

PLANNING COMMITTEE AGENDA

Tuesday, 01 August 2017 at 07:15 PM

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

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

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

Membership:-

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item

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

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

Page

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 18th July 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

5a	Application No. 17 00410 FUL - 3 Hills Road, SIBLE HEDINGHAM	5 - 14
5b	Application No. 17 00861 FUL - Land adjacent to Mallards, Ashen Road, ASHEN	15 - 29
5c	Application No. 17 00931 REM - Land adjacent to Lodge Farm, Hatfield Road, WITHAM	30 - 64
5d	Application No. 17 01028 FUL - Bartholomew House, Colchester House, HALSTEAD	65 - 74
5e	Application No. 17 01063 OUT - Land rear of Enterprise Centre, Springwood Drive, BRAINTREE	75 - 84

PART B

Minor Planning Application:-

- | | | |
|-----------|--|-----------------|
| 5f | Application No. 17 00824 FUL - Shopping Centre, Spa Road, WITHAM | 85 - 95 |
| | | |
| 6 | Planning and Enforcement Appeal Decisions - June 2017 | 96 - 102 |
| | | |
| 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.

PRIVATE SESSION

Page

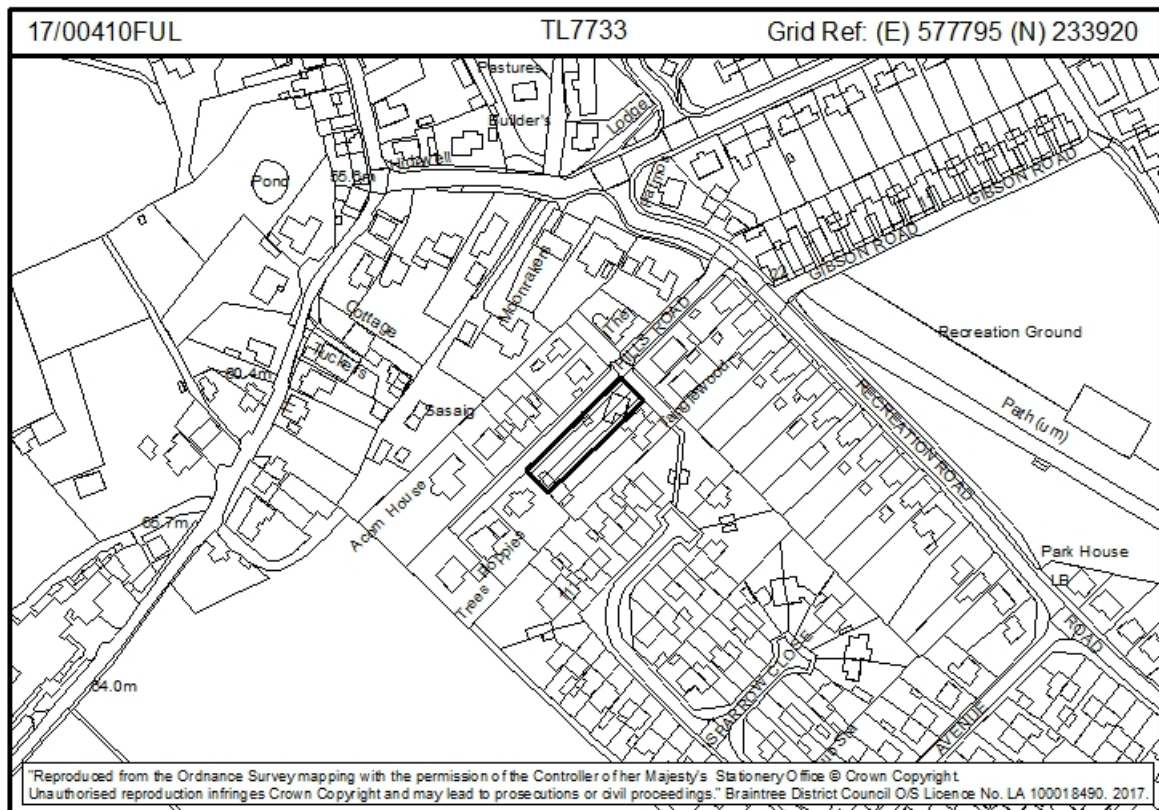
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| 9 | Urgent Business - Private Session
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency. | |
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AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 17/00410/FUL
DATE: 08.03.17
VALID:
APPLICANT: Mr Tony Sales
3 Hills Road, Sible Hedingham, Essex, CO9 3JH
AGENT: W J Macleod Ltd
Mr Bill Macleod, 70B High Street, Northwood, HA6 1BL
DESCRIPTION: Demolition of existing outbuildings and erection of two storey dwelling with associated parking.
LOCATION: 3 Hills Road, Sible Hedingham, Essex, CO9 3JH

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



SITE HISTORY

16/02131/FUL	Demolition of existing outbuildings and construction of a new two storey house with associated parking.	Withdrawn	02.02.17
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POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been brought to the Planning Committee as Sible Hedingham Parish Council has objected to the proposals, contrary to Officers' recommendation.

SITE DESCRIPTION

3 Hills Road is a single storey bungalow, set in a long plot and adjacent to other bungalows of similar design. The site is located within the village envelope of Sible Hedingham; adjacent to a private road (Hills Road) which is maintained by the residents of Hills Road. The street scene consists of a mixture of house types and sizes, conforming mostly to single storey bungalows on the eastern side of Hills Road, and larger two storey dwellings to the west. Along with those adjacent to it, the application site forms the last bungalow in Hills Road before the two storey buildings become predominant.

PROPOSAL

The planning application proposes the erection of a dwellinghouse fronting Hills Road, in an area of land which is currently domestic garden serving 3 Hills Road. The application includes the provision of two parking spaces each and garden space for the existing and proposed dwellings.

This application follows another application for the erection of a two storey dwellinghouse on this site, which was withdrawn in February 2017 when officers raised concerns.

CONSULTATIONS

Drainage Engineers – No Objections.

Parish Council – Object on grounds relating to parking issues; insufficient methods of surface water drainage; damage to the road caused by construction traffic; the proposed dwelling would be out of character with the rest of Hills Road.

These issues will be discussed in the report.

REPRESENTATIONS

A site notice was attached to the gate at the front of 3 Hills Road, and neighbours were notified by letter. A total of 10 representations were received at the time of writing the report, and raise concern over lack of demand for 2 bed dwellings; inappropriate design and scale; impact on street scene; drain issues; foundations; traffic; parking; access for emergency vehicles; that there is a previous refused planning permission on a neighbouring site; and impact on neighbours during construction.

It is noted that some of the received representations are not material planning considerations. Those representations which constitute material considerations are discussed below.

During the course of the application's determination, it became apparent that the red line denoting the application site on the location plan did not include "all land necessary to carry out the proposed development (eg land required for access to the site from a public highway)" as is required for a valid application. It was requested that the location plan was amended to include the area of Hills Road required to access the public highway, and that Certificate B be signed by the applicants, and notice served on those who own the private road.

REPORT

Principle of Development

Paragraph 49 of the National Planning Policy Framework states “housing applications should be considered in the context of the presumption in favour of sustainable development”, and favour residential development in sustainable locations where there is an identified need for additional housing; for example within existing towns and villages. Policy RLP3 of the Braintree District Local Plan elaborates on this in a local context, permitting new residential development within village envelopes and town development boundaries where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy LPP 37 of the Braintree District Draft Local plan states development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need.

The site is located within the village envelope of Sible Hedingham, a key service village. Therefore the site is considered a sustainable location, and the principle of the proposed development is acceptable.

Design, Appearance and Layout

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

The proposed dwelling would take the form of a one and a half storey dwelling, with one front facing and two rear cat slide dormers, and a front gable extension element. Representations were received objecting to the design of the dwelling; in particular that the building would appear out of place in the street scene which is otherwise characterised by either full two storey dwellings or single storey bungalows, and that the dwelling would result in the loss of an open space which is characteristic of the street scene.

These objections are noted; however the application site forms a space between the single storey bungalows and two storey dwellings. The proposed dwelling at one and a half storey in height would provide an effective transition between these two areas. Opposite the application site there is a pair of semi-

detached two storey dwellings, presumably in what would have been the rear garden of 2 Hills Road, itself a bungalow laid out similarly to 3 Hills Road.

Furthermore, and the key difference between this application and a previously refused application in the rear garden of 5 Hills Road which was referenced in some of the objections (05/01973/FUL), this dwelling would have a frontage on Hills Road and wouldn't appear as backland development.

The proposed amenity area to the side of the dwelling would measure approximately 115sqm, and the existing dwelling would be left with an amenity space of approximately 180sqm; both in excess of the required 100sqm in the Essex Design Guide. However, as extensions could reduce the size of the amenity area it is recommended that permitted development allowances for extensions and outbuildings are removed so that such additions could be controlled through the application process.

Taking the above into account, officers consider that the proposed dwelling would sit well in its plot, it would be well designed and would not be detrimental to the character of the street scene in Hills Road. It is therefore considered that from a design and appearance perspective, the application is acceptable.

Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Draft Local Plan allow for new development where there would be “no unacceptable impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

The proposed dwelling would sit close to a boundary shared with a neighbouring dwelling known as Brambles. This dwelling is two storey in height, is set off the boundary and has a single storey extension to the side. The proposed dwelling would be approximately 1.3 metres off the boundary, and approximately 6.5 metres away from the dwelling at Brambles. There would be no side facing windows in the new dwelling, and the rear facing dormer windows would not result in an unacceptable overlooking. It is considered that impacts on their neighbouring residential amenities would not be unacceptable for these reasons.

The proposed dwelling would back onto the rear garden of 4 Hills Road, but the garden of 5 Hills Road will also be visible from the rear facing windows. Notwithstanding this, the gardens themselves are relatively large in terms of their length, and the areas which would be overlooked would be the bottoms of the gardens rather than the area closest to the house, which tend to be used as “sitting out” areas. Furthermore these areas are already overlooked to some degree by some dwellings on Hawkwood Road. It is considered

therefore that impacts on the residential amenities of 4 and 5 Hills Road would be limited and not constitute a basis for refusal of the application.

Issues were raised in relation to impacts on neighbours during construction. It is recommended that conditions be attached to a planning permission which would limit these impacts; for example limiting hours of working on the site, limiting hours of deliveries to the site etc. Officers consider that through the use of conditions, impacts on neighbours can be limited so as to not have an unacceptable impact.

Parking

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

Some of the representations which were received relate to insufficient parking on the site, stating there are already issues with parking at Hills Road. Notwithstanding this, both the existing and proposed dwellings would have 2 parking spaces each which would measure 5.5 metres x 2.9 metres. These spaces would be accessed from Hills Road, through a new access. Therefore it is not anticipated that existing parking issues would be made worse as a result of this application. From this perspective, the application is considered acceptable.

Private Road

Representations were received objecting to the application on the basis that Hills Road is a private road. Initially, the location plan didn't include this road in the red line. This is required, as Paragraph 24 of the section 'Making an Application' in the National Planning Practise Guidance states "The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway...)." The agent subsequently revised the location plan to include the section of Hills Road required to access the site from the public highway, and served notice on the owners of the road. Officers are satisfied that the correct process has now been followed for the planning application and that this application is valid. The ownership of the private road and access rights over it is a civil matter. The grant of planning permission does not confer any new rights of access and it is not considered that this matter has any bearing on the determination of this application. Although a private road, it is considered to provide an acceptable access to the proposed development.

Other Issues

Issues were raised in objections in relation to foundation types for the dwellinghouse, drain issues, and access for emergency vehicles. These are

issues which will be dealt with under Building Regulations, and therefore aren't considered relevant within the context of this planning application.

CONCLUSION

This planning application represents a new dwellinghouse in a sustainable location. The dwelling would be well designed, set within a good sized plot, and conform to policy criteria for garden sizes and parking spaces. It would reflect the street scene well, representing an effective transition between the single storey bungalows and two storey dwellings. The dwelling would not have an unacceptable impact on neighbours.

For these reasons, Officers consider that this planning application should be approved.

RECOMMENDATIONS

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

APPROVED PLANS

Block Plan	Plan Ref: 16/3436/3
Proposed Plans	Plan Ref: 16/3436/4
Location Plan	

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Classes A and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any

proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 4 The external materials and finishes shall be as indicated in the schedule of materials contained within the planning application form.

Reason

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

- 5 In addition to the first floor windows and rooflight on the rear elevation which are indicated to be obscure glazed on Drawing No. 16/3436/4, the first floor rooflight on the south-west facing elevation shall be glazed with obscure glass and shall be so maintained at all times.

Reason

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

- 6 Prior to occupation details of the hedge to be planted on the northern and eastern boundaries shall be submitted to and approved in writing by the local planning authority.

The hedge planting shall be carried out in the first planting season after the commencement of the development.

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

Reason

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

- 7 The development shall not be occupied until the parking area indicated on the approved plans has been surfaced and made available for use. The parking area shall be retained in this form at all times.

Reason

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

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

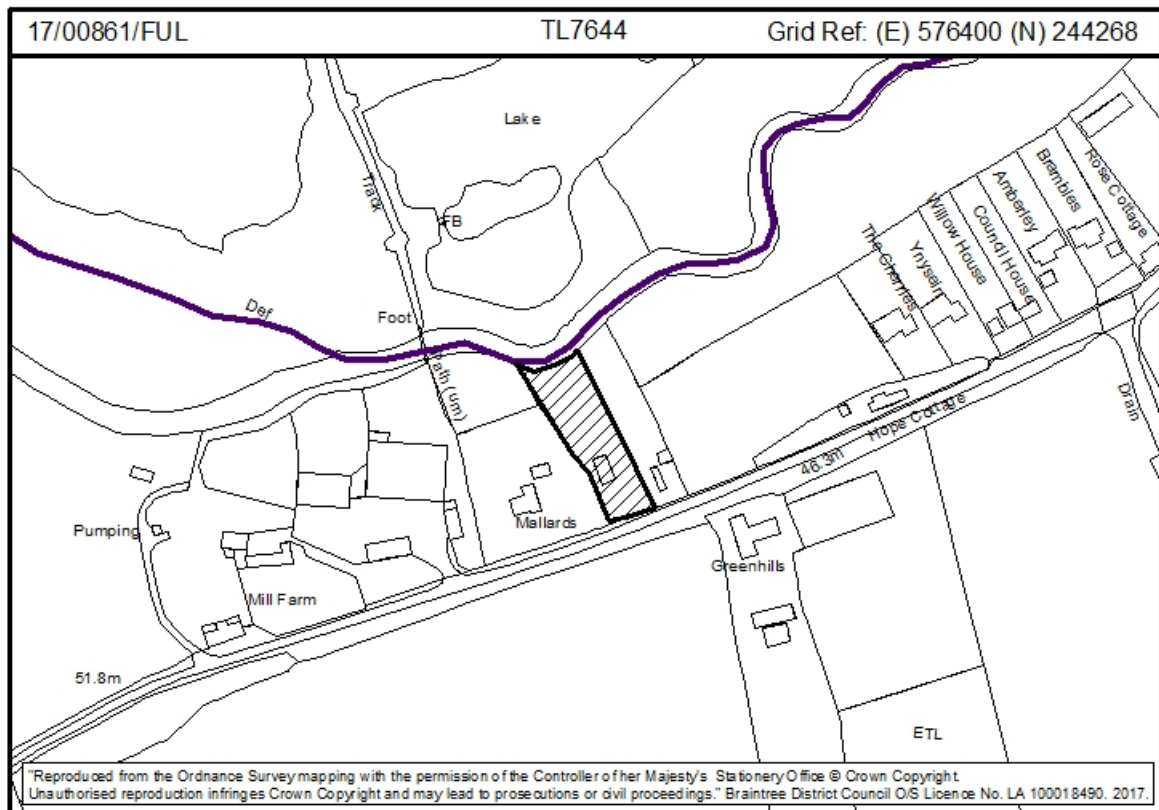
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 17/00861/FUL DATE: 10.05.17
 VALID:
 APPLICANT: Ms Rebecca Robinson
 Mill House, Hintlesham, Ipswich, Suffolk, IP8 3NJ
 AGENT: Local Planning Services
 Mr Young, Middleborough House, 16 Middleborough,
 Colchester, Essex, CO1 1QT
 DESCRIPTION: Erection of detached dwelling with associated vehicular
 access, hardstanding and landscaping.
 LOCATION: Land Adjacent To Mallards, Ashen Road, Ashen, Essex,
 CO10 8LG

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



SITE HISTORY

16/00040/REF	Proposed redevelopment of established (permanent) residential caravan site to create two no. replacement dwellings	Appeal Allowed	23.09.16
15/01255/OUT	Proposed redevelopment of established (permanent) residential caravan site to create two no. replacement dwellings	Refused then allowed on appeal	27.11.15
17/01143/DAC	Application for approval of details reserved by condition no. 4 of application 15/01255/OUT	Pending Consideration	

POLICY CONSIDERATIONS

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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)”.

