

DR/05/21

Report to: DEVELOPMENT & REGULATION (26 March 2021)

Proposal: COUNTY COUNCIL DEVELOPMENT - Demolition of former school buildings and construction of new boundary treatment

Ref: CC/BTE/05/21

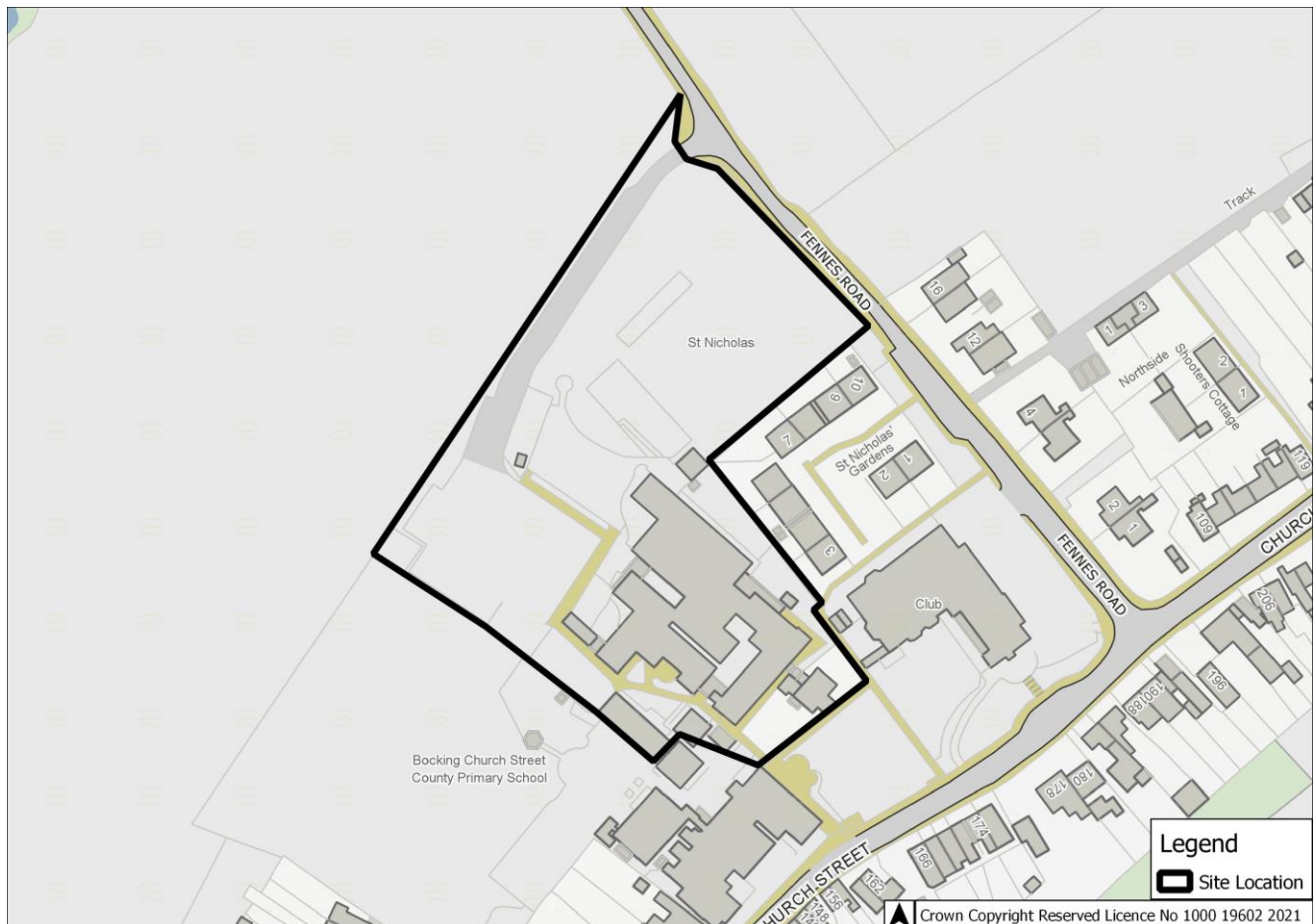
Applicant: Essex County Council

Location: Former Edith Borthwick School, Church Street, Bocking, Braintree CM7 5LA

