

PLANNING COMMITTEE AGENDA

Tuesday 14th September 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

*(Please note this meeting will be broadcast via the Councils YouTube Channel,
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 J Abbott	Councillor F Ricci
Councillor K Bowers	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor N Unsworth
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice Chairman)	

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood,
Mrs S Wilson, Vacancy (*Substitutes who wish to observe the
meeting will be required to do so via the Council YouTube
Channel*).

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

Any Member who is unable to attend a meeting is able to appoint a
Substitute. Written notice must be given to the Governance and Members
team, no later than one hour before the start of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

The Council reserves the right to decline any requests to register to speak if they are received after this time.

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, and then 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

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

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

Public Attendance at Meeting: Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

Health and Safety/COVID:

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

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>. The meeting will also be broadcast via the Council's YouTube Channel.

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 31st August 2021 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A Planning Applications

5a	App. No. 20 02053 FUL – Parkgate Farm, Delvyns Lane, GESTINGTHORPE	6-33
5b	App. No. 20 02054 LBC – Parkgate Farm, Delvyns Lane, GESTINGTHORPE	34-44
5c	App. No. 20 02205 REM – Variation to Approved Reserved Matters, land South of Halstead Road, EARLS COLNE	45-81

PART B Minor Planning Applications

There are no applications in Part B

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

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

PART A

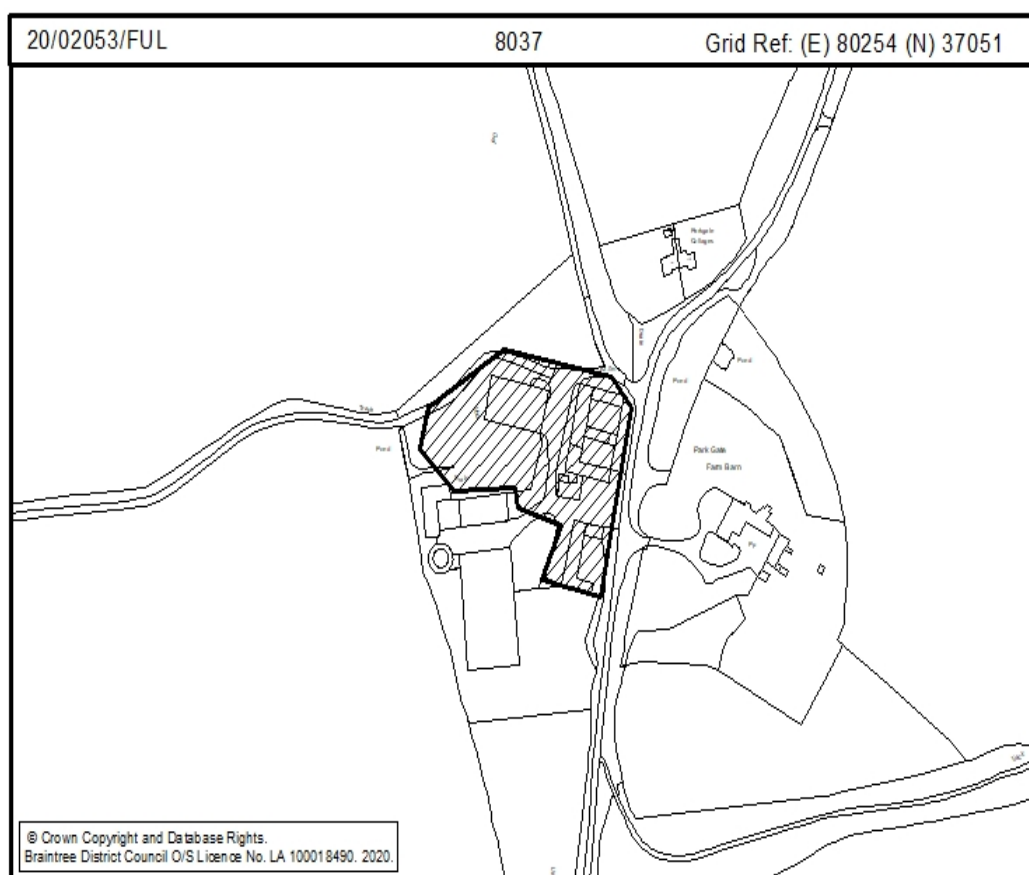
AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/02053/FUL
DATE VALID: 16.12.20
APPLICANT: Ms Deborah Ruffel
Parkgate Farm, Delvyns Lane, Gestingthorpe, Halstead,
CO9 3AE, Essex
AGENT: Louise Gregory
Louise Gregory, Old Market Office , 10 Risbygate Street,
Bury St Edmunds, IP33 3AA, England
DESCRIPTION: Conversion of existing agricultural buildings to 5 No.
residential dwellings to include recent repair works to listed
buildings.
LOCATION: Parkgate Farm, Delvyns Lane, Gestingthorpe, Essex, CO9
3AE,

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKRTX7BFI3M00>

SITE HISTORY

04/02270/COU	Proposed change of use of land for managed and controlled laser roleplay combat games	Granted	11.01.05
92/00663/FUL	Erection of sun lounge	Refused	08.07.92
92/00664/LBC	Erection of sun lounge	Refused	08.07.92
12/00285/FUL	Installation of 3 no. small scale wind turbines (14.97m to hub, 5.6m diameter blades)	Refused	28.05.12
12/00302/FUL	Erection of single storey stable block and exercise area to paddock. Erection of proprietary horse exerciser	Granted	23.05.12
12/00303/LBC	Erection of single storey stable block and exercise area to paddock. Erection of proprietary horse exerciser	Permission not Required	23.05.12
12/00376/LBC	Removal of existing staircase and replace with new staircase, partition and first floor bathroom to west-south west side of the dwelling	Withdrawn	02.05.12
12/01264/FUL	Repair or replace existing oak and softwood external frame and re-render with lime render to west elevation of existing farmhouse, repair plinth; install French doors to replace existing window to south elevation of existing farmhouse; refit existing bathrooms to first floor; form new ensuite bathroom to first floor bedroom; and, provide new foul drainage runs to connect to new sewage treatment plant	Granted	01.11.12
12/01265/LBC	Repair or replace existing	Granted	01.11.12

	oak and softwood external frame and re-render with lime render to west elevation of existing farmhouse, repair plinth; install French doors to replace existing window to south elevation of existing farmhouse; refit existing bathrooms to first floor; form new ensuite bathroom to first floor bedroom; and, provide new foul drainage runs to connect to new sewage treatment plant		
13/00160/DAC	Application for approval of details reserved by condition nos. 3, 4 and 5 of approval 12/00302/FUL	Part Grant, Part Refused	28.08.13
18/00499/FUL	Conversion of existing first floor of stable/garage/store outbuilding to dwelling annexe, two storey extension and insertion of two conservation rooflights in rear roof elevation	Withdrawn	11.05.18
18/00500/LBC	Conversion of existing first floor of stable/garage/store outbuilding to dwelling annexe, two storey extension and insertion of two conservation rooflights in rear roof elevation	Withdrawn	11.05.18
18/01130/FUL	Conversion of existing first floor of stable/garage/store outbuilding to holiday letting accommodation, two storey extension and insertion of two conservation rooflights in rear roof	Granted	24.10.18
18/01132/LBC	Conversion of existing first floor of stable/garage/store outbuilding to holiday letting accommodation, two storey extension and insertion of two conservation rooflights in rear roof	Granted	24.10.18
20/02054/LBC	Conversion of existing agricultural buildings to 5 No. residential dwellings to	Pending Decision	

include recent repair works
to listed buildings.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking

RLP64	Contaminated Land
RLP65	External Lighting
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP42	Residential Conversion of Buildings in the Countryside
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP71	Landscape Character and Features
LPP81	External Lighting

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide
Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as

Gestingthorpe Parish Council raise concerns to some elements of the proposal, contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located approximately 1.5 km to the south west of Gestingthorpe and 2.2 km to the north east of Castle Hedingham. It lies outside of any defined settlement boundary.

The application site contains two Listed buildings, Parkgate farm outbuildings and barn (the northern complex of barns) and Parkgate farm stable and cartlodge (the southern complex of barns). Together with the nearby Grade II Listed Parkgate Farmhouse (not within the application site red edge), the buildings form a historic farmstead group. The site also contains a modern Dutch barn adjacent to the historic buildings.

The wider surrounding area is generally agricultural land, however, to the north are a pair of semi-detached cottages; to the east lies the Listed Parkgate Farmhouse; to the south fields; and to the west are equestrian uses.

There is a public right of way (PROW) to the north of the northern complex of barns and the Dutch barn.

PROPOSAL

The application proposes the change of use of the modern agricultural building into 1no. 4 bed dwelling (Plot 1).

In addition, and relating to the buildings of heritage significance, the application also seeks the change of use of the northern complex into 2no. dwellings (Plots 2 into a 4 bed and Plot 3 into a 3 bed); the former piggery into 1no. 1 bed dwelling (Plot 4); and the southern complex into 1no. 3 bed dwelling (Plot 5).

Each dwelling is provided with private residential gardens and allocated parking. Furthermore, means of enclosure is proposed across the site more generally.

A linked application for listed building consent has also been submitted (Application Reference 20/02054/LBC) which is also being considered by Planning Committee on 14th September 2021.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

Comment that it is not considered that the use of the buildings as dwellings would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site. The proposal is acceptable to the Highway Authority, subject to

conditions to secure the diversion of the existing definitive right of way, and for the provision and implementation of a Residential Travel Information Pack per dwelling.

ECC Historic Buildings Consultant

Comment that the existing Dutch barn does not currently enhance the setting of the Listed buildings, although in terms of its appearance it is typical of a modern agricultural building and thus is fitting. The addition of solar panels to the roof's western side, away from the Listed buildings, is acceptable. The building's functional, modern agricultural character is retained and the changes would not have an increased detrimental impact on the setting of the Listed buildings.

The conversion and alteration of the piggery, which is within the curtilage of both Listed buildings, is also acceptable, although further details on materials and in particular the fenestration would require approval via condition for an approved application.

No objection in principle to the conversion of the buildings to facilitate their change in use to residential. Overall, the proposed scheme demonstrates an appropriate response to the conversion of the buildings. Further details are required regarding the repair methodology and the extent to which features of interest are to be retained and the internal appearance and finishes of the barns.

In regards to the amended plans relating to the link, comment that the glazed link in the north yard has been replaced with a weatherboarded link with a zinc roof and is appropriate.

The creation and archive deposition of an archaeological report on the buildings is appropriate in this case, due to the significance of the buildings and the level of change proposed. A historic building survey has already been undertaken, but there are no details as to the archive methodology and the report does not fully conform to the guidelines from Historic England and ClfA for an archivable, Level 2 historic building survey report. A method statement for the consolidation of the historic research, analytical survey and measured survey information, along with a statement on the archiving for the project can be approved as a condition.

ECC Fire & Rescue Service

Draw attention to the following matters: - Access, building regulations, water supplies, and sprinkler systems.

BDC Environmental Health

No objections in principle. Recommend a condition in regards to contamination and remediation.

BDC Ecology

No objection subject to conditions for biodiversity mitigation and enhancement measures.

Fire and Rescue

Draw attention to access, building regulations, water supplies and sprinklers.

PARISH / TOWN COUNCIL

Gestingthorpe Parish Council raise no objection to the principle of development, but raise have the following concerns:

- Is a rural location - proposal contrary to adopted and emerging Policies;
- Unit 3 is a “bedsit” and not be in keeping with the overall scheme - suggest should be ancillary accommodation;
- The southern range (Plot 5) is derelict and “conversion” will be demolition and rebuild;
- Is a potential conflict with the working stable use to the rear which has a horse walker and ménage with flood lighting;
- Partial demolition and conversion of the Dutch Barn range (plot 1) will not be in keeping with the conversion of the traditional “Listed” range to the front. Whilst the applicant may be able take advantage of Part Q development rights, conversion should not be detrimental to the setting of the Listed Buildings;
- The detailing for a Listed Building conversion is poor;
- Bat and Owl boxes should be provided in accordance with the survey reports;
- Access from the Sudbury/Hedingham Road is along Delvyns Lane. A single track lane with no hardened passing bays and not suitable for the proposal. The Lane already serves 4 residential properties, the stables and the adjoining agricultural land. The proposal will lead to a significant increase in traffic. Any approval should requiring the provision of 2 passing bays;
- Delvyns Lane continues to Eadies Farm where it becomes an unmade “Byway” continuing to Church St. Any approval should be subject to a condition that vehicular access cannot be taken along the unmade section of the Lane;
- Any approval should include energy efficient measures such as ground/air heat pumps, water recycling and vehicle charging points.

REPRESENTATIONS

The application was advertised by way of site notice; neighbour letters; and a press notice.

One letter of representation has been received from The Ramblers. They raise the following comments:

- Gestingthorpe Public footpath 4 (PROW 81_4) which runs along the north side of the north farmyard is not shown on any of the plans. The public footpath continues west and runs either just to the north or just under the NW corner of the Dutch barn. The public footpath is not referenced;
- It would appear from the site layout plan and the proposed plot plans that two sets of gates would be erected across the public footpath which would also become the vehicular access for plot 2, the northern farmyard, and plot 1, the Dutch barn;
- The post- and rail fence around the western / NW end of plot 1, the Dutch barn, would potentially be across the public footpath - which at this point is now Castle Hedingham public footpath 19 (PROW 71_19);
- Question whether Castle Hedingham Parish Council have been consulted;
- The proposed boundaries would not be in keeping with a rural setting;
- Garden amenity area and dimensions is not clearly shown;
- The dimensions of the parking areas are also not shown;
- Question if the lanes / roads to Castle Hedingham are suitable for safe cycling.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2021

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), the Shared Strategic Section 1 Plan (2021). (There are no relevant Neighbourhood Plans affecting the site).