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It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was

subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP15	Replacement of Dwellings in the Countryside
RLP16	Hamlets and Small Groups of Dwellings
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity

Braintree District Publication Draft Local Plan 2017

LPP28	Housing Type and Density
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee following an objection from the Parish Council contrary to Officer Recommendation.

SITE DESCRIPTION

This site is located outside of a defined development boundary and is therefore considered as being in the countryside. It is situated to the north of Ovington close to the District Boundary. The site is situated within a linear row of residential dwellings on the northern side of Ashen Road. The site measures approximately 0.1 hectares and forms part of a subdivided plot. The site is vacant although a check of planning history and photos indicates that a chalet and outbuilding once stood on the plot. The lower part of the site is situated within Flood Zone 2 and 3.

PROPOSAL

The application seeks planning permission for the erection of a detached dwelling with associated vehicular access, hardstanding and landscaping.

CONSULTATIONS

Braintree District Council Engineers - Although the rear of this site is in the Environment Agency flood zone with established buildings, the extra surface water generated should not unduly affect this.

Essex County Council Highways - From a highway and transportation perspective the Highway Authority has no comments to make on the proposal. Informative: There shall be no discharge of surface water on to the Highway

Environment Agency – We have no objection to the planning application, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit. A full site specific flood risk assessment (FRA) has not been provided. The document labelled as a FRA is a Groundsure Flood Search report. This would not normally be acceptable, however, as the proposed new dwelling has been sequentially sited outside of the Flood Zones we are satisfied that the plans and documents submitted provide you with the information necessary to make an informed decision. You should be satisfied with any emergency flood plan submitted and find it adequate for the purposes of the local authority flood plan (for example, possible rescue of inhabitants during a flood, temporary accommodation whilst flood waters subside and properties are inhabitable). In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

It is understood that landscaping may be undertaken near the river. Under the Environmental Permitting Regulations 2016 (EPR) the applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) of the River Stour, designated a main river, or within 8m of any flood defence structure or culvert. A permit may also be required for works within the floodplain which are beyond 8m from the river if

they are likely to divert or obstruct floodwaters, to damage any river control works or to affect drainage.

It should be noted that a previous consultation response from Essex County Council Archaeology (for 15/01255/OUT – allowed on appeal) indicated that The Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. The proposed development lies along the floodplain of the River Stour, close to the 16th century listed building, Mill House, which would have been associated with a watermill along the Stour. To the west lies a cropmark complex that is a designated scheduled monument and is considered to indicate prehistoric funerary monuments. The potential for evidence related to the prehistoric use of the floodplains for ritual purposes as well as the possibility for the survival of waterlogged deposits which may preserve both archaeological and palaeoenvironmental remains is high and these may be disturbed or destroyed by the proposed development.

REPRESENTATIONS

Ashen Parish Council – Objection - While Ashen Parish Council recognises that this application appears consistent with the part of the outline planning permission which applied to that part of the site, the outline planning permission was granted for the development of the whole site and included conditions such as for drainage and archaeology that applied to the whole site. The Council considers that development should not be granted on a piecemeal basis without ensuring that the development will not prejudice the sustainable development of the site as a whole including issues as to drainage, landscaping, access and archaeology. There is nothing in the planning statement which gives any indication as to how the site is to be treated as a whole or otherwise in respect of these essential considerations.

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties:

1 letter of support has been received in response to the application, the contents of which are summarised below:

- The plans for the first site are totally appropriate and in keeping with the style of Mallards. We regret not knowing that the Parish Council Meeting in Ashen and its conclusions were conducted without the opinions of those living nearest to the site.

Revised plans were received so further consultation was undertaken with neighbours and the Parish Council. Any representations received will be reported to Committee.

REPORT

Principle of Development

The application site is located outside of the defined development boundary therefore countryside policies.

In this case the principle of residential development has already been established in the appeal decision which concerned a site which includes the major part of the site the subject of this application. The appeal site (ref 15/01255/OUT) extended further to the east but not to the full depth of the application site. This application sought outline planning permission for the replacement of two residential caravans with two replacement dwellings. All matters were reserved except for access. The site has historically been occupied by three residential caravans by a Travelling Show Person and family. Only one caravan now remains and this is on the adjoining plot.

The Inspector's Decision stated, *'I conclude however that as the appeal proposal would not have a significantly harmful effect on the character and appearance of the area, it would not therefore compromise the otherwise restrictive approach to development in the countryside set out in Policy RLP2 of the LP or Policy CS5 of the CS. It would also accord with the objective of the Framework to recognise the intrinsic character and beauty of the countryside and support thriving communities within it. The caravan and chalet themselves are temporary structures, although evidently well-established on the site, and are not of conventional construction. The proposed replacement buildings would inevitably have a greater height and footprint and a greater impact. While, therefore, the appeal proposal would not in absolute terms meet the requirements of LP Policy RLP 15 which controls the replacement of existing dwellings in the countryside, I do not find any significant harm in this. There would be some potential for benefits in terms of an improved appearance to the site.'* A copy of the appeal decision has been appended to this report. Given the appeal decision, the principle of a new dwelling on the site is accepted.

This application has been resubmitted as a full application and covers approximately half of the site area covered by the outline application.

Design, Appearance and Layout

The NPPF states that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development. Policy RLP 90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings.

The application proposes a detached 3 bed dwelling with associated vehicular access, hardstanding and landscaping. The previous application 15/01255/OUT included land to the east of the application. However, the site has since been subdivided and sold off separately.

The surrounding area of the application site is characterised by large wide plots fronting onto Ashen Road. The building line is sporadic with detached properties set back from the road with large front gardens. There is a mixture of dwelling styles of 1 ½ and 2 storey dwellings.

The width of the proposed dwelling has been reduced in revised plans submitted (LPS 330 1.1 Rev H) to 12.1 metres to facilitate 2 metre clearance on either side of the proposed dwelling with the boundaries to create more space and less of a cramped appearance. The depth of the proposed dwelling extends to 13.1 metres at its furthest point with a side gable protruding to the west with a width of 5.7 metres and a depth of 6.3 metres. The overall height of the proposed dwelling is 7.4 metres. Photovoltaic panels are proposed on the roof of the west elevation. It is proposed that the dwelling will have render (white) and timber cladding (stained blue) on exterior walls, grey framed upvc windows and smooth grey tiles on the roof. The revised plans submitted (LPS 330 1.1 Rev H) have increased the size of the ground floor gable windows (kitchen and utility room) from the front elevation and the upstairs window has decreased in size. This has addressed officer concerns relating to the balance of the fenestration pattern.

The proposed dwelling is set back from the road and is sited to follow the building line of the adjacent property 'The Mallards'.

It is noted that the site is substantial in area and the proposed development is not considered to be out of scale relative to the size of the site.

Policy RLP 15 'Replacement Dwellings' of the Braintree District Local Plan Review 2005 is not strictly applicable as the chalet previously occupying the site has since been removed and was not of a 'permanent or conventional construction'. However, the Planning Inspector indicated in his appeal decision that the principle of development is accepted and referred to RLP 15 and stated, *'While, therefore, the appeal proposal would not in absolute terms meet the requirements of LP Policy RLP 15 which controls the replacement of existing dwellings in the countryside, I do not find any significant harm in this'*.

Although the proposal introduces a higher level of site coverage than that as existing (or previously with the chalet) the proposal is not visually harmful or intrusive to the appearance of the countryside in the area by virtue of the scale and height, character and design of the proposed dwelling (referring to the criterion of policy RLP 15). The proposed dwelling is relatively modest and of a simple design and uses materials that are sympathetic to the surrounding area. It is also considered that the proposed dwelling would potentially offer some benefits in terms of an improved appearance to the site.

Impact on Neighbour Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

RLP 90 states there should be no undue or unacceptable impact on the amenity of any nearby residential properties.

Plans have not been submitted for the adjoining plot. However, as indicated by the block plan there is sufficient distance between the proposed dwelling and that of the neighbouring property at The Mallards. The design of the dwelling and position of the windows seeks to minimise impacts on the adjacent property 'The Mallards' and the future dwelling erected on the adjacent site.

Given the size, design, scale and form of the development it is considered that the proposal would not have any adverse impact on neighbouring amenity including by way of overlooking, visual intrusion or a loss of privacy.

Highway Issues

The site is proposed to be accessed off Ashen Road, via a new drive. No objections have been raised by the Highway Authority however a condition relating to discharge of surface water is requested.

Policy RLP 56 states that parking should be provided in accordance with the Councils adopted parking standards. For new dwellings with two bedrooms or more the standards indicate that a minimum of two off road parking spaces should be provided. The standards also state that parking spaces should measure 2.9m x 5.5m. Two parking spaces are proposed for the dwelling. This therefore accords with the above standard. It is noted that vehicle turning area has been proposed therefore reducing the likelihood of vehicles reversing on to the highway.

Flood Issues

Although the agent indicates a Flood Risk Assessment has been submitted as part of this application it is a 'Groundsure Flood Search'. However, as the proposed dwelling is situated within flood zone 1 the plans and detail submitted with the application are considered to be sufficient.

The red line plan submitted abuts the river, therefore part of the rear garden is within flood zone 2 and 3 with the area closest to the river proposed as 'uncultivated area' on the landscaping plan. The Environment Agency has not raised an objection to the proposal and Braintree District Council Engineers have not raised any concerns regarding surface water flooding issues. Policy CS8 of the adopted Core Strategy states that, *'where a site lies partially in the flood zone the Sequential Approach will also be rigorously applied and only*

water compatible or essential infrastructure uses will be permitted in areas demonstrated to be at risk. The NPPF states that a 'water compatible use' includes amenity open space, nature conservation and biodiversity. The proposed area of 'uncultivated land' on the plan would therefore be considered as a 'water compatible use'.

There has been no information submitted with this application relating to emergency flood plan. However, as the rear garden is within flood zone 2 and 3 and the proposed dwelling is situated within Flood Zone 1 it is not considered necessary. Safe access to/from the proposed dwelling house can be gained via Ashen Road at the front avoiding flood zone 2 and 3.

CONCLUSION

It is considered that the proposed development is acceptable and would not give rise to any detrimental impact to the character and appearance of the site, or the surrounding countryside and would cause no unreasonable impact upon residential amenity. It is Officer's recommendation that the application be granted planning permission, subject to the conditions set out below.

OTHER

The Parish Council has raised concerns about this being piecemeal development. This application is a full application where all matters must be considered. Whilst the outline application covered both dwellings there is no requirement for this application to do so. Therefore, no objection can be raised on such grounds. The dwelling has been designed so as not to prejudice development on the adjacent site. Clearly, if permission is granted for this development, it will form a material consideration in the assessment of any future proposal for the neighbouring site.

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan

Block Plan

Proposed Plans Plan Ref: LPS 330 1.1

Proposed Site Plan Plan Ref: LPS 330 1.2

Landscaping Plan Ref: LPS 330 1.3

Proposed Plans Plan Ref: LPS 330 1.1

Proposed Site Plan Plan Ref: LPS 330 1.2

Landscaping Plan Ref: LPS 330 1.3

Version: H

Version: G

Version: G

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

Reason

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

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

Reason

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

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

Reason

In the interests of visual amenity.

- 4 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching and palaeoenvironmental investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits or palaeoenvironmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest.

- 5 Prior to occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The

approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason

To ensure uninterrupted flow of water and reduce the risk of flooding of the highway.

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

Reason

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

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

Reason

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

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 The Environment Agency have asked that we draw your attention to the following: Under the Environmental Permitting Regulations 2016 (EPR) the applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) of the River Stour, designated a main river, or within 8m of any flood defence structure or culvert. A permit may also be required for works within the floodplain which are beyond 8m from the river if they are likely to divert or obstruct floodwaters, to damage any river control works or to affect drainage.

TESSA LAMBERT
DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 31 August 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 23rd September, 2016

Appeal Ref: APP/Z1510/W/16/3150292

Land off Greenhills, Ashen Road, Ashen, Essex CM10 8LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Joseph Hedges against the decision of Braintree District Council.
 - The application Ref 15/01255/OUT, dated 6 October 2015, was refused by notice dated 27 November 2015.
 - The development proposed is redevelopment of established (permanent) residential caravan site to create 2 no. replacement dwellings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for redevelopment of established (permanent) residential caravan site to create 2 no. replacement dwellings at land off Greenhills, Ashen Road, Ashen, Essex CM10 8LG in accordance with the terms of the application, Ref 15/01255/OUT, dated 6 October 2015, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The application was submitted in outline, with all matters reserved except access. I have dealt with the appeal on that basis, treating the site layout plan as illustrative only, except in respect of access arrangements.
3. The Council refers to its Pre-Submission Site Allocations and Development Management Plan, but this has not yet been examined, and may be subject to change. Accordingly its policies are given little weight in my consideration of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. It is not disputed that the appeal site sits outside any town development boundary or village envelope defined in the Braintree District Local Plan Review 2005 (LP). It sits towards the edge of a residential outlier of Clare, around three quarters of a mile from the town centre. The houses in the area are of mixed age and design, and are generally modest in size. They mostly line the
-

north side of Ashen Road and are set in gardens running down towards the adjoining fields or margins of the River Stour. The rural feel of the area is enhanced by the substantial naturalised hedgerow to the south of Ashen Road, thickly scattered with mature trees.

6. The appeal site itself is of closely cropped grass, bounded on either side by high hedges, with a number of specimen conifers to the front. The end of the site furthest from the road tails off into an area of overgrown vegetation and mature trees. A chalet building and a small caravan with a small timber-clad extension sit towards either side of the site, each served by a wide timber gate in the low chain-link fence to the front boundary, but by no made access or hard standing.
7. Notwithstanding the absence of a Lawful Development Certificate, the appellant has submitted information which indicates that the presence of caravans on site is lawful. The current buildings are very modest in scale. They are serviced by a number of other structures including a further small caravan, small sheds and lighting and external fuse boxes, which, while taking up relatively little of the site area, diminish its open feel by creating clutter within the site.
8. The existing buildings are however of low visual quality. The grassed frontage of the site itself, although largely open, is of limited visual interest, while the openness of the site as a whole is curtailed by the high flanking hedges. The naturalised vegetation and trees to the rear of the site have some picturesque qualities, and are not included in the area to be developed.
9. The appeal proposal is for the replacement of the existing temporary residential buildings and associated paraphernalia with two permanent structures. In its statement the Council has acknowledged that the site is capable of accommodating two dwellings. While the proposal would introduce a higher level of site coverage and larger buildings, the effects of these on the overall character of the area are capable of being managed through the approval of the layout, landscaping, appearance, and scale of the proposed buildings as reserved matters. While much would therefore depend on the determination of these matters, there is no evidence to suggest that the proposal would be visually harmful to the appearance of the countryside in the area.
10. The Framework sets out the presumption in favour of sustainable development. It also reminds us that the starting point for determining planning applications is the local development plan unless material considerations indicate otherwise, and that a local plan should not be considered out of date for the purposes of decision making simply because it was adopted prior to the publication of the Framework. Policy RLP2 of the LP and Policy CS5 of the Braintree District Council Local Development Framework Core Strategy 2011(CS) in directing new development to sites within development boundaries, both seek to protect the countryside, including its character.
11. I conclude however that as the appeal proposal would not have a significantly harmful effect on the character and appearance of the area, it would not therefore compromise the otherwise restrictive approach to development in

the countryside set out in Policy RLP2 of the LP or Policy CS5 of the CS. It would also accord with the objective of the Framework to recognise the intrinsic character and beauty of the countryside and support thriving communities within it.

