

PLANNING COMMITTEE AGENDA

Tuesday, 02 January 2018 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

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

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 12th December 2017 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

- | | | |
|-----------|---|------------------|
| 5a | Application No. 17 01304 OUT - Land off Church Street, BOCKING, BRAINTREE | 5 - 36 |
| 5b | Application No. 17 01664 OUT - Land adjacent to Crowbridge Farm, Chapel Hill, HALSTEAD | 37 - 63 |
| 5c | Application No. 17 01671 REM - Land East of Mill Lane, CRESSING | 64 - 108 |
| 5d | Application No. 17 01854 FUL - Land at Canberra, Hedingham Road, GOSFIELD | 109 - 120 |

PART B

Minor Planning Applications:-

5e	Application No. 17 01416 FUL - 4A Temple Lane, SILVER END	121 - 127
5f	Application No. 17 01516 FUL - 27 Valentine Way, SILVER END	128 - 135
5g	Application No. 17 01666 FUL - 8 Boars Tye Road, SILVER END	136 - 142
5h	Application No. 17 01751 FUL - 23 Mortimer Way, WITHAM	143 - 148
5i	Application No. 17 01935 FUL - 64 Little Yeldham Road, LITTLE YELDHAM	149 - 158

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

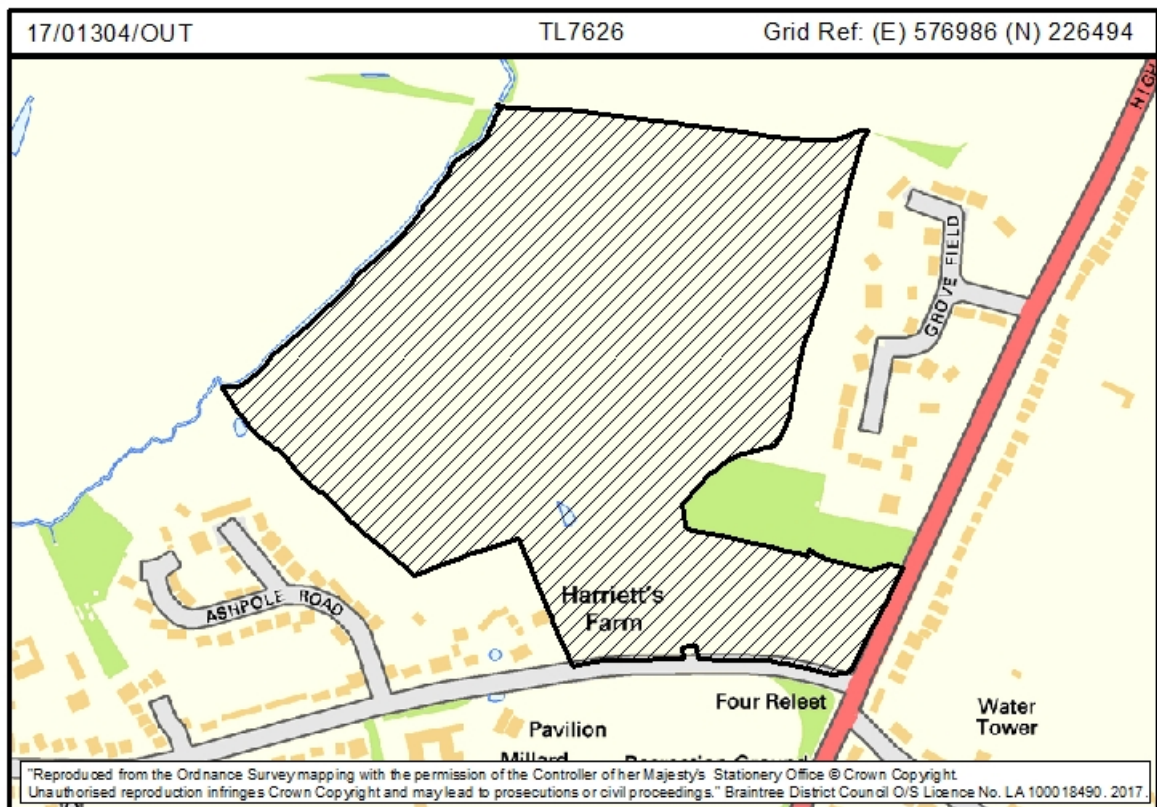
8 Urgent Business - Private Session

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

PART A

APPLICATION 17/01304/OUT DATE 18.07.17
 NO: VALID:
 APPLICANT: Gladman Developments Ltd.
 Gladman House, Alexandria Way, Congleton Business
 Park, Congleton
 DESCRIPTION: Outline planning permission for up to 300 residential
 dwellings (including 30% affordable housing), planting,
 landscaping, informal public open space, children's play
 area and sustainable drainage system (SuDS). All matters
 reserved with the exception of access.
 LOCATION: Land Off Church Street, Bocking, Braintree, Essex

For more information about this Application please contact:
 Mrs Fiona Bradley on:- 01376 551414 Ext. 2519
 or by e-mail to: fiona.bradley@braintree.gov.uk



SITE HISTORY

17/00881/FUL	Change of use of land for the keeping of horses and erection of stable block with associated handstanding, fencing and vehicular access	Refused	02.08.17
17/02188/OUT	Outline planning permission for up to 265 residential dwellings (including 30% affordable housing), planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.	Pending Consideration	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP53	Generators of Travel Demand
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP86	River Corridors
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP7	Development & Delivery of New Garden Communities in North Essex
LPP1	Development Boundaries

LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP72	Green Buffers
LPP74	Climate Change

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the development is considered to be of significant public interest and represents a departure from the development plan and is therefore an application which has significant policy implications. Members should be aware however, that the applicants have submitted an appeal on this application on the grounds of non-determination. This application is therefore being reported to Committee to enable the Council to advise how the application would have been determined if it had been before the Committee for determination.

SITE DESCRIPTION

The site is approximately 15.79 ha of which 8.7ha is proposed to be developed for housing. The site is located to the west of the A131 and north of Bocking Church Street as it leaves the settlement. It is currently in use as agricultural land, divided into four parcels with three smaller paddock areas to the south and one large field to the north.

The site abuts a tributary of the River Pant (to the north west), open farmland to the north and north west), residential properties at High Garrett to the east, Church Street and the A131 to the south / south east and residential properties on Church Street to the south west. A small deciduous woodland separates the site from the housing in High Garrett midway along the eastern boundary.

