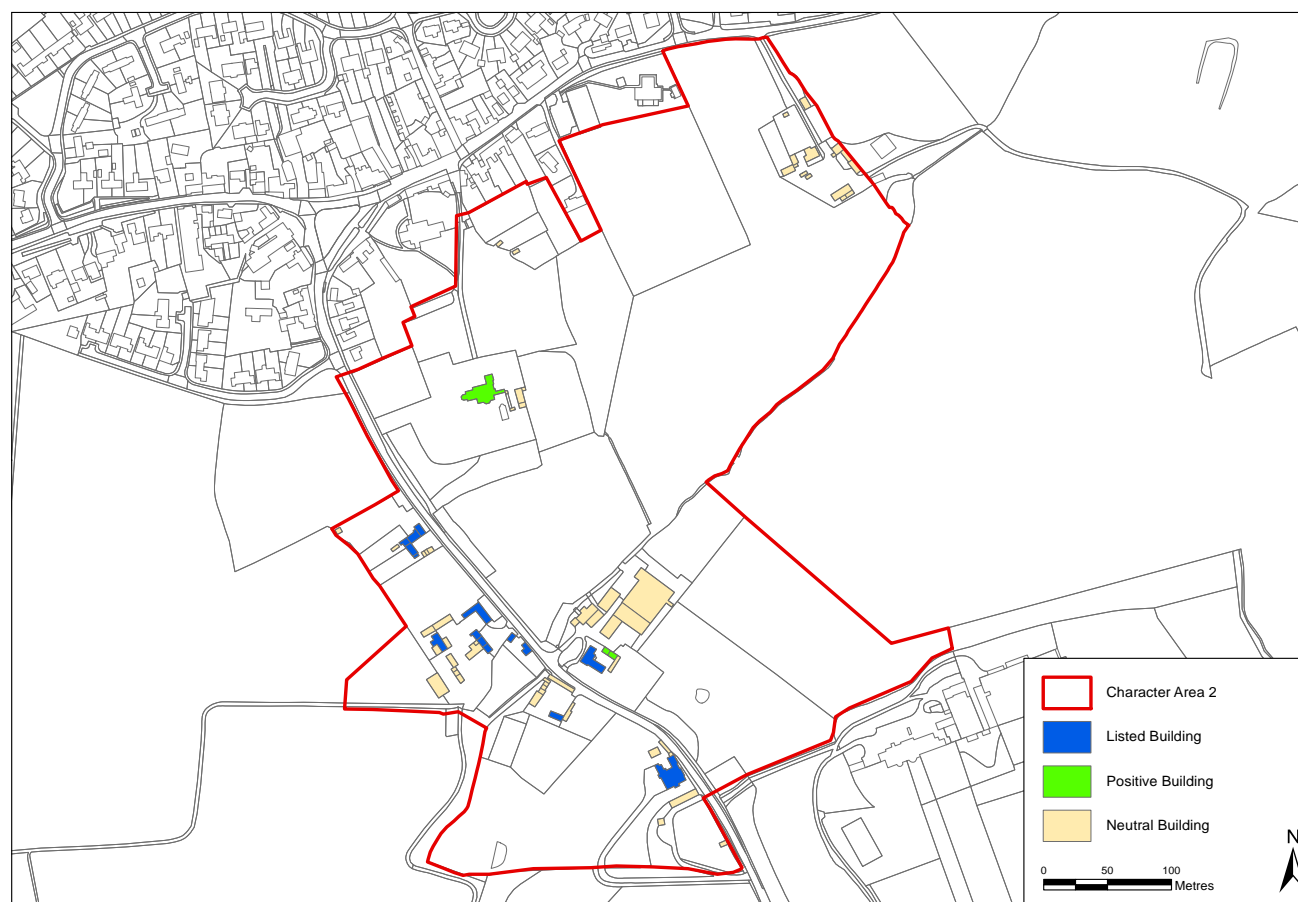


Figure 32 Character Area 2 Wethersfield Hall and Russell's Farm area

A new low brick wall follows the entrance to Brook's Farm, and a high red brick and buttressed wall along the former Wethersfield Place stableyard and gardens becomes a high redbrick garden wall with flint panels to the south of the main building. There is a low intermittent brick wall marking the Old Vicarage boundary with a wall of flint rubble with brick piers marking its former stableyard.

The other boundaries comprise hedges and chainlink fences. Those along the boundary with Wethersfield Manor are high and well-maintained. On the opposite side of the road the hedge is lower, enabling views out into open countryside and into the gardens of Wethersfield Place. Opposite Wethersfield Place, the boundary comprises chain link fence with a mix of hedge and mature trees, allowing views into the former parkland and up to the planting around Wethersfield Manor. The garden boundary of Brook Farmhouse is a cast-iron fence with well-maintained hedge, low enough to afford good views of the historic property. The boundary to the north of this comprises a chain-link fence and there has very recently been earth removal parallel to it, impacting on a possible historic lynchet or former roadside bank. There are views into the wider countryside from here. This is succeeded by hedges and then the brick wall associated with Wethersfield Hall and the main entry into the historic core of the village.

The overall effect is one of increased enclosure and settlement, as the observer moves from the southern edge of the Character Area into the historic core.

