Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application23/00793/FULDate22nd March 2023

No.: Received:

APPLICANT: AGENT: Mr John Nelmes Mr J Bell

Fairfields Farm J Bell Design And Conservation Ltd

Mowden Hall Lane Suite 9
Hatfield Peverel Holly House

Essex 220-224 New London Road

Chelmsford CM2 9AE

DESCRIPTION:

Change of use, extensions and alterations of 4No. existing barns to create 3No. dwellings. Demolition of 2No. existing agricultural barns and erection of 2No. dwellings. Together with associated access, residential curtilages and landscaping.

LOCATION:

Fairfields Farm Mowden Hall Lane Hatfield Peverel Essex

APPROVED PLAN(S):

Plan Description \('	Plan Ref	Plan Version
Location Plan	2020-410-001	N/A
Proposed Site Plan	2020-410-003	N/A
Proposed Plans	2020-410-020	N/A
Proposed Elevations	2020-410-021	N/A
Proposed Plans	2020-410-022	N/A
Proposed Elevations	2020-410-023	N/A
Proposed Plans	2020-410-024	N/A
Proposed Plans	2020-410-026	N/A
Proposed Plans	2020-410-027	N/A

DECISION:

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

Condition 1

The development hereby permitted shall commence 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 (as amended).

Planning Decision Notice

23/00793/FUL Page 1 of 11

The development hereby permitted shall only be implemented in accordance with the approved plan listed above.

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

Condition 3

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site:
- The storage of plant and materials used in constructing the development;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- Contact details for individuals responsible for ensuring compliance and contact details for Site Manager.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of the amenity of neighbouring occupiers and the free flow and safety on the highway.

Condition 4

No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:

- o A survey of the extent, scale and nature of contamination:
- o An assessment of the potential risks to:
- a) human health;
- b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
- c) adjoining land;
- d) groundwater and surface waters;
- e) ecological systems; and
- f) archaeological sites and ancient monuments.

If following the risk assessment unacceptable risks are identified from land affected

Planning Decision Notice

23/00793/FUL Page 2 of 11

by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 5

No development shall commence in relation to Plots 4 and 5, until full details of both the finished levels, above ordnance datum, of the ground floors of the proposed buildings and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of any ground levels in the interest of the character and appearance of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

Condition 6

No demolition or conversion can commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. The applicant will submit to the local planning authority an historic building report for approval. The report will be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority. This should include confirmation for the deposition of a digital archive with the Archaeological Data Service (ADS).

Reason: The conversion of farm buildings to new uses will ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. It is therefore important that a record is made of the farm buildings before any conversion or alterations take place.

Planning Decision Notice

23/00793/FUL Page 3 of 11

No above ground development shall commence until a schedule of the types and colour of the materials to be used in the external finishes of the buildings hereby permitted 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 that the development does not prejudice the appearance of the locality.

Condition 8

No above ground development shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation / first use of the relevant plot and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

Condition 9

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the agreed implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

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

Planning Decision Notice

23/00793/FUL Page 4 of 11

No above ground development shall commence until additional drawings that show details of proposed new windows (including rooflights), doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and shall be permanently retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area.

Condition11

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

Reason: In the interest of neighbouring amenity

Condition12

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason: In the intetests of amenity and environmental protection.

Condition13

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd, February 2022), and the Bat Survey (Hybrid ecology Ltd, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

Planning Decision Notice

23/00793/FUL Page 5 of 11

Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

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

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

Condition15

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures, as outlined in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd, February 2022), and the Bat Survey (Hybrid ecology Ltd, September 2022) 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).

Condition16

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and reenacting that Order), no enlargement of the dwellinghouse(s), provision of any building within the curtilage of the dwellinghouse(s), or alteration of the dwellinghouse(s), as permitted by Classes A, B, C, E and F of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future development and in the interests of residential and/or visual amenity.

Condition17

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected or constructed, as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future mean of enclosure in the interests of visual amenity.

Planning Decision Notice

23/00793/FUL Page 6 of 11

No enlargement of, or additional windows or other openings shall be inserted in the northern elevation of plots 2 and 3, other than those indicated on the approved plans listed above.

Reason: In the interest of the character and appearance of the buildings and the visual amenity of the locality.

Condition19

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 on the site.

Reason: In order to protect biodiversity and protected species, the amenity of the locality and to avoid unnecessary light pollution and to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition20

The development shall not be occupied until details to demonstrate the provision of at least one dedicated electric vehicle charging point for each dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: In interest of securing sustainable development and contributing to reduce carbon emissions.

Condition21

Prior to the first occupation of the development, the access arrangements at the centre line shall be provided with a clear to ground visibility splay with dimensions as shown on Drawing No. DR2 within the Access Appraisal, as measured from and along the nearside edge of the carriageway.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Planning Decision Notice

23/00793/FUL Page 7 of 11

Prior to occupation of the development, the width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition23

Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition24

Prior to occupation of the proposed development, 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 Authoritys Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Condition25

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

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

Reason: In the interests of neighbouring amenity.

Informative(s)

In forwarding the decision for this application, I have to draw your attention to the following:

Informative 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

Planning Decision Notice

23/00793/FUL Page 8 of 11

Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

Informative 2

In regard to condition 3, you are advised that particular reference shall be made to the control of dust at the time of removal of any asbestos containing material.