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

The full application can be viewed at <https://planning.essex.gov.uk>



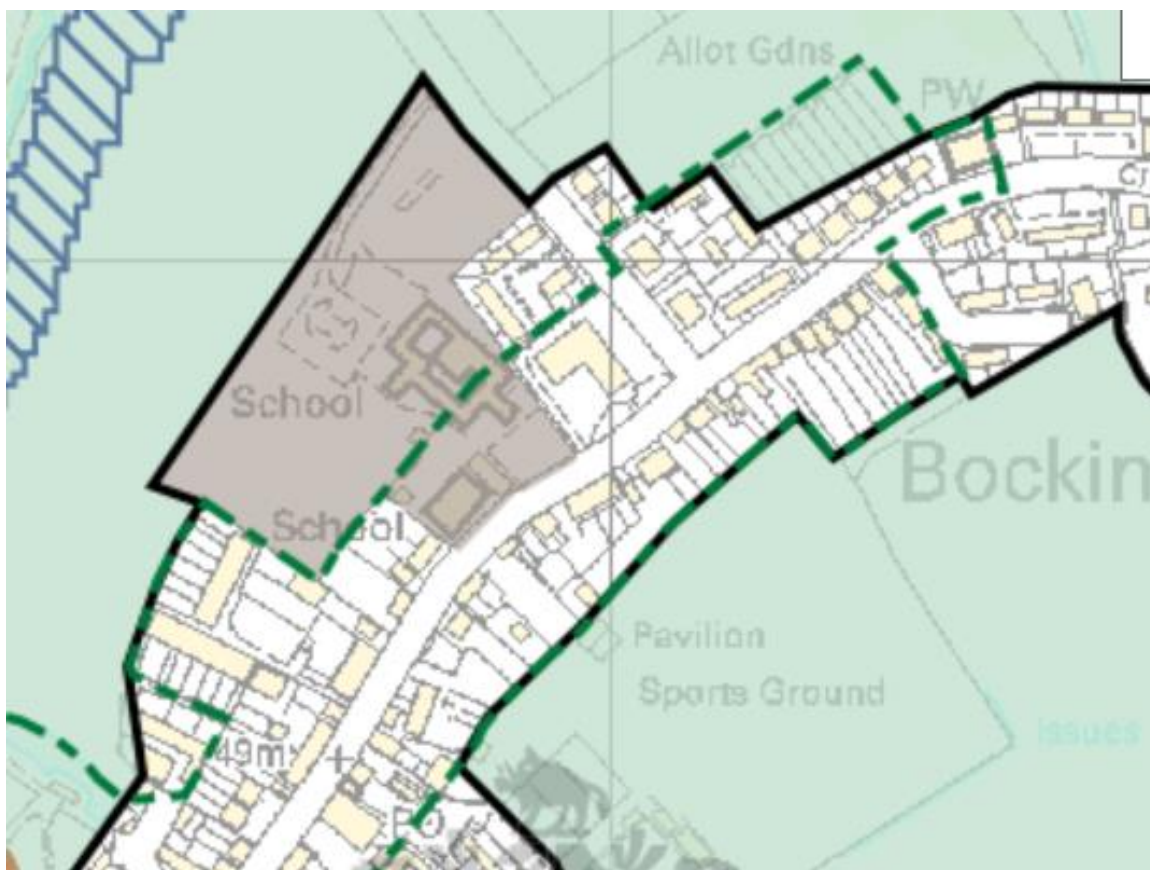
1. BACKGROUND AND SITE

The Church Street buildings originally opened in 1976 and provided accommodation for SEN pupils. The school moved to new purpose built premises in Springwood Drive, Braintree in September 2015.

The former Edith Borthwick school buildings are situated on Church Street, Bocking to the north of Braintree. Bocking Church Street Primary School adjoins the southern and western boundaries of the site. To the north west are open fields. Adjoining the eastern of the site is the Bocking United Services Club and residential properties in St Nicholas Gardens and Fennes Road. There are further residential properties to the south and south west in Church Street. Adjacent to the southern boundary is the Church Street playground area.

The former school buildings are located to the southern area of the site. A car parking area, shared with Bocking Church Street Primary School, is to the west of the site with a playing field extending up to the northern boundary.

The south eastern corner of the site lies within the Bocking Church Street Conservation Area (as indicated by the dashed green line).



The existing school buildings on site date from the late 20th Century; they are a mix of single and two storey red brick buildings, with shallow pitch roof forms covered in grey slate. Within the wider setting red brick boundary walls and a series of red

brick gable ends are visually dominant within the street scene.

2. PROPOSAL

It is proposed to demolish the former Edith Borthwick school buildings to facilitate the redevelopment of the site with purpose built SEND teaching accommodation.

Part of the school site is located within the Bocking Church Street Conservation Area and the buildings to be demolished exceed 115 cubic metres in volume, hence the requirement for a planning application.

Following demolition of the buildings it is proposed to construct a new boundary treatment to the southern boundary which forms the main façade of the site, fronting the Conservation Area.

The proposed boundary treatment would consist of brick piers with 1.8m high close boarded timber panels.

3. POLICIES

The following policies of the [Braintree Local Plan Review 2005](#), [Core Strategy](#) 2011 and [Braintree District Local Plan 2013-2033 Section 1 February 2021](#) provide the development plan framework for this application. The following policies are of relevance to this application:

Braintree Local Plan Review 2005

Policy RLP80 – Landscape Features and Habitats
Policy RLP81 – Trees, Woodlands and Grassland and Hedgerows
Policy RLP84 – Protected Species
Policy RLP90 – Layout and Design of Development
Policy RLP95 – Preservation and Enhancement of Conservation Areas
Policy RLP96 – Demolition in Conservation Areas
Policy RLP150 – Education Establishments

Core Strategy 2011

Policy CS8 – Natural Environment and Biodiversity

Braintree District Local Plan Section 1

Policy SP7 – Place Shaping Principles

NEIGHBOURHOOD PLAN

There is not an adopted Neighbourhood Plan in place

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on

to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or 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: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this 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 the weight that may be given).

The level of consistency of the policies contained within the Braintree Local Plan Review 2005 and Core Strategy September 2011 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Braintree District Council submitted its Publication Draft Local Plan to the Planning Inspectorate in October 2017. The document is in two parts:

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

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

Section 1 was formally adopted by Braintree District Council on 22 February 2021 and replaces a majority of the strategic policies contained within the Braintree District Core Strategy 2011.

The Braintree District Local Plan Review 2005 and Core Strategy 2001 will both be replaced in full on the formal adoption of Section 2 of the Local Plan.

The Examination in Public for Section 2 is scheduled for July 2021. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

Publication Draft Local Plan 2017

Policy SP1 – Presumption in Favour of Sustainable Development
Policy LPP50 – Built and Historic Environment
Policy LPP55 – Layout and Design of Development
Policy LPP56 – Conservation Areas
Policy LPP57 – Demolition in Conservation Areas
Policy LPP64 – Educational Establishments
Policy LPP67 – Natural Environment & Green Infrastructure
Policy LPP68 – Protected Species, Priority Species and Priority Habitats
Policy LPP69 – Tree Protection

4. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – Objects (reasons set out in the report).