Views

This area is characterised by a mix of enclosure due to the high walls and hedges bounding the Braintree Road (see above), where the views are largely drawn along the road and the properties fronting onto it. At places along Braintree Road are wider views out across hedges or fences, both into the wider rural setting of the conservation area and into the gardens of the larger properties.

Individual Listed Buildings

There are 11 Listed Buildings within the Character Area. Full listing descriptions are included in the Appendix.

The northernmost building is the Grade II* listed, Numbers 1-4 Simm's Farmhouse (LB 112356, Figure 7). This comprises a sixteenth century timber-framed and rendered house, with a prominent panel of late seventeenth century pargetting in high relief, of conventional foliage and scrolls on the road frontage. It abuts Number 1 Sim's Cottage (LB 1307106), a Grade II seventeenth-century or earlier timber framed and rendered house.



Figure 33 Simm's Farmhouse, Braintree Road

To the south is Russell's Farm. Russell's Farmhouse (LB 1337848, 28) is a two-storeyed sixteenth century timber framed house. It forms part of a group of Grade II listed buildings that formed the principal structures within the historic farmyard; they include an eighteenth century stable block (LB 1307111), an early seventeenth century barn (LB 1168248), a late seventeenth century barn (LB 1337849) and an early sixteenth century ancillary building (LB 1123357, Figure 29), possibly a granary. This structure is a building of high quality and unusual type. The farmyard buildings are all in various stages of disrepair.

To the immediate south of this group is the late seventeenth century timber-framed Brookside Cottage (LB 1307078). This one storey cottage is timber framed, rendered with decorative pargeting, under a thatched roof. It retains its original boarded and ledged door with one small light.

To the south of this is Wethersfield Place (Six Apples) (LB1123359) a large eighteenth-century house (Figure 30). The main range is of red brick, it faces south-west into its own gardens, which are screened by a high brick and flint wall. The rear wings are timber framed and rendered, and visible from the road. Stables Cottage (LB 1123358) is seventeenth century in date, with eighteenth century extensions. It was presumably incorporated into the stable yard for Wethersfield Place when it was built. The stable yard is largely screened from the road by a high brick wall.



Figure 34 Russell's Farmhouse, Braintree Road



Figure 35 Listed barn and ancillary building, Russell's farm, Braintree Road



Figure 36 Wethersfield Place, Braintree Road

On the opposite side of the road is Brook Farmhouse (LB 1123361, Figure 31). The hall house (c.1400) now forms the service wing behind a late seventeenth century range, which was remodelled in the eighteenth century with the addition of a four-bay sashed front. There are a number of historic farmyard buildings, including a former maltings associated with Brooks Farm, as well as extensive new barns. It is still an active agricultural enterprise.

Other buildings that make an important architectural or historic contribution to the street scene

Wethersfield Hall is a rendered and tiled building of probable mid-late nineteenth century date (Figure 32 and 33). It replaced a seventeenth century predecessor, of which only the cellar survives underneath the existing structure. Its location is shown on the 1777 Chapman and Andre map as occupying roughly the same footprint as the modern hall and it is likely that the earlier hall was on the same site. The 1875 first edition OS map shows it had formal gardens to the south and west, and much of this area is still garden. It is linked to the High Street by a long driveway which is accessed via a pair of ornamental wrought iron gates

The Hall's walls make a positive contribution to the character of this area; high, red brick walls flank Braintree Road on the approach to the Hall and Village from the South. This creates a sense of enclosure and grandeur, indicating the presence of the manor site and forming its wider setting.



Figure 37 Brook Farmhouse, Braintree Road



Figure 38 Wethersfield Manor, looking east



Figure 39 North elevation of the Hall 1984



Figure 40 South elevation of the Hall (Wethersfield Local History Group)



Figure 41 The Old Vicarage, Braintree Road



Figure 42 The Old Vicarage outbuildings (Parkside to the right)



Figure 43 Looking East towards Wethersfield

The Old Vicarage (Figure 35) is located at the southern end of the character area. This early-mid nineteenth century house is of red brick with sash windows and a central door. It is not shown on the 1777 map, when the Parsonage was located at what is now Parsonage Farm, but is depicted on the 1875 first edition OS map. Elements of the original formal gardens survive, including some of the tree planting. To the north are two former outbuildings (Parkside and an un-named shed, Figure 36), which appear to have been part of the associated stable-yard. They are of red brick with tiled roofs.

Behind Brook's Farmhouse was a small seventeenth century building, part brick and part timber framed. This originated as a maltings, part of the kiln of which survives before being converted to a brew house.

Important trees and open spaces

The open fields and historic manorial grounds form important open spaces within this area; they contribute to our understanding of the historic context of the village and its rural character. These fields and open grassland areas are visible from places along Braintree Road, providing fortuitous views of the village's arable farmland and manorial pastures.

The hedgerows which flank Braintree Road also make a positive contribution to the character of the area, complementing the high red brick walls and creating the sense of enclosure. Some trees have been retained within the grounds of Wethersfield Hall to the west of the Hall, and within the Old Vicarage's grounds.



Detracting elements

The majority of this character area is of high quality, and has retained its rural character. Some elements of the Russell's Farm complex, however, detract from the character, due to their varying state of repairs. As these farm buildings are visible from Braintree Road, their disrepair impacts the appreciation of the area and the southern approach to the village.

Revised boundary changes

To reduce the area to the north east to exclude the playing fields; the value of this open space is drawn from the contribution it makes to the conservation areas significance by forming an important part of its setting, enhancing the way in which it is experienced, understood and appreciated. Further details of boundary changes are included in Section 2.4.