Informative 3

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Informative 4

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 5

The Highway Authority cannot accept any liability for costs associated with a developers improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Informative 6

You are advised that the proposals for foul water is unknown and it would be appropriate to confirm that it is feasible to provide adequate treatment. In addition, it shall be confirmed that adequate mains drinking water can be provided to the proposed properties.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Planning Decision Notice

23/00793/FUL Page 9 of 11

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy
	(RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP40	Residential Conversion of Buildings in the Countryside
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising
	Pollution and Safeguarding from Hazards

Hatfield Peverel Neighbourhood Development Plan 2015 - 2033

HO1	Design of New Developments
HO3	Minimum Garden Sizes
HPE1	Natural Environment and Bio-diversity
HPE5	Protection of Landscape Setting
FI1	Transport and Access
FI2	Parking

Dated: 13th June 2023

Sianed:

Christopher Paggi

Planning Development Manager Causeway House, Bocking End, Braintree, Essex CM7 9HB

Planning Decision Notice

23/00793/FUL Page 10 of 11

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within 12 weeks of the Council's decision. For other application types you must appeal within 6 months of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: https://www.gov.uk/planning-inspectorate.
 If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that
 the local planning authority could not have granted planning permission for the proposed
 development or could not have granted it without the conditions they imposed, having regard
 to the statutory requirements, to the provisions of any development order and to any directions
 given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate
 (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.
 Further details are on GOV.UK.

Land Purchase

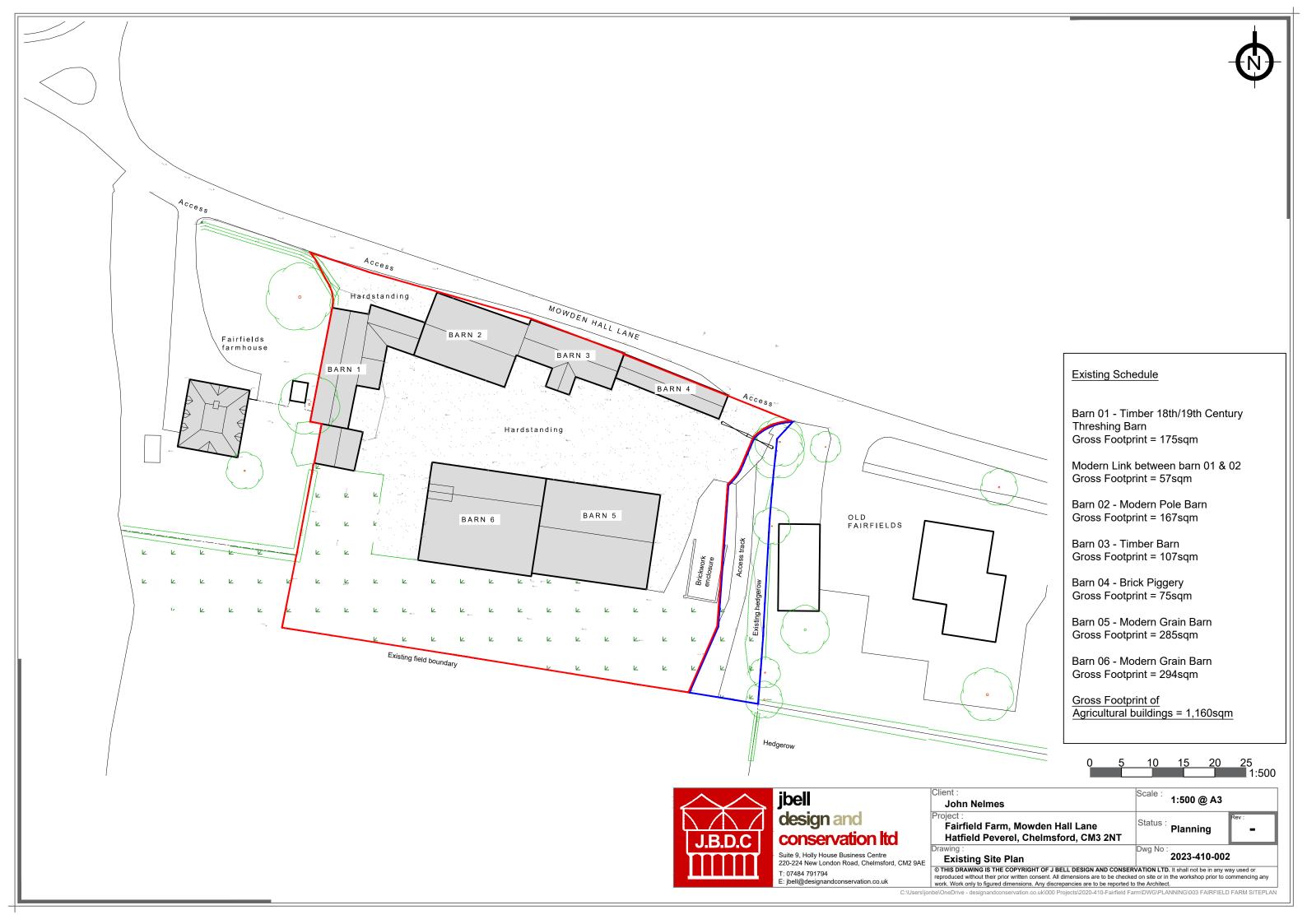
If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