HISTORIC ENGLAND – On the basis of the information available does not wish to offer any comments

HIGHWAY AUTHORITY – No comments to make

PLACE SERVICES (Urban Design) – No objection

PLACE SERVICES (Historic Buildings) – No objection subject to a condition

PLACE SERVICES (Landscape) – No objection

PLACE SERVICES (Arboriculture) – No objection

PLACE SERVICES (Ecology) – No objection subject to conditions

LOCAL MEMBER – BRAINTREE – Bocking – Any comments received will be reported

5. REPRESENTATIONS

22 properties were directly notified of the application. One letter of representation has been received. It relates to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Bocking Primary School (part of Attain Academy Partnership) is situated next to the proposed site and has shared access and a shared car park with access road.	Noted
On behalf of the school and Attain Academy Partnership I confirm our support for the demolition of the former school in principle.	Noted
The building has stood empty for over 5 years and has deteriorated significantly in this time. It is a local attraction for drug users and dealers, lead thieves and vandals. Bocking Primary School has been directly impacted by these undesirable visitors.	Noted. See appraisal
We strongly believe that in the long term the area will be improved by the demolition, providing that the impact on our school during the demolition period is carefully considered.	Noted. See appraisal
We have the following concerns: The site plan accompanying the planning application is not reflective of that in our lease agreement	Noted. The comments have been passed to the applicant
The safety of our staff, pupils, parents and visitors could be compromised by the close proximity of the demolition work to the access path which is the current pedestrian access to the school from the car park. Consideration needs to be given to providing an alternative, safe route into the school if planning is approved.	Noted. See appraisal
Our lease states that we agree to pay 33.33% of car park and access area costs. Will the current access be used by heavy vehicles and machinery to access the demolition site or will alternative access be created Should the shared access and car park be used for access to the demolition site will the	Noted. This is not a material planning consideration. The comments have been passed to the applicant

applicant take full responsibility for the costs of repairs and maintenance during the demolition period.

The landlord's covenant with use refers to 'Quiet Enjoyment'. In reviewing the planning application we ask that consideration should be given to the impact of noise, vibrations and dust during the school day/term time. Noted. See appraisal

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Policy Considerations
- C. Impact on Historic Environment
- D. Impact on Natural Environment
- E. Impact on Residential Amenity

A PRINCIPLE OF DEVELOPMENT

The former Edith Borthwick School comprises of a number of buildings which have been unused since the school moved to purpose built premises on Springwood Drive in 2015.

ECC as Education Authority has confirmed that it would not be possible to re-use the existing buildings as teaching accommodation because the current building layout does not meet the needs of the curriculum or standards applied by the Department of Education to provide a conducive learning environment.

The existing buildings are subject to vandalism and anti-social behaviour which has an impact on neighbouring residents and presents safeguarding issues for the adjacent Bocking Church Street Primary School.

It is proposed to demolish all the existing buildings on site to minimise health and safety risks and the opportunity for future vandalism and anti-social behaviour.

The site would remain in the possession of ECC for the redevelopment of the site to provide purpose built SEND teaching accommodation to meet a rising demand in the centre of the county.

A viability scheme is expected to be completed in May 2021, with the design and procurement stage to follow. It is expected that a planning application would be submitted early in 2022.

B POLICY CONSIDERATIONS

The NPPF states that the purpose of the planning system is to contribute to

sustainable development. There are three overarching objectives to the achievement of sustainable development: economic, social and environmental. All are interdependent and should be pursued mutually.

Paragraph 9 of the NPPF states *“these objectives should be delivered through the preparation and implementation of plans and the application of policies in this Framework; they are not the criteria against which every decision can or should be judged. Planning policies and 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.”*

Paragraph 11 of the NPPF states that *“plans and decisions should apply a presumption in favour of sustainable development.”*

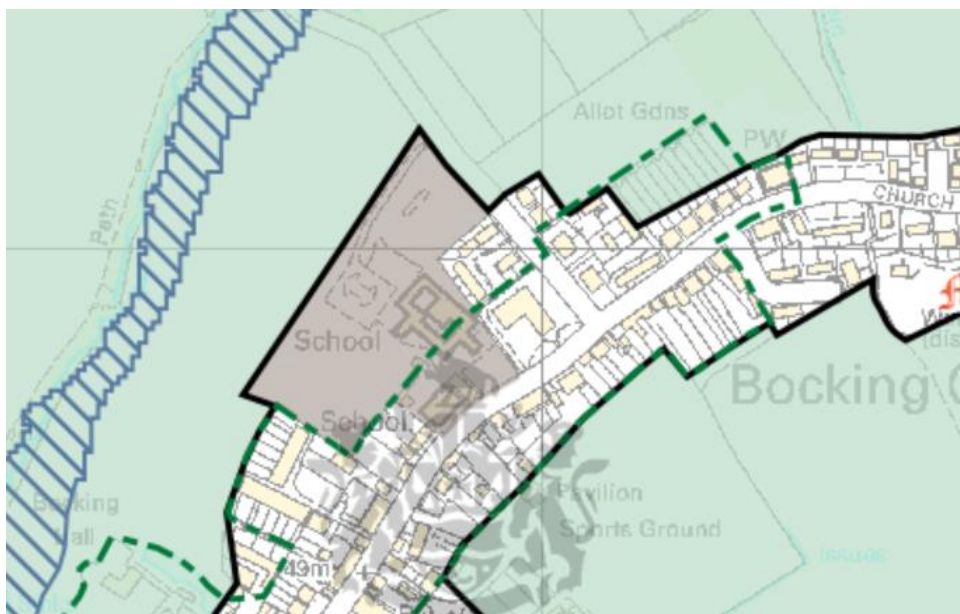
Emerging Policy SP1 (Presumption in Favour of Sustainable Development) states inter alia that *“when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Relating to the economic objective the proposed demolition works would provide employment for a local company.

The development would contribute to the social objective by providing the opportunity for the redevelopment of the site to provide much needed SEND facilities to meet an increased demand in the centre of the county.