Bocking Conservation Area is located approximately 0.5km to the south west, centred on Church Street. Bocking Windmill (a scheduled ancient monument) is located to the southwest of the site just outside the boundary of the conservation area. Several listed buildings are located in High Garrett to the north and within the Bocking Conservation Area to the south.

There are no TPOs protecting trees on site but the adjacent woodland has an area TPO.

PROPOSAL

The application seeks outline planning permission with all matters reserved except for access for the development of up to 300 residential dwellings (including up to 30% affordable housing), planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS).

All matters are reserved with the exception of the main vehicular site access which would be to the south of the site from Church Street in the form of a priority T junction with a 2m footpath on its western side. The footpath would be extended to a dropped kerb pedestrian crossing to the west of the access to provide a link to the existing footway on the southern side of Church Street.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before a fully detailed proposal is put forward. Besides access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters.

The application is also supported by a suite of documents which include –

- Design and Access Statement
- Planning Statement
- Landscape and Visual Impact Assessment
- Transport Assessment
- Travel Plan
- Ecological Survey & Report
- Arboricultural Report
- Ground Conditions Desk Study
- Flood Risk Assessment
- Noise Assessment
- Archaeology & Built Heritage Statement
- Statement of Community Involvement
- Foul Drainage Analysis
- Socio-Economic Report
- Air Quality Report Letter
- Utilities Statement
- Mineral Resource Assessment

An illustrative Masterplan has been submitted showing how the applicants envisage the site could be developed. This shows the development at a density of 35 dwellings per hectare (dph) over an area of 8.76ha. Development is concentrated towards the north-eastern boundaries to the rear of the properties on High Garrett and also to the south off Church Street. Green infrastructure, which includes public open space and includes both a Neighbourhood equipped play area NEAP and locally equipped area for play (LEAP)), together with amenity space, a naturalistic area as well as woodland planting and landscaping are shown to cover approximately 7.03ha. The

illustrative masterplan indicates a potential attenuation basin along the north-western corner of the site.

The applicants have indicated that this proposal would be deliverable in the short term but have not indicated how much could be expected to be delivered within 5 years.

CONSULTATIONS

Essex County Council Archaeology – No objection subject to conditions

Essex County Council Historic Buildings and Conservation – identifies harm to the setting of the Grade II listed Harriets Farmhouse and harm to the wider historic landscape by altering how the pattern of historic settlements is experienced and interpreted.

Essex County Highways –Objection on the ground of insufficient information to demonstrate that the likely impact on the highway network caused by the proposal would not have unacceptable consequences in terms of highway capacity and safety.

Essex County Council SuDS –Objection on the grounds that the Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Drainage Checklist. Therefore the submitted Drainage Strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Essex County Council Education – Seek financial contributions for Early Years and Childcare provision, Primary education and potentially Secondary school provision on a pro rata basis.

NHS –Seek financial contribution of £113,551 towards mitigating impacts of development on health provision in the area.

Anglian Water – No objection subject to conditions.

BDC Ecology – no objections subject to conditions.

BDC Urban Design – concerns regarding proposed density, and considers that the number of units sought would not be accommodated on the developable area proposed and accord with national requirements for a good standard of amenity, nor would the proposals comply with local policies for parking and amenity/Privacy without a reduction in the number of dwellings.

BDC Waste Services – The detailed design will need to accommodate turning movements for waste collection vehicles up to 26T and will need to be offered up for adoption to ECC as public highway. If the access roads are to remain private then each household will need to present their waste bins at a suitable location near (no more than 20m) or on the public highway.

BDC Commissioned Landscape Consultant – It is my opinion that there would be an impact of the development on the local landscape, this includes both a visual impact to various receptors – views from surrounding houses, some views from footpaths and a perception that the site has been developed from the roads adjoining the site.

Mitigation planting could alleviate these visual effects, and this could be tested further by production of photomontages / sections through the site demonstrating the effect of the proposed planting over time.

In terms of landscape character, the applicants have assessed the site as having medium quality and low-medium sensitivity. Their assessment of effects is slight adverse to moderate adverse overall. They have assessed the site as having medium landscape quality.

The applicant's assessment is different from the capacity study (2006) assessment of the same factors. In the capacity assessment, the parcel of land containing the site is given a high landscape character sensitivity, a medium to high visual sensitivity and a medium to high value.

The applicant's assessment does not in my opinion give sufficient weight to the role that the site plays in the wider landscape / townscape as the buffer between the settlements of High Garrett and Bocking Church Street.

In a recent appeal decision (APP/Z1510/W/16/3160474 land at West Street Coggeshall) the inspector found that 'a site might be important because of its position in the landscape as part of it rather than being important, rather like the pieces of a jigsaw puzzle'. The appeal for residential development was dismissed in that case. In a similar way, the site at Bocking Church Street has importance as the green buffer between settlements, regardless of its own intrinsic qualities.

The site's value in preventing coalescence of the settlements does, in my opinion, provide grounds for refusal of this application based on the landscape harm that it would cause if it were to be developed.

Police Liaison – wish to see developer achieve a Secured by Design award.

REPRESENTATIONS

Some 348 letters of objection have been received in response to the public consultation. Listed below is a summary of the main material planning objections:

- The application is contrary to the Development Plan and to the emerging Local Plan.
- Even though the Council is unable to demonstrate a 5 year supply, this does not mean that the policies of the Development Plan should be ignored or disapplied.
- Development is outside the village envelope.