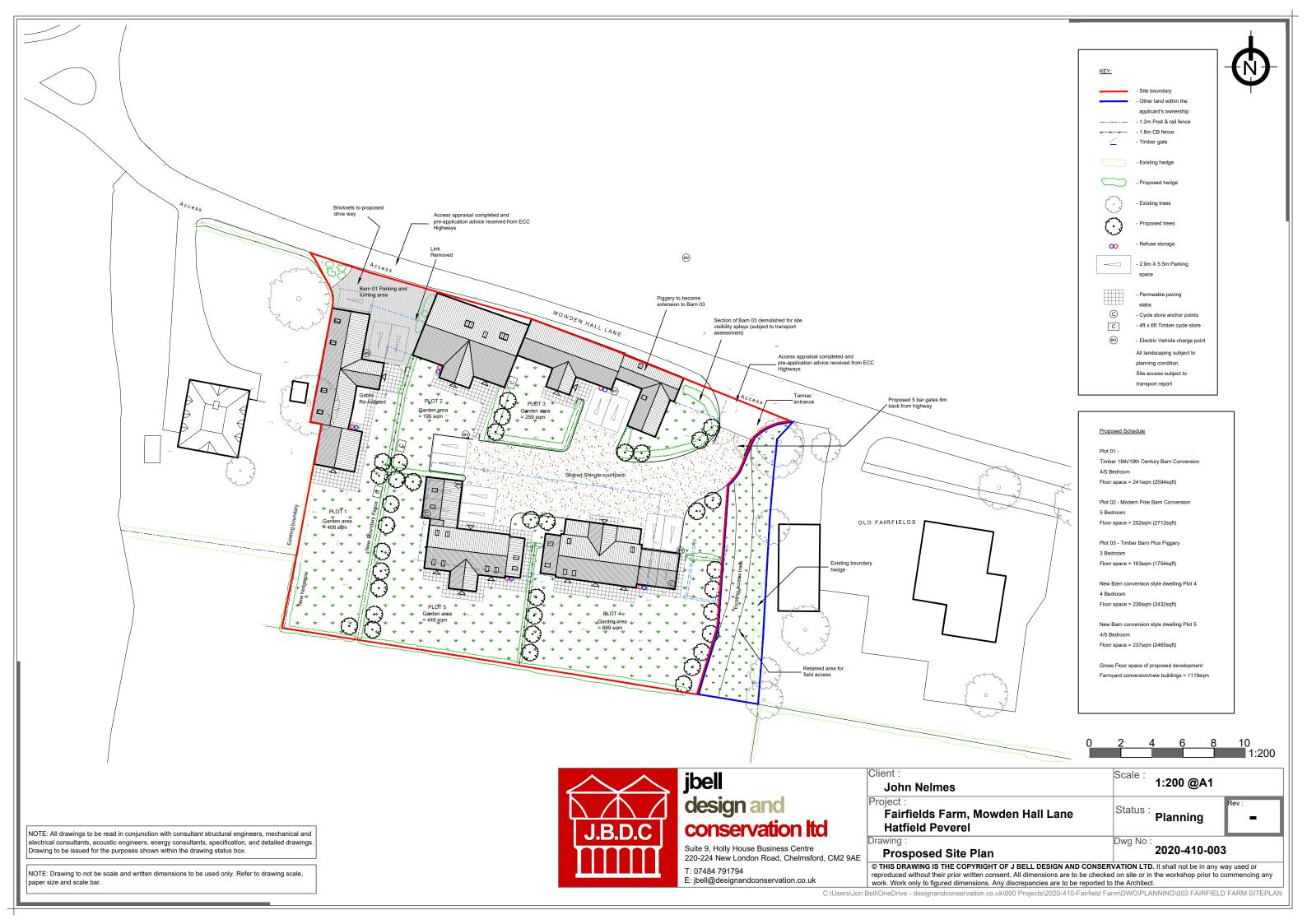
Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