The application site is located outside of any identified village envelope where the principle of new residential development is not supported by Policy RLP2 of the Adopted Local Plan which outlines that new development will be confined to the areas within Town Development Boundaries and Village Envelopes.

However, the application does seek the conversion of existing rural buildings and policy support is attributed within Policies RLP38 and RLP101 of the Adopted Local Plan which give favourable consideration to the conversion of rural buildings (including modern buildings), subject to compliance with criteria.

Policy RLP38 of the Adopted Local Plan requires that the building(s) be of permanent and substantial construction and capable of conversion without major extension or complete reconstruction; is a form, bulk and general design are in keeping with their surroundings; that there would be no unacceptable impact on the landscape or protected species or historic environment; that safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking without detriment to the setting of the building, residential amenity and the landscape; that the scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside; and that there shall be no open storage of goods, containers, waste materials or finished products. Conversion to residential use will only be acceptable where

every reasonable effort to secure suitable employment or community re-use has been made, with supporting evidence.

Policy RLP101 of the Adopted Local Plan states that the conversion of a listed barn, or other listed former agricultural or rural buildings, will be permitted where: the detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance, and its contribution to the group value and/or to the landscape in general; the proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads; the criteria set out in policy RLP38 are met. For a conversion to residential use this will only be acceptable where the applicant has made every reasonable attempt to secure suitable employment or community re-use, and the application is supported by a statement of the efforts which have been made; or residential conversion is a subordinate part of the scheme for business re-use of that building or group of buildings.

In regards to Policies RLP38 and RLP101 of the Adopted Local Plan and the need for attempts that the buildings be re-used for other business or community uses prior to consideration of residential use, this has been addressed within the submission. The property has been marketed for commercial uses since 1 July 2019 with Whirlledge & Nott, a specialist local agents. They have advertised the property on their own website, Rightmove, On The Market and in local papers. A detailed marketing report is submitted with this application containing feedback and statistics up to 4 May 2020. The report details that there have been very few inquiries and no serious interest has been shown in this property for commercial use with the inquiries generated from those seeking unsuitable/unviable uses for this type of building and site.

Overall, Officers are content that the property has been appropriately marketed for a reasonable period of time. Furthermore, given the condition of the buildings and heritage status, Officers consider that a re-use of the heritage buildings for residential use would be likely to secure the long term viability of the buildings and the scheme does secure the preservation of the building without harm to its historic fabric, character and appearance. It is acknowledged that the modern building could more readily be re-used for employment and marketing to explore this building separately could be perused, however, given its relationship with the other buildings, there could be conflict with different users. There is also a fall-back position with the modern building as discussed later in this report.

In terms of any community re-use, the internal layout of buildings does not lend themselves to such a use, which is also not considered to be a viable proposal given the location away from nearby settlements.

The principle for the development is thus not considered to be in conflict with the Development Plan. There is further policy support with the conversion of rural buildings within the NPPF, which encourages the re-use redundant or

disused buildings where development would enhance its immediate setting. The development would secure the long term retention of these listed buildings and would provide enhancements to their setting.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

SITE ASSESSMENT

Sustainability of the Site / Location and Access to Services and Facilities

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

As stated above, the site lies outside of a village / town boundary and is therefore within the countryside.

Policy CS5 of the Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'. Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The development will bring some economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities in the locality. However, given that the application proposes only a small number of dwellings, limited weight is assigned to this.

In terms of environmental sustainability, the development would re-use existing buildings that positively contribute to the character and appearance of the locality. There would be an improvement to the visual amenity of the area. Furthermore, the development will secure biodiversity net gain. Some positive weight is therefore assigned to the environmental sustainability of the proposal.

In terms of social sustainability, there are public benefits with the long term viable re-use of these listed buildings. Significant weight is given to this. Further in terms of social benefit is the additional of five dwellings which would be a positive contribution to housing delivery in the District although to a limited extent given the scale of development. Weighing against the proposal is the proximity of the site to services. The application site is located 2.2 km from Castle Hedingham and even further to Sible Hedingham, wherein there is provision of Shops, Doctors, Post-Office, School and similar. These facilities could assist in meeting with the day to day needs of occupiers, but due to the distances involved as they are via roads with no footpaths or street lighting, it would heavily discourage occupiers from accessing these services on foot or bicycle. Further, the site does not benefit from reasonable public transport provision to provide realistic opportunities for future occupiers to access shops, service and employment opportunities. Overall, future occupiers would be reliant on the private vehicle and this weighs against the proposal in sustainability terms.

Fall-back position

Despite the site lying within a countryside position and not fully meeting with the sustainability objectives of the NPPF, the LPA need to consider whether

there is a fall-back position on the site that forms a material consideration to the assessment of the application. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Numerous appeal decisions and case law (*Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314) has set out and established what weight is to be applied to any fall-back position.

In this instance, the Town & Country Planning (General Permitted Development) (England) Order 2015 under Schedule 2 Part 3 Class Q, permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and or development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Class Q would only be relevant to the Dutch Barn and would not be applicable to the others buildings that are listed. Although no prior approval application has been submitted to the Authority for determination in relation to the Dutch Barn, Officers have made a desk top assessment of Class Q in relation to the building and note that it would appear to comply with the criteria. Given the above, some weight can therefore be applied to this fall-back position on the site, albeit this is considered to be limited given the above circumstances, and this would form a material consideration in the assessment of the application.

Layout, Design and Appearance / Heritage Impacts

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments. Furthermore, Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development.

The layout of the development has been dictated by the siting of existing buildings and the existing access arrangements. Plots 1 and 2 are accessed from the northern access, whilst Plots 3, 4 and 5 via the southern access. The listed buildings would retain their historical layout and prominent presence within the street scene layout, as parking is sited to their western elevation with only their private gardens (or secondary amenity space in some cases) to the eastern roadside. The detailed hard and soft landscaping approach with appropriate rural fencing design and gravel driveways would ensure that the overall character and appearance to the site and locality would be retained.

A further point in regard to the layout is in terms of the Public Right of Way (PROW) 81_04 which is sited to the north of the buildings on site. The siting of the development (in particular the changes to create the curtilage for Plot 1) would require the diversion of this PROW. The applicant is aware of this and is engaging in discussions with the relevant section at Essex County Council.

A condition is imposed to require the diversion of the PROW prior to commencement of development, which has been agreed with the applicant.

Turning now to detailed design considerations, in regards to the Dutch Barn (Plot 1) this is a modern agricultural barn and has the appearance of such with a steel roofed and clad building with a blockwork plinth. Although in terms of its appearance it is typical of a modern agricultural building and thus is fitting for the rural setting, it does not currently enhance the setting of the Listed buildings. The works to alter the building would reduce its overall scale and open up the site by reducing built form, whilst the changes to the materials, to include steel cladding with a zinc roof would improve the appearance of the building, whilst still ensuring the building's functional, modern agricultural character is retained. The addition of solar panels to the roof's western side, away from the Listed buildings, is acceptable. Overall, this element of the proposed scheme would result in an acceptable layout and design and would not have an increased detrimental impact on the setting of the Listed buildings.

The works to create the other 4 dwellings are created by way of a change of use of the listed northern and southern complex of buildings. The principle of the change of use to residential is supported. Paragraph 197 of the National Planning Policy Framework states that when determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The residential use of the buildings will secure the long term viable use and meets with the requirements of the NPPF. In addition, detailed reports have been submitted with the application in regards to the condition of the existing structures, structural capability of the buildings to accommodate the change of use and in terms of the extent of removal of fabric, and extensions and alterations required. Officers are content that the buildings can be converted without complete or substantial reconstruction.

Plot 2 and 3 are formed within the northern listed barn. This building has undergone repairs including the repair and retiling of the roofs in 2011. In some areas, the walls of the stable building are also in a poor structural condition. The structural survey report recommends that these areas are carefully demolished and rebuilt. The reuse of the original bricks and the recreation of the random coursing, mortar colour and pointing style, would need to be undertaken during the reconstruction of the walls. For brickwork repairs, a lime mortar is likely to be appropriate, in order to match the historic mortar. Analysis of the historic mortar may be required to achieve a suitable match. Any newly sourced bricks that are required should match the originals in size and colour. Further details on the extent of the repairs to the brick work and the methodology and materials used would be secured as a condition for any approved scheme.

There were some concerns regarding the appearance of the glazed link in the north farmyard as originally proposed, wherein it was considered that there was overuse of large modern panes of glazing. Following amended plans, this

element has been revised and the glazed link has been replaced with a weatherboarded link with a zinc roof. This element now is appropriate to the appearance of the building.

Plot 4 and 5 are created in the southern complex of barns, (with Plot 4 specifically being created within the former Piggery building). The works and overall detailing to Plot 4 is considered acceptable, although further details on materials and in particular the fenestration is to be secured via condition.

The southern Listed stable building (Plot 5) is in poorer condition, and the application includes a structural survey which has identified structural problems with the roof and recommends the roof is rebuilt. The survey report states that some members can be reused, along with the roof tiles and in general this approach is acceptable, though further details of repair methodology would be required as a condition for any approved scheme.

In general terms across the buildings, the reuse of historic doors is appropriate as is the reinstatement and use of large barn doors as shutters. The glazing of existing open spaces is also acceptable, although the glazing should be clearly recessed and set back, to retain the visual effect of the opening. This detailing can be secured via condition.

Impact on Future Occupiers Amenity

The NPPF states that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Local Plan Review.

The schedule of accommodation is as follows: -

- Plot 1 – 4 bed dwelling
- Plot 2 – 4 bed dwelling
- Plot 3 – 3 bed dwelling
- Plot 4 – 1 bed dwelling
- Plot 5 – 3 bed dwelling

Internally the layout provides for accommodation in accordance with the Nationally Described Space Standards (NDSS) for all the units. Externally, the dwellings are provided with private gardens that meet with the requirements of the Essex Design Guide.

Equally, adequate light and outlook is provided for the dwellings, and the layout would prevent unacceptable overlooking between the units. Overall a high level of amenity would be provide for all the units.

Impact on Neighbouring Residential Amenities

One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the

Adopted Local Plan which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The emerging plan has similar objectives.

Given the siting of the development away from neighbours, there would be no adverse impact on any residential neighbours in terms of overlooking, outlook or similar. The nearest residential neighbours are sited to the north and east, but at a distance where there would not be unacceptably affected.

There is an existing equestrian facility sited to the west of the development and this would be in close proximity to the development. The layout of the proposed development has considered this adjacent use and taken it into account in terms of access and layout. The equestrian facility would be not be unacceptably affected in terms of overlooking, outlook, noise disturbance or similar. However, a number of conditions are imposed to ensure that the impacts are reduced during construction.

Highway Considerations

The development would utilise the existing vehicular access points onto Delvyns Lane. Plots 3, 4 and 5 would be accessed via the southern access, which is also shared with the adjacent equestrian facility. Plots 1 and 2 would utilise the northern access.

Essex County Council as the Highway Authority have reviewed the application and raise no objections, commenting that it is not considered that the use of the buildings as dwellings would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site.

A gravel access / driveway provides private parking for each dwelling within each of their residential curtilages. The parking would be secure and relatively discreet from the road, though views of parking associated with Plots 1 and 2 will be available from the adjacent PROW. Parking availability will either be in accordance with or in excess of the adopted parking standards and no objections to this are raised.

Lastly in terms of highway matters, and as discussed above, the existing PROW would need to be diverted. No objection to this has been raised by Highways.

Ecology

The application was submitted with an accompanying Minor Development Biodiversity Checklist, Bat and Owl Survey (Essex Mammals Surveys, January 2020) and Bat Survey (Essex Mammals Surveys, June 2020), which relates to the likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation.

Officers are satisfied that there is sufficient ecological information available for determination of the application and that it provides certainty of the likely impacts on Protected and Priority species.

In addition to the submitted accompanying documents, there is a Local Wildlife Site within 100 metres of the site (Bra 144 Parkgate Farm - Edeys Farm Special Roadside Verge), but given the scope and scale of the development it is not considered likely that there will be any impacts arising.

There are no connecting habitat or obvious connectivity to water bodies in the locality and no suitable terrestrial habitat to support Great Crested Newts on the application site. Therefore, it is not considered that any further consideration for Great Crested Newts is required.

The Bat and Owl Survey (January 2020) and Bat Survey (June 2020) confirm the presence of 2 x roosting bats and that a Low Impact Class Licence and will be required before development can proceed. A condition can be imposed to ensure that the LPA will need to be provided with a copy of the method statement relating to a registered site under a mitigation class licence for Bats.

The reasonable biodiversity enhancement measures, as detailed in the Bat and Owl Survey and Bat Survey should be detailed in an appropriate Biodiversity Enhancement Layout Plan and secured by Condition to ensure measurable biodiversity net gains.