Character Area 3 Manor House Area

This area comprises of Wethersfield Manor, its associated buildings, and its existing formal gardens to the south, along with dwellings on the southern periphery of the village. Its character is derived from its use as a historic landscape park and gardens, with principal house to the north of the area and associated buildings to the east and south. The area also includes buildings on the Braintree Road down to the junction with Gosfield Road. These dwellings include cottages thought to have been occupied by agricultural workers who would have worked on nearby hop poles and plantations, associated with Goldens Farm

Streetscape and building materials

The only public route within this character area is Braintree Road, located to the western boundary of the Manor House. The streetscape here comprises of tall hedgerows and established boundary planting, creating a sense of enclosure to the west of the area, with low red brick semi-circular entrance marking the approach to the Manor House.

The buildings within this area include a variety of materials, and differ in colour palette to the other character areas. The Manor House is a rendered building, with parapet and simple, classical ornamental urns enlivening the roofscape. Pediments and a porch supported by classical columns mark the main entrances to the house. Low red brick walls enclose the planting on the front driveway. The South Lodge is one storey with attic and dormers, plastered, and under a red clay tile roof. The plaster is painted in a pastel pink.

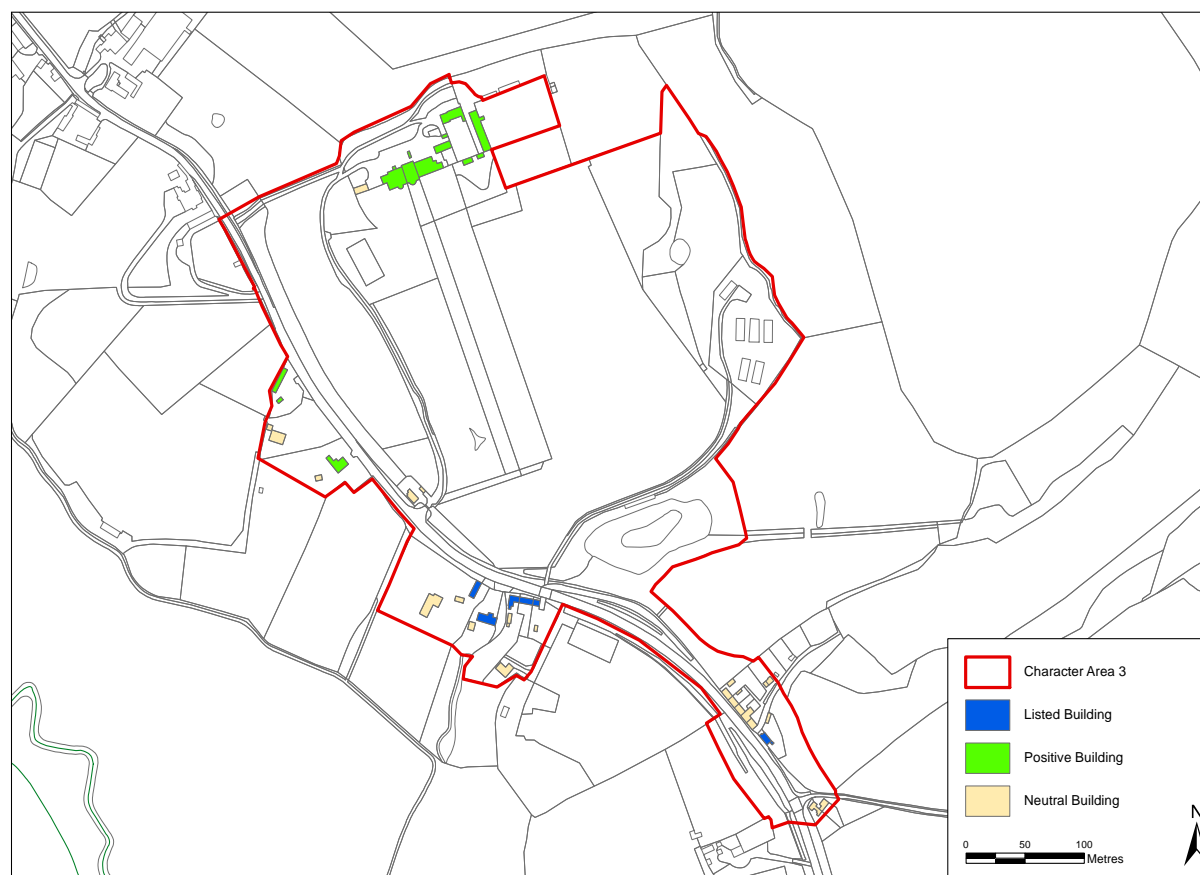


Figure 44 Character Area 3 Manor House



Figure 45 Separate driveways of Manor House

Boundary treatments

The grounds of the Manor House are fairly open in character, with wide reaching views into the surrounding landscape and across the valley to the north of the house. Within the immediate setting of the house, however, high brick walls enclose areas of planting and separate the main façade to provide separate driveways. These walls have an impact on our appreciation of the historic building, as they break up the façade to accommodate its modern residential use. The Manor House would be better understood as a single entity, without boundary walls here.