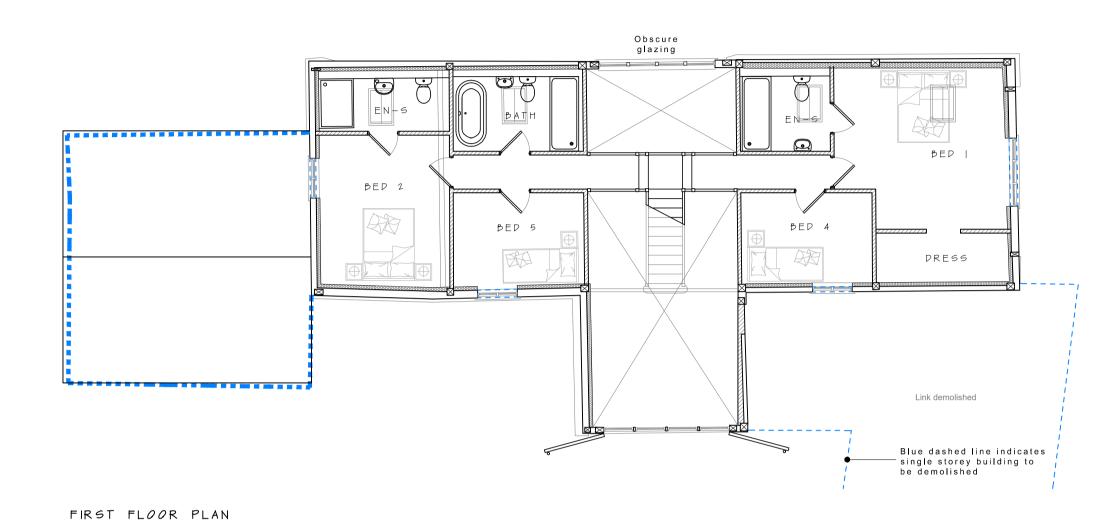
Planning Decision Notice

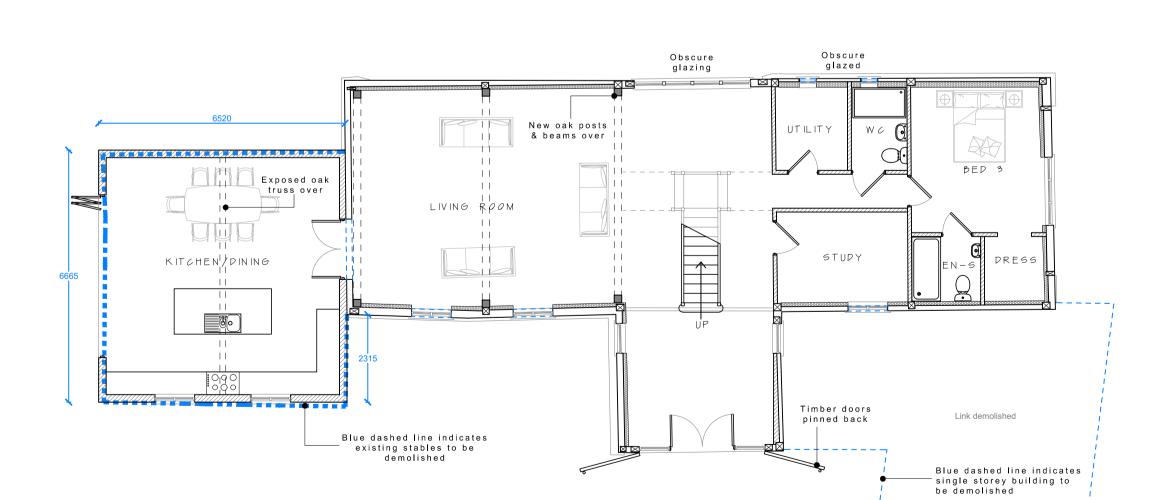
23/00793/FUL Page 11 of 11





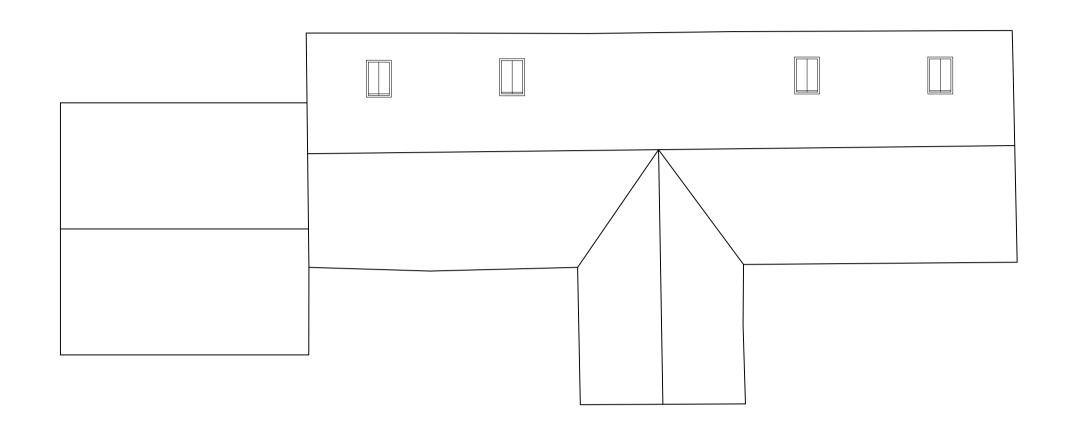
NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.



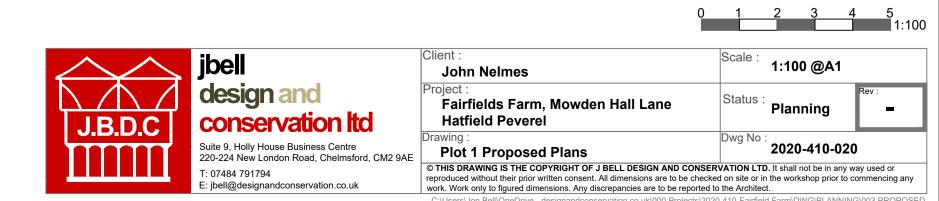


GROUND FLOOR PLAN

Plot 1 total floor area approx - 241sqm



ROOF PLAN



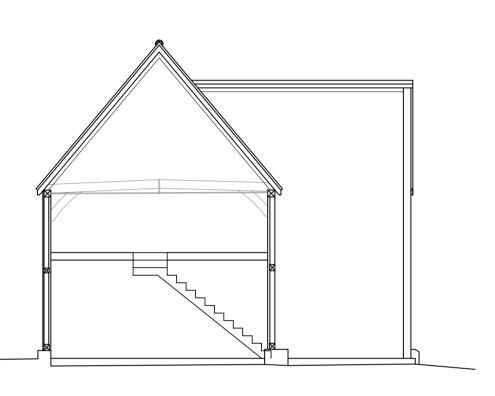
Planning

2020-410-020

NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.





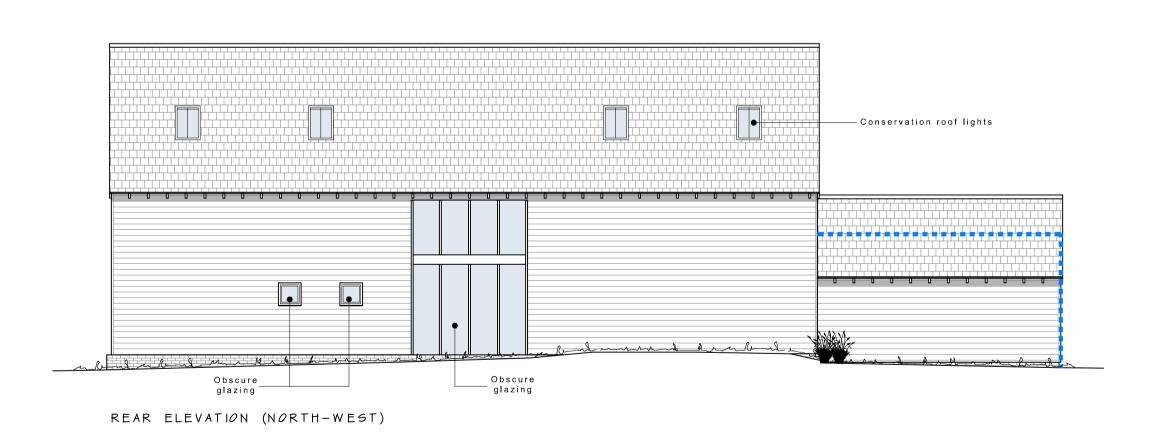


INDICATIVE SECTION

FRONT ELEVATION (SOUTH-EAST)