12. The caravan and chalet themselves are temporary structures, although evidently well-established on the site, and are not of conventional construction. The proposed replacement buildings would inevitably have a greater height and footprint and a greater impact. While, therefore, the appeal proposal would not in absolute terms meet the requirements of LP Policy RLP 15 which controls the replacement of existing dwellings in the countryside, I do not find any significant harm in this. There would be some potential for benefits in terms of an improved appearance to the site.
13. The appeal site is separated to the east from the run of other houses along Ashen Road by a large, overgrown site, and to the west by Mallards, a large bungalow in an open and well-planted garden, and beyond that the working buildings of Mill Farm and fields beyond. The site is not, therefore, set directly between existing dwellings, and since it is capable of accommodating two buildings, I conclude that it may not be considered a gap site for the purposes of Policy RLP 16 of the LP.

Other Matters

14. A local resident has pointed out the lack of cycle parking in the submitted plan. This is an issue capable of being addressed in the consideration of reserved matters.

Conclusion

15. For the reasons set out above and having regards to all other matters raised, I conclude that the appeal should be allowed.

Conditions

16. Apart from the standard outline conditions, the Council has suggested seven conditions. Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. No convincing justification for doing so has been put before me. Conditions in relation to facing materials, hard or soft landscaping works, or means of enclosure relate to parts of the proposal to be addressed at a later stage. The site is in an area which has the potential to yield archaeological and palaeoenvironmental remains, and to ensure that these are appropriately addressed a condition is added requiring the implementation of a programme of archaeological work prior to any ground disturbance. I consider it reasonable and necessary to impose a condition regarding surface water drainage, in the interests of highways safety.

S J Buckingham

INSPECTOR

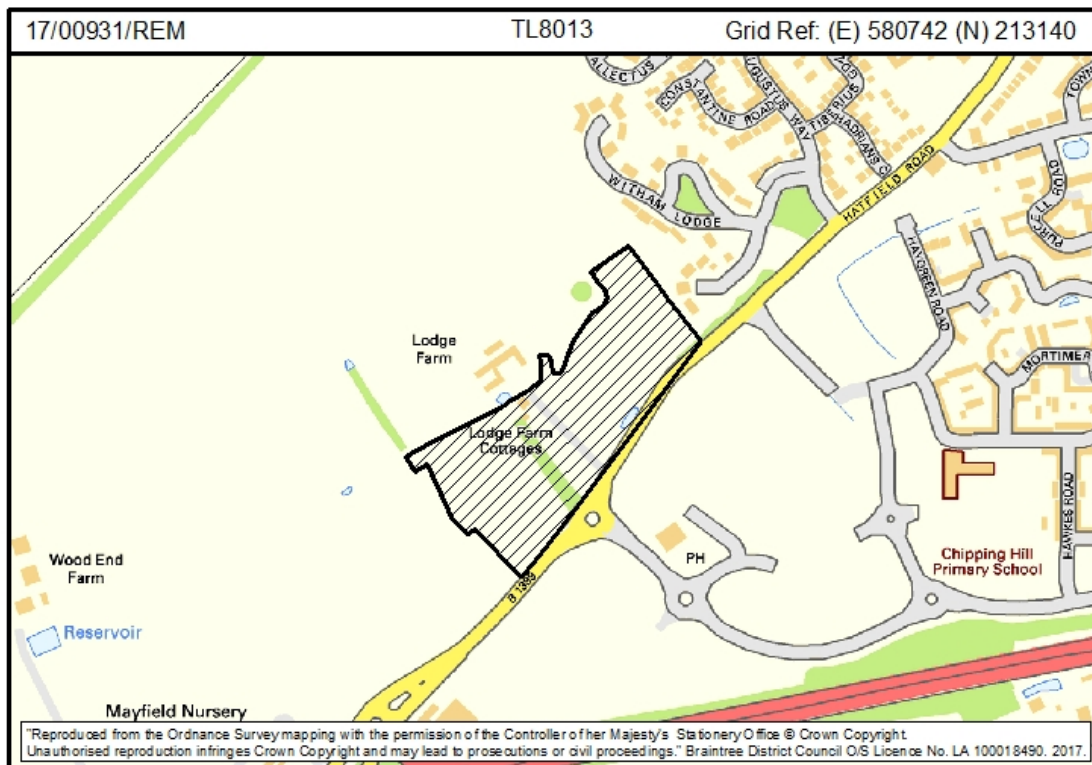
SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) 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.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development or preliminary ground works of any kind shall take place on site until the applicant has first secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which shall have been submitted to and approved in writing by the local planning authority.
- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

PART A

APPLICATION NO:	17/00931/REM	DATE	25.05.17
APPLICANT:	Mr Chris Gatland Redrow Homes Ltd, Redrow House, 2 Aurum Court, Southfields Business Park, Sylvan Way, Laindon, Basildon, SS15 6TU		
AGENT:	Mr David Fletcher Strutt And Parker, 13 Hill Street, Berkeley Square, London, W1J 5LQ		
DESCRIPTION:	Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout', and 'Scale' for Phase 1A comprising 91 dwellings with associated landscaping, public open space, access and parking, pursuant to outline planning permission 15/00430/OUT (Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.)		
LOCATION:	Land Adjacent To Lodge Farm, Hatfield Road, Witham, Essex		

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



SITE HISTORY

03/00032/REF	Display of directional sign	Appeal Dismissed	11.11.03
03/01003/ADV	Display of directional sign	Refused then dismissed on appeal	02.07.03
78/00048/	Outline For Development Of 154 Dwellings With Access Roads In Pt.O.S.J.S.G. 6600. 64 Dwellings With Access Roads In Pelly'S O.S. 3037 And 96 Dwellings With Access Family Roads In Pt. O.S 0006		04.04.78
92/01243/FUL	Proposed widening of vehicular access	Refused	23.12.92
15/00430/OUT	Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.	Granted with S106 Agreement	27.05.16
16/01281/ADV	Application of consent to display two free-standing v-shaped stack boards with flags fixed to the top	Granted	12.09.16
16/01538/FUL	Infrastructure application for the provision of primary road network for Phase 1 with associated footpaths, cycleways, necessary drainage infrastructure including a foul water pumping station, and other minor access roads where appropriate.	Granted	28.04.17
17/00482/FUL	Temporary Construction Access onto Hatfield Road	Granted	10.07.17

	until the 31st December 2019.		
14/00016/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Outline planning application for the erection of up to 850 dwellings, primary school, local centre and associated infrastructure	Screening/ Scoping Opinion Adopted	15.10.14
15/00430/OUT	Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.	Granted with S106 Agreement	27.05.16
16/01281/ADV	Application of consent to display two free-standing v-shaped stack boards with flags fixed to the top	Granted	12.09.16
16/01320/DAC	Application for approval of details reserved by condition nos. 20, 21 and 22 of approved application 15/00430/OUT	Part Grant, Part Refused	17.10.16
16/01538/FUL	Infrastructure application for the provision of primary road network for Phase 1 with associated footpaths, cycleways, necessary drainage infrastructure including a foul water pumping station, and other minor access roads where appropriate.	Granted	28.04.17
16/01563/PDEM	Application for prior	Permission	10.10.16

	notification for proposed demolition of cottages and outbuildings	not Required	
16/01681/REM	Approval of site, appearance, landscaping, layout and scale reserved matters for Phase 1A to provide 91 dwellings with associated landscaping, public open space, access and parking. Please refer to accompanying cover letter and Design, Access and Landscaping Statement. An Environmental Impact Assessment was submitted alongside the outline planning application.	Pending Consideration	
16/01682/DAC	Application for approval of details reserved by condition nos. 5, 9, 19, 24 and 26 of approved application 15/00430/OUT	Pending Consideration	
16/02101/VAR	Application to vary condition no. 26 of planning approval 15/00430/OUT - to vary the condition so that the site wide design guide will be submitted to and approved by the Council prior to the submission of the first reserved matters application for the 92nd dwelling on the site.	Granted with S106 Agreement	29.06.17
17/00482/FUL	Temporary Construction Access onto Hatfield Road until the 31st December 2019.	Granted	10.07.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for

submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks

RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat

LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)
 Essex Design Guide Urban Place Supplement (2005)
 ECC Parking Standards – Design and Good Practice (September 2009)
 Open Space Supplementary Planning Document
 Open Spaces Action Plan
 Affordable Housing Supplementary Planning Document
 External Lighting Supplementary Planning Document

Other Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the significant scale of development and because Witham Town Council have objected to the application, contrary to the officer recommendation. It is also of note that objections have been received from neighbouring residents.

NOTATION

The site is identified in the adopted Core Strategy (2011) as a Strategic Growth Location. Policy CS1 (Housing Provision and Delivery) as set out therein states that a minimum housing provision of 600 dwellings is proposed at the Witham South West growth location, north of Hatfield Road.

The Pre Submission Site Allocations and Development Management Plan Document (Table 1) proposed an amendment to Policy CS1, to increase the provision by 100 dwellings at this growth location to 700 dwellings. Subsequent to this, the Publication Draft Local Plan (DLP), following amendments, was approved by Council for Regulation 19 Consultation and Submission on 5 June 2017.

The DLP was published for Consultation between 16 June and 28 July 2017, the proposals map (Witham South) identifies the site as WITC 423. The DLP Housing Trajectory stipulates the site's capacity as being 750 dwellings, which is the maximum number of units that have been permitted by virtue of the grant of outline planning permission 15/00430/OUT.

SITE DESCRIPTION

This planning application seeks to discharge the Reserved Matters for a 3.7 hectare part of the site. The majority of the application site is predominantly arable farmland. The Lodge Farm site which benefits from outline planning permission is approximately 36 hectares in total. It is situated on the south western edge of Witham, to the north of Hatfield Road (B1389) and opposite the Maltings Lane development.

The application relates to "Phase 1A" of the development. Phase 1A is positioned between the former Lodge Farm farmyard and the roadside frontage, and is centred around the primary access road into the site, from the Hatfield Road/ Gershwin Boulevard roundabout. Phase 1A provides for development both sides of the strategic point of access, as approved under the outline planning permission and subsequent infrastructure application (reference 16/01538/FUL). Work has recently commenced on the site to construct the new vehicular access to the site.

The site's north eastern boundary backs onto the rear gardens of no's 1, 2, 3, 22 & 23 Witham Lodge.

There are quite a number of natural features within the site, including mature trees and hedgerows, ditches and a pond, some of which date from a time when the eastern section of the land formed part of the parkland and gardens to the former Witham Lodge.

The proposals also facilitate cycle and pedestrian links to the site, along with SUDS attenuation features adjacent to Hatfield Road.

PROPOSAL

Background

As set out above, the submitted application seeks approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, comprising 91 dwellings with associated landscaping, public open space, access and parking. This is pursuant to outline planning permission 15/00430/OUT which was approved with all matters reserved, other than the strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.

The design ethos of this phase of the Lodge Farm development is underpinned by the overall vision of the original Masterplan to provide an attractive gateway into the town with a mix of commercial, residential and sports facilities along Hatfield Road. The application is accompanied by a detailed set of plans, which cover site layout, car parking, gardens, enclosures, landscape, surface water drainage, highways and affordable housing, as well as house type floor plans and elevations for each dwelling, and key street elevations along the primary road frontages.

There are also a number of conditions imposed upon 15/00430/OUT (no's 10, 15 & 16), which relate to Archaeology, Lighting, Refuse and Recycling, details for which have been submitted with this reserved matters application. Furthermore, 15/00430/OUT conditions 21 & 22 concerning the submission of Bat and Reptile Mitigation strategies have already been approved for this phase of the development, approved through the discharge of condition application 16/01320/DAC.

The Section 106 legal agreement also placed three separate obligations that the developer need to fulfil on, or before submission, of the first Reserved Matters application. These obligations are-

- Affordable Housing Scheme to be submitted for each phase on or before submission of each respective Reserved Matters, and for commencement of that phase to not be allowed prior to Affordable Housing Scheme being approved by the Council;
- On Site Open Space Strategy to be submitted to the Council for each relevant phase with the first Reserved Matters application for the phase;
- Public Transport Strategy to be submitted to the Council for approval with first Reserved Matters application and not to permit occupation of any dwelling until the Strategy is approved.
- Phasing plan was required to be submitted with the first Reserved Matters application and that this shall be approved prior to the commencement of development.

The Reserved Matters application contains the information that the Council required for the Affordable Housing Scheme, with the exception of the identity of the Registered Provider (RP), which is still to be confirmed. The identity of the RP needs to be confirmed prior to commencement of the phase.

The applicant has not submitted an On Site Open Space Strategy for this phase of the development, as there have been extensive pre-application discussions, involving the Council's Landscape Officer, and a detailed landscaping scheme has been submitted with the Reserved Matters application. The S106 requirement is however for the Strategy to specify the area of the Public Open Space in each phase and details of the maintenance of the Public Open Space. At the time of writing this report this information is being produced by the applicant.

At the time of writing this report a Public Transport Strategy has not been submitted for approval. Officers have reminded the applicant of this obligation and it is envisaged that the Strategy will be submitted prior to the Planning Committee meeting. Officers will update Members on this issue at the Committee meeting.

A Phasing Plan has been submitted during the course of this planning application. The concerns of local residents about possible future revisions to the Masterplan and the location of the site for the proposed new Primary School are noted. Officers are aware that the applicant has been considering making revisions to the approved Masterplan, but the applicant is aware that there is a formal process that they would need to go through if they wanted the Council to consider this and that process would allow for local residents and interested parties to comment on any changes that are proposed. It is proposed that an informative is added which will remind the applicant that the approval of this application should not imply that future revisions to the Masterplan will be acceptable to the Council.

Layout

The layout of the proposed development has been subject to extensive pre-application discussions with the Council's Officers and has evolved further during the processing of the application. The aim of the layout has been to create a largely continuous frontage at the entrance of the site and along its primary routes. It has been amended from that of its predecessor application 16/0168/REM, although this application still aims to create an appropriate landmark gateway entrance to the development of a higher density with a number of apartment blocks.

Towards the north east, the proposals are characterised by lower density detached housing as it moves towards the established Witham Lodge development. This housing is separated from Hatfield Road by attenuation basins that will form part of the Surface Water Drainage Strategy for the site and would partly adjoin the 'Cedar Green' public open space that is identified on the approved masterplan. Cedar Green is outside the current application and will be the subject of a later phase of development.

To the south west of the spine road, the proposals would deliver a mixture of terraced, semi-detached and detached housing.

Scale

The submitted drawings identify that the built form of development across the site would range between two and three storeys in height.

Apartment blocks would stand at up to three storeys and in general the tallest buildings would be focussed around the centre of the site and the main gateway.

The majority of houses within the site would be two storeys in height, with some proposed to be two and a half storeys, where away from existing housing.

However, in the light of representations made from some of the local residents, the applicant has reviewed the height of the dwellings adjacent to the Witham Lodge boundary. In this regard, the scheme has been amended and all dwellings along the boundary with Witham Lodge are now shown to be no more than two storeys. The dwellings proposed along this boundary are to be below 9 metres in height those that have been amended from the original submission are plots 2, 6 and 7. Plot 13 fronting Hatfield Road has been increased in height up to two and a half storeys.

These heights are in accordance with the Building Heights Parameter Plan approved as part of the outline planning permission.

Appearance

The applicant states that the design and form of the proposed apartment blocks and houses have been carefully developed to remain in keeping with the local character of Witham. The applicant has developed a new house type range which is intended to reflect the Essex vernacular, specifically for incorporation in Phases 1A and 1B (to follow) of the Lodge Farm development.

As highlighted above, residential accommodation would be provided through detached, semi-detached and terraced houses, as well as apartment blocks. All houses would front an access road to provide coherent street frontages across the site.

The mix of external materials would include the use of brick, render and fibre cement weatherboard, with plain tile roofs. Dwellings have been articulated and proportioned accounting for the Essex vernacular style, with key detailing including suitably sized gable dormer windows, exposed rafter feet and chimneys on prominent dwellings and buildings along the main access road to help add interest and quality to the street scene.

Following discussions with Officers, the application of external materials has been amended and as result the number of weather-boarded dwellings proposed has been reduced, replacing them with brick and render. The applicant has also considered the composition of the street scenes, to provide for a 'lighter' and less contrasting appearance.

Landscaping

Detailed landscaping plans have been submitted, with approximately 0.64ha of public open space to be provided as part of Phase 1A. The majority of this space would be located along Hatfield Road, providing a substantial green buffer between the road and the edge of built form within this site.