- Planning permission has already been refused for development on part of the site (Ref: 17/00881/FUL).
- Loss of Countryside.
- Loss of productive high quality agricultural land.
- Site is within the Council's proposed Green Buffer.
- The development will result in the merger of Bocking Village and High Garrett and result in the loss of their separate identities.
- Impact of the intensification of development on the character and appearance of the two communities.
- Visual impact and harm to the rural setting of the two villages.
- There is already substantial development planned for the area.
- Loss of open space and quiet enjoyment of the countryside.
- Public footpaths are well used and the character of area will change.
- Loss of historic views.
- Impact on wildlife and existing trees.
- The area is home to great crested newts, skylarks and also Red Kites and other protected species.
- The roads cannot cope with the number of cars likely to be generated by this development
- Traffic congestion – the A131 is gridlocked at peak times and High Garrett/Broad Road is frequently backed up from the traffic lights.
- The junction of Church Street and High Garrett/Broad Road is difficult and access onto the A131 from Church Street is already difficult and dangerous and virtually impossible at peak times.
- Church Street is narrow and already gets congested and already serves a large number of properties.
- Impact on the character of Bocking Village.
- Impact of additional traffic travelling through Bocking Village.
- Increased potential for 'rat running' through the village.
- Danger for pedestrians crossing the roads and to school children.
- Risk of further motor and pedestrian accidents.
- In sufficient details submitted to show how the development can link to the PROW network.
- Increased pollution from noise and fumes.
- Bocking has poor bus service into Braintree.
- Existing infrastructure cannot cope and therefore will be put under even greater pressure with the development.
- Doctors' surgery is already too busy and difficult to get appointments.
- Local Primary and Secondary Schools are already at capacity.
- Lack of clarity in application regarding 'up to'30% affordable housing.
- Potential increase in crime.
- The development will create flooding elsewhere.
- The development will result in the loss of wildlife in the area and in the fields where development is proposed.
- Question the accuracy of some of the submitted information in respect of wildlife survey, lack of record of accidents on Church Street and the lack of information on existing flooding/surface water issues in the site.

- Question the accuracy of the information in the Transport Assessment and lack of Stage 1 Safety Audit.
- Question the accuracy of the information in the Ecological Appraisal and other reports submitted by the applicants.
- The application is in outline and there is no guarantee that the site will be developed as shown on the Development Framework Plan.

In addition 2 letters of objection have been received from the Bocking and High Garrett Residents' Action Group (BAHGRAG) which sets out the following objections:

- The development would not secure link onto the PROW network (Footpath 96)
- The application is invalid given the lack of a stage 1 safety audit for the access and lack of technical assessment report referred to within the Transport Assessment.
- The indicative nature of the plans would not ensure that key landscape features are retained.
- Development is outside of the settlement boundaries, contrary to Braintree Local Plan Policy CS5 (The Countryside) and Local Plan Review Policy RLP2 (Town Development Boundaries and Village Envelopes)
- The development is contrary to the Emerging Development Plan
- Harm by reason of development outside settlement boundaries and within the countryside, contrary to development plan policies CS5, RLP2 and emerging Policy CPP1
- Harm to the rural setting of Bocking and High Garrett. The development would erode the character and openness of the countryside and give rise to the visual coalescence of the two distinct developments. The proposal is, therefore, contrary to Policy RLP2 of the Braintree District Review Local Plan (2005) and Policy CS5 of the Braintree District Local Development Framework Core Strategy (2011). It is also contrary to the emerging Braintree Local Plan draft Policies LPP 1 (Development Boundaries), Policy LPP 71 (Landscape Character and Features) and Policy LPP 72 (Green Buffers).
- Harm by reasons of loss of a green gap and coalescence of Braintree and High Garrett
- Future residents of the development would be heavily reliant upon the private car and the site does not offer a sustainable location for development and as such the proposal does not constitute 'sustainable development', contrary to the NPPF and Policy CS7 (Promoting Accessibility for AU) of the LDF Core Strategy
- Limited Socio-economic benefits. Impact upon local services not fully assessed.
- The inadequacy of proposed access to and from the site for service vehicles
- Harm by reason of the loss of agricultural land

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the village envelopes for Bocking Church Street and High Garrett and as such is within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 of the Core Strategy states that outside of town development boundaries development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public with Section One containing the strategic policies of Braintree and its partner authorities starting on 16 January 2018. The Examination in relation to Section Two will be later in the year.

Part of the current application site was considered by the Local Plan Sub Committee in May 2016 (reference numbers BOCN128 and BOCN135) and was not allocated for development. Representations were made by the applicants on the site and the proposed allocation as part of a Green Buffer at the Regulation 19 consultation process. There is therefore an unresolved objection to this from the agent who considers the site suitable for residential development.

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

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed need for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

Moreover paragraph 14 of the NPPF identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'*.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'. Policy CS9 of the Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

This is an outline application where design, layout and landscaping are reserved matters. The application includes a Development Framework Plan that indicates the key aspects of the design and layout, such as access, public open space and landscape features, SuDs features, and equipped play areas. It is indicated that the density of the development would be 35 dwellings/hectare. The Illustrative Development Framework has been developed by the applicant to demonstrate to the Council that a development of the number of units proposed could be accommodated within the site whilst adhering to relevant design principles and standards.

The Council's Urban Design consultant has raised concern regarding this density advising that evidence indicates that this density, proposed over 8.7ha, equates to a cramped and urban arrangement and will give rise to issues of general amenity and character. Although the detailed layout would form part of a reserved matters application at which time the density could be considered in more detail, ensuring that adequate parking, amenity space, public open space etc. is provided, the concerns raised at this stage are valid as permission is being sought for some 300 dwellings on a clearly identifiable area. If the development cannot be accommodated in an acceptable manner within the area now being suggested, it is likely that it would need to extend into the areas being promoted for green infrastructure and amenity space.

The Development Framework Plan shows pedestrian links over the stream to the west to link in with the existing PROW that extends along its western side. A new potential pedestrian/cycle link is also shown connecting to Church Street and to High Garrett to the west and north of the junction of Church Street with the A131 providing access to the bus stops along High Garrett. A footpath adjacent to the vehicular access into the site would link the site with the facilities in Bocking Village to the west.

It is acknowledged that concerns have been raised in the letters of representation about the proposed layout. However, the submitted plans are only indicative and would be likely to change if the application progressed. It is not possible to consider matters of layout and design at this stage although the Council should be satisfied that the development as proposed can accommodate the number of units being sought and would be acceptable.

Landscape and Visual Impact

Paragraph 109 of the Framework is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. Core Strategy Policy CS 8 states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP 80 states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The Council has sought advice from Landscape Consultants who have advised that the site is within the area of the High Garrett / Marks Hall Wooded Farmland and adjacent to the Pant River Valley Character Area as defined and described in the 2006 Braintree Landscape Character Assessment.

The key characteristics of the High Garrett / Marks Hall Wooded Farmland area are a flat to gently undulating landform, strong pattern of large and small woods, regular medium to large arable fields bounded by low well-trimmed thick hedgerows and some mature hedgerow trees, open to enclosed character depending on density of woodland, many small farmlands and occasional village'.