Habitat Regulations Assessment (HRA)

The site is situated outside of the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

Landscape

Although the existing site is devoid of any established landscaping features of merit, the change of use to residential will inevitably alter the appearance of the buildings and site within the countryside setting. To ensure that the development will assimilate appropriately, a comprehensive approach for hard and soft landscaping across the site has been submitted. Boundary fences to the frontage roadside are proposed as traditional steel estate stock fencing to match the boundary of the farm house to the east, whilst gates are proposed to be timber and a condition will be imposed to secure an appropriate design of these. Hard surfacing is predominately gravel and in terms of additional soft planting, native hedgerows are to be planted. Overall, this approach will be sensitive to the rural character and appearance of the locality.

Contamination

This application involves the conversion of existing buildings on a brownfield site. Although the previous historical use of these buildings is understood to be primarily agricultural, this can give rise to potential land contamination arising from sources such as fuel storage tanks, and the storage and handling

of agrochemicals (pesticides and herbicides). The extent of any contamination needs to be properly investigated and if necessary remediated prior to conversion to residential use which is a sensitive end use. A number of conditions are therefore recommended to be imposed to properly provide for contamination investigation, remediation and verification.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case although the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, there is policy support within RLP38 and RLP100 and RLP101 for the re-use of such rural buildings.

Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP100 and RLP101 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

Policy RLP100 and RLP101 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 201 and 202 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP100 and RLP101 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

Summary of Adverse Impacts

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

Location and Access to Services and Facilities

The application site is located at a distance from nearby settlements to provide even the basic day to day services and provisions. Due to the distances involved as they are via roads with no footpaths or street lighting, it would heavily discourage occupiers from accessing these services on foot or bicycle. Further, the site does not benefit from reasonable public transport provision to provide realistic opportunities for future occupiers to access shops, service and employment opportunities. Overall, future occupiers would

be reliant on the private vehicle and this weighs heavily against the proposal in sustainability terms.

Summary of Public Benefits

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

Delivery of Market and Affordable Housing

The development will provide 5no. market dwellings, with a mix of dwelling sizes. Given the scale of development only limited positive weight is attributed to this.

Economic and Social Benefits

The development would generate some social and economic benefits during construction and thereafter. Given the scale of development, only limited positive weight is attributed to this.

Heritage

The development would secure a long term viable re-use of the listed buildings. The layout and detailed design of the development is considered to be appropriate to the significance of the buildings. This is a positive factor to which significant positive weight is attributed to.

Other

There will also be environmental improvements to the site in terms of the provision of native species of hedgerows and with the condition to secure an appropriate Biodiversity Enhancement Layout Plan. The development will therefore ensure measurable biodiversity net gains are achieved. Whilst this is a benefit to the scheme, given the scale of development, only limited weight is assigned to this.

Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: 300	Version: A
Proposed Elevations	Plan Ref: RUFF-301	Version: A
Proposed Elevations	Plan Ref: RUFF-302	Version: A
Proposed Elevations and Floor Plans	Plan Ref: RUFF-303	
Proposed Elevations and Floor Plans	Plan Ref: RUFF-400	
Floor Plan	Plan Ref: 200	Version: A
Site Plan	Plan Ref: 103	
Location Plan	Plan Ref: 100	Version: A
Other	Plan Ref: 102	

- 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 Development shall not be commenced until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: a) human health, b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c) adjoining land, d) groundwaters and surface waters, e) ecological systems, f) archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with: o BS 10175: Investigation of potentially contaminated sites - codes of practice o BS 5930: Code of Practice for ground investigations o Land Contamination Risk Management (LCRM) guidance published by the Environment Agency.

Reason

To ensure that contamination risks to the future users of the land,

controlled waters, property and ecological systems, are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 4 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that contamination risks to the future users of the land, controlled waters, property and ecological systems, are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that contamination risks to the future users of the land, controlled waters, property and ecological systems, are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 6 No development shall commence on Plots 2, 3, 4 and 5 until the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or;
 - b) a method statement supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
 - c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 7 A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Skilled Ecology, June 2020), and adequate compensatory planting shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 8 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of the character and appearance of the development and amenity of the area and in the interests of protected species.

- 9 No development in relation to Plot 1 shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason

To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 10 Prior to the first occupation of the dwellings hereby permitted, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 11 Prior to the first occupation of the dwellings hereby permitted, the vehicle parking and turning as indicated on the submitted plans shall be provided and thereafter the vehicle parking and turning shall always be retained in this form.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 12 Prior to the commencement of any development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of any security hoarding;
 - wheel washing facilities;
 - delivery, demolition and construction working hours.

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

Reason

In the interests of neighbouring amenity, visual amenity and the safety and convenience on the highway network.

- 13 No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: -

- means of enclosures, including all fences and gates;
- hard surfacing materials;
- minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
- planting plans, including species and densities;
- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

Reason

In the interests of the visual amenity of the area and to ensure a high quality scheme and appropriate amenity to future occupiers.

- 14 No development to Plot 1 shall commence until a schedule of materials and samples of the materials to be used on the external finishes of the Dutch Barn (Plot 1) has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason

To ensure the use of appropriate materials in the interest of high quality and amenity.

INFORMATION TO APPLICANT

1 If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

2 Occasionally protected species, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. Should any protected species or evidence of protected species be found prior to or during

the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

3 To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge; c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge

4 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

5 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.4 (Gestingthorpe) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

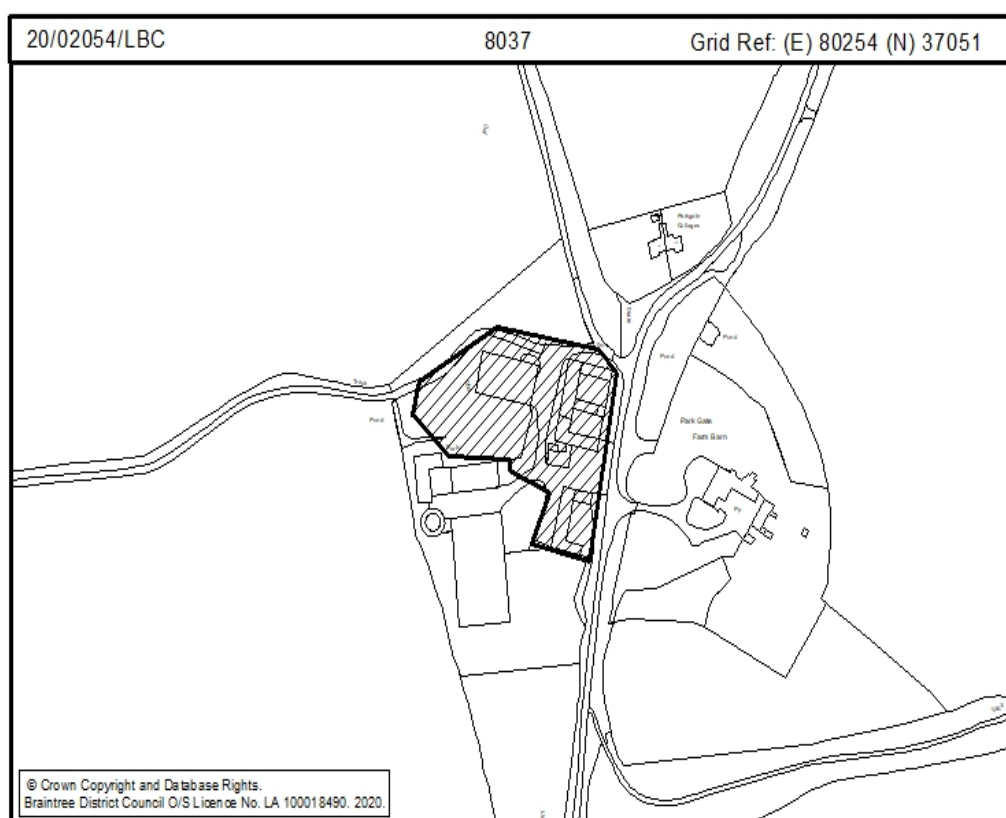
AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/02054/LBC
DATE VALID: 16.12.20
APPLICANT: Ms Deborah Ruffel
Parkgate Farm, Delvyns Lane, Gestingthorpe, Halstead,
CO9 3AE, Essex
AGENT: Acorus Rural Property Services
Louise Gregory, Old Market Office , 10 Risbygate Street,
Bury St Edmunds, IP33 3AA,
DESCRIPTION: Conversion of existing agricultural buildings to 5 No.
residential dwellings to include recent repair works to listed
buildings.
LOCATION: Parkgate Farm, Delvyns Lane, Gestingthorpe, Essex, CO9
3AE,

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKRTXCBFI3N00>

SITE HISTORY

04/02270/COU	Proposed change of use of land for managed and controlled laser roleplay combat games	Granted	11.01.05
92/00663/FUL	Erection of sun lounge	Refused	08.07.92
92/00664/LBC	Erection of sun lounge	Refused	08.07.92
12/00285/FUL	Installation of 3 no. small scale wind turbines (14.97m to hub, 5.6m diameter blades)	Refused	28.05.12
12/00302/FUL	Erection of single storey stable block and exercise area to paddock. Erection of proprietary horse exerciser	Granted	23.05.12
12/00303/LBC	Erection of single storey stable block and exercise area to paddock. Erection of proprietary horse exerciser	Permission not Required	23.05.12
12/00376/LBC	Removal of existing staircase and replace with new staircase, partition and first floor bathroom to west-south west side of the dwelling	Withdrawn	02.05.12
12/01264/FUL	Repair or replace existing oak and softwood external frame and re-render with lime render to west elevation of existing farmhouse, repair plinth; install French doors to replace existing window to south elevation of existing farmhouse; refit existing bathrooms to first floor; form new ensuite bathroom to first floor bedroom; and, provide new foul drainage runs to connect to new sewage treatment plant	Granted	01.11.12
12/01265/LBC	Repair or replace existing	Granted	01.11.12

	oak and softwood external frame and re-render with lime render to west elevation of existing farmhouse, repair plinth; install French doors to replace existing window to south elevation of existing farmhouse; refit existing bathrooms to first floor; form new ensuite bathroom to first floor bedroom; and, provide new foul drainage runs to connect to new sewage treatment plant		
13/00160/DAC	Application for approval of details reserved by condition nos. 3, 4 and 5 of approval 12/00302/FUL	Part Grant, Part Refused	28.08.13
18/00499/FUL	Conversion of existing first floor of stable/garage/store outbuilding to dwelling annexe, two storey extension and insertion of two conservation rooflights in rear roof elevation	Withdrawn	11.05.18
18/00500/LBC	Conversion of existing first floor of stable/garage/store outbuilding to dwelling annexe, two storey extension and insertion of two conservation rooflights in rear roof elevation	Withdrawn	11.05.18
18/01130/FUL	Conversion of existing first floor of stable/garage/store outbuilding to holiday letting accommodation, two storey extension and insertion of two conservation rooflights in rear roof	Granted	24.10.18
18/01132/LBC	Conversion of existing first floor of stable/garage/store outbuilding to holiday letting accommodation, two storey extension and insertion of two conservation rooflights in rear roof	Granted	24.10.18
20/02053/FUL	Conversion of existing agricultural buildings to 5 No. residential dwellings to	Pending Decision	

include recent repair works
to listed buildings.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

Braintree District Shared Strategic Section 1 Local Plan (2021)

Braintree District Draft Section 2 Local Plan (2017)

LPP50 Built and Historic Environment
LPP60 Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Gestingthorpe Parish Council raise concerns to some elements of the proposal, contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located approximately 1.5 km to the south west of Gestingthorpe and 2.2 km to the north east of Castle Hedingham. It lies outside of any defined settlement boundary.

The application site contains two Listed buildings, Parkgate farm outbuildings and barn (the northern complex of barns) and Parkgate farm stable and cartlodge (the southern complex of barns). Together with the nearby Grade II Listed Parkgate Farmhouse (not within the application site red edge), the buildings form a historic farmstead group. The site also contains a modern Dutch barn adjacent to the historic buildings.

The wider surrounding area is generally agricultural land, however, to the north are a pair of semi-detached cottages; to the east lies the Listed Parkgate Farmhouse; to the south fields; and to the west are equestrian uses.

There is a public right of way (PROW) to the north of the northern complex of barns and the Dutch barn.

PROPOSAL

The application seeks the change of use of the listed barns into 4no. dwellings, together with associated alterations and works.

The northern complex would be converted into 2no. dwellings (Plot 2 into a 4 bed and Plot 3 into a 3 bed unit).

The former piggery would be converted into 1no. 1 bed dwelling (Plot 4); and the southern complex into 1no. 3 bed dwelling (Plot 5).

A linked application for planning permission has also been submitted (Application Reference 20/02053/FUL) which is also being considered by Planning Committee on 14th September 2021.

SUMMARY OF CONSULTATION RESPONSES

ECC Historic Buildings Consultant

The conversion and alteration of the piggery, which is within the curtilage of both Listed buildings, is also acceptable, although further details on materials and in particular the fenestration would require approval via condition for an approved application.

No objection in principle to the conversion of the buildings to facilitate their change in use to residential. Overall, the proposed scheme demonstrates an appropriate response to the conversion of the buildings. Further details are required regarding the repair methodology and the extent to which features of interest are to be retained and the internal appearance and finishes of the barns.

In regards to the amended plans relating to the link, comment that the glazed link in the north yard has been replaced with a weatherboarded link with a zinc roof and is appropriate.