This area of public space would also form an important component of the site's sustainable urban drainage system to help manage surface water runoff. The area provided for attenuation has been increased following the approval of the infrastructure application (application reference 16/01538/FUL), with additional areas now provided for over-ground storage. This change was made as the Lead Local Flood Authority had expressed concerns over the extent to which the surface water drainage strategy relied on underground storage. Additional details of the proposed attenuation are provided on the drainage plans as prepared by Mayer Brown. The Strategy will see Surface Water pass through the attenuation basins in this low lying part of the site, before being discharged at a controlled low rate through pipes along Hatfield Road and into the Anglian Water drainage system at Augustus Way.

The scheme also includes increased tree planting across the site and utilising/enhancing existing field boundaries in respect to its former agricultural use, and to integrate the development into the landscape. This, alongside key infrastructure provision and the retention of green corridors through the development, would provide the opportunity to introduce pedestrian and cycle links to aid permeability within the site and to areas beyond the development.

On-plot landscaping is proposed to provide front gardens edged by hedgerows for each dwelling and apartment block to ensure an attractive and consistent street frontage across the whole of the phase. Suitable tree planting and use of enclosures are also to be provided to soften the car parking courts and ensure a high quality finish to the development throughout.

In response to Officer's comments, the landscaping plans have been updated to provide for the following amendments:

1. A reduction in the level of new tree planting within the private amenity space for the apartment buildings and replaced with lawn areas and seating to provide space which residents will find more useable;
2. Low walls/railings have been added to key frontages around the apartment blocks, with some proposed hedgerows removed;
3. Wing walls have been added to the car park entrance between plots 77 and 78, and details of all proposed external walls; and
4. Hedgerows have been removed in between dwellings in areas where it was considered that there would be issues in terms of management/boundary issues with adjacent dwellings.

All of the plans have been updated to provide for a consistent approach between landscaping, layout and highway drawings.

Highways

The road layout and widths were subject to detailed discussions with the Highway Authority - Essex County Council - both at the outline application stage and prior to the submission of the Reserved Matters application.

Road widths reflect the parameters agreed at the outline application stage, and as agreed with the Highway Authority, with a 6.7m primary access road (both link road and feeder road) is provided to facilitate a proposed future bus route through the site. The highway plans accompanying the application demonstrate that the proposed developed area provides comprehensive access for cars and refuse vehicles, alongside the required visibility splays.

Members will also note that the applicant has previously obtained full planning permission for the 'infrastructure' required to support Phase 1 (reference 16/10538/FUL). That planning permission formally specifies the alignment of the main spine road and primary road for Phase 1A.

Following comments made by the Highway Authority during the processing period of this application, a detailed review of the highway and parking layout has been undertaken. Amendments to the layout plan include the following:

1. In accordance with the approved access and movement parameter plan reference 13 904- SK12.2, Rev F, a 3 metre wide cycleway has now been re-provided along the southern boundary of the site, to the north of the attenuation basins and to the south of plots 12 and 16;
2. The private road to the south east of plots 16-20 has been upgraded to a minor access to allow cycle access along this route;
3. The footpath/cycleway to the north side of the road towards the location of the potential primary school has been removed. Access to this would be provided along a cycle way/footway through Cedar Green, which would provide a segregated pedestrian/cycle access away from vehicular traffic;
4. The site edged red has been amended to allow a size 3 turning head to be provided to the south of the proposed school access and to the west of plot 81. In addition, the road to the west of plots 89- 91 has now been included within the site edged red, in order to allow residents in this area to enter/leave their parking spaces, and a size 3 turning head added to the western end termination of the primary access road;
5. The refuse/recycling store areas and collection point plan, D005, Rev D has been updated to address concern regarding the refuse collection points for plot 12 and Block 6 being further than 25 metres from the public highway. With the addition of the 3 metre cycleway/footpath to the west of plot 12, the refuse collection point for this dwelling would be located to the east of plot 16 within the 25 metre parameter. In relation to Block 6, a new refuse store has been added. The new store is closer to the public highway and will mean that

refuse collection crews will not need to negotiate the whole length of the car park to reach the refuse store, or rely on bins being presented for collection.

6. Concerns were raised by Officers regarding the potential of vehicles reversing out of plots 12-15 and 16- 20 into the attenuation basins. To address this, an enclosure timber knee rail is now shown between the edge of the highway and the top of the balancing pond. A full height kerb is also proposed for this area.

7. The Site Layout Plan, reference D001, Rev E has been updated to refer to the widening of the footpath along Hatfield Road to aid pedestrian movement. Cyclists would enter the site at the identified cycleway in between plot 12 and plot 16.

8. Additional visitor car parking spaces have been provided to assist with the distribution of visitor parking along the site.

The proposals also include a section of a future cycle/pedestrian route to/from the front of the site, again in accordance with the approved access and movement parameter plan. The intention is to provide both a cycle and pedestrian access route into the site from Hatfield Road. The cycleway shared surface will be 3 metres in width and provide access from Hatfield Road directly up to Cedar Green. An additional pedestrian access is provided to the far south- east of the site from Hatfield Road to aid permeability and to reflect anticipated desire lines.

Affordable Housing

The Section 106 agreement for Lodge Farm requires that affordable housing dwellings shall make up to 30% of all dwellings constructed as part of the development.

Due to the Council's stipulation that large elements of continuous frontage be provided along the main access road within Phase 1A, the affordable housing for this phase consists of a relatively high proportion of flats to traditional houses.

Phase 1A includes provision for a total of 25 affordable units, which equates to a total of 27.5% of the dwellings. It was also the original intention of the applicant for 88% of the units to be Shared Ownership dwellings and 12% of the dwellings to be for Affordable Rent. The justification for this approach was the high infrastructure costs associated with the provision of the new roundabout and highway network into the site, and also the S106 requirements for early contributions in respect of education and delivery of the Enterprise Centre land to the Council.

This was not considered acceptable by the Council's Housing Enabling Officer, and further to subsequent discussions, an agreement has been made on a 50:50 split in tenure between shared ownership and affordable rent. The Affordable Housing Layout Plan has been updated to provide Apartment

Block 3 and plots 74-77, in addition to plots 78 to 80 as affordable rented tenure. In addition, the applicant is agreeable to entering into a Supplemental Legal Agreement, which will sit alongside the original S106 agreement. This Supplemental Agreement stipulates an uplift in affordable housing within the next Reserved Matters phase (1B), so that when Phases 1A and 1B are completed 30% of the total number of units constructed will be Affordable Homes.

In addition, the agreement would ensure that the affordable housing tenure for the cumulative total of affordable housing dwellings to be provided on Phase 1A and the first subsequent reserved matters area (Phase 1B) shall be 70% Affordable Rented Housing and 30% Intermediate Tenure, thereby redressing the imbalance caused by this proposed first phase. The Council's Housing Enabling Officer has agreed this approach.

The submission plans have also been updated to provide all affordable dwellings in accordance with the Lifetime Homes standard, as required by the Section 106 agreement.

CONSULTATIONS

External Responses

ECC Flood and Water Management – As the Lead Local Flood Authority (LLFA), ECC provides advice on SuDS schemes for major developments. In providing advice they look to ensure sustainable drainage proposals comply with the required standards as set out in Non-statutory technical standards for sustainable drainage systems, ECC's adopted Sustainable Drainage Systems Design Guide; The CIRIA SuDS Manual (C753); and BS8582 Code of practice for surface water management for development sites.

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the imposition of conditions.

ECC Highways – At the time of drafting this report the Highway Authority have not submitted their formal recommendation in writing. The Highway Authority identified a number of largely minor, technical issues with the initial proposals. The applicant subsequently submitted revised plans which sought to address all the identified issues. Planning Officers have been in dialogue with Highways Officers and the issues identified have either been resolved, or can be addressed through the imposition of conditions.

The formal ECC Highways consultation response will be published on the Council's website when it is received and Officers will update Members at the Committee meeting.

ECC Place Services Historic Environment Officer (HEO) – An archaeological programme of evaluation and excavation has been carried out on Phase 1 of the development which has revealed significant prehistoric and

Roman activity. A post-excavation assessment report has been received and approved by the HEO. A further programme of archaeological monitoring will be required on groundworks for the development where they will impact on further archaeological remains.

A Written Scheme of Investigation (WSI) has been supplied with the Reserved Matters application which satisfies the requirements of Condition 10 on application 15/00430/OUT. However the WSI submitted is not based on the plans submitted with the Reserved Matters application and will need to be updated to take into account the amended road scheme and areas of landscaping close to Hatfield Road which may impact on archaeological remains associated with the features excavated in Area 3 close to the Hatfield Road.

The submission of a final report incorporating the results of the archaeological monitoring will be required.

Witham Town Council – Recommend refusal of the application on the following grounds:

- Difficulty commenting on the application without a master plan for the whole site;
- That the original application was understood to be a design agreed by the residents of Witham Lodge, whereas this later application had not been agreed by them;
- That Members are not convinced it is necessary to move from the agreed design; and
- That the six comments made by Witham Watch Group in their letter of objection to BDC be supported by the Town Council (these comments related to the transition from a low density development on Witham Lodge to the proposed new development; roof heights should not exceed the heights of properties on Witham Lodge; scheme should be low density to match Witham Lodge; rear gardens to new properties along the boundary should be more generous; reserved matters for the Witham Lodge boundary should be dealt with in one application; construction of dwellings along the Witham Lodge boundary should be dealt with in one application phase to minimise disturbance and inconvenience) .

Internal Responses

BDC Environmental Protection – The lighting design should consider the impacts on existing residential development.

The refuse store/collection design shows refuse stores adjacent to roadways for some flats. Even where the stores are not meant for use by persons other than flat residents it can lead to indiscriminate depositing of waste and therefore it should be ensured that the stores are clearly for the use of residents only. There needs to be appropriate management and screening to

deter indiscriminate deposits which can become unsightly and an odour nuisance.

REPRESENTATIONS

Six letters of representation have been received, five of which object to the proposal and include the following issues:

- Consultation with residents took place for several years, during which the developer assured them that development along the boundary with Witham Lodge would take place as a single phase, with the back gardens of the new houses abutting the existing rear gardens for security purposes;
- The current application marks a departure from that approach as it enables the developer to submit a later REM application for a different phase of the site with an inconsistent treatment of the boundary and different uses abutting the boundary;
- This is of concern as the developer has provided plans showing the school abutting the boundary with Witham Lodge in a later phase which runs totally contrary to the consultation over the last two years;
- The application should be rejected as it runs contrary to the legitimate and reasonable expectations of local residents that the boundary with Witham Lodge should be developed as a single phase with consistent treatment along the entire boundary;
- The application is not in accordance with the S106 Agreement as a phasing plan has not been submitted to the Council for approval at the same time as the application. This provision specially enables the Council to deal with the concern under the first point above;
- Members should reject the application and invite it to be resubmitted to cover the whole of the boundary with Witham Lodge and for it to be accompanied by a phasing plan for the entire development as required by the S106 Agreement.

The sixth letter of general comment that whilst not in a position to challenge the mix of properties offered they seek comfort that this meets the local needs. They also state that the allocation of affordable housing should be for social rented accommodation.

Further for the purposes of reducing traffic, a cycleway/footpath should connect the development to the Railway Station. In addition, all new residents, particularly those less mobile should be given free bus travel for a year and bus stops provided adjoining the development. Combined bus and railway tickets should also be made available.

REPORT

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a

golden thread running through both plan-making and decision-taking, this is also reflected with DLP Policy SP1.

As set out in the Notation, towards the start of this report, the site was identified in the adopted Core Strategy (2011) as a Strategic Growth Location within Policy CS1 (Housing Provision and Delivery).

The Publication Draft Local Plan (DLP), following amendments, was approved by Council for Regulation 19 Consultation and Submission on 5 June 2017.

The DLP was published for Consultation between 16 June and 28 July 2017. The proposals map (Witham South) identifies the site as WITC 423. The DLP Housing Trajectory stipulates the site's capacity as being 750 dwellings, which is the maximum number of units that have been permitted by virtue of the grant of the outline planning permission (15/00430/OUT).

Therefore, as a matter of principle this application for Reserved Matters on Phase 1A of the Lodge Farm development is considered acceptable.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. NPPF Paragraph 58 states that developments should aim to *'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'*.

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

As explained previously the aim of the layout has been to create a largely continuous frontage at the entrance of the site and along its primary routes, to create an appropriate landmark gateway entrance to the development. Towards the north east, the proposals are characterised by lower density detached housing as it moves towards the established Witham Lodge development. This housing is separated from Hatfield Road by the attenuation basins and would partly adjoin the proposed 'Cedar Green' public open space, details of which will be contained in a subsequent phase of the development.

The mix of materials would include the use of brick, render and timber, with plain tile roofs. Dwellings have been articulated and proportioned accounting for the Essex vernacular style, with key detailing including suitably sized gable dormer windows, exposed rafter feet and chimneys on prominent dwellings

and buildings along the main access road to help add interest and quality to the street scene.

By taking cues from the Essex Design Guide, it is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.

The proposal also incorporates waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised. This is in accordance with the requirements of condition 16 imposed upon 15/00430/OUT.

In totality it is considered that the scale, layout, density, height and massing of the proposed buildings and overall elevation design would reflect the area's local distinctiveness and would be in broad harmony with the character and appearance of the surrounding area.

Residential Amenities

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

As shown on the submitted garden areas plan, each house would be provided with a private garden, of at least 100m² for houses of 3 bedrooms in size and at least 50m² for 1 to 2 bedroom houses, in accordance with the Essex Design Guide. A number of the dwellings would have private rear gardens which are well in excess of the minimum standards and would provide a higher quality living environment for both existing residents and future occupants of the development.

The apartment buildings would benefit from a mix of private and shared amenity areas, also in accordance with the Essex Design Guide and it is considered that the overall private garden space provision is compliant with the standards.

The Essex Design Guide states that "*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*". It goes on to state that "*where new development backs on to the*

rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”.

All dwellings would be positioned with minimum back to back distances of 25m and further consideration has been given to the dwellings within Witham Lodge and the rear elevations of the properties facing Witham Lodge are 15-18m from the boundary. The dwellings in this location have been laid out so the back to back distances are in excess of the minimum requirement and have been provided with more generous rear gardens, with rear gardens ranging from 191m² - 286m². In addition, it is proposed to provide additional landscape planting along this boundary, within the rear gardens of the new dwellings. The applicant asserts that this will further protect neighbouring residential amenities from overlooking; however the planting will be within the gardens of individual properties and as such cannot be relied upon to provide privacy as future residents might remove these. As the layout of the development complies with the Council's standards for protecting residential amenity Officers consider this arrangement to be acceptable, even if it does not fulfil alternative proposals previously discussed with residents on Witham Lodge.

The concerns raised by third parties with regard to the lack of the submission of a phasing plan for the whole of the Lodge Farm development at the time that the application was made are noted. Officers can now confirm that a phasing plan has been submitted to the Council and has been posted on the Council's website.

At the time the outline planning application was determined, it was envisaged that the area adjacent to Witham Lodge and Allectus Way would be developed within the first phase of development, thereby providing a buffer between neighbouring properties and construction activity in the mid and longer term.

It is acknowledged that the applicant had previously consulted with residents prior to them potentially revising the illustrative masterplan layout, amendments to which however, have not been submitted to the Council. Notwithstanding this, it is important to stress that this Reserved Matters application does conform to the outline planning permission, the Illustrative Masterplan and Parameter Plans. If the applicant does subsequently wish to amend the Masterplan and Parameter Plans these changes would require the consent of the Council, upon which interested parties would have an opportunity to comment.

Officer's primary and overall concerns have always been that the boundary with Witham Lodge be made as secure as possible, whilst protecting the living conditions of its occupants. A previously mooted landscape strip or buffer between the proposed development and the boundary with Witham Lodge would always have left existing rear garden boundaries vulnerable to

intruders. The proposal before Members would ensure that the private gardens of no's 1, 2, 3, 22 & 23 Witham Lodge and their respective boundaries would be far more robust and defensible than is currently the case.

Certainly, the current application marks a departure from the previous approach, as the applicant would have to submit another Reserved Matters application to develop the remainder of the land abutting Witham Lodge, and which is identified as Phase 2 in the Phasing Plan. Concerns with regard to an inconsistency of boundary treatments are noted, however such details are not currently before the Council, but could be controlled by condition at the appropriate time.