The site and surroundings are typical of this character description with the exception of the well-trimmed hedges, as many of the hedges in the vicinity and the hedges on the site have been allowed to grow on to mature trees and shrub boundaries.

The site abuts the Pant River Valley Character Area so consideration of the guidelines for this area must be part of the assessment of the site in landscape terms. The key characteristics of the Pant River Valley are noted as: a shallow valley, predominantly arable farmland with well hedged medium to large fields on valley slopes. The valley is narrow with undulating valley sides with some linear poplar and willow plantations along the valley floor adjacent to the river.

Field observations of the area to the north of the site, which falls into this landscape character area, are that the surroundings to the site do conform to this description, and, to an extent, the description applies to the site itself, even though it is just outside the character area.

The suggested landscape planning guidelines which relate to the Pant River Valley are:

- Consider the visual impact of new residential development and farm buildings upon valley slopes
- Maintain cross valley views and characteristic views across and along the valley

- Ensure any new development on the valley sides is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

From these planning guidelines, it is considered that the key considerations for this site are its potential visual impact, any impact on views, and ensuring that the landscape setting in the area is maintained without detriment to the Pant River Valley.

The Council commissioned two landscape capacity studies for the Braintree settlement fringe in 2007 and a more fine-grained analysis Evaluation of Landscape Capacity in 2015. These studies, commissioned to provide an evidence base and assist in the landscape evaluation of applications, made an assessment of settlement fringes and categorised parcels of land in terms of their capacity to absorb new development. Part of the site lies within parcel B13 (2007 study) and 13b (2015 study) which are identified in the studies as having medium-low capacity for accommodating development.

The part of the site closest to the A131 was not assessed under either capacity study. Although this portion of the site was not assessed, it is located between two parcels which were given a medium – low capacity for development and has similar characteristics to those parcels. If the capacity assessments had included this part of the site then it is reasonable to infer that it would also have been assessed as having medium – low capacity for development.

The 2006 capacity study ascribes a high landscape character sensitivity, medium to high visual sensitivity and medium to high landscape value to the parcel of land containing the site.

The applicants have submitted a Landscape and Visual Impact Assessment to support the application. The LVIA has been carried out using methodology from the Guidelines for Landscape and Visual Impact Assessment which are used by Landscape Architects to evaluate the impact of a proposed development on both character and visual amenity. The report and study have been evaluated by an independent Landscape Architect and the conclusion is that the methodology and content are appropriate for a development of this scale.

In terms of visual impact, the views will be impacted by the proposed development as the new dwellings will be visible to some properties along Church Street and in High Garrett from the rear of properties along the western side of the A131.

The view from the A131 is largely screened by existing hedgerows, as is the view into the site from Church Street although, the construction of a new access off Church Street would permit views into the site which would be likely to include the new residential properties.

Views from the wider countryside are already filtered by intervening vegetation, woodland and topography to the north and by the built-up areas to the east and west of the site. The site would be visible from some of the viewpoints identified, particularly during the winter.

On this basis, the landscape and visual impact of the development will be notable in the local area and the views from the footpath to the west of the brook and there will be some filtered views from the footpath network to the north. Views from the surrounding housing will be affected although many of the properties have planted boundaries which would filter views from the gardens.

The extent to which new planting could mitigate the visual impact could be tested by production of visualisations from selected viewpoints. The applicant has not undertaken this work to support the application but, given the amount of the site which is being proposed as open space, it seems likely that sufficient planting could be incorporated into the proposals at detail stage to mitigate the impact from the viewpoints to the north. It would be important that this planting screen provided an effective screen to the development and that sufficient space was allocated to achieve this. Additional buffer planting is shown on the illustrative masterplan around the boundaries with the existing housing. Again, it is likely that this could mitigate views of the development.

The draft local plan is currently at Publication Stage. Within the plan, draft policy LPP1 sets the site outside of the defined development boundaries for the area and draft policy LPP72 identifies part of the site as being a Green Buffer (note that the policy does permit some development within green buffers if it minimises coalescence and preserves the setting of settlements). The Green Buffer for this area extends to both sides of Church Street to preserve a swathe of open land (a mix of sports pitches and farmland) between Bocking Church Street and High Garrett.

The development proposals would have the effect of linking the two settlements on the northern side of Church Street and as a result do not meet the test of 'minimising coalescence' in the draft policy LPP72 and therefore can be considered to be contrary to the draft policy.

The importance of the landscape value assessment has become heightened since the publication of the NPPF where in paragraph 109 it states that 'the planning system should contribute to and enhance the natural and local environment by: 'protecting and enhancing valued landscapes, geological conservation interests and soils.'

The presence of having 'valued' landscape characteristics can be given more weight when assessing if an application should be refused on landscape grounds and is often a key factor in deciding appeals where applications have been refused on landscape grounds.

The assessment of whether a site is a 'valued landscape' is typically based on one of the methods set down in the 'Guidelines for Landscape and Visual

Impact Assessment' published by the Landscape Institute and Institute of Environmental Management and Assessment. A range of factors (landscape condition and quality, scenic quality, rarity, representativeness, conservation interests, recreation value, perceptual aspects and associations with cultural or historical events / figures) are assessed to determine the 'landscape value'.

The applicants have not specifically carried out an assessment on this basis. Their documents do consider most of the factors and they present a value assessment as part of the summary of Landscape / Townscape Effects in Appendix H of the CSA LVIA report.

The site is assessed by the applicants as having medium landscape value level. The definition given in the applicants' report of a 'medium' value landscape is one which is 'a landscape of local value which may have limited public access. No recognised statutory designation for landscape / townscape quality.'

Although the site has no statutory designations and has no public access, it is considered that the applicant's assessment does not give sufficient weight to the characteristics of the site in terms of its position in the wider landscape and the importance of its location in providing open land to separate the two distinct settlements of High Garrett and Bocking Church Street.

In this situation, the location of the site inherently gives it a high landscape value as being the only remaining segment of countryside to provide a buffer between the two settlements. As earlier development has extended north west along Church Street the separation between the settlements has been reduced resulting in the current pattern of settlement where it is only the site and the small woodland directly to the north which now separate the two settlements on the road boundary.