The creation and archive deposition of an archaeological report on the buildings is appropriate in this case, due to the significance of the buildings and the level of change proposed. A historic building survey has already been undertaken, but there are no details as to the archive methodology and the report does not fully conform to the guidelines from Historic England and ClfA for an archivable, Level 2 historic building survey report. A method statement for the consolidation of the historic research, analytical survey and measured survey information, along with a statement on the archiving for the project can be approved as a condition.

PARISH / TOWN COUNCIL

Gestingthorpe Parish Council raise no objection to the principle of development, but raise have the following concerns:

- Is a rural location - proposal contrary to adopted and emerging Policies;
- Unit 3 is a “bedsit” and not be in keeping with the overall scheme - suggest should be ancillary accommodation;

- The southern range (plot 5) is derelict and “conversion” will be demolition and rebuild;
- Is a potential conflict with the working stable use to the rear which has a horse walker and ménage with flood lighting;
- Partial demolition and conversion of the Dutch Barn range (plot 1) will not be in keeping with the conversion of the traditional “Listed” range to the front. Whilst the applicant may be able take advantage of Part Q development rights, conversion should not be detrimental to the setting of the Listed Buildings;
- The detailing for a Listed Building conversion is poor;
- Bat and Owl boxes should be provided in accordance with the survey reports;
- Access from the Sudbury/Heddingham Road is along Delvyns Lane. A single track lane with no hardened passing bays and not suitable for the proposal. The Lane already serves 4 residential properties, the stables and the adjoining agricultural land. The proposal will lead to a significant increase in traffic. Any approval should requiring the provision of 2 passing bays;
- Delvyns Lane continues to Eadies Farm where it becomes an unmade “Byway” continuing to Church St. Any approval should be subject to a condition that vehicular access cannot be taken along the unmade section of the Lane;
- Any approval should include energy efficient measures such as ground/air heat pumps, water recycling and vehicle charging points.

REPRESENTATIONS

The application was advertised by way of site notice; neighbour letters; and a press notice.

One letter of representation has been received from The Ramblers. They raise the following comments:

- Gestingthorpe Public footpath 4 (PROW 81_4) which runs along the north side of the north farmyard is not shown on any of the plans. The public footpath continues west and runs either just to the north or just under the NW corner of the Dutch barn. The public footpath is not referenced;
- It would appear from the site layout plan and the proposed plot plans that two sets of gates would be erected across the public footpath which would also become the vehicular access for plot 2, the northern farmyard, and plot 1, the Dutch barn;
- The post- and rail fence around the western / NW end of plot 1, the Dutch barn, would potentially be across the public footpath - which at this point is now Castle Heddingham public footpath 19 (PROW 71_19);
- Question whether Castle Heddingham Parish Council have been consulted;
- The proposed boundaries would not be in keeping with a rural setting;
- Garden amenity area and dimensions is not clearly shown;
- The dimensions of the parking areas are also not shown;

- Question if the lanes / roads to Castle Hedingham are suitable for safe cycling.

REPORT

SITE ASSESSMENT

Layout, Design and Appearance / Heritage Impacts

The layout of the development has been dictated by the siting of existing buildings and the existing access arrangements. The listed buildings would retain their historical layout and prominent presence within the street scene layout, as parking is sited to their western elevation with only their private gardens (or secondary amenity space in some cases) to the eastern roadside. The detailed hard and soft landscaping approach with appropriate rural fencing design and gravel driveways would ensure that the overall character and appearance and setting of the listed buildings would be retained.

The works to create the other 4 dwellings are created by way of a change of use of the listed northern and southern complex. The principle of the change of use to residential is supported. Paragraph 197 of the national Planning Policy Framework states that when determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The residential use of the buildings will secure the long term viable use and meets with the requirements of the NPPF.

In addition, detailed reports have been submitted with the application in regards to the condition of the existing structures, capability of the buildings to accommodate the change of use and in terms of the extent of removal of fabric, and extensions and alterations required. Officers are content that the buildings can be converted without complete or substantial reconstruction.

Plot 2 and 3 are formed within the northern listed barn. This building has undergone repairs including the repair and retiling of the roofs in 2011. In some areas, the walls of the stable building are also in a poor structural condition. The structural survey report recommends that these areas are carefully demolished and rebuilt. The reuse of the original bricks and the recreation of the random coursing, mortar colour and pointing style, would need to be undertaken during the reconstruction of the walls. For brickwork repairs, a lime mortar is likely to be appropriate, in order to match the historic mortar. Analysis of the historic mortar may be required to achieve a suitable match. Any newly sourced bricks that are required should match the originals in size and colour. Further details on the extent of the repairs to the brick work and the methodology and materials used would be secured as a condition for any approved scheme.

There were some concerns regarding the appearance of the glazed link in the north farmyard as originally proposed, wherein it was considered that there was overuse of large modern panes of glazing. Following amended plans, this

element has been revised and the glazed link has been replaced with a weatherboarded link with a zinc roof. This element now is appropriate to the appearance of the building.

Plot 4 and 5 are created in the southern complex of barns, (with Plot 4 specifically being created within the former Piggery building). The works and overall detailing to Plot 4 is considered acceptable, although further details on materials and in particular the fenestration is to be secured via condition.

The southern Listed stable building (Plot 5) is in poorer condition, and the application includes a structural survey which has identified structural problems with the roof and recommends the roof is rebuild. The survey report states that some members can be reused, along with the roof tiles and in general this approach is acceptable, though further details of repair methodology would be required as a condition for any approved scheme.

In general terms across the buildings, the reuse of historic doors is appropriate as is the reinstatement and use of large barn doors as shutters. The glazing of existing open spaces is also acceptable, although the glazing should be clearly recessed and set back, to retain the visual effect of the opening. This detailing can be secured via condition.

SUMMARY AND CONCLUSION

As set out above, the works would secure the long term viable use of these listed buildings. Evidence is submitted to demonstrate that the buildings are capable of change of use and that the required extent of removal of fabric, and extensions and alterations required would not result in complete or substantial reconstruction.

The proposed works to the buildings would be sympathetic to the original buildings and would result in a high quality development that would preserve and enhance the character and appearance of the listed buildings and their setting.

Consequently it is recommended that listed building consent be approved for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations and Floor Plans	Plan Ref: RUFF-303	
Proposed Elevations and Floor Plans	Plan Ref: RUFF-400	
Proposed Floor Plan	Plan Ref: 300	Version: A

Proposed Elevations	Plan Ref: 301	Version: A
Other	Plan Ref: 102	Version: A
Floor Plan	Plan Ref: 200	Version: A
Site Plan	Plan Ref: 103	
Location Plan	Plan Ref: 100	Version: A

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

- 3 No works shall commence until a schedule of the types and colour of the materials to be used along with samples of the materials to be used on the external finishes of the buildings has been submitted to and approved in writing by the local planning authority. The works shall only be implemented in accordance with the approved details and permanently retained as such.

Reason

To ensure the use of appropriate materials having regard to the listed building. The schedule and samples are required prior to the commencement of works to ensure that the works are completed using appropriate materials from the outset.

- 4 No works shall commence, including any demolition, until a method statement describing the amalgamation of existing survey and research data on the historic building and the creation of a complete archaeological report, including information on the archive procedure, has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To ensure appropriate recording of the building. The method statement is required prior to the commencement of works to ensure that the approach will provide for all recording and that no historic fabric or significance is lost.

- 5 The applicant will submit to the local planning authority a report detailing the results of the historic building recording programme and confirm the deposition of the archive to an appropriate depository as identified and

agreed in the Method Statement.

Reason

To ensure appropriate recording of the building.

- 6 The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works and to allow for a watching brief throughout the period of works.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 7 Details of necessary repairs to both Listed buildings in addition to the approved plans shall be submitted to and approved in writing by the local planning authority and the repairs shall then be carried in accordance with the approved details.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 8 Internal works shall not be commenced until a schedule of all new, internal surface materials including walls, ceilings and floors and a schedule of all internal and external joinery indicating the proposed finish and decoration to be used has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building

- 9 Prior to their installation on site, additional drawings that show details of proposed new windows, doors, facia and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Variation to resolution to approve Reserved Matters at Land South Of Halstead Road, Earls Colne (Application Reference 20/02205/REM)		Agenda No: 5c
Portfolio	Planning and Infrastructure	
Corporate Outcome:	Connecting People and Places Enhancing our Environment	
Report presented by:	Mathew Wilde, Senior Planning Officer	
Report prepared by:	Mathew Wilde, Senior Planning Officer	
Background Papers: Planning Committee Report – Application Reference 20/02205/REM Planning Committee Minutes – 20/07/2021 [ATTACHED AT THE END OF THE REPORT]		Public Report Key Decision: Yes
Executive Summary: This report relates to a Reserved Matters application for a residential development that Members previously considered at the Planning Committee held on 20/07/2021, and resolved to grant approval subject to conditions. Since the Planning Committee meeting held on 20 th July 2021, the developer (Persimmon Homes) has been in contact with the statutory water authority regarding foul water flows from the proposed development. Following these discussions, it has transpired that a foul pump station is required in order to effectively manage foul water flows. As such, a pump station is now proposed on the development. Therefore, the matter is duly being referred back to Committee for consideration. The inclusion of the pump station would require the amendment of/to the following plans/documents: <ul style="list-style-type: none"> - Masterplan - Detailed Layout - Boundary Treatments - Open Space - Plan and Elevation - Landscape Proposals - Biodiversity Net Gain Assessment - Biodiversity Metric - Landscape and Environmental Management Plan 		

This report is therefore only concerned with the inclusion of the pump station (and its possible subsequent impacts), as acceptability of the development has been established by the resolution from Members at Planning Committee held on 20/07/2021.

Members are therefore requested to pass a new resolution to grant planning permission subject to the revised list of plans and conditions.

Recommended Decision:

That the application is GRANTED planning permission subject to the following plans and conditions set out in the original committee report (at the end of this report):

Planning Layout Plan Ref: PH-157-003G
Site Masterplan Plan Ref: PH-157-002G
Boundary Treatment Plan Ref: PH-157-007G
Public Open Space Details Plan Ref: PH-157-009F
Plans and Elevations Plan Ref: PH-157—63A
Landscape Masterplan Plan Ref: 20013-101 F
Landscape Masterplan Plan Ref: 20013-102 F
Landscape Masterplan Plan Ref: 20013-103 F
Landscape Masterplan Plan Ref: 20013-104 F

Other Plan Ref: PH-157-010B
Other Plan Ref: PH-157-011B
Levels Plan Ref: PH-157-012B
Lighting Plan Plan Ref: PHE-960-101-R1
Lighting Plan Plan Ref: PHE-960-105-R1
Other Plan Ref: 28952/6003 Version: P04
Other Plan Ref: 28952/6001 Version: P04
Other Plan Ref: 28952/6002 Version: P04
Other Plan Ref: 28952/6004 Version: P04
Other Plan Ref: 28952/6005 Version: P03
Other Plan Ref: 28952/6006 Version: P04
Other Plan Ref: PH157-062
Garage Details Plan Ref: PH-157-060
Recycling / Waste Plan Plan Ref: PH-157-008D
Height Parameters Plan Plan Ref: PH-157-005C
Tenure Plan Plan Ref: PH-157-006C
Materials Details Plan Ref: PH-157-004D
House Types Plan Ref: PH-157-033B
House Types Plan Ref: PH-157-024B
House Types Plan Ref: PH-157-025B
House Types Plan Ref: PH-130-027B
House Types Plan Ref: PH-157-031D
House Types Plan Ref: PH-157-034B
House Types Plan Ref: PH-130-038B
Proposed Floor Plan Plan Ref: PH-157-050B
House Types Plan Ref: PH-157-020B
House Types Plan Ref: PH-157-022B
House Types Plan Ref: PH-157-023B

House Types Plan Ref: PH-157-026B
House Types Plan Ref: PH-157-028B
House Types Plan Ref: PH-157-029B
House Types Plan Ref: PH-130-030B
House Types Plan Ref: PH-157-036B
Proposed Elevations Plan Ref: PH-157-051 C
House Types Plan Ref: PH-157-037B
Location Plan Plan Ref: PH-157-001
House Types Plan Ref: PH-157-021 Version: B
Other Plan Ref: 28952-SK6000-2
Drainage Details Plan Ref: 28952/6100 Version: P01
Drainage Details Plan Ref: 28952/6101 Version: P01
Drainage Details Plan Ref: 28952/6102 Version: P01
Drainage Details Plan Ref: 28952/6103 Version: P01

Purpose of Decision:

To enable the Local Planning Authority to approve the Reserved Matters application and allow the proposed development to proceed.

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	No matters arising out of this report
Legal:	No matters arising out of this report
Safeguarding:	None
Equalities/Diversity:	No matters arising out of this report
Customer Impact:	The impact of the inclusion of a pumping station in the development layout upon existing residents in the locality has been considered
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	A public and statutory re-consultation was completed
Risks:	None
Officer Contact:	Mathew Wilde
Designation:	Senior Planner
Ext. No:	2512
E-mail:	mathew.wilde@braintree.gov.uk

REPORT

Application No:	20/02205/REM
Description:	Reserved Matters (relating to scale, appearance, layout and landscaping) made pursuant to Outline Planning Permission ref: 15/01580/OUT for 80 dwellings, open space and associated ancillary works
Location:	Land South Of Halstead Road, Earls Colne

BACKGROUND

Since the Planning Committee meeting held on 20th July 2021, the developer (Persimmon Homes) has been in contact with the statutory water authority regarding foul water flows from the proposed development. It was originally envisaged that natural land topography would be sufficient to manage the waste water flows. However, following these discussions, it has transpired that a foul pump station is required, otherwise there would be a significant risk that the waste water (sewage) would not be adequately dealt with. As such, a pump station is now proposed on the development. It should be noted that the pump station would be for foul water only and will not have an implication on the drainage scheme proposed for the development (SuDS).