The applicant has explained that the change in stance to the phasing of the development is based upon the need to accommodate enlarged surface water drainage basins and services, and because the size of the first phase is limited to a maximum of 91 units, as a Site Wide Design Guide is required to be submitted and approved by the Council prior to the submission of the Reserved Matters application for the 92nd dwelling. This has in turn necessitated adjustments to the layout of the first phase and an increase in the site area, to ensure that the proposals can deliver development at the entrance gateway where the new access road needs to be delivered, and to incorporate all the requirements of the Essex Design Guide. In this regard the back to back distance between the proposed dwellings and Witham Lodge fully complies with the 25 metre back to back distance between dwellings as recommended by the Essex Design Guide. Consequently, Officers are of the view that there are no substantive reasons to withhold the granting of planning permission on this basis, and which would prime the delivery of much needed housing on this site.

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

Highways

Part 4 of the NPPF indicates that all development that could generate significant amounts of movement should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Saved Policies RLP54 and RLP55 require that a Transport Assessment is submitted with all proposals for major new development; one was submitted at the outline stage.

As reported above, the road layout and widths were subject to detailed discussions with Essex County Council both at the outline application stage and prior to the submission of the Reserved Matters application.

Road widths reflect the parameters agreed at the outline application stage and as agreed with Essex County Council Highways a 6.7m primary access road (both link road and feeder road) is provided to facilitate a proposed future bus route through the site. The accompanying highways plans confirm that the proposed developed area provides comprehensive access for cars and refuse vehicles, alongside full safety compliant visibility splays.

The full planning permission granted for the required infrastructure to support Phase 1 has previously been submitted and approved (reference 16/10538/FUL), which formally sets the main spine road and primary road for Phase 1A.

Following comments made by the Highway Authority during the processing period of this application, a detailed review of the highway and parking layout has been undertaken, the amendments to the layout plan have been made and the Highway Authority raise no objection to the proposal subject to conditions.

The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres, except in exceptional circumstances and garages (to be counted towards parking provision) should measure 7 metres by 3 metres.

Parking would be provided in compliance with the standards. Off street parking would be provided through private driveways for most of the houses, and parking courts for the use of apartments and the remainder of the houses, as indicated on the parking layout plan. Visitor parking would be provided at a rate of 25% across the site.

In response to the Council's specific requirement to provide continuous and active frontage along the primary access road, the applicant states that there has been a need to introduce a number of parking courts into the development. All parking courts would be situated to the rear of buildings, away from the street scene and have been designed to accord with the standards. They would be finished with appropriate landscaping to soften the impact on the public and private realm. They also state that the layout has sought to strike a careful balance between the provision of suitable amenity spaces for the apartments and landscaping, whilst ensuring that adequate parking, and refuse and recycling storage space is available for residents.

In order to reduce the impact of the parking courts in urban design terms and to maximise the private amenity space afforded to the residents of the apartments, in this instance it has been considered appropriate by the applicant to use the minimum parking bay sizes of 5.0m x 2.5m as set out in the parking standards for the spaces within the parking courts. The parking bays associated with the residential houses are all to the preferred bay size of

5.5m x 2.9m, although within the parking courts to the flats, the bay sizes have been reduced.

Officers are of the view that the land available for Phase 1A is quite limited in its scope for the reasons as cited by the applicant, and in this instance can accept that parking bay sizes be reduced to the minimum standard for the parking courts only. However, this should not set a precedent for future phases, where continuous frontages are less likely to be proposed to such an extent.

As with any new development, it is inevitable that road traffic would be generated; however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means.

Third party comments that a cycleway/footpath should connect the development to the Railway Station are noted, the S106 signed pursuant to the grant of outline planning permission includes the requirement for a proposed cycle path through the Allectus Way estate (identified on Local Plan Review Proposals Map) to facilitate improved links to the Maltings Academy and Witham Leisure Centre and on towards the Railway Station and Town Centre. The S106 also provides for additional cycle parking at the station.

Further, with regard to comments on measures to encourage the take up of Public Transport services, the S106 includes a requirement to facilitate the provision of public transport (bus) infrastructure within the development site, and at Allectus Way in the vicinity of the north east site boundary. To include, but not be limited to bus stops, real time passenger information signs; and a bus gate from the development onto Allectus Way. The provision of a Travel Plan, to include the provision of a Travel Plan co-ordinator to give advice to residents to encourage trip reduction and modal shift to reduce reliance on the private car is another requirement of the S106, the implementation of which will be monitored at the developer's expense by Essex County Council.

All in all, the development has been laid out in a manner that adheres to the parking standards in terms of quantum and pays regard to the need to plan for sustainable access for all; with a network of footpath and cycleways connecting this phase to future phases, the main areas of open space and the proposed school, as well as beyond the development site to other services and community facilities. This is in accordance with the policies referred to above.

Lighting

Policy RLP65 of the Local Plan indicates that external lighting should be designed as an integral element of the development and provides guidance on the design of lighting.

Condition 15 imposed upon 15/00430/OUT requires a lighting plan to be submitted with each reserved matters application, this should include details on beam orientation and a schedule of equipment in the design.

In this respect, this application is accompanied by a number of supporting documents, although they only relate to the areas to be adopted by the Highway Authority and no details have been provided for the parking courts and private access drives. The applicant understands and fully accepts the need for appropriate lighting for the parking courts and private access drives.

Officers have not been able to obtain feedback on the lighting scheme submitted for the areas of public highway from the Highway Authority lighting specialists and there is some uncertainty over when those comments may be forthcoming. Whilst it would have been preferable for the design of the lighting to be approved as part of the Reserved Matters this is not going to be possible and Officers have agreed with the applicant to impose a condition requiring further details to be submitted prior to the occupation of the development.

Landscape and Ecology

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 of the Core Strategy states that *'the restoration and enhancement of the natural environment will be encouraged through a variety measures'*. These aims are supported by Policies RLP80 and RLP84 of the Local Plan Review.

Policy RLP80 states that *'proposals or new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted.'* Policy RLP84 states that *'planning permission will not be granted for development, which would have an adverse impact on protected species' and 'where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats'.*

The Council's Landscape Character Assessment identifies Lodge Farm as being situated within the Boreham Farmland Plateau. It is recognised that the A12 is a dominant feature of the landscape as the traffic noise carries across large swathes of the area reducing tranquillity. The Council's Landscape Fringe Assessment recognises that the area provides a distinctive rural approach and setting to western Witham, with its medium to large arable fields, scattered blocks of woodland and farmstead clusters. In summary, the Landscape Fringe Assessment recommends that the visual impact that the new residential development could have on the surrounding agricultural fields should be taken into account. Any development would need to ensure that it conserves and enhances the existing hedgerow pattern and strengthens it through planting, where appropriate to the local landscape character.

The submitted plans illustrate green corridors which will reflect the existing hedgerows within the site that are to be retained. Enhancements to the Hatfield Road boundary are also planned, with the intention to inter-plant between existing trees and hedging.

As highlighted above, approximately 0.64ha of public open space would be provided as part of Phase 1A. The majority of this space would be located along Hatfield Road, providing a substantial green buffer between the road and the edge of built form within the site. This area of public space would also form an important component of the site's sustainable urban drainage system to help manage surface water runoff. The area provided for attenuation has been increased following the approval of the infrastructure application (application reference 16/01538/FUL), with additional areas now provided for over ground storage, which accords with the ECC SUDS manual.

The scheme also includes the planting of new trees across the site and landscaping, to create a pleasant living environment, alongside planting along the access routes. On-plot landscaping is proposed to provide front gardens edged by hedgerows for dwellings and apartment blocks to ensure an attractive and consistent street frontage across the whole of Phase 1A. Suitable tree planting and use of enclosures has also been provided to soften the car parking courts and ensure a high quality finish to the development throughout.

With respect to conditions 21 and 22 imposed upon 15/00430/OUT which required the submission of Bat and Reptile Mitigation Strategies respectively, these have been approved as part of the Discharge of Condition application 16/01320/DAC.

The Bat Mitigation Strategy demonstrates how mitigation measures would be implemented so as to ensure the protection of trees that support bat roosts. The Reptile Mitigation Strategy advances measures for reptiles that impact reptile habitat.

In summary, the proposal would protect the existing landscape features found upon the site, in addition to the implementation of enhancements, to the benefit of visual amenity, protected species and biodiversity in general, in accordance with the above policies.

Drainage and Flood Risk

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Core Strategy states that *'the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk'*.

The proposed development is located within Flood Zone 1 (low probability risk), and having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

Refuse and Recycling

Condition 16 of 15/00430/OUT requires details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. This application includes details of such and the size of stores proposed for the apartments has been designed to accommodate refuse and three separate recycling streams and would accommodate the following containers:

Block of 6 apartments

1 x 1100 litre bin for refuse
1 x 1100 litre bin general recycling
1 x 240 litre bin for food
1 x 360 litre bin for glass

Block of 8/9 apartments

2 x 1100 litre bin for refuse
2 x 1100 litre bin general
1 x 240 litre bin for food
1 x 360 litre bin for glass

As highlighted by Environmental Health, the refuse store/collection design shows refuse stores adjacent to roadways for some flats. Even where the stores are not meant for use by persons other than flat residents they explain that it can lead to indiscriminate depositing of waste and therefore it should be ensured that the stores are clearly for the use of residents only. They also state that there needs to be appropriate management and screening to deter indiscriminate deposits which can become unsightly and an odour nuisance.

All bin stores are to be enclosed and the developer will make arrangements for the blocks to be managed by a Management Company or Companies.

In addition, following discussions with Officers, the refuse/recycling store areas & collection point plan has been updated to address Officers concerns regarding the refuse collection points for plot 12 and Block 6. The collection points for these properties were proposed to be further than 25 metres from the public highway which would not be acceptable to the Council's Operation Team. With the addition of the 3 metre cycleway/footpath to the west of plot 12, the refuse collection point for this dwelling would be located to the east of plot 16 and well within the 25 metre collection parameter. In relation to Block 6 a new bin collection point has been proposed. The new location has been shown to be in a location that will be practical and useable for future residents and accessible to the Refuse Collection Operatives on bin collection day.

Consequently, it is considered that adequate waste storage would be provided within the development.

Archaeology

In its glossary, the NPPF highlights that *“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.”*

DLP Policy LPP63 and Policy RLP106 state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

As required by Condition 10 of the outline permission, information on the archaeological trial trenching that has been completed on the site has previously been submitted to the Council, this has been reviewed in conjunction with the information pursuant to the discharge of condition 9 of 15/00430/OUT through (reference 16/01682/DAC).

An archaeological programme of evaluation and excavation has been carried out on Phase 1 of the development which has revealed significant prehistoric and Roman activity. A post-excavation assessment report has been received and approved by the Council's Historic Environment Advisers at Place Services. A further programme of archaeological monitoring will be required on groundworks for the development where they will impact on further archaeological remains.

A Written Scheme of Investigation has been supplied with the Reserved Matters application which satisfies the requirements of Condition 10 on 15/00430/OUT. However the WSI submitted is not wholly based on the plans submitted with this application and will need to be updated to take into account the amended road scheme and areas of landscaping close to Hatfield Road which may impact on archaeological remains associated with the features excavated in Area 3 close to the Hatfield Road.

The submission of a final report incorporating the results of the archaeological monitoring will be required through the imposition of a further condition, to enable the proposal to comply with the NPPF and the above policies.

Affordable Housing

Policy CS2 Affordable Housing of the adopted Core Strategy (2011) states that *‘a target of 30% affordable housing provision on sites...including the proposed growth locations’* shall be provided.

Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. RLP 7 and RLP 8 of the Local Plan Review

require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures. The outline planning application indicated 30% affordable housing provision, providing a range of dwelling types, therefore according with policy CS2. However, as stated above, Phase 1A includes provision for a total of 25 affordable units, which equates to a total of 27.5% of the dwellings. It was also the original intention of the applicant for 88% of the units to be Shared Ownership dwellings and 12% of the dwellings to be for Affordable Rent. The justification for this approach was the high infrastructure costs associated with the provision of the new roundabout and highway network into the site, and also the S106 requirements for early contributions in respect of education and delivery of the Enterprise Centre land to the District Council.

This was not considered acceptable by the Council's Housing Enabling Officer, and further to subsequent discussions, an agreement has been made on a 50:50 split in tenure between shared ownership and affordable rent. The Affordable Housing Layout Plan has been updated to provide Apartment Block 3 and plots 74-77, in addition to plots 78 to 80 as affordable rented tenure. In addition, the applicant is agreeable to entering into a Supplemental Legal Agreement, which will sit alongside the original S106 agreement. This Supplemental Agreement stipulates that an uplift in affordable housing within the next Reserved Matters phase (1B), so that when Phases 1A and 1B are completed 30% of the total number of units constructed will be Affordable Homes.

In addition, the agreement would ensure that the affordable housing tenure for the cumulative total of affordable housing dwellings to be provided on Phase 1A and the first subsequent reserved matters area (Phase 1B) shall be 70% Affordable Rented Housing and 30% Intermediate Tenure, thereby re-dressing the imbalance caused by this proposed first phase. The Council's Housing Enabling Officer has agreed this approach.

The submission plans have also been updated to provide all affordable dwellings in accordance with the Lifetime Homes standard, as required by the Section 106 agreement.

The applicant's proposal for Affordable Housing is considered to be acceptable in planning terms and will allow for suitable clusters of affordable housing to be provided across the combined Phase 1A and 1B sites in accordance with policy CS2.

CONCLUSION

NPPF paragraph 14 stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The site is identified in the adopted Core Strategy (2011) as a growth location and the DLP Housing Trajectory stipulates the capacity of the Lodge Farm development as a whole as being 750 dwellings, which is the number of units that have been permitted by virtue of the grant of 15/00430/OUT.

It is considered that the proposal is consistent with the key elements set out in the approved illustrative masterplan for this part of the site, and provides a reasonable mix of dwelling types, including affordable housing, the imbalance of which would be made up in the subsequent phase.

The layout, design and detailing of the proposed development is considered to be of a good quality, respecting the character and appearance of the area. It would provide acceptable living conditions for future occupants, as well as protecting the amenities of existing residents, particularly those within Witham Lodge. In addition, the proposal would ensure that the site is accessible by sustainable means of transport, as well as ensuring that good conditions for highway safety are provided. Subject to the imposition of reasonable planning conditions it is considered that the proposal would amount to sustainable development, in broadly in accordance with the Development Plan.

RECOMMENDATION

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

1. **Affordable Housing** – The First Subsequent Reserved Matters Application shall provide that at least 30% of the cumulative total Dwellings to be provided on Phase 1a and the First Subsequent Reserved Matters Area are Affordable Housing Dwellings and the Affordable Housing Tenure for the cumulative total of Affordable Housing Dwellings to be provided on Phase 1a and the First Subsequent Reserved Matters Area shall be 70% Affordable Rented Housing and 30% Intermediate Tenure.

the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions set out below. Alternatively, in the event that a suitable planning obligation is not agreed, the Development Manager be authorised to REFUSE the grant of planning permission.

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

Reason

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

- 2 The construction above ground level of any building or boundary walls shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

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

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 5 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

These details are required prior to the commencement of development in order to ensure that ground levels are not excessively altered which may give rise to visual and amenity issues.

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

Reason

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

- 7 All parking spaces shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning

authority.

Reason

In the interests of sustainability and to prevent the increased risk of flooding.

- 8 No dwelling shall be occupied until the car parking space/s that are to serve it, as indicated on the approved plans, have been hard surfaced and marked out in parking bays within the parking courts. The car parking spaces shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

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

- 9 No development should commence until an updated written scheme of investigation has been submitted by the applicant, and approved in writing by the planning authority prior to the archaeological monitoring of groundworks.

Reason

The site is of archeological interest.

- 10 The developer shall submit to the local planning authority an updated post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site is of archeological interest.

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

Reason

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

- 12 No dwelling shall be occupied until the waste and recycling facilities which are proposed to serve it have been provided. The facilities shall be retained solely for the storage of waste at all times.

Reason

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

- 13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, B, C, and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 14 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

In order that the local planning authority may exercise control over the provision of electrical sub-stations and gas governors.

- 15 Prior to installation, details of all ground surface finishes, including kerbs and manhole covers shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure an appropriate choice of materials having regard to the location of this site and to ensure that the choice of materials will deliver a high quality environment.

- 16 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 17 The enclosures, including oak posts, as indicated on the approved layout plan shall be erected prior to first occupation of each dwelling that the enclosure relates to and shall be permanently maintained as such.

Reason

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

- 18 Where the refuse collection vehicle is required to go onto any road, or parking court, the road shall be constructed to take a load of 26 tonnes.