Views

Key views within this area are drawn predominantly from the north, over the valley and towards the village. The Parish Church of St Mary Magdalene is visible from the Manor House, and views across the southern edge of the village and arable fields. There are also designed views within the grounds of the House, with the formal gardens visible to the south.



Figure 46 South elevation of Manor House [nd] (ECC)



Figure 47 Wethersfield Manor House Ref <https://greatwarhomehospitals.wordpress.com/home/wethersfield-wethersfield-auxiliary-hospital-essex/>

Other buildings that make an important architectural or historic contribution to the street scene

The buildings within this area are unlisted, but are of considerable local value. These include: The Manor House, Clock House, The Coach House, Carol Cottage, East Wing, Fortesque, West Wing, and South Lodge.

The Manor House is a significant building within the character and conservation area. It consists of an early nineteenth century high status building, displaying a number of Georgian features, and with a post-war west wing. The Manor House is thought to have originally incorporated the earlier timber framed Dobbins Farmhouse as its western wing, as shown on the 1724 'Plan of the Alexandra Palace and Park' by Bland, Joseph, Parker, Samuel, Smyth, Payler and Warburton, John. A major fire originated in this earlier part of the house in 1933, and while the western wing was rebuilt it is not known how much of the original fabric was retained.

The House makes a positive contribution to the character area; it is prominent in the landscape, located on the highest point, allowing inter-visibility between the heritage asset and the wider conservation area. It is of local significance to the area, and architectural interest for its distinctive features. To the south of the house, within the garden, is a set of stone steps and balustrades of late seventeenth century date. This feature has been moved; however they are of merit as they are the original entrance to the Cordwainers' Hall in the City of London.

To the east of the Manor are a number of associated former outbuildings and the walled garden which are now in separate residential use. These nineteenth century buildings are constructed of brick under slate roofs with a number of good quality details including timber sliding sash windows and clock tower. Despite residential conversion and subdivision of the site, these retain the character of subservient functional outbuildings and thereby assist in ensuring the Manor site remains legible.

South Lodge is located at the gates to the Manor grounds. It is visually prominent from Braintree Road, set behind the low red brick walls. It is clearly designed as an entrance to the estate, and significant for this function. The building displays a number of quality period features, traditional in its character.

Important trees and open spaces

The majority of the area is undeveloped and consists of the manorial grounds, formal gardens and former parkland, with wide reaching views to the north and east creating an open character.

The southern boundary of the conservation area is densely planted, forming part of the Wethersfield Eco Project, with tree boundary following Braintree Road and within the immediate setting of the Manor House. Formal planting in the immediate setting of the Manor include designed swathes of mature trees and good individual specimens including cedars, chestnuts and oaks along the approach.

Detracting elements

The Manor site remains relatively intact though gradual erosion of character is evident through small changes such as boundary treatments, parked vehicles, outbuildings and inconsistent landscaping.

Revised boundary changes

The exclusion of the old park boundary of the Manor House is considered to be necessary, due to the existing character and land use of the former park. While the Manor House has retained its formal gardens to the south, the wider landscape has been put back to arable use, and is no longer discernible as parkland. Therefore, while it is not worthy of inclusion within the conservation area, it is important as the setting to the Manor House and Conservation area. The area has been extended to include the walled garden, an existing historic garden feature which makes a positive contribution to the conservation area. Further details of boundary changes are included in Section 2.4.



Figure 48 South Lodge



Setting of Heritage Assets

The important contribution that setting makes to the significance of heritage assets is recognised in the National Planning Policy Framework (NPPF 2019), as well as in other national and local planning policies and guidance. Decision makers are obliged to have special regard to the desirability of preserving not only designated heritage assets, such as listed buildings and Conservation Areas, but also their settings.

The setting of a heritage asset is defined in the NPPF Glossary as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral” (NPPF, Annex 2: Glossary).

Historic England provide detailed guidance on the setting of heritage assets, stating that all heritage assets have a setting, whether they are designated or not, irrespective of the form in which they survive. In the analysis of setting, the important contribution of views to the significance of heritage assets and the ability to appreciate that significance is often a primary consideration. Yet the contribution a setting makes to the significance of a heritage asset, such as the Wethersfield Conservation Area, is not limited to views alone. Setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses. The detrimental alteration of the character of a setting may reduce our ability to understand the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access, view or experience that setting. Therefore, any application for development within the setting of a heritage asset is subject to constraints.

The NPPF states that for any development within the setting of a heritage asset, a thorough assessment of the impact on the setting is required. This should be proportionate to the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it (NPPF, paragraph 189).

In addition, paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets (including the setting of Conservation Areas), to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Therefore, the favourable treatment of proposals that retain the open, pastoral character of the Conservation Area's setting is obligatory by the local authority, while proposals that fail to retain this character would be rejected.

When assessing an application for development which may affect the setting of a heritage asset, local planning authorities should also consider the implications of cumulative change and incremental harm. New developments and changes can not only detract from a heritage asset's significance in the short-term but may also damage its significance and economic viability now, or in the future, thereby threatening its on-going conservation.

3.3 The setting of the Wethersfield Conservation Area

Along with its high-quality buildings of historic and architectural merit, the Wethersfield Conservation Area derives significance from its historic settlement pattern. The agrarian landscape that historically surrounded the settlement of Wethersfield has played a vital part in the evolution of this settlement pattern, the village's development and the economic function of the community for many centuries. The quality of the surrounding rural landscape therefore makes an important contribution to the historic setting and significance of the Wethersfield Conservation Area.