The inclusion of the pump station has the knock on impact of requiring amendments to some of the plans previously found to be acceptable by Members at Planning Committee. It should be noted that the layout and house types remain as approved – the change only occurs on one area of green space where the pump station would be located.

The reason this is being brought back to Committee is to allow Members to be fully informed on the site requirements and possible impacts before deciding whether to uphold their original recommendation of approval or to change their original recommendation and not support these amendments.

PROPOSAL

The pump station would be sited in the southern area of the site in close proximity to the boundary with Nonancourt Way in Earls Colne. It would be opposite Plot 51 on the development. If approved, the pumping station for this development would, on completion, be adopted by the sewage undertaker, Independent Water Networks Ltd.

The pump station and its associated pipes and equipment are primarily underground in a sealed chamber. The operation of these systems is relatively straightforward. Effluent flows under gravity into an underground holding chamber fitted with an electronic float switch. Once the necessary level of sewage is reached, the pump switches on automatically to pump the effluent uphill to the nearest manhole within the onward gravity fed sewer system. Manhole covers at ground level provide an airtight seal to prevent the escape of any foul air from the system. It is understood that a monitoring system would also be in place to ensure that the system is running correctly.

The total area marked for the pump station would be 10m by 12m and surrounded by a brick wall and boundary planting (other than palisade gates). The above ground equipment only accounts for a small amount of this overall 'floor' space, and it's clear from the side elevations and sample image that nothing would project higher than ground floor level. The pump station is proposed to be screened by new native hedging, while some additional screening is proposed to its south which is to provide a stronger buffer.

The siting of a pump station is also important. As a general rule, it is understood that Water companies object to new residential development within a 15m buffer zone of an existing pump station, often called a 'cordon sanitaire'. This is to avoid any possible implications such as odour which may put pressure on the system to be amended/moved in future.

The Council's Environmental Health Officer (EHO) however confirmed that the cordon sanitaire is not legally required and is instead more of an obscure policy document used by water companies. The EHO considers that in actuality there is not a need to locate the pump station 15m from the nearest residential property (building). The EHO also confirmed that these obscure policy distances have been successfully challenged at appeal, suggesting they are an ideal as opposed to a necessity.

Notwithstanding the above, for this proposal the developer has included a 15m cordon sanitaire around the proposed pump station to show where this could extend to, and the possible implications on neighbouring properties. The first iteration of the pump station location showed that the cordon sanitaire would extend across the front garden of No.12 Nonacourt Way (a neighbouring property), as well as a small amount of the front garden for proposed Plot 51.

While the EHO raised no objection to this positioning, Officers requested that the pump station be moved westwards to be further away from No.12 Nonacourt Way. The developer agreed and moved the pump station approx. 4m westwards further into the development. As a result, the cordon sanitaire would now not extend into the front garden of No.12 (it would however still include part of the private road serving No.12, 14 and 16 Nonacourt Way). The cordon sanitaire would instead project further into the front garden of proposed Plot 51 of the development.

The impact of this, and other impacts are explored more below.

ASSESSMENT

Noise & Odour

As stated above, the Environmental Health Officer (EHO) reviewed the initial pump station proposal and had no objection from a noise and odour perspective. This is because odour problems are very rare and only usually occur with mechanical breakdowns of equipment. As this will be adopted by Independent Water Networks Ltd, a national water body, it should be managed/maintained effectively. Therefore there should be no impact on the amenity of future / existing residents.

The EHO also set out that the Council have enforcement powers available under the Environmental Protection Act 1990 that would be sufficient to require remedial work if odour nuisance did arise in the future.

For completeness, Officers also confirmed with the EHO that the revised siting of the pump station approximately 4m to the west would not change their view that the proposed pumping station was acceptable and would not give rise to any detrimental impacts.

With the revised position of the pump station, and the comments of the EHO, Officers are satisfied that the proposed pump station would not have any detrimental noise and odour impacts for existing neighbouring residents or future occupiers. In addition, the future purchaser for Plot 51 would be aware of the location of the pump station prior to deciding to purchase the property.

Layout

In terms of the layout, the inclusion of the pumping station slightly alters the footway that runs through the spine of the development. The footway now would have a more angled change in direction where it passes the front of the pump station. The previous layout had more of a natural curve in the footway. Essex Highways have reviewed the revised alignment and have raised no objections. Officers are also satisfied that the footway link would still be safe and usable to future occupiers and members of the public.

The pump station is located on land previously identified as green space. As such, the pump station will slightly reduce the amount of green space on the development by 0.012Ha. While the loss of green space is regrettable, the development would still provide a significant amount of green space that would be in excess of the Council's standards. As such, it is considered this small reduction would not have a detrimental impact on the amenity of future residents of this development.

It should be noted that no other layout changes are required.

Visual

In terms of visual impacts, the pump station would be in a relatively prominent position on the development, being visible from both a northern and southern direction. However, the predominant view would be that of the brick wall, and over time an established hedgerow which would assist in softening the brick wall. This is due to the machinery primarily being underground. The only views into the pump station would be from the gates, however this is unavoidable as with any similar development to this. In any case, the gates are a small feature of the overall pump station. As such, while the pump station is in a relatively prominent location, its overall visual impact would not be high. It is therefore considered that the overall visual impacts of the pump station would be acceptable.

Ecology

In terms of Ecology, a revised biodiversity metric was provided as well as an updated assessment of biodiversity net gain.

The landscape plans have been updated to include an area of broadleaved woodland along the eastern boundary near the pump station. This would provide habitat for species as well as biodiversity net gain and would provide further compensation for existing tree/woodland loss in the required biodiversity metric calculation after the Applicant noted during the course of updating their calculation that their original calculation contained an error and some additional compensation was required. The Ecology Officer has assessed these proposals and raised no objections. Similarly, the Ecology Officer had no objection to the location of the pump station and commented that in itself, the pump station did not have a detrimental impact on ecology or biodiversity net gain.

It is therefore considered the ecological impacts of the inclusion of the pump station within the development would be acceptable.

SuDS

The SuDS at the site would not materially change as a result of the proposed inclusion of the pump station. Essex SuDS were consulted but provided no additional comments to those originally submitted when the application was previously considered by the Planning Committee. As such, Officers are satisfied that the proposal would be acceptable in this regard.

Anglian Water were also consulted and did not offer any objection.

CONSULTATION

Further Representations Received following Re-consultation

For completeness, the Ecology and Environmental Health Officer comments are set out below (even though they are discussed in the report above) as well as further comments received from neighbours and the Parish Council.

Ecology Response

“Following a phone call with Steve at SES we have resolved the issue of the woodland not appearing within the habitat baseline information that had been supplied. Steve has successfully emailed a further copy of the Revised Metric data which now details the woodland within the habitat baseline. I shall forward this to you separately as this version will need to be uploaded.

Having reviewed the revised Metric and the revised landscaping plans please accept this email as confirmation that the proposals submitted, to provide proportionate compensation for the loss of the woodland, as detailed, are satisfactory and that the trading issues are resolved. The revised metric calculations as submitted confirm that a biodiversity net habitat gain of 4.19% can be achieved.

This demonstrates that measurable net gains for biodiversity will be delivered, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. As a result, it is recommended that the applicant’s ecologist works closely with the Landscape Architect on the delivery of the Landscape and Ecological Management

Plan and Landscaping Plans, to ensure that the aims of the Biodiversity Net Gain Assessment Report will be achieved.”

Environmental Health Response

“I have considered the application and associated documentation regarding the siting of the foul effluent pumping station.

I can confirm that the type of sewage pumping system proposed does not produce any foul odour, noticeable at ground level adjacent to the plant, during day to day operation. The operation of these systems is relatively straightforward. Effluent flows under gravity into an underground holding chamber fitted with an electronic float switch. Once the necessary level of sewage is reached, the pump switches on automatically to pump the effluent uphill to the nearest manhole within the onward gravity fed sewer system. Manhole covers at ground level provide an airtight seal to prevent the escape of any foul air from the system.

In my 30 years working as an Environmental Health Officer the only time I have witnessed odour problems with respect to sewage pumping stations is when mechanical breakdown has prevented the operation of a pump for an extended period of time so as to allow the sewage stored in the holding chamber to become septic (i.e. where anaerobic bacteria multiply within the effluent liquid). Overflow alarms can be fitted to holding tanks to alert operators of any mechanical failure of pumps well before anaerobic condition develop. Regular servicing of the plant in accordance with manufacturers recommendations will normally prevent such situations arising. In my experience problems only tend to occur with respect to pumping stations owned by private individuals where routine maintenance is neglected.

The pumping station proposed for this development will, on completion be adopted by the statutory sewage undertaker, Anglian Water plc. As such I am confident that future routine maintenance will be conducted adequately.

The Council have enforcement powers available under the Environmental Protection Act 1990 that would be sufficient to require remedial work if odour nuisance did arise in the future.

The “cordon sanitaire” mentioned in the application is a somewhat obscure policy device used by the statutory water undertakers when objecting to residential developments adjacent to their existing drainage infrastructure. Use of arbitrary separation distances such as this are not particularly useful in planning terms, and have been successfully challenged at appeal. It is better to consider each case on its merits and assess the odour generating potential of proposed drainage infrastructure scientifically.

In this instance, I consider that the siting of a sewage pumping station in the location proposed would not cause odour nuisance nor any loss of residential amenity to any neighbouring properties, including those at 12, 14 and 16 Nonacourt Way, occupied by specific objectors. I also note that no part of the pumping station or associated pipework passes under property owned by any of the objectors and as such there would be no possibility of a future need to excavate under any of their drives or gardens. Whilst I can understand residents being fearful about potential nuisance I

would suggest that their fears are unfounded and arise out of a lack of understanding regarding the nature of such equipment and how it operates in practice.

I trust that these comments will be taken into consideration when determining this application.”

Neighbour and Parish Council Comments

Representations of objection have been received from No's 12 (x2), 14 and 16 Nonancourt Way to the original siting of the pump station. These concerns are summarised as:

- 15m Cordon Sanitaire breached as would go on the front garden of No.12
 - o Permission may be needed to extend front of house in this area
- It would also go across the driveway for No.12, 14 and 16
- Possible detrimental issues regarding noise and smell – breach of policy SP7 and NPPF
 - o Environmental Health Officer doesn't say that there would never be a smell even if it's not day to day
 - o System could get blocked easily
 - o DEFRA guidance should be followed
- Better other locations in the development itself – shouldn't fall outside

Earls Colne Parish Council also objected outlining their concerns with the proximity of the pumping station and associated cordon sanitaire to neighbouring properties.

Since the change to the proposed siting of the pump station (to be further into the site and further away from residential properties), a further re-consultation was undertaken. Any further representations that are received in response to this re-consultation will be shared with Planning Committee Members in advance of the meeting.

SUMMARY

A pump station is required to process foul water from the proposed development. As such, the detailed proposals which were originally considered by Members at Planning Committee have been updated to include the pump station, as well as enhanced landscaping and bio-diversity net gain around the pump station area.

The pump station was initially proposed on a piece of open space on the eastern aspect of the development. However, owing to Officer concerns about proximity to neighbours, the pump station has been relocated approx. 4m further into the site away from neighbouring properties. Overall, while some concerns have been raised by members of the public and the Parish Council, no objections have been received from consultees. It is therefore considered that the pump station would not give rise to any detrimental impacts. On this basis, the addition of the pump station within the proposed development can therefore be supported.

RECOMMENDATION

It is recommended that the application is again approved by Members with the same conditions and reasons as in the report appendix attached (including the

additional/amended conditions recommended in the attached minutes of the Committee 20th July), but with the updated plan numbers as set out above in the 'Recommended Decision' section.

ADDITIONAL/AMENDED CONDITIONS

For the avoidance of doubt, the conditions on page 28 of the Meeting Minutes for the 20th July Committee are set out below:

Amended Condition

4. The development shall only be carried out in accordance with the full Arboricultural Method Statement completed by SES dated 9th July 2021.

Additional Conditions

8. The proposed landscaping scheme for the development shall be fully implemented no later than the first planting season following the occupation of the 68th dwelling.

9. A 600mm high metal railing, or similar, shall be installed running parallel to and to the North of the new footpath link to Nonancourt Way, in accordance with details submitted to and approved by the Local Planning Authority under the licence required to be granted to facilitate the footpath link works being carried out on Braintree District Council land by the applicant. The railing (or similar) shall be installed at the same time as the new footpath link.