The environmental objective will be considered throughout the report.

The former Edith Borthwick site is designated as land for educational use in both the adopted Local Plan and emerging Local Plan.



Extract from Adopted Local Plan Proposals Map. Existing site is indicated by the solid beige area.



Extract from emerging Local Plan. The solid brown area indicates the current Bocking Church Street Site and former Edith Borthwick site

Paragraph 94 of the NPPF states that *“it is important that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- *Work with school promoters, delivery partners and statutory bodies to identify and resolve key issues before applications are submitted.”*

Adopted Policy RLP150 (Education Establishments) states that *“the change of use or redevelopment of educational establishments and their grounds, identified on the Proposals Map, will not be permitted unless:*

- a) *It can clearly be demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use is needed or can be found; or*
- b) *Satisfactory alternative and improved facilities will be provided; or*
- c) *The area of the site to be redeveloped is genuinely in excess of Government guidelines for space standards, taking into account future educational projections. In all cases account will be taken in determining an application for development of any deficiencies in public open space requirements in the area and the contribution the site could make to remedying that deficiency.”*

Emerging Policy LPP64 (Educational Establishments) states inter alia that *“sites*

proposed or in current educational use are protected on the Proposals Map for that use. The change of use or redevelopment of educational establishments and their grounds will not be permitted unless:

- a) It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use can be found*
- b) Satisfactory alternative and improved facilities will be provided*
- c) The area of the site to be redeveloped is genuinely in excess of Government guidelines for playing field provision, taking into account future educational projections.”*

Braintree District Council has objected to the demolition of the existing school buildings. It states no information has been provide to justify the demolition of the existing buildings. No structural report or evidence has been submitted to demonstrate the efforts to secure viable alternative uses of the existing buildings.

It has further stated that it is unclear on the future use of the whole site and why the existing structures cannot be retained or utilised for other forms of community uses.

Should planning permission be granted for the demolition of the existing Edith Borthwick buildings, the site would remain within the possession of Essex County Council as Education Authority. It is proposed to redevelop the site to provide purpose built SEND teaching accommodation.

The existing buildings are not of a sufficient standard or layout to meet current curriculum and standards required by the Department of Education and therefore, could not be re-used as teaching accommodation.

It is considered that the proposal would be in accordance with Policy RLP150 and Policy LPP64 as the site would be redeveloped to provide new and additional SEND teaching accommodation to help meet the increased demand in the centre of the county. It is further considered that the future provision of SEND accommodation would be in accordance with the provisions of Paragraph 94 of the NPPF.

IMPACT ON HISTORIC ENVIRONMENT

Planning permission for relevant demolition within a Conservation Area has replaced the former Conservation Area Consent process.

Planning permission is not required to demolish a building, within a Conservation Area, which does not exceed 115 cubic metres or to take down any wall, gate or fence which is less than 1 metre high where abutting a highway, or less than 2 metres high elsewhere.

As the buildings within the Conservation Area exceed the 115 cubic metre threshold it is necessary to seek planning permission for demolition. None of the buildings to be demolished are Listed Buildings.

Paragraph 189 of the NPPF states that *“in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Paragraph 198 of the NPPF states that *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”*

Adopted Policy SP7 (Place Shaping Principles) states inter alia that *“all new development should protect and enhance assets of historical and natural value.”*

Adopted Policy RLP95 (Preservation and Enhancement of Conservation Areas) states inter alia that *“The Council will preserve and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas.”*

Adopted Policy RLP96 (Demolition in Conservation Areas) states that *“demolition involving the destruction of (the whole or part of) an unlisted building in a Conservation Area will only be permitted if:*

- a) The structure to be demolished makes no contribution to the character, or appearance, of the conservation area; or*
- b) The building is demonstrably beyond reasonable repair due to its structural condition, and clear evidence of efforts to secure viable alternative uses is available and no other forms of community ownership or preservation is possible; and*
- c) Consent for demolition will only normally be granted in any case where a contract for the redevelopment of the site has been let;*
- d) Redevelopment proposals preserve or enhance the character and appearance of the area.*

Emerging Policy LPP56 (Conservation Areas) states inter alia that *“the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the buildings, open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.”*

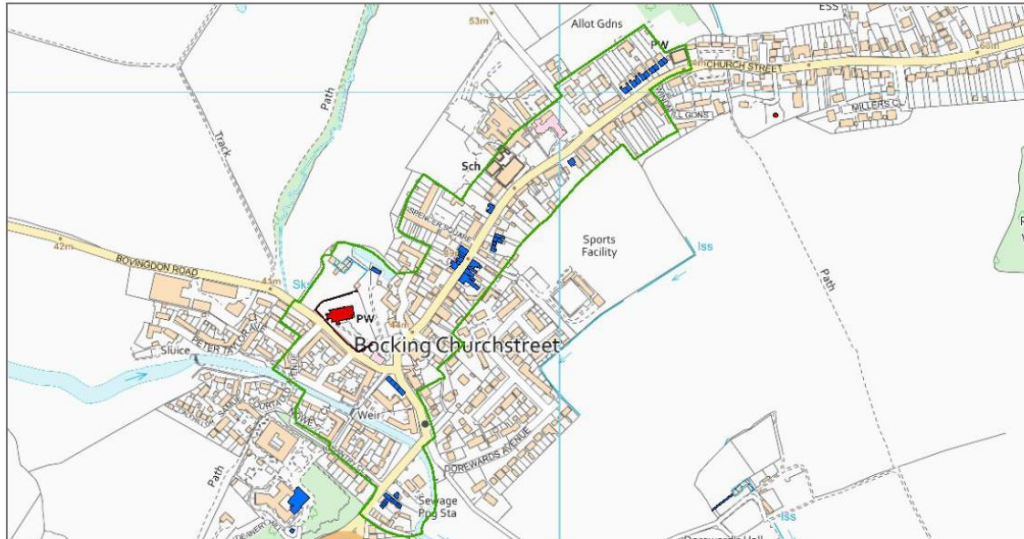
Emerging Policy LPP57 (Demolition in Conservation Areas) states that *“demolition of an unlisted building or structure in a Conservation Area will only be granted in the most exceptional circumstances where the following criteria are fully satisfied:*

- a) Its removal would not have a negative impact on the street-scene*
- b) The structure to be demolished makes a negative contribution to the character or appearance of the Conservation Area*
- c) Its removal would be beneficial to the local environment or infrastructure*
- d) A detailed redevelopment scheme is included and approved as part of the*

demolition proposal which would preserve or enhance the character and appearance of the area.”