There are many vantage points within the Conservation Area, where the open pastoral landscape of its setting can be viewed and experienced. The historic and rustic character of this setting is highly tangible and the increased appreciation it affords of the Conservation Area's significance, along with that of individual listed buildings and non-designated heritage assets is clear. The surrounding open landscape and fields have a direct historical and functional association with Wethersfield village and the Conservation Area and the setting's surviving agrarian character, empty of modern development, greatly enhances its significance.

Revisions to the boundary of the Conservation Area have been undertaken as a part of this appraisal in order to ensure those areas designated fulfil the necessary criteria for designation. As a result, some open areas and fields on the edge of the village have been excluded. The National Planning Policy Framework states in paragraph 186 that "when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest." Where open fields and landscape features have a definite special historic interest, such as the former estate lands of Wethersfield Manor, with formal gardens and a landscaped park, these have been retained within the boundary, in order to preserve their significance.



Figure 49 The view northeast towards the conservation area from the public right of way (PROW 117_10). The scaffolded spire of St Mary Magdalene can be seen, while the listed Simms farmstead can be seen in the foreground.

Areas that are currently and historically empty of development, are lacking in this specific special architectural or historic interest. They may have had agricultural uses in the past and uses that have historically support the community of Wethersfield, as has much of the surrounding landscape, but due to their lack of significance in their own right, their inclusion within the boundary of the conservation area is open to a potential challenge. For example, it would not be possible to demonstrate that they have the necessary special architectural or historic interest worthy of conservation area protection and therefore they would be more vulnerable to development, were they to remain within the boundary.



Figure 50 The view southeast across the setting of the conservation area towards the listed Russell's Farmstead. Brook Farm is beyond, with Wethersfield Hall and estate on the hill behind.

However, as part of the setting for the Conservation Area, the open and agrarian character of the surrounding fields and meadows contributes to and permits an appreciation of the Conservation Area's significance and this contribution is considered worthy of preservation under the NPPF and national guidance. In paragraph 200 of the NPPF it states that "local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably". Any development within the recently excluded open areas around Wethersfield, now the setting of the Conservation Area, would need to preserve the contribution the setting makes to the significance of the Conservation Area or the ability to appreciate that significance.

The open agrarian character of the setting to the west of the Braintree Road is particularly important. The public right of way in this area (PROW 117_10) allows good views across the landscape towards the Conservation Area and some of its listed buildings and the significance of the heritage assets, as part of a rural settlement surrounded by a largely agrarian landscape, can be appreciated. To the south east of the Conservation Area, the setting is characterised open pastures and paddocks. The areas to the south of Wethersfield Place, and around the Vicarage, Goldens Farm and Sand Hill retain their open, undeveloped pastoral character and form the historic agrarian setting for the Conservation Area. Two public footpaths traverse this area (PROW 117_11 and PROW 117_38), which allow views of the Conservation Area within its setting to be appreciated.

The agricultural character of the setting to the east and to the north of the Conservation Area is also evident, with many fields in these areas being under cultivation. The Conservation Area's setting and significance can be appreciated in views from two further public footpaths (PROW 117_3 to the east and PROW 117_33 to the north).

4.0 Opportunities for Enhancement

The following key issues have been identified and are summarised below in brief. The list is in no way exhaustive and neither are the issues identified unique to Wethersfield, with many being shared with other conservation areas.

4.1 Car Parking

Car parking is an inevitable concern within any historic village settlement, and the same is true of Wethersfield Conservation Area. The High Street is wide enough to accommodate on-street parking; however on-street parking surrounding the village Green narrows the roads down to single-lane traffic.

4.2 Loss of Architectural Details

As highlighted within the appraisal, numerous buildings within Wethersfield have been subjected to unsympathetic alterations which has resulted in the gradual, and in some cases irrevocable, loss of architectural detailing which would contribute positively to the village's distinctive character. Two key examples of this is the loss of original timber windows and doors and replacement with modern windows which do not replicate the high quality detailing of those they are replacing.

The Village Hall is situated in a particularly prominent location within the character area, overlooking the Green. It was gifted to the village for use as a community hall in 1920/21, but has undergone intrusive alterations since, including the erection of a lean-to bus shelter in 1975. The building still makes a positive contribution to the character and appearance of the conservation area and has potential for enhancement through the removal of the bus station to better reveal the original façade, including the window behind.



Figure 51 Car parking on the village green



4.3 Boundary Walls

Boundary walls contribute significantly to the character and appearance of the conservation area, assisting in defining the streetscape and in many areas creating a sense of enclosure. Throughout the conservation area there are examples of walls which are in need of repair to avoid continued deterioration, which can accelerate significantly where mortar has been washed out, bricks have spalled, vegetation is unchecked or areas have been repointed in cementitious mortar mixes.

4.4 Colour Palette

The conservation area is currently characterised by its red brick and light painted render. Future alterations should respond to the existing and historic palette to preserve the local distinctiveness; however, it should also reflect the age, status and architectural style of its host building. The introduction of an inappropriate modern colour palette into the street scene is considered to be a concern within the conservation area, and if left unchecked will have a cumulative and significant impact upon the character and appearance of the conservation area. It is also imperative that appropriate paints are used to ensure that the passage of moisture through historic properties fabric is not inhibited which can cause decay.