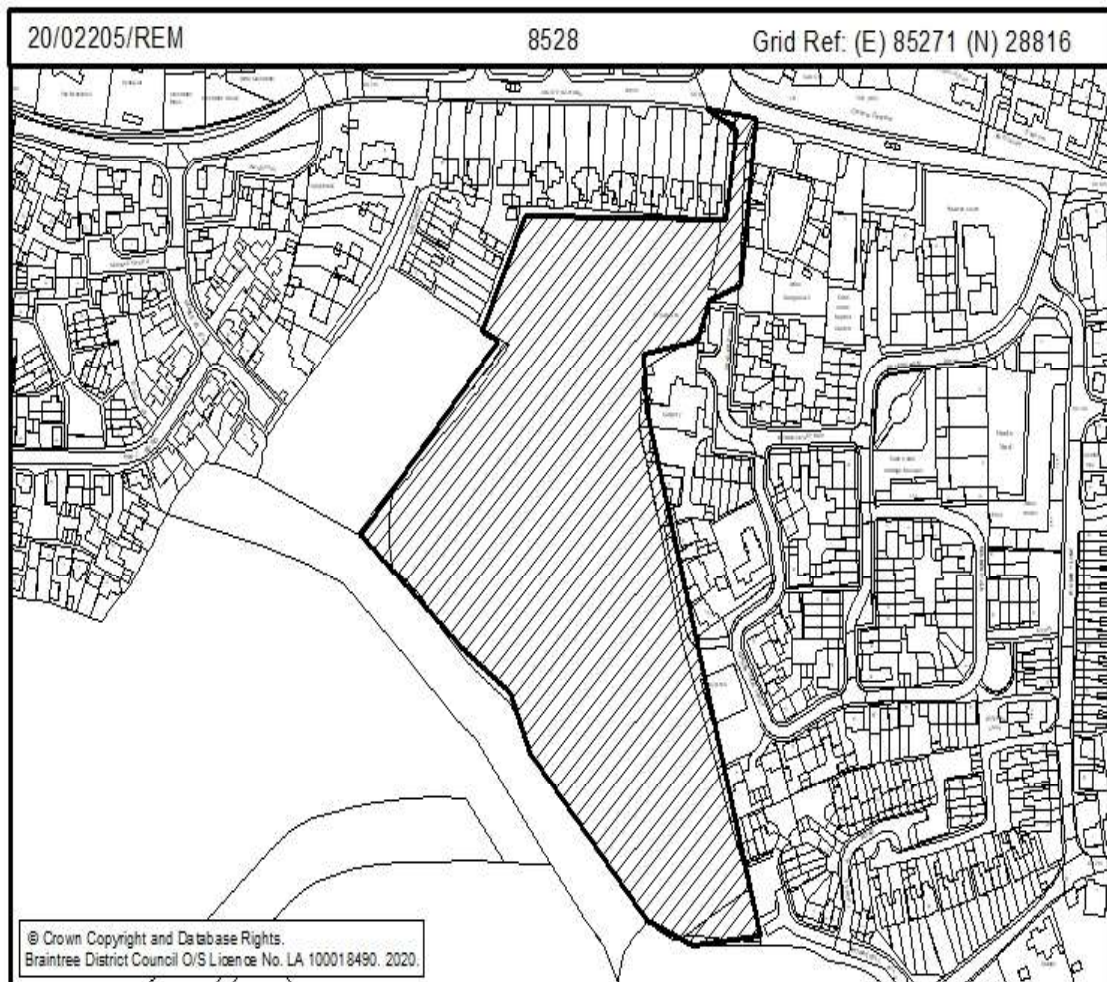
10. Electric vehicle charging points shall be provided to all the dwelling houses on the development. The charging points shall be installed prior to the occupation of each dwelling house.

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/02205/REM
DATE VALID: 11.01.21
APPLICANT: Persimmon Homes Essex
Miss Harris, Persimmon House, Gershwin Boulevard,
Witham, CM8 1FQ, United Kingdom
DESCRIPTION: Reserved Matters (relating to scale, appearance, layout and landscaping) made pursuant to Outline Planning Permission ref: 15/01580/OUT for 80 dwellings, open space and associated ancillary works
LOCATION: Land South Of, Halstead Road, Earls Colne, Essex

For more information about this Application please contact:
Timothy Havers on:- 01376 551414 Ext. 2526
or by e-mail to: timothy.havers@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLP5XUBFI/FA00>

SITE HISTORY

15/01580/OUT	Outline planning application with all matters reserved (except means of access on to Halstead Road and Thomas Bell Road) to include: up to 80 dwellings (Use Class C3); open space and associated ancillary works	Granted with S106 Agreement	08.08.17
20/02206/DAC	Application for approval of details as reserved by conditions 8, 14, 15, 19, 22 & 26 of approved application 15/01580/OUT	Pending Consideration	
20/02207/DAC	Application for approval of details as reserved by condition 24 of approved application 15/01580/OUT	Pending Consideration	
21/00497/DAC	Application for approval of details as reserved by condition 3, 9, 11 and 12 of approved application 15/01580/OUT	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
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
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas

- RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings
- RLP138 Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

- CS2 Affordable Housing
- CS7 Promoting Accessibility for All
- CS8 Natural Environment and Biodiversity
- CS10 Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021)

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

- LPP33 Affordable Housing
- LPP37 Housing Type and Density
- LPP44 Sustainable Transport
- LPP45 Parking Provision
- LPP49 Broadband
- LPP50 Built and Historic Environment
- LPP51 An Inclusive Environment
- LPP53 Provision of Open Space, Sport and Recreation
- LPP55 Layout and Design of Development
- LPP56 Conservation Areas
- LPP60 Heritage Assets and their Settings
- 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
- LPP74 Climate Change
- LPP75 Energy Efficiency
- LPP77 Renewable Energy within New Developments
- LPP78 Flooding Risk and Surface Water Drainage
- LPP79 Surface Water Management Plan
- LPP80 Sustainable Urban Drainage Systems
- LPP81 External Lighting

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
 Essex Design Guide
 Earls Colne Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located outside but immediately adjacent to the Village Envelope of Earls Colne.

It measures approximately 3.4 hectares and consists primarily of an agricultural field with associated boundary hedging and trees. There is a notable mature Oak Tree which stands on its own within the northern part of the site. The site also includes an existing agricultural access to the A1124 (Halstead Road) and a new access from Thomas Bell Road.

The site is bounded to the north, north-west and east by existing development which is primarily residential in nature but includes The Pump House Doctor's Surgery. To the south and south-west lies further countryside and to the west a small greenfield site which has outline planning permission for up to 20 dwellings.

PROPOSAL

Outline planning permission (Application Reference 15/01580/OUT) was granted on 8th August 2017 for the residential development of the site for up to 80 dwellings with associated open space and ancillary works. Access was approved from Halstead Road and Thomas Bell Road.

All other matters were reserved, meaning that the detailed appearance; landscaping; layout and scale of the proposed development must be considered at the Reserved Matters stage with the access already being fixed at the outline planning permission stage.

The current Reserved Matters application seeks permission for all of the matters reserved at the outline permission stage. The proposed development would consist of 80 dwellings with vehicular access being taken from Halstead Road and Thomas Bell Road in accordance with the approved outline consent.

The layout proposes 3 development parcels in the site's northern half, centred around an area of open space. To the south are a further two development parcels with another area of public open space which is linked to the first. A dedicated pedestrian and cycle link runs the majority of the length of the site from north to south, providing a connection from Halstead Road to Thomas

Bell Road. Further links are provided to the site's eastern boundary at the mid-way point where it abuts the existing children's play area at Nonancourt Way (pedestrian link) and on the western boundary where it abuts the smaller adjacent development site (pedestrian and cycle link) with which it has specifically been designed to be compatible with.

The proposed dwellings would consist of a mixture of detached, semi-detached, terraced units, and flats, the latter being located within a dedicated flatted block positioned in the southern half of the site.

The applicant has also submitted, as part of the Reserved Matters details of the following to satisfy the requirements of a number of conditions attached to the outline planning permission which relate to the Reserved Matters submission:

Condition 5 – An Arboricultural Method Statement with associated Tree Protection Plan

Conditions 6 and 7 – Updated Ecology Surveys

Condition 10 – Detailed Surface Water Drainage Scheme

Condition 23 – Details of the proposed Children's Play Area

Condition 25 – Details of refuse and recycling storage/collection points

Condition 27 – Details of a lighting scheme required as part of Reserved Matters submission

The application is also supported by a full set of layout, landscaping and design drawings and a Design and Access Statement.

SUMMARY OF CONSULTATION RESPONSES

Two full consultations were carried out, the second following the submission of revised plans which sought to address a number of design and layout concerns raised by Officers. A third limited consultation was completed following the minor re-location of the pedestrian link to Nonancourt Way.

A summary of the consultation responses received is set out below.

Police Architectural Liaison Officer

No concerns with the layout. The apartment block ground floor apartments have doors opening into a communal space on the South elevation, during warmer periods there is the potential that these may be open with the room unoccupied, creating the opportunity for crime. To comment further we would require the finer detail such as the mail delivery plan, visitor/entry system and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under Policy RLP90 to promote a safe and secure environment and at the same time achieving a Secured by Design Homes award.

Natural England

This development site falls within the Zone of Influence of one or more of the European Designated Sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Under the provisions of the Habitat Regulations it is anticipated that without mitigation new residential development in this area and of this scale is likely to have a significant effect on these coastal European sites.

Braintree District Council must therefore undertake a Habitat Regulations Assessment in relation to this application prior to the grant of any planning permission in order to ensure that any necessary mitigation is secured.

Essex Fire and Rescue

No objection. Access for fire appliances is acceptable provided that the details are in accordance with Building Regulations. More detailed observations will be provided at the Building Regulations stage.

ECC SUDs

No objection following the submission of additional technical information.

BDC Environmental Health

No objection and no comments raised. Confirm that the lighting scheme is acceptable.

Historic England

Do not wish to make any comments and advise that BDC seek the views of their own conservation and archaeological advisors as relevant.

BDC Housing Officer

No objection subject to the intermediate element of the affordable housing being shared ownership. The proposal meets the requirements of Adopted Policy CS2 and is appropriate to match evidence of housing need providing a significant number of new affordable homes to be delivered which will compliment local existing social housing stock and assist the Council in addressing housing need.

BDC Waste Services

No objection following revisions to the bin storage and collection provision for the site.

Anglian Water

Request that an informative is added to the Decision Notice to advise the Developer that there are Anglian Water assets within or close to the site boundary.

We note that the submitted Flood Risk Assessment states that the arrangements for adoption and maintenance of the SuDS system will be agreed at the detailed stage and that it is possible Anglian Water will be the adopting authority. Strongly recommend that the applicant contacts us at the earliest opportunity to discuss the detail of this.

Historic Buildings Consultant

No objection to the revised scheme. More information has been provided in terms of design, detailing, materials and boundary treatments. Overall, the proposed development is of sufficient architectural interest and is appropriate for the setting of the Conservation Area.

ECC Highways

No objection provided that the development is carried out in accordance with submitted Drawing PH-157-002.

BDC Ecology

Satisfied that there is sufficient ecological information available for determination and that biodiversity net gains will be achieved. Confirm that the proposed lighting scheme is acceptable. No objection following submission of additional information, subject to:

- The securing of a financial contribution in relation to the Habitat Regulations (impact upon the Blackwater Estuary SPA and RAMSAR Site and Essex Estuaries SAC)
- The securing of biodiversity mitigation and enhancement measures as set out in the submitted Ecology Report

BDC Landscape

Highlighted the following main concerns (which were subsequently addressed with the exception of point 2 which the applicant stated was problematic due to the proximity of these hedges to building foundations):

1. Play area provision has little or no tree canopy cover for shade from sunlight; seating provision is also very limited for carers/parents.
2. I would like to see holly added to the native hedge mix to improve biodiversity and provide an evergreen component in winter.
3. Tree selection needs to be suitable for establishment in dry conditions
 - the choice of 7 liquidamber vars. should be replaced with varieties of field maple (*Acer campestre*) – the former rarely succeed unless very well-watered in the early years and this won't happen; the latter has a better success rate in this part of East Anglia.
4. Overall level of tree provision on the site particularly on the margins of the open space area can be increased to provide a greater number of trees across the development – it seems very modest at the moment.
5. I note the comments made on biodiversity net gain and suggest the increase in tree cover and changing some of the ornamental hedge frontages to a native hedgerow mix would improve this quantum.

In addition it was requested that due to the lack of existing high value trees on the site and the proposed extent of tree removals (albeit low value trees) that an additional existing Oak Tree be retained and a full detailed Arboricultural Method Statement be required by condition.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

The Parish Council did not submit any representations to this Reserved Matters application with regards to either the original consultation or the second round of consultation.

However, Officers note that a representation was submitted to the applicant's condition discharge applications. Some of the points raised are pertinent to the Reserved Matters and are therefore highlighted below although they were not actually made in relation to the Reserved Matters application.

- The proposed open space does not reflect discussion between the applicant and the Parish Council. The inclusion of SUDs feature within this open space makes it unsuitable for adoption by the Parish Council due to the required maintenance regime and makes these parts of the open space unsuitable for recreational use.
- Thomas Bell Road will be the access point for 27.5% of the completed dwellings. This proportion is unacceptably high because Thomas Bell Road can only be accessed by Foundry Lane (traffic calming measures and 7.5 ton HGV restriction; Park Lane (access road to the school, no footpath, traffic calming measures or Curds Road (narrow country lane, no footpath, 7.5 ton restriction).
- Who will maintain the 1m ransom strip between the fences of new and existing dwellings along the site boundary.
- It appears there is no ransom strip between the surgery car park and the development meaning the car park extension requested at outline stage could be delivered.

- Who will maintain the landlocked triangular ransom strip to the north of the surgery car park.
- A pedestrian access from the A1224 through the development to the Castings to give access to the surgery should be required by condition.
- Grave concerns relating to surface runoff water from the site going onto Hayhouse Road which regularly floods.

REPRESENTATIONS

A total of 29 objections have been received at the time of writing.