SIDE ELEVATION (NORTH-EAST)





jbell
design and
conservation ltd
Suite 9, Holly House Business Centre
220-224 New London Road, Chelmsford, CM2 9AE
T: 07484 791794
E: jbell@designandconservation.co.uk

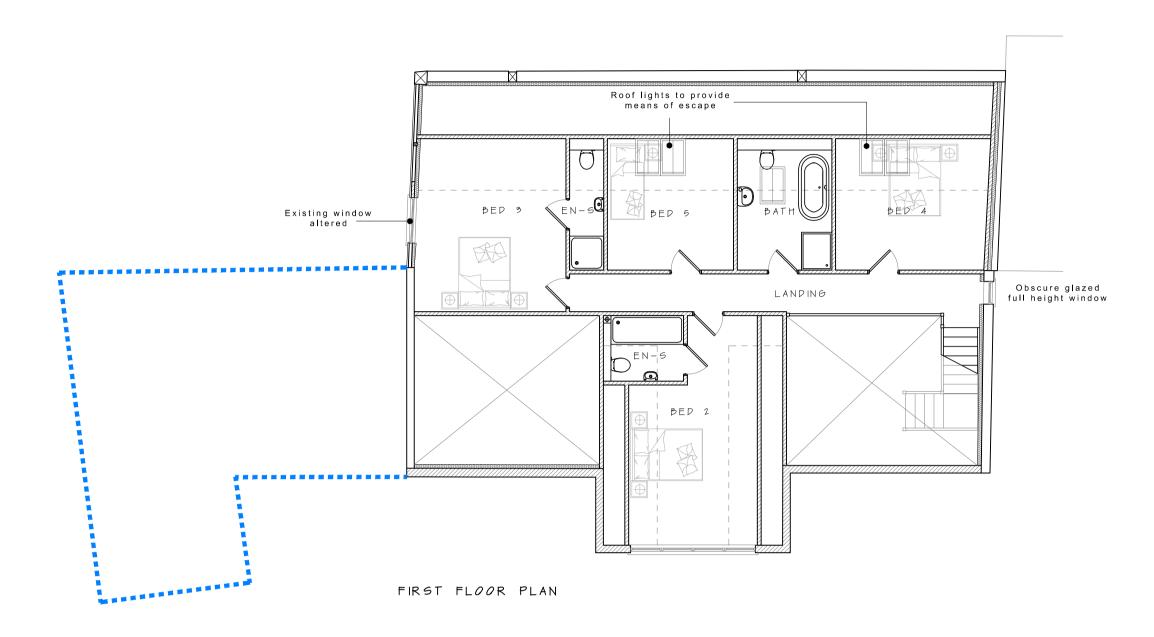
Client:
John Nelmes
Project:
Fairfields Farm, Mowden Hall Lane
Hatfield Peverel

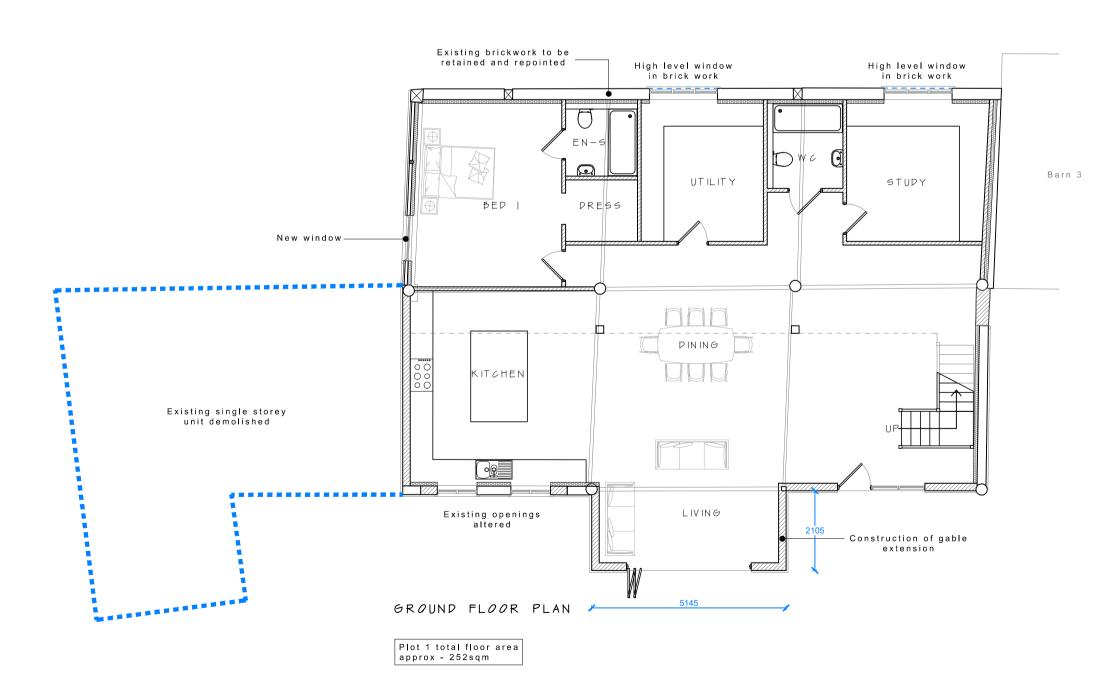
Drawing:
Plot 1 Proposed Elevations
Plot 1 Proposed Elevations