4.5 Access and Integration

Wethersfield is a relatively compact village and there are few issues regarding access and integration. There is scope for enhancement in terms of wayfinding within the village, to signpost key features such as the Parish Church of St Mary Magdalene, the United Reformed Church and wider public rights of way to enhance the link between the village and its surrounding countryside.

It is considered that the continued maintenance of the red brick walls on Braintree Road is supported, in order to preserve the character of the conservation area and approach to the village from the south, which currently enhances the access to and across the conservation area.

4.6 Inappropriate Modern Development

There has only been small-scale modern development within the conservation area and most of this is located to the rear of older properties. These developments have been largely designed in accordance with Essex Design Guideline principles and can be considered as neutral in their impact on the conservation area.

Care needs to be taken within the Conservation area that windows, doors, roofs and other architectural elements are not replaced with those of inappropriate design and materials. The character of the conservation area is defined by the historic palette of materials used and this piecemeal loss of fabric can cumulatively have a more significant impact on the character and appearance than any of the other concerns.

The impact of modern development on the outskirts of the village or the conservation area will need to be controlled or appropriately mitigated so that it does not impact on the setting of the conservation area, or on its wider views, and the contribution these make to its significance.

4.7 Neutral Contributors

A number of buildings are currently considered to make a neutral contribution to the character and appearance of the conservation area. The buildings that fall into this category still contribute to the area's character and appearance, and their contribution should not be underestimated and certainly should not be considered negative.

Small scale improvement works, such as reinstating boundary treatments, planting, appropriate replacement windows and roofs, use of colour and preventing loss of architectural form and features would enhance these buildings. Similar interventions to the more modern neutral buildings could help to further sympathetically integrate them into the area. Care needs to be taken through the planning process to ensure that neutral buildings do not become negative through inappropriate alterations and additions. Neutral contributors are identified on Figure 7.

4.8 Public Realm

Hard Landscaping

It is considered that there are some areas of inconsistency in the approach to hard surfacing, where driveways, private roads and sections of pavement are in varying states of repair and of varied material. Along the road leading to the United Reformed Church and Dog's Chase in particular, are areas that may be enhanced through a consistent approach to material and maintenance of hard surfacing.

Open Spaces

The open and green spaces across the conservation area make a positive contribution and are integral to its character in many instances. Appropriate levels of maintenance needs should be considered to these spaces and where appropriate, opportunities for enhancement sought.



Figure 52 Hard Landscaping outside the United Reformed Church

Trees and Planting

Appropriate levels of maintenance needs to be ensured and where appropriate, opportunities for enhancement sought.



5.0 Management Proposals

These proposals relate to positive management and focus on good practice and improved ways of working within the local planning authority. These are generally low cost and can be implemented within a short time-frame, typically within one or two years.

5.1 Positive Management

These proposals relate to positive management and focus on good practice and improved ways of working within the local planning authority. These are generally low cost and can be implemented within a short time-frame, typically within one or two years.

5.1.0 Local Heritage List

Wethersfield would benefit from the local planning authority adopting and maintaining a comprehensive Local List in order to preserve its historic environment from further deterioration. A Local List identifies buildings and structures of local architectural and/or historic interest, and these are considered to be 'non-designated heritage assets' under the provisions of the NPPF. A Local List may be beneficial to ensure the upkeep of buildings which are significant to the history and character of Wethersfield. The exercise would also facilitate a greater understanding of the area and could be utilised as a public engagement strategy to improve awareness and understanding. There are a number of buildings within the conservation area which are of sufficient quality to be considered for local list status, as highlighted in Section 2.6.

5.1.1 Enforcement

Where the necessary permission has not been sought for alterations, such as advertising signage and building alterations which are not contained within the General Permitted Development Order, the Local Planning Authority's powers of enforcement should be considered. This could assist in reinstating any lost character or architectural features whose loss may have a negative cumulative effect on the conservation area, as well as avoiding a precedence being set for similar, uncharacteristic works.

5.1.2 General Maintenance: Public Realm and Highways

Through the agreement of a standard good practice within the conservation area between relevant Local Authority teams and other landowners, long term goals can be set to promote good design within the public realm, such as avoiding excessive road markings or signage and agreeing a standard street furniture to ensure consistency over time as elements are introduced or replaced. This will have a long term positive impact on the conservation area.

A positive working interdepartmental relationship is key to improving the public realm and highways.

Planning and Highways should work together to agree standard good practice within a conservation area such as avoiding excessive road markings and where necessary using narrow road markings.

Planning and Highways should work together to agree standard street furniture to ensure consistency over time as elements are introduced or replaced.

5.1.3 Heritage Statements

In accordance with the NPPF (Para.189), applicants must describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

All applications within the conservation area and setting require an appropriately detailed Heritage Statement. Any application without a Heritage Statement should not be validated.

The key views analysed within this document are in no way exhaustive. The impact of any addition, alteration or removal of buildings, structures, tree's or highways on key views should be considered to aid decision making. This includes development outside the conservation area. Where appropriate, views must be considered within Design and Access or Heritage Statements. This should be in accordance with Historic England's Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017). Applications which fail to have assessed impact upon views, setting and significance should not be validated.