The Council's Landscape consultant concludes that there would be an impact of the development on the local landscape, this includes both a visual impact to various receptors – views from surrounding houses, some views from footpaths and a perception that the site has been developed.

Mitigation planting could alleviate these visual effects, and this could be tested further by production of photomontages / sections through the site demonstrating the effect of the proposed planting over time.

In terms of landscape character, the applicants have assessed the site as having medium quality and low-medium sensitivity. Their assessment of effects is slight adverse to moderate adverse overall. They have assessed the site as having medium landscape quality.

The applicant's assessment is different from the capacity study (2006) assessment of the same factors. In the capacity assessment, the parcel of land containing the site is given a high landscape character sensitivity, a medium to high visual sensitivity and a medium to high value.

The Council is advised that the applicant's assessment does not give sufficient weight to the role that the site plays in the wider landscape / townscape as the buffer between the settlements of High Garrett and Bocking Church Street.

In a recent appeal decision (APP/Z1510/W/16/3160474 land at West Street Coggeshall) the inspector found that 'a site might be important because of its position in the landscape as part of it rather than being important, rather like the pieces of a jigsaw puzzle'. The appeal for residential development was dismissed in that case. In a similar way, the site at Bocking Church Street has importance as the green buffer between settlements, regardless of its own intrinsic qualities.

The Council's Landscape Consultant advises that the site's value in preventing coalescence of the settlements provides grounds for refusal of this application based on the landscape harm that it would cause if it were to be developed. It is considered therefore that the proposed development is contrary to policies RLP80 of the adopted Local Plan, CS8 of the Core Strategy and Publication Policy LPP1 and LPP72.

Impact on Neighbour Amenity

One of the core planning principles set out in the NPPF is to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity.

Existing properties along High Garrett, Grove Field and Church Street and Ashpole Road back onto the site and are those which would be closest to the development. Whilst their outlook would change significantly as a result of the development, private views are not protected. Although the design and layout of the development is not known at this stage, it is accepted that it could be designed so that the development would not result in an unacceptable loss of privacy. The Development Framework Plan shows some landscape buffers to the rear of some of the existing properties and details would be needed at the detailed design stage to ensure that the amenities of all properties that abut the site are safeguarded. The applicant would need to give careful consideration to this and demonstrate to the Council that existing amenity would not be compromised if the scheme were to progress.

The current sloping nature of the site could give rise to potential issues of overlooking between the proposed new houses. This again is a matter that would be considered at the detailed design stage and a condition would be needed to require details of existing and finished floor levels to be submitted with the detailed design of the buildings.

There is the potential for the development to affect the amenity of residents of adjoining properties during the construction period. If the Council had been minded to approve the development Officers would have recommended a

number of conditions to control construction activity in order to minimise the impact on those properties.

Impact Upon the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Para.132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies RLP90 and RLP100 seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings.

Historic England's 'Historic Environment Good Practice Advice in Planning: 3' guide states that the character of a historic place is the sum of all its attributes, which may include: its relationships with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Heritage assets and their settings contribute to character but it is a broader concept, often used in relation to entire historic areas and landscapes. It also states that a conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated.

The document advises that the contribution of setting to the significance of a heritage asset is often expressed with reference to views, a purely visual impression of an asset, and including views of the surroundings from or through the asset. It states that views which contribute more to understanding the significance of a heritage asset include those where relationships between the asset and places or natural features are particularly relevant. It further advises that setting is not in itself a heritage asset, nor a heritage designation, and its importance lies in what it contributes to the significance of the heritage asset.

The application site is not located adjacent to any Conservation Area but is located close to, although not contiguous with, the Grade II listed Harriets Farmhouse which is located on Church Street to the southwest. The Grade 1 Listed and Scheduled Monument Bocking Windmill is partially visible from parts of the site although there are no public rights of way on the site.

The applicants have submitted an Archaeology and Heritage Assessment which states that Harriett's Farmhouse was assessed with regard to potential impacts upon its significance from the proposed development within the site. The applicants consider that a former historical association between the site and Harriett's Farmhouse has been diminished due to the conversion of former agricultural outbuildings to modern residential development. This is considered to make a very small contribution to the significance of the heritage asset. The alteration of the character of historically associated agricultural land within the site would result in very minor harm to the significance of the Listed building. The applicants consider the harm to be at the lowermost end of the less than substantial harm spectrum.

In terms Bocking Windmill which is located c. 500m south-west of the site, the applicants found no historical functional association between the land within the site and the heritage asset, and the development within the site will form an extension of existing built form at Bocking Church Street. The applicants therefore consider that the development of the land within the site is not considered to harm the significance of the Scheduled Monument and Grade I Listed Bocking Windmill.

The Council has taken advice from its Historic Buildings Consultant who has commented that the proposed development is, in part, on land once associated with the Grade II listed Harriets Farmhouse (HE Ref: 1122488). This relationship has, however, been eroded by the conversion of formerly associated (curtilage listed) barns and outbuildings as well as the erection of residential properties to the east and west. The character of the immediate setting of Harriets Farm is of a residential domestic character rather than agricultural. The development of this land would cause a less than substantial degree of cumulative harm to the farm's setting.

With regard to Bocking Windmill, the Historic Buildings Advisor acknowledges that the development would be seen in conjunction with the Grade I listed Bocking Windmill from some vantage points. He advises that, were the application to be approved, he would expect this to be interrogated further at detailed application stage and for this to inform the final pattern and density of development.

The Historic Buildings Advisor has also commented that the realisation of this application would also result in the coalescence of Bocking Church Street and High Garrett which historically have been separate settlements separated by farmland. Whilst this does not amount to direct harm to individual heritage assets, it would harm the wider historic landscape by altering how the pattern of historic settlements is experienced and interpreted.

The Historic Buildings Advisor has identified that a degree of harm would be caused by the proposed development though this is considered to be at the lower end of the spectrum of 'less than substantial harm'. Nevertheless, in accordance with the NPPF (Para.134) this harm should be weighed against

the public benefits of the proposal. The public benefits are considered later in this report together with the balancing exercise.

With regards to archaeology, the applicant's Archaeology Assessment concludes that no prehistoric or Roman finds or features are recorded within the site. It states that the site was historically located within the parish of Bocking and potentially formed part of the agricultural hinterland to this settlement from at least the medieval period and that no early medieval or medieval finds or features are recorded within the site. Cropmarks relating to medieval field boundaries, moats and farmsteads are recorded in the wider study area.