Reason

To ensure that roads are designed and constructed to a standard that will allow refuse collection vehicles to be able to traverse without damaging the surface.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 You are reminded of the need to comply with all relevant conditions attaching to the outline planning permission 16/02101/VAR dated 29.06.2017.

- 4 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 5 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.
- 6 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 8 The applicant is advised that the approval of this application for Reserved Matters on Phase 1A in no way infers that the local planning authority will approve amendments application to alter the Approved Masterplan, in the event that a future application is made.
- 9 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT
DEVELOPMENT MANAGER

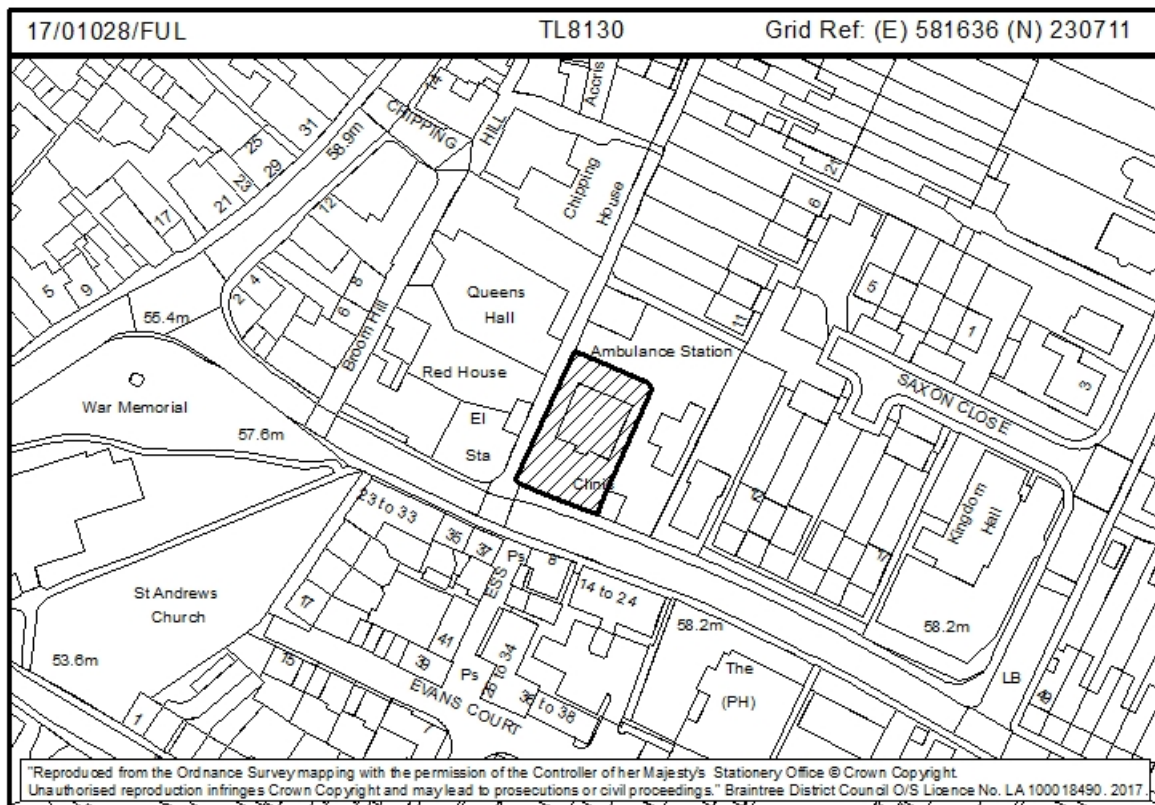
PART A

APPLICATION NO: 17/01028/FUL DATE: 13.06.17
 VALID:
 APPLICANT: Mr Tim Fergus
 Puddleducks Child Care Ltd, Mill House, Mill Lane,
 Finchingfield, CM7 4LG, Essex
 AGENT: Mr Nigel Chapman
 Kings House, Colchester Road, Halstead, CO9 2ET
 DESCRIPTION: Change of Use from D1 to C3 Residential
 LOCATION: Bartholomew House, Colchester Road, Halstead, Essex,
 CO9 2EA

For more information about this Application please contact:

Mr Tom O'Connor on:- 01376 551414 Ext.

or by e-mail to: tom.oconnor@braintree.gov.uk



SITE HISTORY

93/01201/COU	Change of use of existing Ambulance Station and Clinic Site buildings to B1.	Granted	19.10.93
94/01441/COU	Proposed change of use from ambulance station to single residential unit and garaging	Granted	19.01.95

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled

forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP1	Housing Provision
RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP95	Preservation and Enhancement of Conservation Areas
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP50	Built and Historic Environment

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been brought to Committee for determination because the planning agent is related to a member of staff at BDC.

SITE DESCRIPTION

The site, at 0.05ha, is within the development limits of Halstead but located just outside of the boundary of the town's conservation area.

The building (Bartholomew House) consists of a detached, two storey structures constructed of red brick, originally built as the Union Office in 1923, later used as the town's ambulance headquarters with a change of use to a clinic in 1993 and; latterly utilized as childrens' nursery until its recent closure. At present the premises are empty with a D1 Use Class designation.

The building is a non-designated heritage asset and is situated within the setting of a number of listed buildings within the street. The proposals seek to change the use of

the building from a nursery to a residential dwelling and this would involve no structural changes to the exterior of the building. Drawings have been provided indicating that the internal physical layout would not require any substantial internal alterations. External signage on the frontage relating to the nursery school has been removed. The hardstanding to the front with a double access onto the road with side and front brick walls would be retained in situ and continue to be used as a parking area for the proposed dwelling. Land to the rear and side would continue to be used as amenity space for the dwelling and with a boundary enclosure consisting of a 1.8m high timber close boarded fencing.

PROPOSAL

This application seeks to convert the existing building and its curtilage from a D1 Use into a dwelling (Use ClassC3) with minor internal alterations and no external alterations to the building.

The front curtilage would remain in use as a parking area utilizing the existing entrances into the site from Colchester Road with the small rear curtilage utilised as amenity space for the dwelling.

The 1.5m high stepped and capped brick wall that runs along the length of the western boundary of the site would remain in situ as would the centrally positioned dwarf brick wall on the front boundary. Existing 1.8m high close boarded timber fencing would continue to be utilised on the northern rear boundary and the eastern side boundary of the site.

CONSULTATIONS

Halstead Town Council – no objection to this application; recommend:

- Obscured windows where the house overlooks another property
- Landscaping of the garden
- That the contractors respect the normal hours of working in order not to disturb residents

Essex County Highways – From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. No conditions of amendments are recommended.

BDC Engineers – No observations received

Environmental Health - No objection to the proposal on Environmental Health grounds subject to a condition limiting the hours of working during any period of construction to convert the building to a dwelling.

Historic Buildings Advisor - The building is a non-designated heritage asset and is situated adjacent to the boundary of Halstead Conservation Area. It is also located within the setting of a number of listed buildings. As a non-designated heritage asset, there is an opportunity for improvement to the

frontage of the building, which could also enhance the setting of the conservation area.

The proposals seek to change the use of the building from a nursery to a residential dwelling, with associated internal alterations. As drawings have not been provided for the proposed internal alterations I cannot comment on this element of the proposals. There are no external alterations proposed, however, it is assumed that the change of use of the building will involve the removal of the signage to the frontage of the building, which is a positive change to the appearance of the building and to the immediate setting of the conservation area. It is therefore considered that there will be no harm to the character and appearance of the conservation area and that the proposed change of use is acceptable in principle.

REPRESENTATIONS

A number of representations have been received from a local resident commenting to the application on the following grounds:

- Regrets the loss of the building as a childcare and early education facility and considers it very unfortunate to miss the opportunity to use this feature building within the town for some other public amenity. Given the approval of two housing estates on the periphery of the town there is already substantial residential development.

The resident further objects

- To the change of use to residential by reason of invasion of privacy to 'Goldthorne' the neighbouring dwelling to the east with the upper floors looking directly into the bedrooms of this property;
- Overlooking from rear windows onto the patio area of Goldthorne, a key area of outdoor relaxation to this dwelling;
- Concern that use of upper floors as flats would increase this loss of privacy.
- Possible conversion of the building to flats

REPORT

Principle of Development

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes.

Paragraph 49 of the National Planning Policy Framework states "housing applications should be considered in the context of the presumption in favour of sustainable development", and favour residential development in sustainable locations where there is an identified need for additional housing; for example within existing towns and villages. Policy RLP3 of the Braintree District Local Plan is supportive of development within town development boundaries, providing it satisfies amenity, design, environmental and highway

criteria and where it can take place without material detriment to the existing character of the settlement.

Design and Scale and Impacts Upon the Conservation Area and Nearby Listed Buildings

The proposal would seek to utilise the existing two storey building without any alteration to its external fabric to create a 4 bedroom dwelling. In doing so, the building would retain its existing visual presence unchanged within the local townscape located just outside of the conservation area and, in doing so, maintain both the character of the conservation area the setting of Grade II listed buildings positioned nearby on Colchester Road and the Grade I listed St Andrews Church some 90 metres distant to the south west on the corner of Colchester Road and Market Hill/Head Street.

As well as maintaining the character and setting of the adjacent conservation area and nearby heritage assets, the maintenance and continued use of this non designated heritage asset would serve to maintain the established character and setting of the local building line along Colchester Road.

The use of the building, located within the town's development boundary, as a single dwelling would comply with the requirements of Policies RLP3. Moreover, the development would respect character and setting respectively of the adjacent Halstead Conservation Area and nearby listed buildings in compliance with Policy RLP95 of the Local Plan.

Some concern has been raised by a local resident in respect of the possibility of the building being converted to flats. For clarification; this application is for the use of the building as a single dwelling only and, any use of the building for flats would generate a requirement for consideration as a separate planning application.

Impact on Neighbour Amenity

Though an existing structure, Policy RLP90 requires consideration to be given to the amenity of neighbouring properties in respect of the change of use to a dwelling. Furthermore the NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings.

Concern has been raised by the occupant of the neighbouring dwelling to the east in respect of

- overlooking of bedroom windows and;
- the overlooking of their 'patio area' to the rear.

Though the main body of the dwelling at Goldthorne, excluding the front facing two storey front addition, would be set back some 7.5m from the building line of the application site, it has a secondary upper storey bedroom window that faces westward across the boundary onto the side elevation of Bartholomew House which has a number of significant upper level windows.

Though not presenting a direct window to window interface over a distance of some 7.5m across the common boundary, there is the potential for some oblique mutual side elevation overlooking without some form of mitigation being put in place. As such it is recommended that any planning permission that may be granted be subject to some form of obscure glazing being installed in existing upper level side elevation windows to avoid possibilities of mutual overlooking.

However, there are no opportunities of window for window overlooking to the rear between the application site and Goldthorne with any views of the neighbouring garden from the rear upper windows being sufficiently oblique to avoid any material loss of privacy to the neighbour.

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, Policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP55 of the emerging Braintree District Draft Local Plan allow for new development, with suitable mitigation, to ensure that there is “no unacceptable impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.” Suitably conditioned to provide appropriate obscure glazing to upper side elevation windows facing across the boundary onto Goldthorne, the proposal would satisfy the above policies in avoiding any unacceptable impact upon the residential amenities of the neighbouring dwelling.

Highway Issues

The application proposes to utilise an existing double access from the front hardstanding area onto Colchester Road. The Highways Authority has been consulted on the application and raises no objections and requires no conditions to be imposed

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

Landscaping

An additional drawing has been submitted (17/502/4) which indicates a simple landscape scheme that would be suitable for the domestic setting of this dwelling.

CONCLUSION

In conclusion, the proposal would utilise an existing building within the development boundaries for use as a dwelling with no physical changes to the external appearance of the building. Re-use of the building as a dwelling would retain the presence of an important building within the local townscape. The proposal with mitigation in respect of the potential of overlooking would

not result in an unacceptable impact on neighbouring residential amenities. Parking and access to the site are found to be acceptable by Essex Highways. The application is therefore recommended for approval.

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan	Plan Ref: 17/502/1	Version: REV A
Proposed Floor Plan	Plan Ref: 17/502/3	
Landscaping	Plan Ref: 17/502/4	

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 4 Hard and soft landscaping of the site shall be carried out in accordance with the details contained within the submitted Landscape plan 17/502/4. Soft landscaping shall be undertaken during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any

variation.

Reason

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

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

Reason

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

- 6 Any gates provided at the vehicular access shall only open inwards and shall be set back from the nearside edge of the carriageway.

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.

- 7 Prior to the commencement of the development, details of car parking provision to be made within the front hardstanding area of the property shall be submitted to and approved in writing by the Local Planning Authority. The car parking area indicated on the approved plans shall be in place and ready for use prior to the first use of the dwelling and, shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

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

- 8 The location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the building as a dwelling and thereafter so maintained.

Reason

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

- 9 Details of obscure glazing to be installed in the upper storey windows on the east facing elevation of the application property shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building as a dwelling. Thereafter, the obscure glazing, as approved, shall be maintained in situ at all times.

Reason

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

- 10 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays and Sundays - no work

Reason

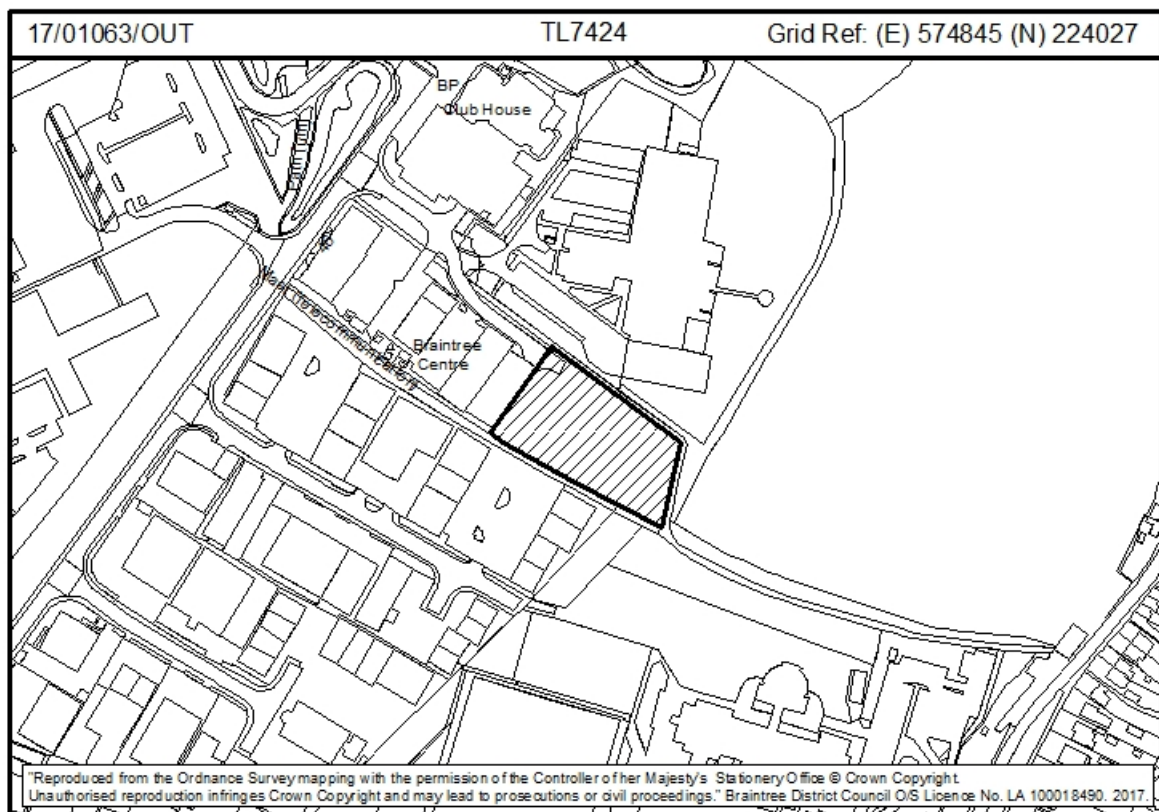
In the interests of residential amenity of adjoining occupiers.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01063/OUT DATE: 06.06.17
 VALID:
 APPLICANT: Braintree District Council
 Causeway House, Bocking End, Braintree, CM7 9HB
 AGENT: Mr Richard Horley
 John Finch Partnership, 88 Broomfield Road, Chelmsford,
 CM1 1SS
 DESCRIPTION: Application for Outline Planning Permission With Some
 Matters Reserved - Erection of 4 no Industrial Units (B1, B2,
 B8) and associated car parking
 LOCATION: Land Rear Of Enterprise Centre, Springwood Drive,
 Braintree, Essex

For more information about this Application please contact:
 Mr Tom O'Connor on:- 01376 551414 Ext.
 or by e-mail to: tom.oconnor@braintree.gov.uk



SITE HISTORY

16/01790/FUL	Erection of 4 no Industrial Units (B1, B2, B8) and associated car parking.	Granted	12.01.17
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POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP28	Employment Land Provision
RLP36	Industrial and Environmental Standards
RLP41	Employment Allocation, Springwood Drive, Braintree
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP45	Parking Provision
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

SITE CONSIDERATIONS AND CONTEXT

Site Description

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

Description of Development

This application seeks outline planning consent for the erection of 4 industrial units (B1, B2, B8) laid out within two single storey blocks of two units each with associated parking spaces. Site layout and highway access are to be considered at this stage with appearance, landscaping and scale being reserved matters.

