



HGN DESIGN LIMITED

architectural design

DESIGN AND ACCESS STATEMENT

PROPOSED RESIDENTIAL DEVELOPMENT WITHIN THE GARDEN OF THE LODGE, RECTORY LANE, RIVENHALL, WITHAM, ESSEX CM8 3HJ.



Job Ref.: 9180
September 2021

001 Introduction

- 001.1 This Design and Access Statement has been prepared by HGN Design Limited in support of the Planning Application submission to Braintree District Council for a small residential development of 3No. bungalows within the domestic garden of The Lodge, Rectory Lane, Rivenhall, Witham, Essex CM8 3HJ.
- 001.2 This proposal is submitted as a full application.

002 The Site

- 002.1 The development site is currently a well maintained domestic garden of The Lodge, and is relatively flat (see existing site plan for levels), with a slight fall from North to South.
- 002.2 Rectory Lane links Forest Road to the South and Rickstones Road to the North.
- 002.3 The site measures 38.6m depth and 75.6m width across the rear. The proposed development site area is 0.25Ha.
- 002.4 Adjacent to the site on the west side and in the northern portion of The Lodge is the Local Wildlife Site Bra175, The Old Rectory Meadow.
Directly west and north of The Lodge are the grounds of a large estate.
Arable fields are directly east of the site.
Rivenhall Oaks Golf Centre is located approximately 250 metres east of the site.
The A12 is approximately 950 metres south east.
Witham Train Station is approximately 2km from the development site, and there are local shops and amenities nearby. The development site is only 150m north of the Town Development Boundary.

003 Use

- 003.1 The existing use of the site is a well maintained residential garden as part of the Lodge.
- 003.2 The proposed use of the site is a small residential development of 3 No. bungalows, with garages and off-street parking, together with a new vehicular access from Rectory Lane.

004 Amount

- 004.1 The proposal is to provide 3 No. bungalows, with private driveways, garages and off-street parking.
- 004.2 Each bungalow has a footprint of 137m² (1475 sq.ft.) and accommodates two bedrooms, each with an en-suite bathroom.
- 004.3 The proposed bungalows have private rear amenity space in excess of 150m².
- 004.4 Each bungalow has a garage measuring 4m x 7m internally, each property will have an electric vehicle charging point.
- 004.5 Each bungalow has a private driveway with an area for a minimum of 2 vehicles.

005 Layout

- 005.1 The proposed bungalows are positioned approximately parallel with Rectory Lane. Each bungalow is accessed from a 5.5m wide private driveway. The private driveway is connected to Rectory Road with a new vehicular access.
- 005.2 The layout has been reduced to three dwellings (from four), to provide greater separation between the dwellings.
- 005.3 In excess of 150m² of rear private amenity space is provided for each dwelling.
- 005.4 A new vehicular access is required off Rectory Lane to provide access to the new driveway to the front.
- 005.5 It is considered that the proposed 3 dwellings do not adversely affect the setting or amenity of The Lodge or The Old Rectory.

006 Scale

- 006.1 The scale of the proposed dwelling has been carefully considered within the context of the site and surrounding structures. The proposed dwellings have been designed as bungalows to reduce the impact.
- 006.2 The bungalows will largely be hidden due to the existing native hedge along Rectory Lane, which will be retained and the lower level of the site to the road.

007 Landscaping

- 007.1 It is proposed that the new driveway to the front will be finished with a permeable block paving. Due to the site being slightly lower than the roadway there will be no surface water discharging on to the road from the new access drive.
- 007.2 The rear garden will remain as grass.
- 007.3 The existing hedge to the front and side boundary will be retained with the exception of the area to be removed for the access. The majority of the trees on the site will be retained.
- 007.4 An arboricultural report and impact assessment was carried out by Moore Partners Ltd on 5th June 2021, and the report / plans are provided as supporting documents to this application.

To summarise the report: -

Within the site are a number of semi mature trees, primarily around the boundaries. These vary in quality and landscape value. The largest trees are a row of Norway spruce on the southern boundary, two mature silver birch and early mature/mature oaks along the western boundary. The remaining trees are fruit trees or small ornamental species in the garden. The two highest value trees are outside the site, and are 2 large mature oaks, the root areas of which extend into the site, so where included. There is a high native species hedge running round the boundary of the site along Rectory Lane, which forms a good screen between the road and the site.

To facilitate the development some trees will need to be removed, 6 U rated trees, 10 lower quality C rated trees, primarily fruit trees and small ornamentals, , and 3 higher quality B rated

trees, Norway spruce and an early mature lime. An oak T 22 would require to be reduced on the east side by 2m. A small section of the hedge would need to be removed for the new access drive. The hedge around the site and remaining trees would all be retained and protected during the build in line with BS5837.