The Historic Environment Officer has advised that the submitted desk based assessment (DBA) which was supplied with the application, shows that the proposed development lies within a potentially sensitive archaeological area and that existing evidence suggests the presence of prehistoric and roman occupation within the vicinity of the site. Medieval evidence of occupation in the vicinity is also known. The officer considers that the lack of archaeological deposits within this area is potentially as a result of the lack of fieldwork in this area and recommends that, were permission to be granted, conditions be attached requiring the implementation of archaeological trial trenching and excavation.

Highway Issues

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A plan showing the proposed vehicular access from Church Street (a classified road) has been provided within the Transport Assessment. The access is approximately in the location of an existing field access into part of the site. The submitted plan shows that visibility splays of 120m metres can be achieved in both directions. The speed limit in the location of the proposed access is 40mph but changes to 30mph immediately adjacent to the proposed access point.

A considerable number of concerns have been raised in the letters of representation about traffic issues largely in terms of the amount of traffic along the A131, the difficulties of achieving access from Church Street onto the A131, particularly at peak times and also about the amount of traffic likely to be generated by the development and its impact on an already congested road network. Queries have also been raised regarding the timing and location of the traffic surveys. The visibility splays have been calculated using vehicle speeds which have been supplied by the developer, as is standard practice.

The applicants sought pre-application advice from the highway authority prior to submitting the planning application and were advised that the Transport assessment should take on board existing commitments at south of Oak

Road, Halstead together with land west of Panfield Lane, Braintree. Furthermore, they were also requested to complete a sensitivity test taking into account the proposed 1000 dwellings for the Straits Mill site proposed allocation in the published draft local plan.

It is understood that the application was submitted without the required information and sensitivity testing. The Highway Authority advised that it believed that the applicant intended to provide traffic count data collected on or after 15th September 2017 and that once in receipt of this information, the Highway Authority would be able to complete its review of the Transport Assessment submitted with the planning application and provide a further recommendation. However, no information has been forthcoming and the applicants advised your officers verbally that they did not intend to submit this information as part of this planning application but intended to appeal against non-determination. In the absence of the required information, the Highway Authority has objected to the planning application on the grounds of insufficient information to demonstrate that the likely impact on the highway network caused by the proposal would not have unacceptable consequences in terms of highway capacity and safety.

With regards to accessibility, the applicants consider that the site is located close to amenities and facilities so that future residents will be able to use sustainable modes of transport to access them.

The closest bus stops to the site are located on the A131, north of the Church Street junction, which the applicants advise are within 300m of the existing informal access point on Church Street and approximately 300m from the centre of the site. Further bus stops are available on Church Street, approximately 350m west of the proposed Church Street access point. The closest bus stops on the A131 to the site is the Four Releet stop which is served by the Nos. 38, 38A, services which provide a twice hourly service Mondays to Saturday between Witham and Halstead which travels via Church Street, the hourly No 89 service between Braintree and Great Yeldham and the twice daily No. 352 service between Chelmsford and Halstead and the only one which also provides a Sunday service (6 buses). The latest weekday and Saturday bus for all the services is 18.43pm (No. 38) into Braintree and 17.58pm whilst the two per day No 352 service runs later at 19.38pm and 22.13pm and up to 20.42pm on Sundays.

There is therefore scope for residents to access fairly regular bus services into Braintree and other locations although objections to the scheme have cited poor bus services in the area. The illustrative development framework shows a pedestrian access could be provided relatively close to the north bound bus stop on High Garrett which would allow a large part of the site to potentially meet the 400m walking distance referred to in Policy RLP53. The southbound bus stop is also close by and would be a similar distance for future residents. The bus stops along Church Street would be further away.

The applicants have confirmed that there are no dedicated cycle routes in the immediate vicinity of the site but consider that the majority of the local roads

are acceptable for cycling use given the rural nature. It is considered however, that the site does not lend itself to easy cycling other than for the recreational use indicated by the applicants. The site is close to the busy junction with High Garrett, and there is a no provision to allow cyclists to safely access Braintree Town centre including the Railway Station. The services within Bocking village itself are limited and it is considered that there is limited facility for residents to access everyday facilities other than through the car.

In view of the current lack of information to demonstrate that the development can be accommodated without unacceptable consequences on highway safety and capacity, the proposals are considered to be contrary to the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, together with Policy RLP53 of the Local Plan, Policy CS7 of the Core Strategy and Policy LLP44 of the Publication Local Plan as well as being contrary to the NPPF (paragraph 32 & 34).

Trees and Ecology

Policy RLP 80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP 84 states 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, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

Both a Phase 1 Ecology Survey with Surveys and an Arboricultural Assessment have been submitted with the planning application.

The application site comprises of a large arable field and semi-improved grassland fields, bound by hedgerows, a stream, broad-leaved woodland and scrub; with dry ditches along the central boundaries of the site.

The applicants advise that the site contains a total of 14 hedgerows, one of which (H4) was classified as 'important' under the Hedgerow Regulations, with the majority of the remaining hedgerows being habitats of Principle Importance under Natural Environment and Rural Communities Act (NERC) (2006). The proposal would involve the removal of a section of this hedgerow to facilitate access to separate development parcels and would require an application to the Local Planning Authority (LPA) prior to any clearance measures in relation to this hedgerow. The Ecology Assessment found that the arable field, heavily grazed horse paddocks and associated field margins were found to be of low intrinsic and conservation importance, with no rare or notable species recorded.

Ten trees with bat potential were recorded within the application site. Bat surveys have identified common and widespread bat species using the application site, with the majority of activity recorded being that of common and soprano pipistrelle bats around the peripheries. Barbastelle bats (Annex II species) have been recorded in low numbers utilising the hedgerows bisecting the southern half of the site, which link to the offsite woodland. Barbastelles are known to be in the wider area and with the presence of broadleaved woodland and a stream within the vicinity of the site. The applicants propose that the Green Infrastructure proposals will retain dark corridors to ensure continued and future navigational and foraging routes to maintain the favourable conservation status of this species.

The assessment also records six probable or possible protected breeding birds including skylark, house sparrows, yellowhammer, starling, song thrush, and dunnock. The applicants propose the retention and enhancements of hedgerows, and creation of new breeding habitat, along with provision of nest boxes to ensure continued use of the site by local bird populations.