5.1.4 Tree Management

In line with Braintree District Council's policy, all trees in conservation areas which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, are subject to protection. They may not be felled or lopped unless six weeks written notice has been given to the Council. If the Council objects to the work a TPO may be served. It is also considered that any prominent trees, street trees, and trees with amenity value on private land throughout the conservation area should be monitored and maintained appropriately. Any tree that makes a positive contribution to the area should be retained, maintained and, if felled (only if dead, dying or dangerous) replaced with an appropriate new tree.

5.1.5 New Development

To be successful, any future development needs to be mindful of the local character of the conservation area, while at the same time addressing contemporary issues such as sustainability. Historic England and CABI guidelines are:-

Successful new development will:

- Relate to the geography and history of the place and the lie of the land;
- Sit happily in the pattern of existing development and routes through and around it (including public footpaths);
- Respect important views;
- Respect the scale of neighbouring buildings;
- Use materials and building methods which as high in quality of those used in existing buildings; and
- Create new views and juxtapositions which add to the variety and texture of their setting.

Braintree Council should guide development in a positive manner by:

- Engaging with developers at an early stage through the Pre-Application Process to ensure modern development is high quality in design, detail and materials;
- Ensuring medium-large scale development schemes are referred to a Design Review (or similar) to ensure that new buildings, additions and alterations are designed to be in sympathy with the established character of the area. The choice of materials and the detailed design of building features are important in making sure proposals are appropriate to a conservation area; and
- Seeking opportunities for developers to make a positive contribution to the wider historic environment through Section 106 Agreements.

5.1.6 Neutral Elements

The dilution of positive buildings amongst those which are neutral leads to an underwhelming and indistinctive overall character.

Braintree Council must not allow for the quality of design to be 'averaged down' by the neutral and negative elements of the built environment. The Local Planning Authority must where possible seek schemes which enhance the built environment and not allow previous poor quality schemes to become precedents.

5.1.7 Tall Buildings

Any development within the conservation area, and its setting, must take into account existing built development, key views, rural character and significance, to ensure that the height of new buildings does not impact the area negatively.

5.1.8 Public Facing Resources

The preservation and enhancement of private properties can be improved through the publishing of resources aimed to inform property owners and members of the public. An introductory summary of the conservation area Appraisal in the form of a leaflet or factsheet(s) is a simple way to communicate the significance of the area and ensure members of the public are aware of the implications of owning a property within a conservation area. In addition, a maintenance guide would assist property owners in caring for their property in an appropriate manner. A single Good Practice Design Guide on standard alterations such as signage, shop-fronts, windows, doors, rainwater goods, boundaries and roof extensions will ensure inappropriate development does not continue to be the accepted norm.

Poor maintenance leads to the deterioration of the fabric of the built environment and results in a loss of architectural details. Improved awareness of simple maintenance and repair would be conducive with the preservation of Wethersfield's built heritage.

5.1.9 Improved Understanding and Awareness

At present there is no interpretation (information boards, signage, interactive QR Codes) within the conservation area aimed at improving understanding and appreciation of its significance. This would be an effective way to improve the awareness and enhance the identity of Wethersfield as a historic settlement.

Further research into the significance of the Manor House complex and the Brewery would enhance understanding and appreciation of the unique history of Wethersfield, and would work to better integrate associated buildings.

5.1.10 Design Guidance on historic paint colours and types

Braintree District Council should consider adopting a design approach to defining appropriate colours, tones and materials within the area, to ensure that the distinctive local character is retained throughout.

5.2 Positive Management: Longer Term

These proposals are focussed around long term positive management.

5.2.0 Boundary

The conservation area boundary has been considered within this appraisal in accordance with the NPPF (2019) and Historic England Advice Note 1 Conservation Area Appraisal, Designation and Management (2019).

The conservation area should be reviewed every five years to monitor change and inform management proposals. The boundary should be assessed as part of this review to ensure it is robust and adequately protects the significance of the area.

5.2.1 Character Appraisal and Management Plan

The conservation area should be reviewed periodically to monitor change and inform management proposals. Identifying concerns and management within the area should be the main focus when reviewing the conservation area.

5.2.2 Interpretation

It is considered that further research into the brewery complex, and the integrated interpretation of the existing buildings, would benefit appreciation of this grouping of heritage assets. The 2002 Essex County Council Report on Breweries in Essex notes that:

'All are in current use as private houses, a public house and village hall and as such are generally well maintained. Should the opportunity arise all structures should be individually recorded and all mapped in relation to each other and any other former structures. Particular attention should be paid to the malthouse. This was not assessed as part of the earlier Essex County Council surveys of malthouses and hence needs to be assessed in relation to those already surveyed (and others elsewhere in this report which were not previously assessed). It is probably the most vulnerable of the extant structures as it is in the worst condition and may be subject to proposals for other uses. It is also recommended that there is no in-filling of the open space between these four structures as this would detract from the integrity of the total former brewery site.'

¹ Essex County Council, Breweries in Essex, op. cit.



5.3 Council-Led Projects

5.3.0 Opportunity Sites

The first opportunity to enhance the character and appearance of the conservation area is through investment to improve the wider public realm. This can be achieved through continuing to improve hard surfacing, and maintaining areas of open space.

There is also opportunity for improvement to the south of the conservation area, including some elements of the Russell's Farm complex. Due to their varying state of repairs, and visibility from Braintree Road, the disrepair of some farm buildings here impacts the appreciation of the area and the southern approach to the village.