A Heritage Statement was submitted as part of the application.

The Bocking Church Street Conservation Area was designated in October 1981. There have not been any alterations or extensions since its designation. (The Conservation Area is shown by the green line).



The application proposes the demolition of all the existing buildings on the former Edith Borthwick site.

The buildings are all modern and have a cohesive appearance; they are a mix of single and two storey, constructed of red brick with shallow pitched roofs covered in slate.

The submitted Assessment states that the existing school straddles the Bocking Church Street Conservation Area. The majority of school buildings are outside of the Conservation Area, with only the front range which runs east-west and the caretakers house located within the Conservation Area. The southern section of the site where a majority of the school buildings are located is considered to affect the setting of the Conservation Area.

In views along Church Street from the south west to north east (looking up the hill), any views of the site are obscured by Bocking Church Street Primary School. The school buildings are single storey and positioned relatively close to the front boundary wall and provide a continuous frontage across the site. This combined with a slightly elevated position compared to the public realm means that no section of the former Edith Borthwick is visible from the public realm to the south west of the site.

In view along Church Street from the north east to south west (looking down the hill), glimpses of the roofs of the front school buildings are visible between the canopies of the trees. There are not any clear, continuous views of the buildings and no views of their elevations.

There are also not any views towards the site from Fennes Road, as the substantial Arts and Crafts style Village Hall (now the village club and restaurant), which lies within the Conservation Area, is visually dominant and its L-shaped plan form obscures the school from the junction of Fennes Road and Church Street. Beyond the Village Hall, on Fennes Road are three terraces of bungalows which are positioned around a central courtyard. Due to their elevated position in comparison to the former school site, none of the school buildings can be viewed.

The only position in which the former school does make some contribution to the appearance of the Conservation Area, is when viewed from Church Street, adjacent to the public play area. The upper level of the caretakers house, the upper level of the first range of school building and a brick chimney stack is apparent.



The view of the buildings is limited by the existing boundary fencing which is shared with the park and several mature trees that are interspersed along the boundary.

The Assessment states that the frontage buildings are considered to have a neutral impact on the character and appearance of the Conservation Area; the materials of the buildings are reflective of the Victorian school buildings of Bocking Church Street Primary School and those within the wider conservation area. The utilitarian nature and its form with the shallow pitch roof forms appears contemporary but the architecture is of insufficient quality to be considered to make a positive addition to the Conservation Area.

The existing vacant and dilapidated condition of the buildings are considered to detract from the character and appearance of the conservation area within the immediate environs and the nature of the site detracts from the character and setting of the existing primary school and park area.

The Assessment concludes that the demolition of the former school buildings

would have a neutral impact on the significance, appearance and street-scene of the Bocking Church Street Conservation Area, whilst having a positive impact on the character of the area through the removal of vacant and derelict buildings adjacent to the existing primary school and public park.

Braintree District Council has objected to the proposed demolition of the existing buildings. It considers that the 2-storey element of the existing building is highly visible from the public vantage point and forms part of the character and appearance of the Conservation Area.

It further considers that the demolition of the buildings would significantly alter the street view from the wider public along Church Street. Without a redevelopment plan or an alternative used, it is unclear how the space would interact with the adjoining community uses.

Place Services (Historic Buildings) has raised no objection to the proposed boundary treatment subject to a condition requiring details and samples to be submitted.

It has no principle objection to the demolition of the existing buildings within the Conservation Area. The loss of the buildings would not adversely impact the character and appearance of the Conservation Area. It is only proposed to demolish the building block closest to the boundary of Church Street playground. There is no information regarding the maintenance of the other vacant buildings, which are also visible from within the Conservation Area. It is acknowledged that they do not sit within the Conservation Area, but they are located on the immediate boundary and have the potential to detract from the Conservation Area's setting. It is recommended the site is cleared of debris and is regularly maintained to prevent it becoming an untidy site within the Conservation Area.

As stated previously all the existing buildings on the former Edith Borthwick site would be demolished and the site cleared of debris.

Although no redevelopment plans have currently been submitted, it is proposed to redevelop the site to provide new and additional SEND accommodation to help meet increasing demand in the centre of the county. A planning application is expected to come forward early in 2022. Demolishing the existing buildings in advance of redevelopment plans coming forward does not prevent the County Planning Authority from securing the highest quality of contextual design and layout which would enhance the character and appearance of the Conservation Area in the future.

The existing buildings are subject to vandalism and anti-social behaviour which has an adverse impact on the neighbouring residents and staff and pupils of Bocking Church Street Primary School.

The existing buildings on site are considered to have a neutral impact on the Conservation Area and very limited views of the site are available from Church Street, owing to established boundary vegetation. It is not considered that there would be a negative impact on the streetscene as a result of the removal. Existing buildings could not be reused as teaching accommodation as the layout and

standard does not meet current curriculum standards or meet DfE standards.