In terms of layout (drawing 3160:01 Rev C) the units would be located in a right angle configuration on the western side of the site with blocks of 33 parking spaces located to the east with an additional 16 parking spaces, including disabled parking, located between the existing and proposed units. The existing access which serves Braintree Enterprise Centre would be utilised and extended to serve the new units.

Indicative drawings 3160:03, Rev A and 3160:04, Rev A show two buildings each of 104sqm area and containing 2 units each at 90 degrees to each other.

SUMMARY OF CONSULTATION RESPONSES

Statutory Consultee(s)

None

Internal Consultation

Environmental Health Officer: No observations received

Parish Council

No Comment

Neighbour Representations

One letter received from a nearby resident of Finch Drive in respect of any development that may increase in traffic within the locality

ASSESSMENT

Principle of Development

As indicated above, an outline planning permission is sought for the erection of two single storey industrial units to be used for Class B1, B2 or B8 uses within an area already allocated for such uses in the adopted Local Plan and also in the Draft Local Plan.

A full planning permission (16/01790/FUL) has already been granted on this site for a similar scheme. However, a high pressure water main was identified

as crossing the site and this fresh application has been amended to take this into account and reposition the development accordingly to provide easement to the water mains. Therefore the principle of the proposed development has already been established being in accordance with adopted and emerging policy. Furthermore, the site is located on an existing industrial estate and adjacent to other commercial premises. As before, it would therefore be considered appropriate that a condition be imposed to restrict the use of the units to Class B1, B2 and B8 use if outline permission is granted.

Design and Appearance

As already indicated, the proposal comprises 4 commercial units with parking and also an area of overflow parking in between the existing and proposed commercial units with the general layout of the site, as indicated, considered to be acceptable. The site is located on slightly higher ground level than the units to the west. However there would be no significant changes to the ground levels and having regard to the likely scale of the proposed single storey buildings, it is not considered that they would have an adverse visual impact.

Details of design and appearance, materials and external finishes would all be addressed in detail at the reserved matters stage but the indicative designs within the drawings submitted would show that the final design would be unlikely to be out of character within the context of the industrial estate.

Impact on Neighbouring Residential Amenities

There are no residential properties in close proximity of the site. Given the distance of any residential from the site it is not considered that conditions to protect residential amenity would be necessary.

Highway Considerations

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

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

Other Issues

Landscape/Ecology Considerations

A Phase I Ecology Survey undertaken by 'Skilled Ecology Consultancy Ltd' and dated December 2015 has been resubmitted with this application and indicates that no evidence of protected species was found at the site and that the site is unlikely to support such species. However it notes that there are orchids on site, but cannot identify the species. Certain species of orchid are

protected under European law and require a licence to be able to disturb them; others are protected by Section 13 of the Wildlife and Countryside Act 1981 and will require suitable mitigation.

In this respect, an up to date Botanical Assessment of the site was commissioned from 'Skilled Ecology Consultancy Ltd', dated 6th June 2017 and submitted as part of the current outline application. This indicated that no orchids or any other species of botanical interest were identified during the survey visit, but the November 2015 survey did find some 15 – 20 orchid plants, probably Bee Orchid (*Ophrys apifera*) to be present centrally within the site but these had disappeared by the time of the June 2017 survey. However a seed base for this species is still likely to be present within the soil and, subject to suitable environmental conditions, for instance, ground disturbance, may reappear again. Bee orchids are identified within the report as being one of the most common and widespread orchid species within Essex and the UK generally and, as such, are not specially protected. However, all wild plants are generally protected from uprooting and destruction under Section 13 of the Countryside and Wildlife Act 1981 (as amended). The report recommended that in order to retain the orchid seed-base and potentially to allow for future flowering, the top 20cm topsoil should be re-used in areas of soft landscaping. This can be secured by condition.

In respect of the Arboricultural Impact Assessment dated 11th December 2015, this remains unchanged from the previous submission (16/01790/FUL). The Council's Landscape Officer previously advised that the tree report was acceptable highlighting the number of trees to be removed to facilitate development.

It is anticipated that the development would result in the removal of 5 trees and 4 groups of vegetation of low quality together with the removal of 3 trees which are not worthy of retention due to their poor condition. The report also indicates that the impact of the proposed works is considered to be low and can be compensated for by a suitable landscape scheme within the site, which ideally should include native hedgerow planting along site boundaries for screening purposes. A suitable Landscaping Plan would therefore be conditioned in the reserved matters to include tree planting to mitigate for the loss identified and re-use of top soil in soft landscaping.

Conclusion

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

RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan	Plan Ref: 3160:LOCATION	Version: A
Site Plan	Plan Ref: 3160:01	Version: C
General Plans & Elevations	Plan Ref: 3160:03	Version: A
General Plans & Elevations	Plan Ref: 3160:04	Version: A
Site Survey	Plan Ref: 01	

1 Details of the:

- (a) scale,
- (b) appearance
- (c) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

This condition is pursuant to Section 92 of the Town and Country Planning Act 1990

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

Reason

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

3 The vehicle access to the site from the estate road with 1:10 up ramp and 2m wide pedestrian walkway shall be constructed in accordance with details indicated in the approved drawing 3160:01 Rev C prior to the first use of the industrial buildings approved for location on the site and retained for use thereafter.

Reason

To ensure roads/footways are constructed to an acceptable standard and

in the interests of highway safety.

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

Reason

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

- 5 above ground construction of the industrial units shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to at reserved matters stage and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure the use an appropriate design and materials that will harmonise with the character of the surrounding development.

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

The top 20cm layer of topsoil from the site that is likely to contain seeds from the Bee Orchid (*Ophrys apifera*) shall be stored in situ during the period of development and utilised as the top soil for the soft landscaping scheme to be undertaken and agreed in writing by the local planning authority.

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

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

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges and to retain the potential seed base for Bee Orchid within the site. 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.

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

Reason

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

- 8 The means of protection for existing trees on the site as set out in the approved Arboricultural Impact Assessment listed above shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges. No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 9 The vehicular parking spaces shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

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

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

Reason

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

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

Reason

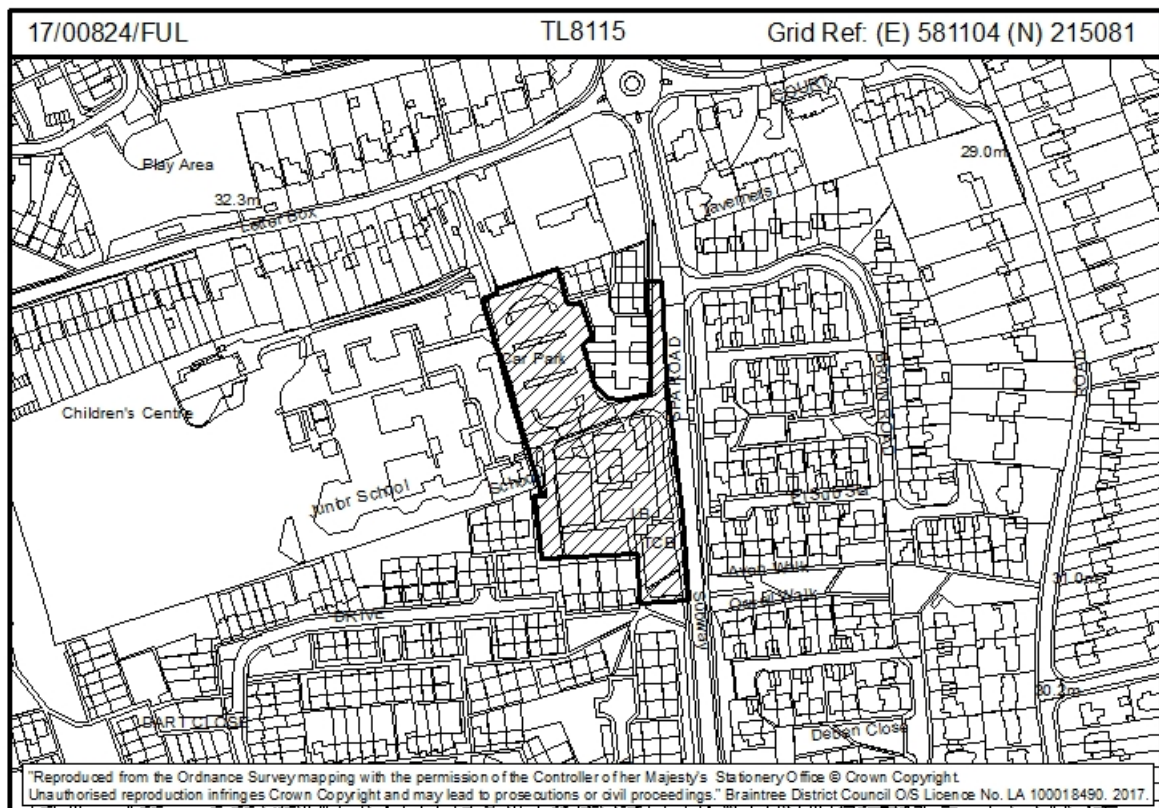
To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00824/FUL DATE: 11.05.17
 VALID:
 APPLICANT: Braintree District Council
 Mr Stephen Wenlock, Causeway House, Bocking End,
 Braintree, CM7 9HB
 DESCRIPTION: A re-fresh of the environment around the Spa Road shopping precinct including a new lighting scheme, a rework of the existing carpark layout to give more and larger spaces, accessible parking options and the addition of 9 parking spaces off of Spa Road as well as repositioning of the existing highway kerblines to improve circulation clarity, organisation and safety. The scheme includes a range of soft and hard landscape improvements to enhance the amenity and visual appeal of the locality
 LOCATION: Shopping Centre, Spa Road, Witham, Essex, CM8 1NE

For more information about this Application please contact:
 Mrs Sandra Green on:- 01376 551414 Ext. 2557
 or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

81/00987/	Residential development - erection of 16 flats and 7 bungalows	Deemed Permitted	24.09.81
94/00205/TEL	Proposed siting of public payphone	Permission not Required	21.03.94
96/00929/ADV	Erection of directional sign	Granted	17.09.96
13/01347/ADV	Proposed additional wording to existing signage at Spa Road Shops to indicate the Harlequin Children's Centre	Granted	16.01.14
05/01625/ADV	Proposed poster panels x2 forming an integral part of a bus shelter	Withdrawn	01.09.05
04/00366/FUL	Installation of automatic teller machine	Granted	01.04.04
04/00499/FUL	Installation of 1 metre satellite dish in connection with ATM machine	Granted	10.05.04
90/01429/ADV	Display of 2 No internally illuminated box signs	Granted	08.11.90
93/00364/ADV	Proposed rear illuminated fascia sign	Granted	06.05.93
94/00312/FUL	Proposed enclosure of rear delivery area	Granted	18.04.94
94/01496/ADV	Proposed shop sign for National Lottery (Application sent back as additional information not received)		
13/01404/FUL	Construct pitched roof over flat roof of plant room at rear of building.	Granted	04.02.14
09/00137/ADV	Replacement fascia sign and high level sign above shop	Granted	19.03.09
09/00263/FUL	Installation of 1 no. AC unit condenser to the rear elevation at low level	Granted	02.04.09
00/00562/COU	Change of use to Cyber Cafe	Granted	31.08.00
75/01103/P	Installation of shop front at Unit 3 Spa Road.	Granted	25.11.75
08/00841/FUL	Change of use to Pie and Mash cafeteria and takeaway	Granted	01.07.08
96/00929/P	Erection of directional sign	Granted	17.09.96
90/00341/PFWS	Change Of Use From Class	Granted	19.03.90

	A1 To A3		
99/00839/BDC	Construction of new pitched roof over existing flat roof	Granted	14.07.99
05/00970/T56	Proposed erection of Hutchison 3G base station	Refused	23.06.05

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3 Development within Town Development Boundaries and Village
 Envelopes
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Strategy for North Essex
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Strategy for North Essex
SP6 Place Shaping Principle
LPP1 Development Boundaries
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought to the Planning Committee for determination because the application site is partly within the ownership of Braintree District Council. (The remainder of the site is owned by Greenfields Community Housing).

SITE DESCRIPTION

The site is located within the Witham town development boundary. It is not within a Conservation Area or subject to any listing. The shopping centre is located in the northwest of Witham surrounded by residential developments.

Powers Hall Infant and Junior Schools lie adjacent to the site, with the Harlequin Children's Centre to the rear of the school. Grade II Listed "Spa Place" is located directly to the north of the site.

The shopping centre complex was built in the early eighties and is currently comprised of six retail units with flats above. It is dated in appearance and dark under the solid weather canopy that runs along the front of the shops. There is a Co-op which includes a Post Office, a Boots pharmacy, and other independent retailers. There is an open area to the front of the shops that is laid to paving with numerous bollards located in this area. The complex is set well back from the road. It is not unusual for vehicles to be parked illegally in the access splay to Spa Road while people visit the shops. There are grassed areas between the complex and the highway with some mature trees on a mounded area of ground that have a poor shape due to a lack of space between plantings.

There is a car park which is accessed from Spa Road that serves the school and shopping areas; there are 53 parking spaces almost half of which fall below the current adopted standards. The car park is particularly congested at school drop-off and pick-up times with spaces generally available at other times of the day. The delivery/service yard is located to the rear (west) of shops, as is an area of resident's parking for the flats over the shops.

PROPOSAL

Braintree District Council in partnership with Greenfields Community Housing secured £150,000 to improve the convenience and visual appearance of Spa Road shops in Witham. Witham Town Council has requested a further £50,000 of S106 funding is committed to the project. A first phase of consultation carried out in Summer 2015 sought to understand the use of the Spa Road shops, and what improvements the public would like to see. The public feedback from this exercise strongly influenced the design plan.

Braintree District Council undertook a second phase of consultation to learn which design proposals were supported, and to test the public's priority order for delivery. The second consultation ran from 26th April to 2nd June 2016, generating a total of 99 responses. The resulting consultation report that has been submitted in support of this planning application, illustrates strong support for the designs. The 2015 consultation showed that improvements to parking, safety, and landscaping were the changes most required.

There are a number of elements to the submitted proposal including:

- A new lighting scheme.
- The insertion of eight glazed rooflights into the solid canopy to allow more light into the space.
- A revised car park layout which would provide additional spaces: the newly laid out spaces would meet the current adopted minimum

standard; five accessible spaces would be provided at the southern end of the car park (nearest the shops). 24 of the standard spaces at the southern end of the car park would be restricted to a half-hour stay.

- A new access would be taken from Spa Road to the front of the site to provide an additional nine parking spaces (including one accessible space) for shoppers, combined with the repositioning of the existing highway kerb lines to improve circulation clarity, organisation and safety.
- A range of soft and hard landscape improvements to enhance the amenity and visual appeal of the locality.
- Repositioning the existing recycling centre and an exit route would be marked out for the service yard.

CONSULTATIONS

ECC Highways – No comments to make from a highways perspective.

Witham Town Council – Recommends approval.

ECC Historic Buildings Consultant – No objection from a conservation perspective: The shopping centre already has an impact on the environment in which Spa Place is experienced, and the alterations set out in this proposal are not considered to adversely affect the historic or architectural significance of the building, or the environment in which it is experienced.

BDC Environmental Health – Initial concerns expressed in respect of the lighting assessment, details required as to whether the lighting will be on all night, suitable shielding required to residential properties.