The assessment also records two ponds on the site, only one of which is considered suitable to support amphibians. Five waterbodies were identified within a 250m radius of the site; but these were considered to either be sufficiently isolated from the site or surrounded by optimal habitat suggesting it would be unlikely that Great Crested Newts (GCN) would commute to site. Surveys undertaken on Pond P1 within the site and pond P4 approximately 60m east of site, found no GCN were present, but that smooth newts were. The Assessment concludes that there are no constraints to the development concerning amphibians.

The hedgerow, scrub and woodland habitats provide suitable habitat to support hazel dormice but no evidence of dormice was found through presence/likely absence surveys. The applicants indicate that boundary features will be retained, buffered and enhanced, with specific enhancements for dormice, including structural and species diversity which will increase foraging and refuge opportunities, if present.

Suitable reptile habitat onsite is isolated to a few patches around the peripheries. Surveys recorded a single adult grass snake in the western part of the site. Further work is intended prior to any construction work on suitable

habitats. Where such habitats are to be retained these will be fenced off to avoid interference.

The Assessment also records the evidence of otter along the stream adjacent to the western boundary but no evidence of water vole. The stream will be retained, buffered and protected by the proposals, so riparian mammals are not considered to be a constraint to development.

The presence of badgers has also been recorded at the site.

The proposals will result in the loss of small sections of habitat to facilitate vehicle and pedestrian access; and the report advises that these losses are minor and will be compensated for through the creation of new indigenous hedgerow and structural scrub/woodland planting. This will be supplemented by 'gapping up' and appropriate management of existing, retained features. The existing green corridors will be enhanced through inclusion of landscape buffers designed to maintain discreet dark corridors for bat species, reptiles and invertebrates. In addition to focussing on the existing features of ecological importance, the overall landscaping scheme will include new tree, shrub and hedge planting, as well as SuDS designed with the intention of maximising biodiversity benefits that will be managed sensitively.

A number of recommendations are made within the submitted ecology reports regarding measures which should be undertaken during site clearance and construction to remove / reduce the potential for harm to birds and other creatures and the requirement for further surveys are identified. The Council's ecologist has raised no objections to the contents of the reports and recommended that appropriate conditions and informatives be attached should planning permission be granted.

Drainage and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site being largely located within Flood Zone 1 (low risk). An area along the western boundary is located within Flood Zone 2 and 3 (medium to high risk respectively). The area of fluvial (river) flooding corresponds also with an extent of surface water flooding.

Anglian Water has a foul sewer flowing south-west through the site and the proposals recommend that a development free easement is provided along the route of the foul sewer asset to mitigate the risk of flooding to negligible.

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. The FRA states that these rates have been calculated, and that it demonstrates that surface water can be managed, such that flood risk to and from the Site following development will not increase. This will be achieved through restricted discharge rates and an appropriately sized detention basin, with outfall to watercourse.

The Lead Local Flood Authority (LLFA) at Essex County Council became a statutory consultee on planning applications from 15th April 2015 and has placed a holding objection on the application on the grounds that the Drainage Strategy submitted with this application does not comply with the requirements set out in Essex County Council's Drainage Checklist. As a consequence, the LLFA consider that the submitted Drainage Strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The consultation response identifies the elements that are missing from the FRA and confirms that in the event that more information is supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

At present however, the application proposals fail to demonstrate that adequate drainage for the site can be achieved and the application is contrary to Policy CS8 of the Core Strategy and Publication Local Plan Policies LLP 78 and 80.

Section 106

Paragraph 204 of the Framework sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant it permission.

Affordable Housing – Policy CS2 of the Core Strategy states that on developments of this size affordable housing will be directly provided by the developer on-site with a target of 40% affordable housing provision on sites in rural areas. The applicant has submitted a Draft Heads of Terms for a Section 106 Agreement. Within this document the provision for 40% affordable housing is acknowledged. Subject to confirmation from the Council's Housing Enabling Officer on the mix, this could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education – Essex County Council has stated that there is insufficient capacity within Early Years and Childcare and Primary Schools closest to the site in order to meet demand from this proposal. As such they request a financial contribution based on a pro rata of £14,519 per place for Early Years and Childcare, £12,734 per place for additional Primary School places.

In addition although there is currently sufficient capacity within secondary schools to accommodate this development, this does not take into account the proposed growth in and around Braintree identified in the emerging Local Plan. That needs to be factored in and therefore Essex County Council request a financial contribution for secondary school places based on its standard formula.

Should the local planning authority be minded to turn down the application, ECC request that the lack of surplus education provision in the area, to accommodate the proposed new homes, be noted as an additional reason for refusal.

Health – NHS England advises that the development is likely to impact 4 GP practices within the vicinity for the application site and that these practices do not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution is therefore requested of £113,551 to mitigate the impacts of the proposal.

It is acknowledged that local residents have raised concerns with regard to the impact of the development on the schools and healthcare services provided locally. However, both the Essex County Council as Education Authority and the NHS consider that financial contributions will allow them to carry out the necessary infrastructure improvements to mitigate against the impacts of this development.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped play area. This is shown on the indicative layout and referred to within the draft Planning Obligation.

A financial contribution would be sought for outdoor sport. The provision/contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects would be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects. However, whilst the applicants have indicated that they would be prepared to enter into an agreement to provide the appropriate infrastructure mitigation, no such agreement is in place at the present time. The development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Core Strategy Policies CS2, CS10 and CS11 and Policy LLP 82 of the Publication Local Plan.

Other Matters

Loss of Agricultural Land – The application does not identify the grade of the agricultural land that comprises the application site. The Natural England Agricultural Land Classification Maps indicate that the vast majority of agricultural land within this part of Essex falls within grade 2 agricultural land and this site is likely to fall within the classification of Best and Most Versatile Agricultural Land (BMVL). However, it is inevitable that some development of such land will be necessary in order to meet the significant housing requirements. Paragraph 112 of the Framework states that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.”

Contaminated Land – The Geoenvironmental Report submitted to support the application confirms that further work is required to be undertaken to ensure the land is suitable for residential development. This can reasonably be controlled by condition.