Although a proposed scheme for redevelopment of the site has not been included as part of the proposals, a viability scheme into the provision of SEND accommodation is due to finish in May 2021, to be followed by the design and procurement process. It is expected that a planning application would be submitted early in 2022. Although this is not strictly in accordance with the provisions of adopted Policy RLP96, it is clear that there are plans for the future development of the site. It is also expected that any forthcoming scheme would be of the highest quality of contextual design and layout which would enhance the character and appearance of the Conservation Area in the future.

It is therefore considered that the proposals would be in accordance with Policy RLP 95, RLP96 and Policy SP7 and the provisions of Paragraph 189 and Paragraph 198 of the NPPF.

IMPACT ON THE NATURAL ENVIRONMENT

Adopted Policy RLP80 (Landscape Features and Habitats) states inter alia that *“proposals for new development will be required to include an assessment of the impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife.”*

Adopted Core Strategy Policy CS8 (Natural Environment and Biodiversity) states inter alia that *“all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District.”*

Adopted Policy RLP84 (Protected Species) states inter alia that *“planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation.”*

Emerging Policy LPP67 (Natural Environment and Green Infrastructure) states inter alia that *“development proposals must take available measures to ensure the protection, and where possible, the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District.”*

Emerging Policy LPP68 (Protected Species, Priority Species and Priority Habitat) states inter alia that *“where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.”*

An Ecological Impact Assessment was submitted as part of the application. This identified the need for further bat surveys as the buildings proposed for demolition were considered to provide bat roosts.

Three bat roosts were found within the existing school buildings. The demolition of the existing buildings on site would result in the unavoidable destruction of 3 bat roosts, which constitutes an offence under European and domestic wildlife legislation. A mitigation licence would be required from Natural England to legally permit demolition. The identified bat roosts are of low conservation significance and are therefore considered to be important at site level only.

The EIA identified the need to provide alternative bat roosts during demolition and post-construction. It is recommended that six bat boxes are installed on the alder trees to the east of the car park, on two separate trees. Three boxes should be installed on each tree, above 3 metres and facing east, south east and south west. The tree mounted bat boxes should be either woodstone or woodcrete for longevity.

Place Services (Ecology) has no objection to the proposed scheme. It has commented that the EIA advised that the school buildings support bat roosts consisting of small numbers of common species in a non-breeding capacity. A licence will be required from Natural England to legally permit demolition. Since the roosts are all of low conservation significance a Bat Mitigation Class Licence (BMCL) can be used.

An outline bat mitigation strategy has been included in the EIA which includes the supervising ecologist ensuring that all soft strip activities are undertaken in accordance with the terms of the licence and any bats encountered carefully relocated. It will be necessary to provide alternative roosting habitat for the bats during demolition and post construction and six bat boxes are recommended to be installed on the alder trees to the east of the car park. By adhering to this mitigation strategy, it is agreed that it will be possible to maintain the bat species' favourable conservation status. It is therefore considered that there is sufficient certainty of likely impacts on bats from the demolition of former school buildings and construction of new boundary treatment. It is recommended that a copy of a method statement relating to a registered site under a low impact class licence for bats is secured under a condition of any consent to be provided prior to commencement.

The County's Ecologist considers that is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the submitted ecological document should be secured and implemented in full. This is necessary to conserve protected and Priority Species & Habitats.

Three conditions have been recommended. The first requires the submission of the method statement relating to a registered site under a low impact class licence for bats; the second requiring the proposed development to be carried out in accordance with the recommendations of the EIA and the third for the submission of a wildlife sensitive lighting design scheme.

It is considered that providing the proposed works are undertaken in accordance

with the recommendations of the submitted ecological information and the imposition of the recommended conditions that the proposal would be in accordance with Policy CS8, Policy RLP80, Policy RLP84 and Policy LLP67 and Policy LLP68.

Adopted Policy RLP81 (Trees, Woodlands, Grasslands and Hedgerows) states inter alia that *“the Planning Authority will encourage landowners to retain, maintain and plant locally native trees, woodlands, grassland and hedgerows.”*

Emerging Policy LPP69 (Tree Protection) states inter alia that *“trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is good arboricultural reason for their removal.”*

It is proposed to remove the existing dilapidated boundary fencing to the southern part of the site. New boundary treatment consisting of red brick piers and 1.8m high close board timber fencing would be erected to provide a secure boundary to the site. The proposed brickwork would match existing in the immediate locality.

An Arboricultural Impact Assessment was submitted as part of the application.

It is proposed to remove 4 trees to allow the erection of the new boundary treatment – a low quality leyland cypress and 3 small cherry trees. It is also recommended that 2 further trees are removed due to their unsuitability for retention. A recommendation has also been made with regards to the removal of a poplar tree adjacent to the main school drive due to its hazardous condition. This recommendation is made regardless of whether planning permission is granted.

All other trees and hedgerows on the site are to be retained and protected during the proposed demolition works.

There is a requirement for the removal of foundations within the root protection area of a large cherry tree to be carried out under arboricultural supervision to ensure no damage is caused to the tree. Some minor works to trees on site are recommended.

With regards to the boundary treatment, the independent brick piers are within the root protection areas of several trees. It is recommended that the hole for each brick pier to be hand dug under arboricultural supervision. The foundation for the brick piers should be pin/screw pile. If concrete pads are used, the concrete should be sleeved in impermeable plastic to prevent the alkalinity of concrete scorching the tree roots and raising the soil PH.

A landscaping scheme and landscape management plan have been submitted.

It is proposed to plant 6 new trees in mitigation adjacent to the southern boundary to help improve the visual appearance of the site within the Conservation Area. The new trees would include field maple, silver birch and ornamental cherry. A new 28m strip of hedgerow would also be planted. This would comprise field maple, plum, dog rose, hawthorn and hazel.

Place Services (Arboriculture) has no objection to the proposal.

Place Services (Landscape) has no objection to the proposal.