The applicant has subsequently supplied further information in respect of the lighting scheme. The Environmental Health Officer notes the comments in respect of shielding to be provided and that the resultant lighting levels taking the shielding into account have not been modelled. It is also noted that the lighting is a direct replacement to the existing lighting and improves pre and post curfew levels. The Environmental Health Officer indicated in their previous response that the aim should be to minimise the impact of any light pollution so as not to give rise to statutory nuisance and to prevent light trespass in regard to domestic property. It is noted that the further information submitted has regard to this and no further comments are raised from an Environmental Health perspective.

REPRESENTATIONS

Site notices were displayed in front of the Co-op and the schools, and neighbour notification letters were sent out to adjacent properties. In response, one representation has been received from the owner of 12 Spa

Road (one of the flats over the shops) who objects to the application on the following grounds:

- Additional parking at the front of the shops: don't want to look at a car park, devalues property – not a good selling point, increase in noise and pollution levels, should be enough parking provided by the reconfigured car park and allocated residents spaces for the existing footfall, shops not that popular to warrant additional parking at the front, local residents tend to use ASDA as it is cheaper, only people to benefit from the additional parking at the front will be the parents/carers dropping off their children to school.
- Issues with residents parking at the rear, conflict with lorries – blocked spaces, why no allocated parking to the side as originally suggested?
- Support the plan to landscape the area and redevelop the car parking at the side but not at the front of the shops. Appears planning has been geared up to assist the local businesses within the areas and not residents; how are we going to benefit?

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development.

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Publication Draft Local Plan Policy LPP60 Heritage Assets and their Settings states inter alia that the development of internal, or external alterations, or extensions, to a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will be permitted when all the following criteria are met; a. The works or uses do not harm the significance of the setting, character, structural stability, and fabric of the building or structure; b. The works or uses do not result in

substantial harm, or damage to the building or structures historic and architectural elements which are considered to be of significance or special importance; c. The works or uses include the use of appropriate materials and finishes; d. The application submitted contains details of the significance of the heritage asset, within a Heritage Statement which should include any contribution made by their setting. The Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.

There is therefore no objection in principle to the proposal, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity, or heritage assets.

Design, Appearance and Layout

Core Strategy Policy CS9 Built and Historic Environment seeks to promote and secure the highest possible standards of design and layout in all new development. Furthermore, the Council seeks a high standard of layout and design in all developments, large and small, in the District (RLP90 Layout and Design of Development). The requirements in respect of a high standard of design have been carried through to the Publication Draft Local Plan.

Publication Draft Local Plan Policy SP6 Place Shaping Principles states inter alia that all new development must meet the highest standards of urban and architectural design; Respond positively to local character and context to preserve and enhance the quality of existing communities and their environs; enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place; protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light and overlooking.

Publication Draft Local Plan Policy LPP50 Built and Historic Environment states inter alia that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to...create good quality built environments in commercial and business districts and in the public realm as well as in residential areas.

Publication Draft Local Plan Policy LPP55 Layout and Design of Development states inter alia that the Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will be granted where the relevant following criteria are met: 3. There shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact 4. The public realm including buildings, open areas, circulation spaces, and other townscape and landscape features shall be of a high standard of design and materials and they shall be consistent with affordable long term maintenance which is appropriate to the character and historic value of the area 6. Development proposals will incorporate measures for environmental sustainability throughout the construction, occupation and

demolition of the development; in relation to energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction and the use of materials with low overall energy requirements 8. Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes 9. Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. The planting of trees in inappropriate places such as highway verges and in close proximity to dwellings shall be avoided in order to prevent interference with highway sight lines and root damage to roads, pavements and properties 10. The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes and nature conservation 13. The development proposed should not have a detrimental impact on the safety of highways or any other public right of way and its users 14. Developments shall be legible and accessible to all and create or contribute to a coherent sense of place that is well articulated and visually interesting and welcoming 15. Developments shall be permeable and well-connected to walking and cycling networks, open spaces and facilities.

The applicant sought pre-application advice as to which of the individual elements of the overall improvement scheme would require planning permission. It is considered that much of the works would be permitted development subject to meeting the relevant criteria in the General Permitted Development Order and details of the paving etc. are not therefore required for approval in respect of the submitted planning application. The lighting, drop in parking on Spa Road, and the parking improvements require planning permission. The materials for the parking areas will be Tarmac and precast concrete. 1.2 metre tall steel bow top railings were proposed for installation and the applicant has subsequently amended this to flat top railings. A mix of galvanised metal column lamps, metal bollard lights and wall mounted downlights are proposed. The proposed materials are considered to be in keeping with the character of the area.

Impact on Neighbour Amenity

Taking into account the position of the site, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking. The Environmental Health Officer has no outstanding concerns with the proposal in respect of residential amenity.

Highway Issues

The existing car park provides 53 parking spaces which fall below the minimum adopted dimensions of 2.9 metres wide x 5.0 metres long; there are

no accessible spaces. There are eight spaces to east of the main car park that provide residents and visitors parking to No.40 Spa Road and the adjacent neighbours that will be retained as existing. The revised site layout will provide an additional 20+ spaces. There will be six accessible spaces; five in the main car park and one in the new parking area to the front of the shops.

The standard preferred length of a space is 5.5 metres, however, given that all of the reconfigured standard spaces will meet the minimum standard, and will be an improvement over the size of the existing spaces, the proposal is considered to be acceptable in this regard. The applicant has liaised with the Highways Authority when developing their proposal and ECC Highways has raised no concerns or objections to the application. It is considered that there are no detrimental highways impacts associated with the proposal.

Representation has been made in respect of the residents parking. No changes are proposed to the location of the existing residents parking. The representation that parking has not been, and should be, provided at the side of the building is not considered a reasonable ground to refuse the application. Parking to the side of the service yard is to be secured by moveable bollard for the residents of the properties above the shop units. If residents are experiencing access difficulties in respect of the existing parking spaces at the rear of the building this is a legal matter as opposed to a material planning consideration.

Other Issues

There are two mature trees located to the front of the Co-op shop that are to be removed. There is no objection to this given that the trees are not protected, their growth is uneven due to a lack of space, and additional replacement trees are proposed.

A representation has been made in respect of the effect of the proposal on the value of a property; this is not a material planning consideration and cannot be taken into account in the consideration of the application.

CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity, heritage assets or on the character of the area.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 7123/100	
Proposed Plans	Plan Ref: 7123/104	Version: B
Tree Plan	Plan Ref: 7123/105	Version: B
Other	Plan Ref: 0545-DFL-LS-001_B	Version: June 2017
Lighting Plan	Plan Ref: 0545 C	

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER

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

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **June 2017**.

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

1.	Application No/Location	17/00165/FUL – 2 Smallholdings, Ewell Hall Chase, Kelvedon
	Proposal	Demolition of existing single-storey rear extension and erection new front porch, a two-storey side extension and part two-storey, part single-storey rear extension to create a larger family kitchen and living space and additional master bedroom on the first floor
	Council Decision	Refused under delegated authority – RLP2, RLP18, RLP90, RLP95, RLP100
	Appeal Decision	DISMISSED
	Main Issue(s)	(a) The effect of the proposal on the character and appearance of the host dwelling and the character of the surrounding area.
	Inspector's Conclusion	<p>The appeal property is a semi-detached two-storey dwelling in a semi-rural setting. The original main parts of this pair of properties mirror each other. The adjoining dwelling is currently being extended to the side with a two-storey extension and single-storey rear projection.</p> <p>From the Inspectors observations it is considered that due to the scale, design and siting of the proposed extensions, the proposed extension would not constitute subservient additions. The Inspector considers that the proposals would unacceptably overwhelm the existing dwelling, to the detriment of the character and appearance of the host dwelling. In such a prominent exposed location, this would introduce an urbanising form of development in a semi-rural setting, to the detriment of the character of the wider area. For the reasons stated, the proposal would have an adverse effect on the character and appearance of the host dwelling and the character of the surrounding area. The proposal would be contrary to Core Strategy Policy CS9 and Local Plan Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan.</p>

2.	Application No/Location	16/01719/OUT – Land West of Church Road, Wickham St Paul
	Proposal	Erection of up-to 6 dwellings with associated access, landscaping and amenity space
	Council Decision	Refused at Committee – RLP2, RLP10, RLP69, RLP71, RLP80, RLP84, RLP90, RLP100
	Appeal Decision	DISMISSED
	Main Issue(s)	(a) Whether the proposal is considered to be sustainable development
	Inspector's Conclusion	<p>The Council's Planning Committee considered this scheme at its meeting on the 10th January 2017. At this meeting the Committee resolved to advise the Planning Inspectorate that the Council would have refused the application for two reasons. In essence, the first reason related to sustainable patterns of development, citing Policies CS5 and CS7 of the Local Development Plan Core Strategy and Policy RLP2 of the Braintree District Local Plan Review and the second reason related to highway safety.</p> <p>The appeal site is located outside but adjacent to the settlement boundary of Wickham St Paul. In their vicinity of the site are a number of dwellings which vary in their design, scale and form.</p> <p>Under Policy CS1 of the Core Strategy 2011, Wickham St Paul is classed as an 'other village'. This is the lowest tier within the settlement hierarchy for providing housing growth, restricted to infill or development on previously developed land. The Braintree District Local Plan proposals map draws tightly defined village envelopes and the appeal site is outside that boundary.</p> <p>The Council's decision relate to three specific development policies. Policy RLP2 restricts new development to within village envelopes, outside of which countryside policies will apply. Policy CS5 strictly controls development outside of village envelopes, restricting this to uses appropriate to the countryside. Policy CS7 promotes accessibility and includes the aim that future development will be provided in accessible locations to reduce the need to travel.</p> <p>In terms of the economic role of sustainability, the proposal would provide financial benefits in the form of: the New Homes Bonus; future residents would pay Council tax; and construction and trade jobs would also be created. The proposed new houses would support the services and facilities of the village and nearby towns and villages, also the impact from 6 new dwellings is only</p>

		<p>modest.</p> <p>There is little evidence of adequate services in this village to support up-to 6 dwellings. There is no bank, school or doctors surgery. There is a bus service but it is likely that occupiers of the housing would be mainly reliant on private car use to conveniently reach jobs and regularly required services.</p> <p>As a result, the Inspector found that services to support the future occupiers' day to day needs would not be readily accessible from the appeal site.</p> <p>The undeveloped nature of the appeal site reinforces a sense of separation between 'Shellards' and the more modern housing along Church Road. There are mature trees which limit any views from Church Road except for glimpses of the roof scape and chimneys of the listed building which gives the appeal site a sense of spaciousness. For these reasons the Inspector concluded that the proposal would not undermine the historic appreciation of the listed building or dilute its status, and so would preserve its setting and cause no harm to its significance.</p> <p>Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the NPPF requires to be sought jointly and simultaneously.</p> <p>Given the three roles of sustainability are mutually dependent, the Inspector concludes that, on balance, the proposal would not compromise a sustainable development for which the Framework indicates there is a presumption in favour.</p> <p>For the reasons given above, and having regard to all matters raised, the Inspector concludes that the appeal should be dismissed.</p>
3.	Application No/Location	16/00040/COU3 – Land known as The Slipe, Leather Lane, Great Yeldham
	Proposal	<p>The breach of planning control as alleged in the notice is described as; the material change in the use of land from agriculture to a mixed use of agriculture and residential. The station of 1 touring caravan, 1 static mobile home, both used in connection with a residential use of the site, 1 portacabin and erection if a brick built structure, installation of hardstandings in relation to the unauthorised structures.</p>

Council Decision	<ul style="list-style-type: none"> • The period for compliance with the requirements is 3 months • The appeal is proceeding on the grounds set out in section 174(2)(b), (c) (d) and (f) of the Town and Country Planning Act 1990 as amended.
Appeal Decision	The appeal is dismissed and the enforcement notice is upheld with corrections and a variation.
Main Issue(s)	<p>The requirements of the notice are:-</p> <ul style="list-style-type: none"> (a) Cease the use of the touring mobile home for residential purposes and remove the mobile home from the land (b) Cease the use of the static mobile home for residential purposes and remove the static mobile home from the land (c) Remove the portacabin from the land (d) Demolish building and remove all resultant material from the land (e) Demolish all associated hardstandings and remove all resultant material from the land
Inspector's Conclusion	<p><u>Appeal on ground B</u></p> <p>It is apparent that the matters alleged in the enforcement notice have occurred. A touring caravan, mobile home and portacabin were placed upon the land. A brick-built structure was constructed near the mobile home. The alleged breach of planning control has occurred as a matter of fact. The appellant conceded the point at the Hearing. Therefore the appeal on ground (b) fails.</p> <p><u>Appeal on ground (c)</u></p> <p>The onus is on the appellant under ground (c) to make out the case that there has not been a breach of planning control. In effect the appellant needs to demonstrate that development has not occurred for the purposes of Section 55 of the Town and Country Planning Act 1990 or the matters alleged in the notice do not require planning permission.</p> <p>The Inspector concluded that the appellant failed to provide any firm or compelling evidence to demonstrate that planning permission is not required for the matters alleged in the notice, or to show that these matters fail within any category of 'permitted development'. Therefore the appeal on ground (c) fails.</p> <p><u>Appeal on ground (d)</u></p> <p>The onus is on the appellant under this ground to make</p>

		<p>out the case that, at the time the enforcement notice was issued, it was too late to take action against the matters stated in the notice. The notice is directed at a material change of use of the land and operational development and the relevant immunity period is 10 years and 4 years respectively.</p> <p>The Inspector concludes that the evident provided shows that the operational development has occurred within a period of 10 years and 4 years respectively.</p> <p>Therefore it was not too late for the Council to take action against the matters as stated in the notice, the Inspector further concludes that ground (d) appeal should not succeed.</p> <p><u>Appeal on ground (f)</u></p> <p>The issue under the ground (f) appeal is whether the steps required by the enforcement notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the development.</p> <p>The Inspector includes that on the balance of probability that the mobile home was brought onto the land for residential occupation. Consequently, its retention upon the land for some other purpose would not remedy the breach of planning control or satisfy the purpose in section 173(4)(a) of the Act. The Inspector concludes the retention of the portacabin and brick structure would not address the purpose of the notice. Whilst the appellant considers there is a need for changing facilities and secure storage, there is no explanation why the refurbished garage could not fulfil this role. Therefore the appeal on ground (f) fails.</p> <p>For the reasons given, the Inspector concludes that the notice should be upheld, albeit with corrections and a variation. All matters raised have been taken into account but find they do not alter or outweigh the main considerations.</p>
4.	Application No/Location	17/00072/FUL – Rushpitts, Coggeshall Road, Earls Colne
	Proposal	Removal and replacement of a former mobile home and outbuildings with a new 3 bedroom bungalow
	Council Decision	Refused under delegated authority - RLP2, RLP15, RLP90
	Appeal Decision	DISMISSED

	Main Issue(s)	<ol style="list-style-type: none"> 1) The effect of the proposed development on the character and appearance of the area; 2) Whether the proposed development would amount to sustainable development having regard to the development plan and national policies.
	Inspector's Conclusion	<p>The appeal site comprises a mobile home and two outbuildings set in a plot next to a small cluster of building informally arranged around the junction of Coggeshall Road and Curds Road relatively close to Earls Colne and Earls Colne Airfield. However, the site is open with relatively wide ranging views over the rural landscape giving the area a predominantly rural character and appearance.</p> <p>Even though not larger in footprint or volume than the buildings to be replaced, the proposed dwelling would be much larger and taller than the existing mobile home. The proposed dwelling would have a pitched roof which would be prominent in the landscape and would replace the outbuilding and mobile home in the Curds Road street scene. Furthermore, the proposal would involve the creation of a relatively large domestic curtilage. This would domesticate the appearance of the appeal site and in doing so would erode the rural character of the area which would harm the rural character and appearance of the area. For these reasons the proposal would fail to accord with saved Policy RLP90 of the Braintree District Local Plan and Policies CS5, CS9 and CS9 of the Braintree District Council Local Development Framework Core Strategy 2011 and the National Planning Policy Framework, which taken together, aim to ensure good design and that new development respects and positively responds to its local context and landscape character.</p> <p>Overall, the harm to the character and appearance of the area and the harm arising from the dependence on the car, even accepting the existing mobile home is already lived in, significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Consequently, the Inspector concludes that the proposal would not amount to sustainable development.</p> <p>For the reasons set out above, the Inspector concludes that the proposed development would not accord with the development plan or the Framework and this having had regard to all other matters raised the appeal should be dismissed.</p>