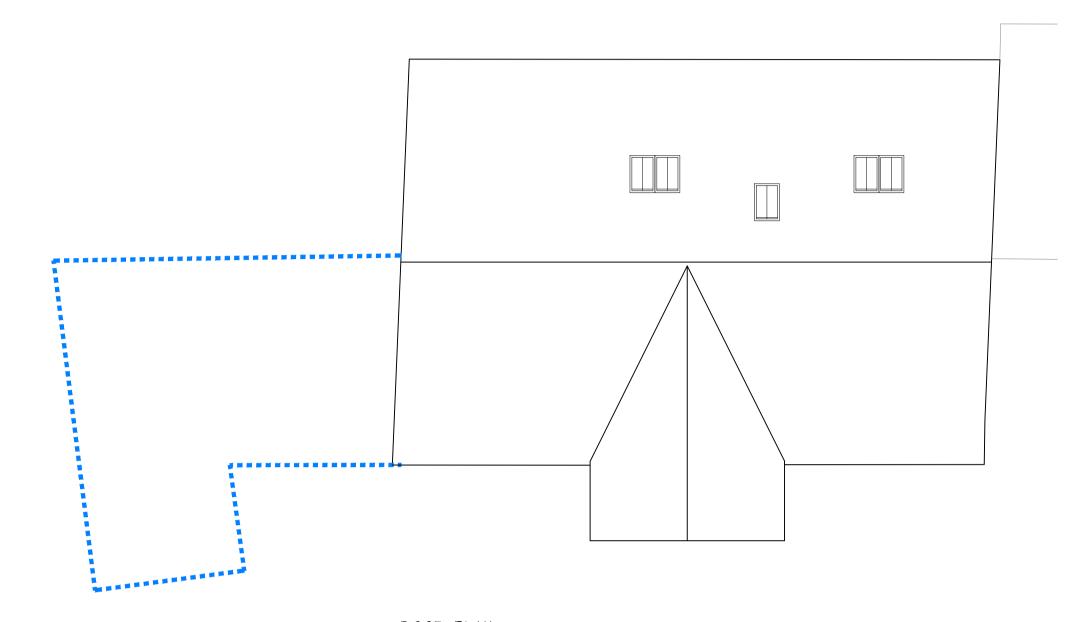
T: 07484 791794
E: jbell@designandconservation.co.uk

College of the Copyright of J Bell Design AND Conservation LTD. It shall not be in any way used or reproduced without their prior written consent. All dimensions are to be checked on site or in the workshop prior to commencing any work. Work only to figured dimensions. Any discrepancies are to be reported to the Architect.

NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.

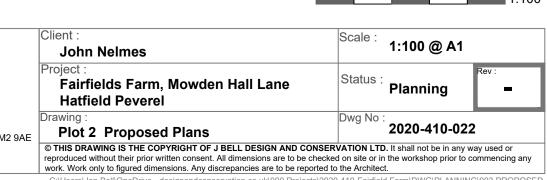




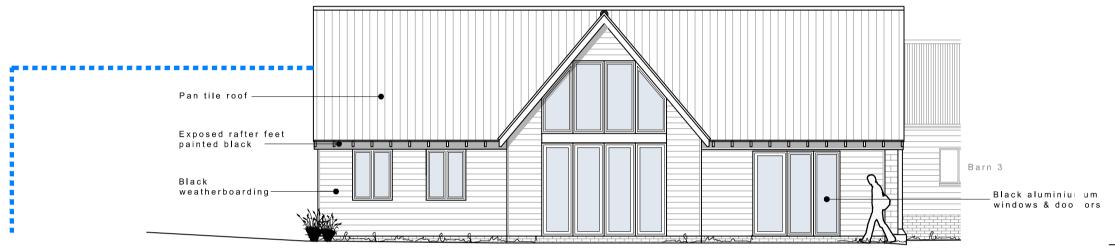


R*OO*F PLAN

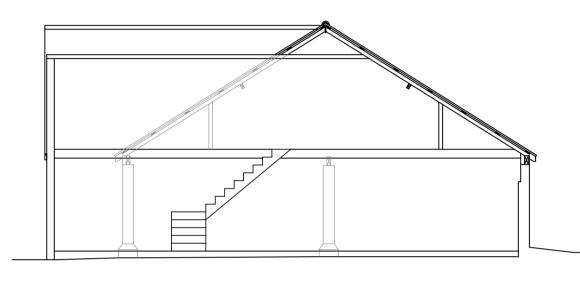




NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.

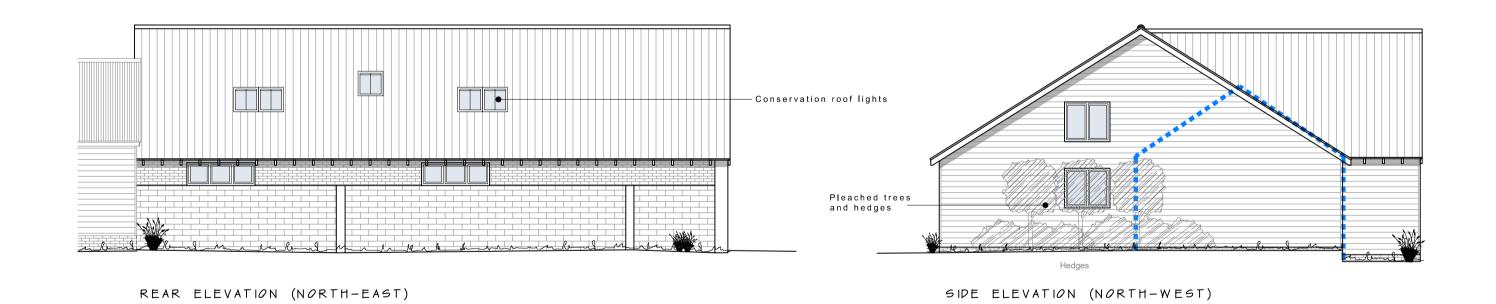






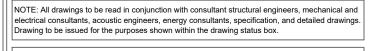
FRONT ELEVATION (SOUTH-WEST)