Braintree District Council has raised no objection in principle to the proposed boundary treatment. However, it has stated that any new or partial boundary treatment is inappropriate prior to confirmation of the future use of the site. A condition has been requested requiring details of the proposed materials for the boundary treatment to be submitted.

Place Services (Historic Buildings) has no objection to the proposed boundary treatment subject to a condition requiring details of the proposed materials to be submitted.

It is considered that subject to the proposed works being carried out in accordance with the submitted assessments and recommended conditions that the proposal would be in compliance with Policy RLP81 and Policy LLP69.

C IMPACT ON RESIDENTIAL AMENITY

Due to the current COVID pandemic it was not possible to hold a public exhibition. An online event was undertaken between 16 December 2020 – 6 January 2021. The event was publicised by way of a letter drop to neighbouring residents.

The online event gave residents the background to the scheme, explained the policy context and provided details of the proposed demolition and new boundary treatment.

An online questionnaire was provided for visitors to the online event to complete.

Eighty five residents were notified of the online event. Three responses were received; 2 fully supporting the plans and 1 giving general support with some concerns.

Concerns were raised with regards to parking arrangements and asked that due consideration be given to the adjacent Primary School.

The demolition of the buildings was supported with respondents stating that it would be neater and safer. With regards to the proposed boundary treatment respondents considered that it would be in keeping with the area and not too modern.

Adopted Policy RLP90 (Layout and Design of Development) states inter alia that *“planning permission will only be granted where there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.”*

Adopted Policy SP7 (Place Shaping Principles) states inter alia that *“all new development should protect the amenity of existing and future residents with regard to noise, vibration, smell, loss of light, overbearing and overlooking.”*

Emerging Policy LPP55 (Layout and Design of Development) states inter alia that

“planning permission will be granted where there shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact.”

The adjacent Bocking Church Street Primary School supports the demolition of the former Edith Borthwick School in principle. It states that the building has stood empty for over 5 years and has deteriorated significantly in that time. It is a local attraction for vandalism and anti-social behaviour which has a direct impact on the school. The school believes that in the long term the area would be improved by the demolition providing the impact on the school during the demolition period is carefully considered.

The school has raised concerns over a current pedestrian access from the shared car parking area to the school and the fact that the safety of staff, pupils, parents and visitors could be compromised by the close proximity of the demolition works.

The school has also raised concerns over shared costs towards the maintenance and repair of the shared access and car park. It is concerned that it would be liable for costs which may be incurred as a result of damage caused by the proposed works.

Although not a material planning consideration a Conditions Survey of the shared access and car park could be undertaken and agreed between the County Council and School prior to the commencement of works.

The school has also asked that consideration be given to the impact of noise, vibration and dust during the school day/term time.

A Demolition Phase Plan and Traffic Management Plan has been submitted as part of the application.

The Demolition Phase Plan acknowledges that the demolition would need to be carefully managed owing to the sensitive location of the Primary School and neighbouring residential properties. It is proposed to commence demolition on the buildings furthest away from the boundary with the Primary School. The external boundary buildings would help to act as a barrier for noise, dust and vibration in addition to the on-site control measures that would be implemented.

Works adjacent to the shared pedestrian access would be undertaken during school holidays or out of school hours, where possible, to reduce the potential impact on the school. Alternatively, a temporary pedestrian access route would be provided following discussion and agreement with the school.

Foundation and slab removal would be undertaken during school holidays to help reduce the potential impact on pupils and staff at the school.

Dust suppression methods would be employed during demolition to reduce the potential impact on the school and neighbouring properties.

Air and noise monitoring stations would be set up in various locations around the site to ensure recommended limits were not exceeded and logged on a daily

basis.

A road sweeper would be in attendance on the site to ensure that the site access and connecting roads were kept free from debris. Wheel washing facilities would be provided on site to ensure no debris was tracked onto the public highway.

Although there would be some disturbance to the adjacent Primary School and neighbouring residents as a result of the demolition work, it would be restricted to a temporary period. The applicant is willing to work with the school and residents to ensure that any potential impacts are reduced as much as possible. The proposed demolition works are expected to take approximately 12 weeks.

Deliveries to the site would be avoided during peak times for the school. Parking for construction vehicles associated with the proposed demolition would be within the existing car parking area for the former school.

The Highway Authority has no comments to make on the application.

Braintree District Council considers that the demolition of the existing buildings would alter the streetscene and impose negative visual impacts to the local residents. Should permission be granted Braintree has recommended that a condition be attached requiring the adjoining footpath to remain open during the demolition period and the submission of a Construction Method Statement.

No representations have been received from neighbouring local residents with regard to the demolition of the existing school buildings.

Whilst it is acknowledged that there is likely to be some disturbance to the adjacent Primary School and residents as a result of the proposed demolition works, it would be restricted to a limited period of time.

It is not considered that the proposed development would have a significant detrimental impact on the existing privacy or residential amenity of the nearest residential properties, subject to the imposition of appropriate conditions and would therefore be in accordance with Policy RLP90, Policy SP7 and Policy LPP55.

7. CONCLUSION

In conclusion, it is considered that there is an identified need for the proposed demolition of the existing buildings of the former Edith Borthwick School. The existing buildings are not of a sufficient standard or layout or standard to meet current curriculum and standards required by the DfE and therefore it is not possible to re-use them as teaching accommodation. The existing buildings are subject to vandalism and anti-social behaviour which impacts on neighbouring residents and the adjacent Primary School.

The site, once cleared, would remain in the possession of Essex County Council as Education Authority. It is proposed to redevelop the site to provide new and additional SEND teaching accommodation to help meet an increasing demand in the county. A planning application for the redevelopment of the site is expected to

be submitted early in 2022. It is considered this would be in accordance with the provisions of Paragraph 94 of the NPPF and Policy RLP50 and Policy LPP64.