008 Appearance

- 008.1 A simple palette of materials is proposed: -
- White render, with slate feature walls adjacent to the entrance;
 - Staffordshire blue brickwork below dpc;
 - Dark grey Upvc windows;
 - Dark grey Upvc fascia's and soffits';
 - Dark grey composite main entrance door;
 - Dark grey aluminium folding / sliding glazed doors to rear;
 - Marley Edgemere roof covering (anthracite);
 - Mashalls Priora permeable block paving (charcoal) to new access drive;
 - Granite chippings for each driveway;
 - Grey sandstone pathway and patio for each dwelling;
 - Rear gardens to be grass.

009 Access

- 009.1 The main entrance door will have a level threshold.
- 009.2 The floor plan provides 838mm wide doors throughout the internal layout.
- 009.3 All sockets and switches will be positioned in accordance with Approved Document M of the Building Regulations.

010 Biodiversity / Ecology

- 010.1 A preliminary ecological appraisal was carried out by Essex Ecology Services Limited in June 2021, and their recommendations are summarised as follows: -

Habitat Assessment: It is recommended that the trees and shrubs along the shared boundary are retained in order to buffer this important LoWS grassland.

Flora: The surveyed site was not found to have any notable flora and such species in the local area are unlikely to be affected by the works to the outbuilding. Therefore, such species are not a consideration for the proposed work.

Great Crested Newts: The compost heaps and log piles should be retained if possible. If these are to be removed, then in order to account for the small possibility Great Crested Newts may be present then their removal should be supervised by an ecologist as a precaution.

Should any Great Crested Newts be discovered during the during the dismantling of the identified habitats, work in that vicinity should be halted and the consultant ecologist should be contacted for further advice.

Bats: Should the identified oak tree with bat roost potential be affected by the proposed development, then this should be subject to further survey in the form of an aerial potential roost feature inspection by a qualified tree climber and bat ecologist. It is not known if the on-

site trees will be affected by the proposed development. Where possible the trees bordering the garden should be retained to maintain a commuting route for bats.

It is recommended that bat roost features are incorporated into the fabric of new buildings to provide a permanent enhancement of the site. There are many commercially available products that can be incorporated into the brick work of new buildings or on the surrounding trees.

Any new external lighting could have an impact upon bats. Therefore, lighting design should follow BCT guidance (Bat Conservation Trust 2009) to avoid and minimise impacts. Sensitive lighting could include, for example, the use of hoods or directional lighting, installing light sensors that are sensitive to large moving objects only and having short timers.

Reptiles: The location of the proposed development will be within the garden of The Lodge, which is regularly mown to a very short length. There is optimal grassland habitat adjacent to the site, which is also a LoWS. Slow Worms have been recorded within the sites compost bins, which are located amongst the line of trees bordering the site. The available suitable habitat (compost heaps, vegetation piles and log piles) are all located along the site boundaries and are very small habitats. Due to the overall unsuitable terrestrial habitat present at the site, the location of the suitable habitats and their size, further surveys for reptiles prior to the works is considered not to be necessary. However, care and vigilance will be required during the development to minimise any risk of killing or injuring reptiles, particularly during the removal of the compost heaps, log piles and vegetation piles. It is recommended that the initial clearance work of those features is supervised or carried out by a consultant ecologist. Any reptiles found during the works will need to be captured and moved to a nearby unaffected area of suitable habitat. Furthermore, the grassland present at site should be maintained at a short length so not to encourage reptiles to further colonise the site.

The loss of the compost heaps should be mitigated for in the form of creating reptile hibernacula in the south west corner of the site.

Any fencing incorporated into the designs should be permeable to reptiles, to allow their continued movement around the site. The line of trees bordering the site should ideally be retained to allow the continued movement of reptiles and other wildlife along this corridor.

Birds: Removal of the shrubs to create the site access, and any work to the nearby trees, should preferably be carried out between September and the following February, inclusive, to reduce the possibility of damage to birds' nests, although it is possible for some species to nest earlier in the year. Guidance should be sought from a suitably qualified ecologist if there is any reason for doubt.

If clearance is planned to take place from March to August, inclusive, it will first be necessary to carry out a survey to determine whether or not there are active nests present. If there are, then the work would have to wait until any young had fledged. If not, the vegetation could be cleared immediately, before any nests could be established to avoid further delay. In-fabric bird boxes are recommended to be incorporated within the design of the buildings.

Badgers: No Badger setts and no evidence of Badger activity were found at the surveyed site, although the site may provide foraging opportunities for this species.

Therefore, this species is not a material concern for the project.

However, Badgers are a mobile species and so any new burrows which are discovered prior to the start of development work should be investigated for Badger presence by a suitably qualified ecologist. Any open trenches will need to be covered at night to prevent Badgers falling and becoming trapped. Alternatively, an escape ramp made from scaffold boards could be left in any such excavation.

Species of principal importance in England: Any clearance of vegetation or movement of vegetation piles should be carried out carefully and in stages. Any animals found should be moved to the edge of the development site. Guidance should be sought from a suitably qualified ecologist if the works are being carried out during the winter, when Hedgehogs may be attempting to hibernate.