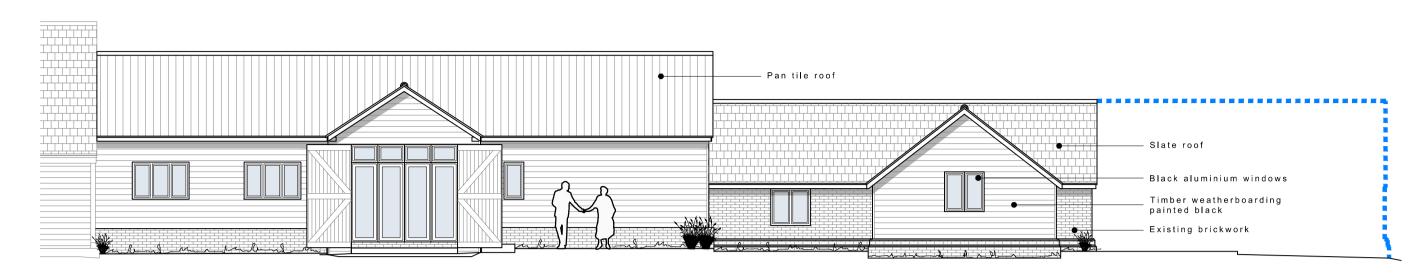




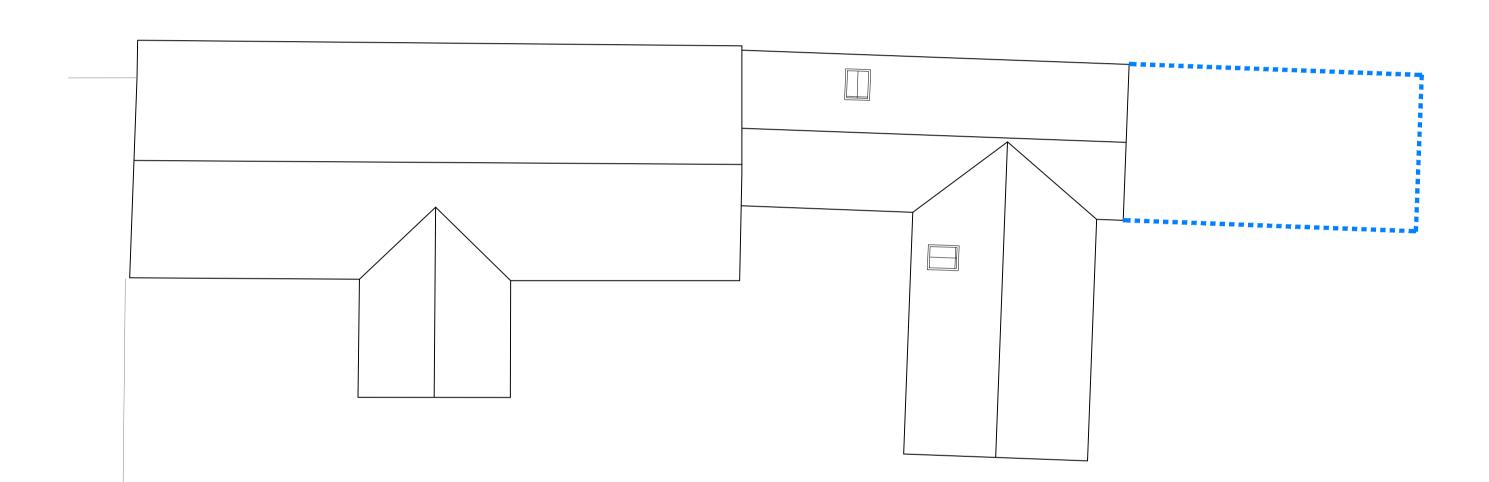




NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.



FRONT ELEVATION (SOUTH-WEST)



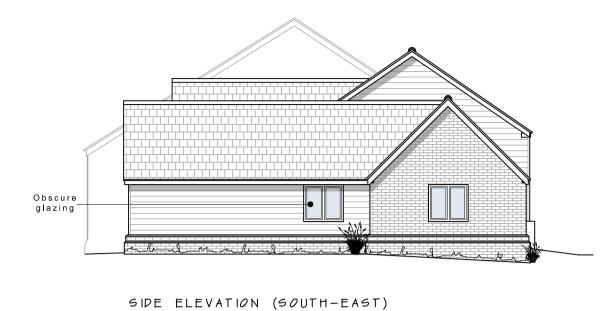
Obscure glazing

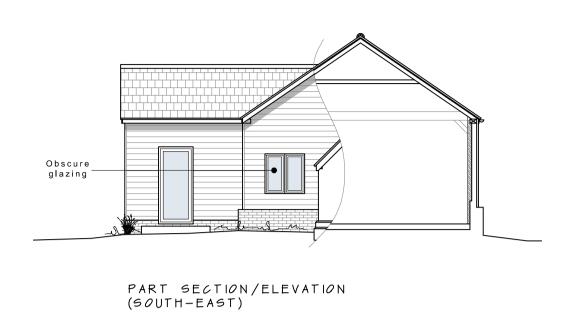
Exposed on board line incloates extent of building to be demolished to be

Plot 3 total floor area approx - 163sqm

FLOOR PLAN

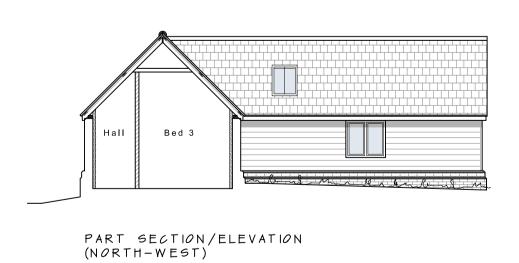
ROOF PLAN



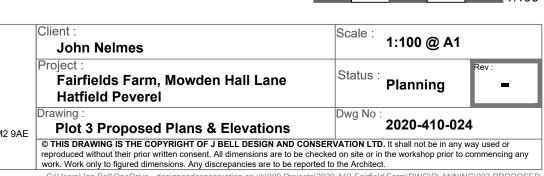


Conservation roof light—

REAR ELEVATION (NORTH-EAST)