The existing buildings are considered to have a neutral impact on the Conservation Area and very limited views of the site are available from Church Street, owing to existing boundary vegetation. The replacement of existing dilapidated boundary fencing with new red brick piers and close boarded timber fencing would help improve the security of the site and visual impact from the wider public realm. This is considered to be in accordance with Policy RLP 95, RLP96 and Policy SP7 and the provisions of Paragraph 189 and Paragraph 198 of the NPPF.

The development proposes ecological enhancements which are considered to be in accordance with Policy RLP84 and Policy LLP68

New landscaping is proposed by way of the planting of 6 trees adjacent to the southern boundary which would help screen views into the site and improve the visual amenity of the area. Together with the provision of new boundary treatment this is considered to be in accordance with Policy RLP80, Policy RLP81 and Policy LPP67.

Although it is acknowledged that there would be some disturbance to the adjacent Primary School and neighbouring residents as a result of the proposed demolition works, it would be restricted to a limited period. It is considered that subject to the imposition of appropriate conditions there would not be undue or unacceptable impacts on the amenity of any nearby residential properties in accordance with Policy RLP90 and Policy LPP55.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a 'sustainable development' for which there is a presumption in favour. This complies with Policy SP1.

8. RECOMMENDED

That pursuant to Regulation 13 of the Planning (Listed Building and Conservation Area) Regulations 1990, as amended by the Enterprise and Regulatory Reform Act 2013, this application be referred to the Secretary of State with the recommendation of the County Council that planning permission for demolition of a building in a conservation area be **granted** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with details of the application reference CC/BTE/05/21 dated 11 January 2021 and validated on 11 January 2021 together with Drawing Numbers:

- 1701/01 – Existing Layout – May 20201

- 1701/02 – Proposed Layout – May 2020
- 1251-01 – Soft Works – March 21

And documents:

- Design & Access Statement – Form Architecture – undated
- Heritage Statement – Katie Dickson Heritage – 13 May 2020
- Planning Statement – Real8 – January 2021
- Statement of Community Involvement – Real8 – January 2021
- Landscape Management Plan – (Ref: 1252) – Arborterra Ltd – 8.3.21

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy RLP80, Policy RLP81, Policy RLP84, Policy RLP90, Policy RLP95, Policy RLP96 and Policy RLP150 of the Braintree Local Plan Review 2005, Policy CS8 of the Braintree Core Strategy 2011, Policy SP7 of the Braintree District Local Plan Section 1 February 2021 and Policy SP1, Policy LPP50, Policy LPP55, Policy LPP56, Policy LPP57, Policy LPP64, Policy LPP67, Policy LPP68 and Policy LPP69 of the Publication Draft Local Plan 2017.*

3. Prior to the erection of the new boundary treatment shown on Drawing 1701/02, details of the proposed materials and colours of the boundary treatment shall be submitted and approved in writing by the County Planning Authority. The details shall include type and colour of brick together with the proposed brick bond. The development shall be implemented in accordance with the approved details.

Reason: *In the interest of the amenity of the local area and to comply with Policy RLP95 of the Braintree Local Plan Review 2005, Policy SP7 of the Braintree District Local Plan Section 1 February 2021 and Policy LLP56 of the Publication Draft Local Plan 2017.*

4. The development hereby permitted shall not be carried out outside the following times:
 - 08:00 hours to 18:00 hours Monday to Friday
 - 08:00 hours to 13:00 hours Saturdays

And at no other times, including on Sundays, Bank or Public Holidays.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 of the Publication Draft Local Plan 2017.*

5. No fixed lighting shall be erected or installed on site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance

factor and lighting standard applied together with a justification as to why these are considered appropriate.

The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site, detailing the likely spill light from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The details shall identify those area/features on site that are particularly sensitive for bats and those that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging.

The details shall show how and where external lighting would be installed through the provision of appropriate lighting contour plans and technical specification, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and detail the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours and the impact on ecology and to comply with Policy RLP84 and Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 and Policy LPP68 of the Publication Draft Local Plan 2017.*

6. The development hereby permitted shall be carried out in accordance with the Demolition Phase Plan prepared by SRC Group (Ref: SRC/EBS/2899) dated 20 February 2021.

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 of the Publication Draft Local Plan 2017.*

7. The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SRC Group (Ref: TMP001-00 V1) dated 23 February 2021.

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 of the Publication Draft Local Plan 2017.*

8. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment prepared by Sharon Hosegood Associated (Ref: SHA-1375 dated March 21).

Reason: *In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy RLP80 of the Braintree District Local Plan Review 2005 and Policy LPP69 of the Publication Draft Local Plan 2017.*

9. Any tree, shrub or hedge forming part of the landscaping scheme approved in connection with the development hereby permitted (shown on Drawing 1251-01 – Soft Works dated March 21) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree, hedge or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy RLP80 of the Braintree District Local Plan Review 2005 and Policy LPP67 of the Publication Draft Local Plan 2017.*

10. Prior to the commencement of development the County Planning Authority shall be 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) authorising the specified activity/development to go ahead; or
 - b) A method statement supplied by an individual registered to use a Low Impact 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 County Planning Authority 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 and to comply with Policy RLP84 of the Braintree District Local Plan Review 2005 and Policy LPP68 of the Publication Draft Local Plan 2017.*

11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology Ltd, July 2020) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

Reason: *To conserve and enhance Protected and Priority species and allow the County Planning Authority 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) and to comply with Policy RLP84 of the*

Braintree District Local Plan Review 2005 and Policy LPP68 of the Publication Draft Local Plan 2017.

12. Within 1 month of the date of this permission a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Hybrid Ecology Ltd, July 2020) shall be submitted to and approved in writing by the County 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 County Planning Authority to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy RLP84 of the Braintree District Local Plan Review 2005 and Policy LPP68 of the Publication Draft Local Plan 2017.*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BRAINTREE - Bocking