011 Planning History

011.1 There is no planning history for the development site, however there are sites adjacent / close by that establish a precedent for development in the area (outside of the Town Development Boundary): -

Application Reference: 20/02060/OUT – Phase 4 Land North East of Rectory Lane, Rivenhall Essex: Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development.

Application Status – Pending Consideration

Application Ref: 19/01947/OUT – Land Adjacent Glebe Farm, Rectory Lane, Rivenhall, Essex: Application for Outline Planning Permission with all matters reserved – Erection of 3No, dwellings.

Application Status – Application Permitted with s106.

Application Ref: 15/00762/FUL – Land adjacent Glebe Farm, Rectory Lane, Rivenhall, Essex: Erection of New Dwelling.

Application Status – Refused then dismissed on Appeal.

Application Reference: 14/01130/FUL – Old Rectory, Rectory Lane, Rivenhall, Essex: Conversion of former bakehouse to annexe accommodation, demolition of piggery and erection of new garages, fenestration to outbuilding, new carport, erection of greenhouse and dutch barn.

Application Status – Application Permitted.

011.2 A pre-application for this site was submitted to Braintree District Council Planning Department on Thursday 4th March 2021 (application Reference 21/60058/PREAPP). The application indicated 4 No. bungalows on a slightly wider site (85.2m).

Although a formal written response has not been received for this pre-application, an email was received from the Planning Officer on 21st April 2021 noting the following: -

- *The site is outside of the Town Development Boundary for Witham in an area that would normally be safeguarded from new residential development.*
- *It is close to the North East Witham (Forest Road) Growth Location and to a smaller development to the north-west of the builders' yard.*
- *It should be noted that 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 2020. The end of the monitoring year has now passed and the Council is undertaking a full review of the housing land supply position as at the 31st March 2021, which it will publish as soon as it is completed. As the Council cannot currently demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11(d) of the National Planning Policy Framework would be engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date. The Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.*
- *Should an application be submitted, the Council will have to consider the design merits of the proposal and carry out the tilted balance before coming to a conclusion. Given the site context in relation to the Lodge and the Old Rectory, I would suggest that the development appears cramped.*

The notes above were duly considered and the proposed development has been reduced from four dwellings to three units in order to make each plot slightly wider, provide greater separation between the dwellings and to remove the cramped appearance of the site.

Paragraph 11(d) of the National Planning Policy Framework: -

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;

or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay;

or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

0.11.3 A pre-application for this site was submitted to Essex Highways on Thursday 4th March 2021. The application indicated 4 No. bungalows on a slightly wider site (85.2m).

The response from Highways was received on 24th May 2021 and can be summarised as follows: -

Firstly, any new or intensification of use of an access requires construction in accordance with current standards. Given this is a new access, the visibility splay requirements onto Rectory Lane, which is subject to a derestricted speed limit, would be 215 metres in both directions to accord with Design Manual for Roads and Bridges (DMRB) standards.

Additionally, in order to accommodate the intensified use of the single track the provision of vehicle passing places must be established at agreed intervals within the highway boundary. Each in a position and to a specification to ensure that opposing vehicles can pass without difficulty. (Please note, this may not be required following Bellway Homes application/TRO.)

Finally, in terms of the general layout, I would raise the following points,

- 1. The access road should be 5.5 metres wide to allow the simultaneous entry and exit of vehicles.*
- 2. The layout should ensure that appropriate vehicle turning heads are provided (this information is available in the Essex Design Guide).*

3. *Consideration should be given to vehicle turning spaces where parking is accessed via the private drive arrangement.*
4. *Two vehicle parking spaces to be provided p/dwelling. Current standards are 2.9m x 5.5m.*
5. *Visitor parking should be provided in accordance with current standards. Please also note, visitor parking is preferable in areas accessible to a number of properties and not in more 'private' areas where they appear to relate to individual properties.*
6. *Garage dimensions should be a minimum of 3m x 7m to be included within the parking provision.*
7. *Provision of Residential Travel Packs, including travel vouchers to each dwelling.*

The notes above were duly considered for the proposed development access, driveways and garaging.

- 0.11.4 Correspondence dated 12th May 2021 from Essex Highways Ref: TRAF/7568 – Proposed Traffic Regulation Order – Prohibition of motorised vehicles and no waiting at any time restrictions, Rectory Lane, Witham.

The above correspondence invited comments and is in relation with North East Witham Phase 4 application 20/02060/OUT. We responded requesting that the turning head is positioned further down Rectory Lane to afford access to our site, which we understand will be implemented within the plans.

Notwithstanding the above, which we feel will offer a positive with our site access, our site access is not dependent upon it.

012 Conclusion

- 012.1 As the Council cannot currently demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11(d) of the National Planning Policy Framework would be engaged.

Paragraph 11(d) of the National Planning Policy Framework: -

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11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;
 - or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay;
- or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

012.2 The proposed dwellings have been carefully designed within the context of the site and respect for the neighbouring properties in mind. It is considered that the proposed 3 dwellings do not adversely affect the setting or amenity of The Lodge or The Old Rectory.

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