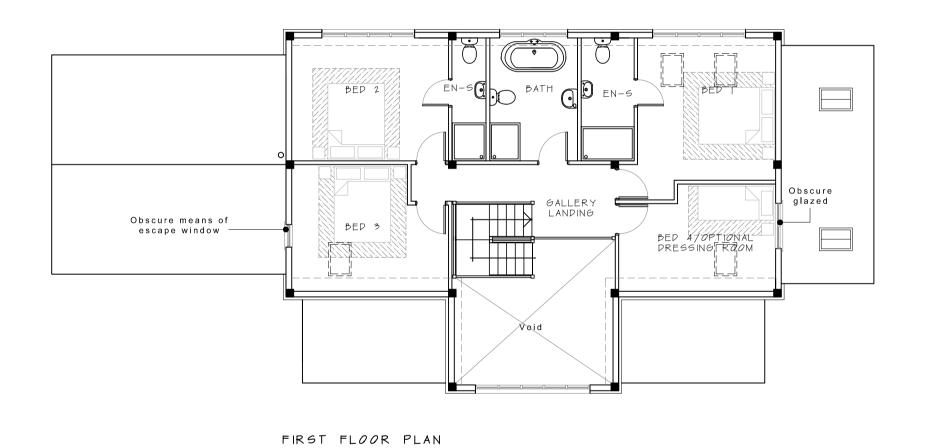


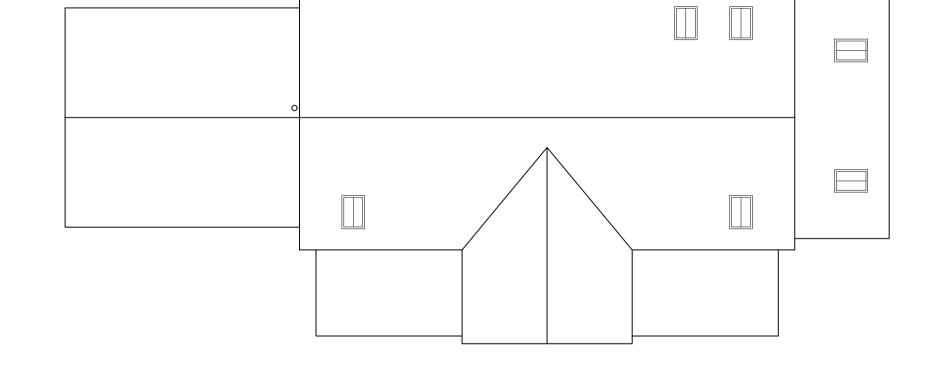




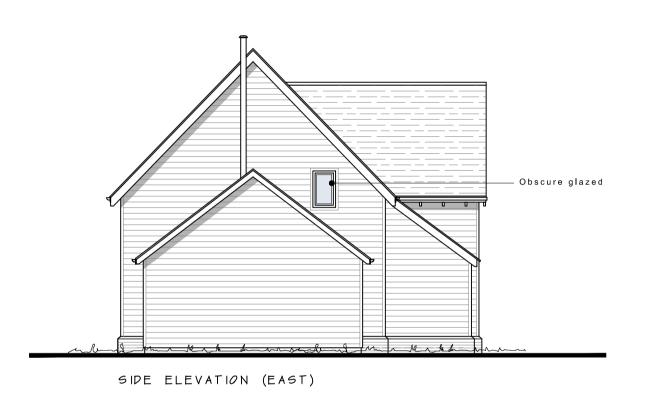
NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.

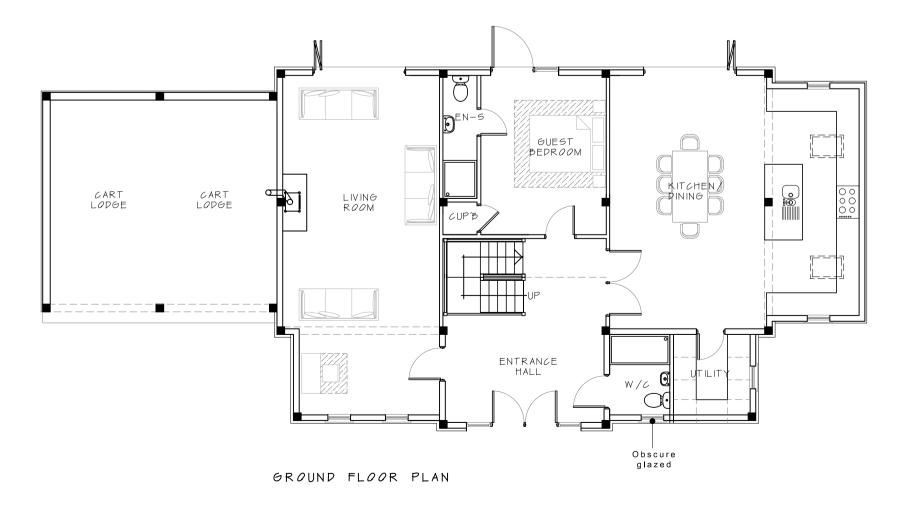






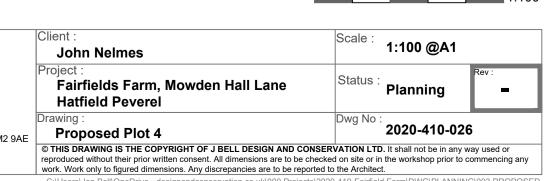
ROOF PLAN

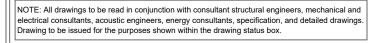




Plot 4 total floor area approx - 226sqm







NOTE: Drawing to not be scale and written dimensions to be used only. Refer to drawing scale, paper size and scale bar.