5.4 Funding Opportunities

There are four main funding opportunities which would assist in the execution of these plans:

Heritage Lottery Fund

The Heritage Lottery Fund is the single largest dedicated funder of heritage in the UK and therefore is the most obvious potential source of funding. Funding is often targeted at schemes which preserve, enhance and better reveal the special interest of the area whilst also improving public awareness and understanding. Grant opportunities and requirements change overtime, for up-to-date information on HLF schemes Braintree Council should consult their appointed Heritage Specialist.

Heritage Action Zones (Historic England)

Heritage Action Zones are intended to help unlock the economic potential of an area through investing in heritage, making them more attractive to resident, businesses, tourists and investors.

Section 106 Agreements

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon Wethersfield. These agreements could be used to fund public realm or site specific improvements.

Partnership Schemes in Conservation Areas (Historic England)

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon Wethersfield. These agreements could be used to fund public realm or site specific improvements.

6.0 Appendices

6.1 Appendix 1 Bibliography

Publications

Crosby, T (Essex County Council)	2002	<i>Essex Breweries: comparative survey of modern / industrial sites and monuments No. 16</i>
Historic England	2017	<i>The Setting of Heritage Assets</i>
Historic England	2019	<i>Conservation Area Appraisal, Designation and Management (Second Edition)</i>
Ministry of Housing, Communities and Local Government	2019	<i>National Planning and Policy Framework</i>
Morant, P.	1763-8	<i>The History and Antiquities of the County of Essex</i> , Vol II, Reprint 1978, EP Publishing Ltd. with Essex County Library, 370-373
Rumble, A.	1983	<i>Domesday Book, Phillimore, Chichester</i>

Archives

- Essex Record Office
- Francis Frith Collection
- Braintree Museum

6.2 Appendix 2 Listed Buildings

LB NO.	NAME	GRADE	BUILDING TYPE
1337860	PARISH CHURCH OF ST MARY MAGDALENE	I	PARISH CHURCH
1123356	SIMMS FARMHOUSE	II*	TIMBER FRAMED HOUSE
1337878	ST GEORGE'S HOUSE	II*	TIMBER FRAMED HOUSE
1123329	THE COTTAGE	II	TIMBER FRAMED HOUSE
1123334	CHAPEL COTTAGE	II	TIMBER FRAMED HOUSE
1123335	RAILINGS APPROXIMATELY 37 METRES SOUTH SOUTH EAST OF UNITED REFORMED CHURCH	II	RAILINGS; GATE PIER
1123336	RAILINGS AND GATEWAY APPROXIMATELY 7 METRES SOUTH OF THE MANSE	II	RAILINGS; GATE
1123337	RUDI'S RESTAURANT	II	TIMBER FRAMED HOUSE
1123338	TRODD'S GARAGE (JOHN PEASE MOTORS)	II	TIMBER FRAMED HOUSE; HALL HOUSE
1123339	THE HOODS	II	TIMBER FRAMED HOUSE
1123340	BLENHEIM HOUSE	II	TIMBER FRAMED HOUSE
1123357	ANCILLARY BUILDING APPROXIMATELY 6 METRES SOUTH OF RUSSELL'S FARMHOUSE	II	GRANARY?; TIMBER FRAMED BUILDING

1123358	STABLES COTTAGE	II	TIMBER FRAMED HOUSE
1123359	WETHERSFIELD PLACE (SIX APPLES)	II	HOUSE
1123360	BROOK COTTAGES	II	TIMBER FRAMED HOUSE
1123361	BROOK FARMHOUSE	II	TIMBER FRAMED HOUSE
1123299	3 AND 4 (CHURCHYARD COTTAGE AND POST OFFICE COTAGES) HIGH STREET	II	HOUSE
1168248	BARN APPROXIMATELY 8 METRES SOUTH OF RUSSELL'S FARMHOUSE	II	TIMBER FRAMED BARN
1168278	GOLDEN'S FARMHOUSE	II	TIMBER FRAMED HOUSE
1168308	FIR COTTAGE	II	TIMBER FRAMED HOUSE
1168521	CASTLE HOUSE (THE SPINNING WHEEL)	II	TIMBER FRAMED HOUSE
1168561	THE MANSE	II	TIMBER FRAMED HOUSE
1168614	HOUSE ON THE CORNER OF THE GREEN AND SILVER STREET	II	TIMBER FRAMED HOUSE
1168649	THE BAKERY AND BURLEIGH COTTAGE	II	TIMBER FRAMED HOUSE; SHOP

6.3 Appendix 3 Legislation and Planning Policy

LEGISLATION/POLICY/ GUIDANCE	DOCUMENT	SECTION/POLICY
Primary Legislation	Planning (Listed Buildings and Conservation Areas) Act 1990	66: General duty as respects listed buildings in exercise of planning functions. 72: General duty as respects conservation areas in exercise of planning functions.
National Planning Policy	National Planning Policy Framework (2019) DCLG	Section 16; Annex 2
National Guidance	National Planning Practice Guidance (2014) DCLG	ID: 18a
National Guidance	English Heritage (2019) Conservation Principles, Policies and Guidance	
Local Supplementary Planning Document	Braintree District Council Local Plan; Policy LPP42 Built and Historic Environment	

6.4 Appendix 4 Glossary (National Planning Policy Framework)

Term	Description
Archaeological interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Historic environment record	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.
Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
Significance (for heritage policy)	The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

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