For the purposes of clarity none of the objectors stated that they withdrew their original objection following the revised scheme and therefore all objections have been treated as objections to both the original and the revised scheme.

The representations received are summarised below:

- Potential overlooking of existing dwellings
- Potential loss of sunlight/daylight or overbearing impact upon existing residents
- Question whether the strip of land to the rear of existing dwellings along Halstead Road and The Croft is still to be given to existing residents
- Question whether existing trees on the above boundary are to be retained or not
- The construction access should only be from Halstead Road due to highway safety and road suitability reasons and air and noise pollution
- Impact of construction noise
- Village doesn't require any more building projects/housing
- Increased flood risk particularly into the Victorian culvert at Park Lane
- Lack of supporting infrastructure (schools; village shops; village parking; sewer pipes; doctors surgery; councils waste collection services)
- Impact on ecology, wildlife and tree loss
- Loss of greenfield land
- Space for allotments or a community garden should be made
- Air pollution
- Overdevelopment of the site
- Highway safety risk of A1124 access particularly with other new developments in the locality
- Site should provide a wildlife site and natural walkway to the school
- Housing should be restricted to top half of site with educational site of natural beauty at the southern end instead of unneeded play space
- 3/3.5 storey flatted block out of keeping with the village and rural setting
- Impact of new traffic upon Thomas Bell Road residents – all development traffic should exit onto the A1124
- Objections to the proposed pedestrian link to Nonancourt Way being on the southern side of the existing play area because it will cut through the enclosed existing grass amenity area which is well used by children and residents as an enclosed amenity area

- Objections to the proposed pedestrian link to Nonancourt Way being on the northern side of the existing play area because it will result in pedestrians/children cutting across the adjacent private driveway with associated highway safety concerns

Former County Councillor Joanne Beavis

Residents are concerned about the potential use of Thomas Bell Road and Park Lane as the traffic plan for construction traffic. Essex County Council Highways have rejected the use of Thomas Bell Road and Park Lane and have requested an alternative traffic plan for construction traffic.

I suggest that this application is held-over until an appropriate plan for the construction traffic can be found. Residents are greatly concerned about construction traffic passing the small primary school and the risk to young children.

REPORT

Principle of Development

The principle of the residential development of the site has been established under the original outline planning permission (15/01580/OUT) which was issued on 8th August 2017. This included the detailed site access points.

The current application seeks approval for the reserved matters pursuant to the outline planning permission consisting of:

appearance;
landscaping;
layout; and
scale.

It is therefore these reserved matters which must be assessed in detail.

Appearance, Layout and Scale

Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy SP7 of the Section 1 Local Plan states that all new development must meet high standards of urban and architectural design.

At the national level, the NPPF is also clear in its assertion at para 124 that:

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

There is therefore a strong policy basis for achieving a high degree of quality in terms of the appearance, layout and scale of the development whilst ensuring that it complies with the outline planning permission for the site.

In accordance with the outline planning permission the applicant proposes an 80 unit scheme. There are no Parameter Plans attached to the outline planning permission meaning that the applicant does not have to adhere to any previously defined zones in terms of developable or non-developable areas, landscape buffers or similar restrictions.

The proposed site layout has been designed to minimise neighbour impact; make adequate provision for on-site open space; create a sense of place whilst remaining appropriate to the wider setting and facilitate appropriate pedestrian and cycle linkages.

The northern half of the site contains 3 development parcels centred around an area of open space. This open space would contain the mature Oak tree currently located within the site, a small SUDS area, grassed areas and a children's play area. To the north of it would be an additional linear strip of open space providing a buffer to the rear of the dwellings located along Halstead Road. These areas of open space are connected to the southern half of the site by further linear open space which terminates in another larger area of open space. Within this runs a cycle link providing a north south route through the site, segregated from vehicular traffic. Another small SUDS area, grassed areas and another larger children's play area is located within the southernmost area of open space which also makes provision for a pedestrian link through to the adjacent play area at Nonancourt Way. Overall, open space provision within the site is appropriate, with sufficiently large areas of usable space and good distribution across the development.

The majority of the dwellings are accessed from Halstead Road with a second access from Thomas Bell Way serving a smaller number of units. Provision is also made for a cycle and pedestrian link to the adjacent smaller development site at Morley's Road, which the scheme has been designed to be linked to and compatible with.

The gross density of the development sits at approximately 23.5 dwellings per hectare. In terms of dwelling mix, the scheme contains detached, semi-detached and terraced units and flats, the latter being located within a dedicated flatted block positioned in the southern half of the site.

Dwelling types are traditional in form and based primarily upon 2 storey pitched roof designs with a small number of 2.5 storey houses and a 3 storey corner element to the 2.5 storey flatted block. These building heights are considered to be acceptable and in keeping with adjacent existing development immediately to the east.

The detailed design and materials proposed were revised during the course of the application in response to a push from Officers to markedly raise the quality of the scheme to which the applicant responded positively. A simple

but effective materials palette has been selected with two variations of red stock brick offset by an off-white or cream mortar, grey, brown and red roof tiles, weatherboarding to some units and the wide use of stone cills and chimneys across the site.

Internally, all house types meet the Nationally Described Space Standards (NDSS) standards which set out the required internal space standards for new dwellings of all tenures. All apartments are also dual aspect.

The development is also compliant with the Essex Design Guide in terms of proposed garden sizes (with a notable number of gardens being well in excess of the minimum requirements) and back to back distances between new dwellings.

In terms of the proposed housing mix, the scheme consists of the following dwelling mix with 48 market dwellings and 32 affordable dwellings:

Market Mix

10no. 1 bed (all 1 bed houses)

10no. 2 bed

11no. 3 bed

17no. 4 bed

Affordable Mix

6no. 1 bed

17no. 2 bed (including 9no. 2 bed houses)

8no. 3 bed

1no. 4 bed

The dwelling mix covers a range of sizes for both private and affordable tenures. The Council's Affordable Housing Officer has confirmed his agreement with the proposed affordable mix in terms of meeting identified need with the applicant confirming that the intermediate element of the affordable housing would be shared ownership.

Overall the layout, appearance and scale of the proposal are considered to be acceptable.

Landscaping

The applicant proposes a hard and soft landscaping scheme across the site which has been reviewed by the Council's Landscape Officer and Urban Design Consultant and is considered to be acceptable following a number of minor revisions. The scheme also accords with the requirements of Condition 24 which required a Site Wide Design Guide for the site's public realm to be submitted.

The site's green infrastructure consists of the linked areas of open space described in detail in the layout section of the above report. A mixture of extensive wildflower meadow planting (meadow mixtures and flowering lawn mixtures) balanced with areas of amenity grass to ensure maximum biodiversity value and appropriate usability for future residents is proposed to these areas. A mixture of native and ornamental hedges are proposed across the site with associated native tree planting.

Hard landscaping is proposed as tarmac to the adopted road system with some areas of tegular paving to private driveways. Brick walls rather than close boarded fences are also proposed at 14 different locations across the site to key boundary treatments to increase the street scene quality. The applicant also proposes to utilise the existing foundry gates located on the site as a piece of public art by siting them on a dedicated piece of public open space to act as a focal feature when entering the site from Halstead Road.

Overall the site's proposed landscaping is considered to be acceptable.

Heritage

The application site sits adjacent to the Conservation Area which abuts its northern boundary with the northern site access crossing into the Conservation Area before reaching Halstead Road. The high level heritage impact of developing the site for residential use was assessed at the outline application stage.

In terms of the proposed detail, the Council's Historic Building's Consultant has no objection to the revised scheme, which is of a markedly higher quality than the original in terms of design detail. The scale and size of the dwellings is considered appropriate as are the proposed designs and materials. It is considered that the development would be of sufficient architectural interest and is appropriate for its location adjacent to the Conservation Area. No harm to heritage assets is identified.

Ecology

The Ecological impact of developing the site was assessed at the Outline Planning application stage. The Reserved Matters is accompanied by updated Ecology Reports covering protected species including bats, breeding birds and reptiles.

The Council's Ecology Consultant has reviewed the application, including the proposed lighting scheme and has no objection. The applicant has demonstrated that a net biodiversity gain would be achieved on the site and has submitted under separate cover (Discharge of Condition application) a Landscape and Ecological Management Plan as required by Condition 26 of the outline planning permission.

Overall, the updated ecology reports do not note any significant changes to the site's habitat. No evidence of Badger setts or activity or bat roosts on the

site was found nor was there any evidence of Skylark activity. Bat foraging was noted both around the mature oak (to be retained) and along the site boundary hedgerows/tree belts and limited reptile habitat was identified.

In terms of enhancement and mitigation measures, the following specific measures are identified as being required and would be secured via a condition attached to this reserved matters application and the Landscape and Ecology Management Plan required under Condition 26 of the outline planning permission:

- Installation of Bat Boxes
- Installation of Bird Boxes, Swift Bricks and Sparrow Terraces
- Installation of Hibernaculum
- Bat sensitive lighting

In terms of trees, the applicant has submitted an Arboricultural Impact Assessment in support of their application which has been reviewed by the Council's Tree Officer. No objection is raised, subject to the retention of an additional Oak Tree, in addition to the TPO Oak located centrally within the site (and already proposed for retention) and the submission of a detailed Arboricultural Method Statement. Overall, the scheme would require the removal of the 23 trees and 5 hedges and the part removal of 2 groups of trees and 2 hedges. Of these, all but one are low category (either C2 or U). One is a moderate category (category B) Yew tree. The other category B2 (Oak) originally proposed for removal is located within a proposed garden and is now proposed for retention following a request from Officers.

In terms of tree planting, the applicant proposes to plant a total of 59 new trees and 669m of new hedging.

Overall Officers consider that tree loss has been kept to the minimum possible, opportunities for additional tree retention have been taken and re-planting levels are appropriate.

Habitat Regulations Assessment

The application site lies within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area and Ramsar site. It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of this site.

An Appropriate Assessment has been completed in accordance with Natural England's standard guidance and for a development of this size a financial contribution is required towards off site mitigation measures at the protected sites and in accordance with the Councils adopted Habitat Regulations SPD. This would be secured by way of a Unilateral Undertaking.

Highways

The impact of the development on the highway network and the acceptability of the access was assessed at the outline planning stage and is not a reserved matter. Parking provision and the internal site layout are however for consideration as part of the reserved matters application.

With regard to site layout, ECC Highways have been consulted and following a number of minor revisions have no objection to the site's internal layout in highway terms.

Importantly, the layout makes provision for a cycle link from Halstead Road and from the adjacent smaller development site (Morley's Road) through the site to Thomas Bell Way which would in particular enable access to the Earls Colne Primary School without needing to travel along Halstead Road. In addition, a pedestrian link is also provided to Nonancourt Way (in accordance with the requirements of the outline planning permission) ensuring maximum permeability through the site.

This link was originally proposed to the southern side of the existing play area but was re-located in response to objections received from residents. It is now proposed to the northern side of the play area. It is noted that further objections have been received from residents (and from objectors who do not live in the vicinity of the development but advise that they visit the houses accessed from the private drive adjacent to the proposed footpath on a regular basis). These objections are centred on concerns over highway safety if people (including children on foot/scooters/bikes) cut off the pedestrian pathway, across a grassed area and onto/across the adjacent private driveway which provides access to 12, 14 and 16 Nonancourt Way. ECC Highways do not consider that there are any highway safety issues relating to this point, however in response to the concerns raised by objectors the applicant has agreed, at Officers request to install a 600mm high metal railing along the southern edge of the private driveway to prevent people (including children on foot/scooters/bikes) from cutting off the path and onto this private driveway.

In terms of parking provision the Essex Parking Standards (2009) requires 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings plus 0.25 visitor spaces per dwelling. This gives a total requirement of 164 spaces. The scheme makes provision for 16 visitor spaces (4 less than the required 20) and 168 dedicated spaces (24 more than the required 144). Total provision sits at 185 spaces, 21 spaces more than the minimum requirement and is considered to be acceptable.

With regard to electric vehicles, Draft Local Plan Policy LPP44 requires developments to make appropriate provision for electric vehicles. However, outline planning permission was granted for this site in August 2017 when the Council did not have a policy basis upon which to require such provision. There are therefore no conditions attached requiring electric vehicle charge

points for this development. However, the applicant has advised that they will be installing a domestic electric vehicle charge point to each of the dwelling houses.

Overall, parking provision on the site is considered to be acceptable.

Impact upon Residential Amenity

In terms of neighbouring amenity, the application site abuts existing residential development to the north/north-west and to the east. At the request of Officers, a number of minor amendments were made to the scheme by the applicant to ensure that existing neighbour amenity was protected.

The detailed site design and layout would ensure that sufficient distance is maintained from shared boundaries to ensure that no unacceptable loss of privacy, sunlight or daylight would occur and that the new dwellings would not have an unacceptable impact in planning terms with regard to being overbearing upon existing adjacent residents.

Internally, the site layout is compliant with the Essex Design Guide in terms of garden sizes and back to back distances and would provide an acceptable degree of amenity to future occupiers of the new dwellings.

Flooding and Drainage Strategy

Condition 1 of the outline planning permission requires a detailed Surface Water Drainage Scheme to be submitted as part of the Reserved Matters application.

The applicant proposes to utilise a Sustainable Urban Drainage (SUDS) system incorporating two SUDs basins and a swale with a mixture of infiltration (where soil conditions permit) and controlled discharge to the existing ditch at the site's southern boundary.

Essex County Council have been consulted as the Lead Local Flood Authority and following the submission of additional technical information have no objection to the proposed Surface Water Drainage Scheme.

Conclusion

The principle of the residential development of the site is established under the existing outline consent 15/01580/OUT. The applicant seeks permission for the reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.

Overall it is considered that the detailed proposal constitutes a well-designed proposal and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

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

APPROVED PLANS

House Types	Plan Ref: PH-157-024B
House Types	Plan Ref: PH-157-025B
House Types	Plan Ref: PH-130-027B
House Types	Plan Ref: PH-157-031D
House Types	Plan Ref: PH-157-034B
House Types	Plan Ref: PH-130-038B
Proposed Floor Plan	Plan Ref: PH-157-050B
House Types	Plan Ref: PH-157-020B
House Types	Plan Ref: PH-157-022B
House Types	Plan Ref: PH-157-023B
House Types	Plan Ref: PH-157-026B
House Types	Plan Ref: PH-157-028B
House Types	Plan Ref: PH-157-029B
House Types	Plan Ref: PH-130-030B
House Types	Plan Ref: PH-157-036B
House Types	Plan Ref: PH-157-037B
Location Plan	Plan Ref: PH-157-001
House Types	Plan Ref: PH-157-033B
Proposed Elevations	Plan Ref: PH-157-051 C
Planning Layout	Plan Ref: PH-157-003D
Site Masterplan	Plan Ref: PH-157-002D
Materials Details	Plan Ref: PH-157-004D
Height Parameters Plan	Plan Ref: PH-157-005C
Tenure Plan	Plan Ref: PH-157-006C
Boundary Treatment	Plan Ref: PH-157-007C
Recycling / Waste Plan	Plan Ref: PH-157-008D
Public Open Space Details	Plan Ref: PH-157-009C
Other	Plan Ref: PH-157-010B
Other	Plan Ref: PH-157-011B
Levels	Plan Ref: PH-157-012B
Landscape Masterplan	Plan Ref: 20013-101 C
Landscape Masterplan	Plan Ref: 20013-102 C
Landscape Masterplan	Plan Ref: 20013-103 C
Landscape Masterplan	Plan Ref: 20013-104 C
Lighting Plan	Plan Ref: PHE-960-101-R1
Lighting Plan	Plan Ref: PHE-960-105-R1
Other	Plan Ref: 28952/6001

Version: P04

Other	Plan Ref: 28952/6002	Version: P04
Other	Plan Ref: 28952/6003	Version: P04
Other	Plan Ref: 28952/6004	Version: P04
Other	Plan Ref: 28952/6005	Version: P03
Other	Plan Ref: 28952/6006	Version: P04
Garage Details	Plan Ref: PH-157-060	
Other	Plan Ref: PH157-062	
House Types	Plan Ref: PH-157-021	Version: B
Other	Plan Ref: 28952-SK6000-2	
Drainage Details	Plan Ref: 28952/6100	Version: P01
Drainage Details	Plan Ref: 28952/6101	Version: P01
Drainage Details	Plan Ref: 28952/6102	Version: P01
Drainage Details	Plan Ref: 28952/6103	Version: P01

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

Reason

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

- 2 Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no alterations or extensions to the roofs of and no rear extensions to the dwellinghouses located on Plots 3 to 5 inclusive; 7 to 12 inclusive; 21 to 22 inclusive; 34 to 35 inclusive; 37 to 39 inclusive; 41 to 45 inclusive; 75 to 77 inclusive and 78 to 80 inclusive shall be carried out and in addition no side extensions to Plots 7, 76 and 77 without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of existing dwellings adjacent to the site.

- 3 The mitigation and enhancement measures set out in the submitted Protected Species Mitigation Report and Breeding Bird (Skylark) and Reptile Advice Note completed by SES and dated May 2021 shall be carried out in accordance with the details contained within the Report.

Reason

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

- 4 Prior to commencement of development the applicant shall submit for approval by the Local Planning Authority a full Arboricultural Method Statement which shall accord with but provide more detail than the submitted Arboricultural Impact Assessment and Preliminary Method

Statement completed by SES and dated 6th December 2020. It shall also detail the retention of Tree T79 (Oak Tree) as numerically identified in the above SES Report and required by Condition 5 of this Reserved Matters.

Reason

To ensure that the trees and hedges to be retained are protected and safeguarded during the construction process.

- 5 The Oak Tree identified as Tree T79 in the submitted SES Arboricultural Method Statement dated 6th December 2020 shall be protected during the construction process and thereafter retained as part of the development's landscape.

Reason

To ensure that tree loss is kept to a minimum and that this tree which is of landscape and amenity value is retained.

- 6 The eastern boundary treatment to the rear gardens of Plots 76, 77 and 80 shall be constructed from a 1.8m close boarded wooden fence.

Reason

To ensure that the privacy of existing and future residents is safeguarded.

- 7 No windows shall be installed in the northern side elevation of Plot 7 without first obtaining planning permission from the Local Planning Authority. The first floor windows in the eastern side elevations of Plot 1 and 76 shall be obscure glazed. They shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room within which the window is located. The windows shall be permanently retained in this form.

Reason

To ensure that the privacy of existing adjacent neighbours is safeguarded.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Minutes

Planning Committee 20th July 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	F Ricci	Yes
K Bowers	Apologies	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	N Unsworth	No
A Munday	Yes	J Wrench	Yes
Mrs I Parker	Yes		

Substitutes

Councillor T Cunningham attended the meeting as a substitute for Councillor K Bowers.

24 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor T Cunningham declared an enhanced non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his role as Cabinet Member for Economic Growth and Chairman of Braintree District Council’s Horizon 120 Project Reference Group on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the Item was considered and determined.

Councillor Cunningham declared a non-pecuniary interest in the same Agenda Item in his capacity as a Member of Great Notley Parish Council, which had submitted representations about the revised Local Development Order/Design Code and proposed Wayfinding Strategy following consultation.

Councillor F Ricci declared a non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his capacity as Vice-Chairman of Great Notley Parish Council, which had submitted representations about the revised Local Development Order/Design Code and proposed Wayfinding Strategy following consultation. Councillor Ricci stated that he had not been in attendance at the Parish Council’s meeting when this matter had been discussed.

Councillor P Schwier declared a non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his role as a Member of Braintree District Council’s Horizon 120 Project Reference Group.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. Application No. 20/02205/REM - land South of Halstead Road, Earls Colne as she had exchanged E-Mails with Earls Colne Parish Council and Braintree District Council Planning Officers regarding the access to the site and she had had a telephone conversation with a member of the public regarding the Planning Committee Agenda. Councillor Mrs Spray stated that she had not declared a view on the application.

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

25 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 8th June 2021 and 22nd June 2021 be approved as a correct record and signed by the Chairman.

26 **QUESTION TIME**

INFORMATION: There were two statements made about the following matter. Those people who had registered to participate during Question Time had submitted statements in advance of the meeting and these were referred to at the meeting by the registered speakers immediately prior to the consideration of the application.

Application No. 20/02205/REM - land South of Halstead Road, Earls Colne

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

27 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 21/00666/HH - 4 Highlands, Gosfield was determined en bloc.

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/02205/REM (APPROVED)	Earls Colne	Persimmon Homes Essex	Reserved Matters (relating to scale, appearance, layout and landscaping) made pursuant to Outline Planning Permission ref: 15/01580/OUT for 80 dwellings, open space and associated ancillary works, land South of Halstead Road.

The Committee approved this application, subject to the amendment of Condition No. 4 and three additional Conditions as follows:-

Amended Condition

4. The development shall only be carried out in accordance with the full Arboricultural Method Statement completed by SES dated 9th July 2021.

Additional Conditions

8. The proposed landscaping scheme for the development shall be fully implemented no later than the first planting season following the occupation of the 68th dwelling.
9. A 600mm high metal railing, or similar, shall be installed running parallel to and to the North of the new footpath link to Nonancourt Way, in accordance with details submitted to and approved by the Local Planning Authority under the licence required to be granted to facilitate the footpath link works being carried out on Braintree District Council land by the applicant. The railing (or similar) shall be installed at the same time as the new footpath link.
10. Electric vehicle charging points shall be provided to all the dwelling houses on the development. The charging points shall be installed prior to the occupation of each dwelling house.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00666/HH (APPROVED)	Gosfield	Mr M Jarvis	Increase the height of eaves to side extension, change right hand gable end wall to solid wall and substitute rear facing window to side extension with double doors, 4 Highlands.

28 **PLANNING APPLICATION REFUSED**

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00694/OUT (REFUSED)	Witham	Kingsland Stock Essex Ltd	Outline planning application with all matters reserved - Demolition of existing factory/warehouse unit and construction of new apartment development consisting of 10 flats. Cullen Mill, 49 Braintree Road.

29 **HORIZON 120 – REVISED LOCAL DEVELOPMENT ORDER AND DESIGN CODE AND PROPOSED WAYFINDING STRATEGY**

INFORMATION: Consideration was given to a report on the proposed revision of the Local Development Order (LDO) and accompanying Design Code for the Horizon 120 Business and Innovation Park, and a proposed Wayfinding Strategy for the site.

Braintree District Council had made the LDO in April 2020 pursuant to Section 61A (2) of the Town and Country Planning Act 1990 (as amended). The LDO provided planning permission for the development of a range of employment uses at Horizon 120, subject to conditions and limitations. The LDO was accompanied by a Design Code, which set further parameters for the development of the site, including the design of buildings, landscaping and parking standards.

The Council proposed to make a new LDO for the Horizon 120 site and to amend the accompanying Design Code. A Wayfinding Strategy was also proposed. The proposed revisions to the LDO and Design Code reflected changes in national policy and legislation, including amendments to the Use Classes Order. Other changes were proposed in respect of the floorspace cap and in response to the experience of working with the LDO and the Design Code to date. The proposed changes to the

LDO were summarised in the Agenda report. No changes were proposed to the arrangement of the Zones across the Horizon 120 site.

It was reported that the Government had amended the Town and Country Planning (Use Classes) Order 1987 to provide flexibility and to enable the use of buildings to change more easily. With regard to the floorspace cap, it was reported that the original LDO had restricted the total gross internal floor area within the Horizon 120 site to 65,000sq.m. This restriction had been imposed based on the transport assessment analysis undertaken at the time and had sought to ensure that proposals did not have a detrimental impact on the strategic and local highway networks. The revised LDO sought to amend this restriction by increasing the floorspace cap to 75,000sq.m.

The Wayfinding Strategy reflected the aspirations for the Horizon 120 site and it set out how wayfinding proposals would be implemented, particularly with regard to signage, public art, and furniture and exercise equipment.

Public consultation on the revised LDO and Design Code and the proposed Wayfinding Strategy had commenced on 3rd June 2021 and had expired on 15th July 2021. Details of the representations which had been submitted at the time of publication of the Agenda report, and the Council's response to each of these, were set out in Appendices 1 and 2 of the report. Highways England had not objected to the proposals, but had requested the inclusion of a condition (G12) within the revised LDO for off-site mitigation. The wording of this condition had subsequently been agreed with Highways England.

DECISION: That it be **Recommended to Council** that:-

- (1) The revised Local Development Order and Design Code and the proposed Wayfinding Strategy for Horizon 120 be approved.
- (2) That the existing Local Development Order and Design Code for Horizon 120 be revoked.

30 **TREE PRESERVATION ORDER NO. 04/2021 – HOLLY COTTAGE, THE STREET, GREAT SALING**

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 04/2021 relating to Holly Cottage, The Street, Great Saling to which objections had been submitted. The Order had been made on 2nd February 2021 in respect of a Monterey cypress tree (T1) within the rear garden of Holly Cottage, The Street, Great Saling.

The Order had been served following the submission of a Notice by the owners of the property under Section 211 of the Town and Country Planning Act 1990 to carry out works to a tree in a Conservation Area, which would involve the felling of the cypress tree. An assessment of the amenity value of the tree had been carried out

by the Council using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. This assessment was attached at Appendix 2 to the Agenda report. It was considered that the tree was a prominent evergreen, which was visible from various public spaces within the village and that its retention would help to sustain the amenity of the local Conservation Area. Furthermore, as there was evidence that the health of other trees in the area was in decline and could lead to the loss of canopy cover, it was considered that other established trees in the area should be protected.

Three objections had been lodged against the making of the Order by the owners of the property and by the occupiers of adjoining properties at Poppy Cottage, The Street, Great Saling and Thorpe House, The Street, Great Saling. The content of the objections was set out at Appendix 3 to the Agenda report. The objections related to the size of the tree, the shade cast by it, and that it was not a native species. It had also been stated that other trees surrounding the cypress had more amenity value due to their comparable size, visibility and native origin. The applicants had also stated in their objection that a previous application to fell the tree in 2015 (Application Reference 15/00065/TPOCON) had been approved. However, as the tree had not been removed within a period of two years following the decision the permission had lapsed.

It was noted that the making of a Tree Preservation Order would not exclude the possibility of consent being granted in the future for work to the tree, including a crown lift. Furthermore, trees subject to a Notice under Section 211 of the Town and Country Planning Act 1990 were assessed on the basis of how they appeared within their setting at the time.

DECISION: That Tree Preservation Order No. 04/2021 relating to Holly Cottage, The Street, Great Saling be confirmed in the interests of visual amenity.

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

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

The meeting closed at 9.02pm.

Councillor Mrs W Scattergood
(Chairman)

(page 32 not used)