Noise – A noise screening report has been submitted in support of the application. This identifies traffic noise from Church Street and the A131 as the main source of noise to future residents of the development together with the intermittent sounds of shooting from the Fennes Shooting School although the latter is not considered to have an impact. The report advises that screen fencing should be incorporated into the detailed scheme to help screen noise but does not consider that the current noise climate would cause significant impact on residential amenity.

Air Quality – The application is supported by an air quality screening report. This concludes that any increase in pollutant concentrations will not cause any air quality objectives to be approached or exceeded and thus the development will not have a significant effect on air quality.

Foul Drainage – A report submitted with the application indicates that a public foul sewer currently passes through the site. Foul water drainage for the system will be constructed and connected to the existing public sewerage network which is owned and operated by Anglian Water. Anglian Water has advised that development would lead to an unacceptable risk of flooding downstream and that a drainage strategy needs to be prepared to determine mitigation measures. Anglian Water therefore request a condition be attached to any planning permission requiring the submission of a drainage strategy.

CONCLUSION

The application site lies within an area of countryside, beyond development boundaries as identified in the adopted and emerging Local Plan. In these respects the development will conflict with policies designed to direct housing development to locations within settlement boundaries and to do so within the context of a broader spatial strategy.

As the Council cannot currently demonstrate a 5 year housing supply the policies for the supply of housing cannot be considered up to date and this limits the weight that can be given to the settlement boundaries and bullet point 4 of paragraph 14 of the NPPF is engaged.

This states that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

The applicants have stated that the development will bring the following key benefits:

Market and affordable housing; It is acknowledged that the provision of market and affordable housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply and this should be given significant weight. The applicants do not however, indicate how many of the houses can be expected to come forward in the 5 year period.

Jobs and Economy: It is recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. This is applicable to any housing development of any size anywhere in the country and the benefit should be given some weight.

Provision of formal and informal public open space and improved biodiversity; Public open space is to be provided within the site and financial contributions to mitigate for the impacts of this development will also be required. Such benefits would be consistent with the social and economic dimensions of sustainable development but are tempered by the fact that they are also required to make the development acceptable and the fact that the site is currently open. The improved biodiversity of the site is welcome and these together with the benefits through the provision of public open space are afforded some weight.

In accordance with paragraph 131-134 of the NPPF the Council has assessed the harm that the development would cause to the significance of designated heritage assets and concluded that this harm is outweighed by the benefits of the development. The same "untilted balance" is applied to the Council's assessment of the impact of the development in landscape terms and it is

concluded that the coalescence of settlements that would arise would represent an unacceptable detriment to a valued landscape and such harm would not be outweighed by the benefits of the development.

Were a different conclusion reached on whether such a restriction applied in this case, the Council would be required to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits in the context of the Framework as a whole. As outlined earlier in the report, the development fails to demonstrate there will not be acceptable adverse impacts on highway safety or provide a suitable location for the development in terms of access to services. There are also shortcomings in relation to the plans for addressing surface water run-off and flood risk. Added to these potential adverse impacts are those relating to the harm to designated heritage assets and the harm to a valued landscape. Cumulatively, these adverse impacts are considered to significantly and demonstrably outweigh the benefits.

Finally, a S106 Agreement has not been secured to ensure the delivery of affordable housing and public open space and financial contributions towards health services and school places in order to mitigate against the impacts of the development.

It is therefore recommended that, had the local planning authority been able to determine the application, it would have been REFUSED for the following reasons:

- 1 One of the core principles set out in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy CS5 of the Core Strategy seeks to strictly control new development to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Core Strategy states, 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment'. The Council's Landscape Character Assessment includes planning guidelines. For the area which includes the application site the guideline are to:

- o Consider the visual impact of new residential development and farm buildings upon valley slopes
- o Maintain cross valley views and characteristic views across and along the valley

- o Ensure any new development on the valley sides is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

RLP80 of the Braintree District Local Plan Review states that development that would not successfully integrate into the local landscape will not be permitted.

Policy RLP90 of the Local Plan Review requires development to recognise and reflect local distinctiveness.

Policy LPP1 of the Publication Local Plan seeks to control development outside development boundaries to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.

Policy LPP72 of the Publication Local Plan seeks to protect defined areas between settlements and requires proposals to demonstrate that the development is to be located on an area which has the least detrimental impact to the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

The proposal would have a significantly adverse impact upon the landscape and character of the area. The proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contributes to the rural setting and amenity of the neighbouring settlements. The location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area. The development would result in the coalescence of the settlements of Church Street Bocking and High Garrett, and would harm the individual character and nature of the settlements and the loss of their separate identities.

It is therefore considered that the proposal fails to take account of the function the site serves in landscape terms and would be harmful to a valued landscape, the intrinsic character and beauty of the countryside, failing to perform the environmental role of sustainability, contrary to the guidance at paragraph 109 of the NPPF and policies outlined above.

Further, or alternatively, even if the tilted balance were to apply under paragraph 14 of the NPPF, the adverse impacts of the development; namely the harm to designated heritage assets, the failure to satisfactorily assess the impacts on highways safety; the shortcomings of the development in terms of access to services; the uncertainty as to the management of surface water run-off and flood risk; the harm arising from development of an area which serves an important function in preventing the coalescence of distinct settlements are considered, cumulatively, to significantly and demonstrably outweigh the benefits of the development.

- 2 Para.32 of the NPPF requires developments that generate significant amounts of movement should be supported by a Transport Statement of Transport Assessment and that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe

Para.34 of the NPPF states that decisions should ensure that developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

Policy RLP53 of the Braintree District Local Plan Review states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exist and the layout of the developments has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

The current application provides insufficient information to demonstrate that the likely impact on the highway network caused by the proposal would not have unacceptable consequences in terms of highway capacity and safety.

The proposal is therefore contrary to the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 together with Policy RLP 53 of the Local Plan, Core Strategy Policy CS7, and Policy LLP44 of the Publication Local Plan.

- 3 Planning policy as set out in the National Planning Policy Framework and Policies RLP69 and RLP80 of the Publication Local Plan seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted to address the issue of surface water run-off and flood risk in order to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal therefore fails to accord with the policies referred to above.

- 4 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to their location.

Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District.

The proposed development would trigger the requirement for:

- The delivery of affordable housing on site;
- A financial contribution towards childcare, early years and primary and secondary school places;
- A financial contribution towards health services;
- The provision, maintenance and delivery of public open space.

These requirements would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.

SUBMITTED PLANS

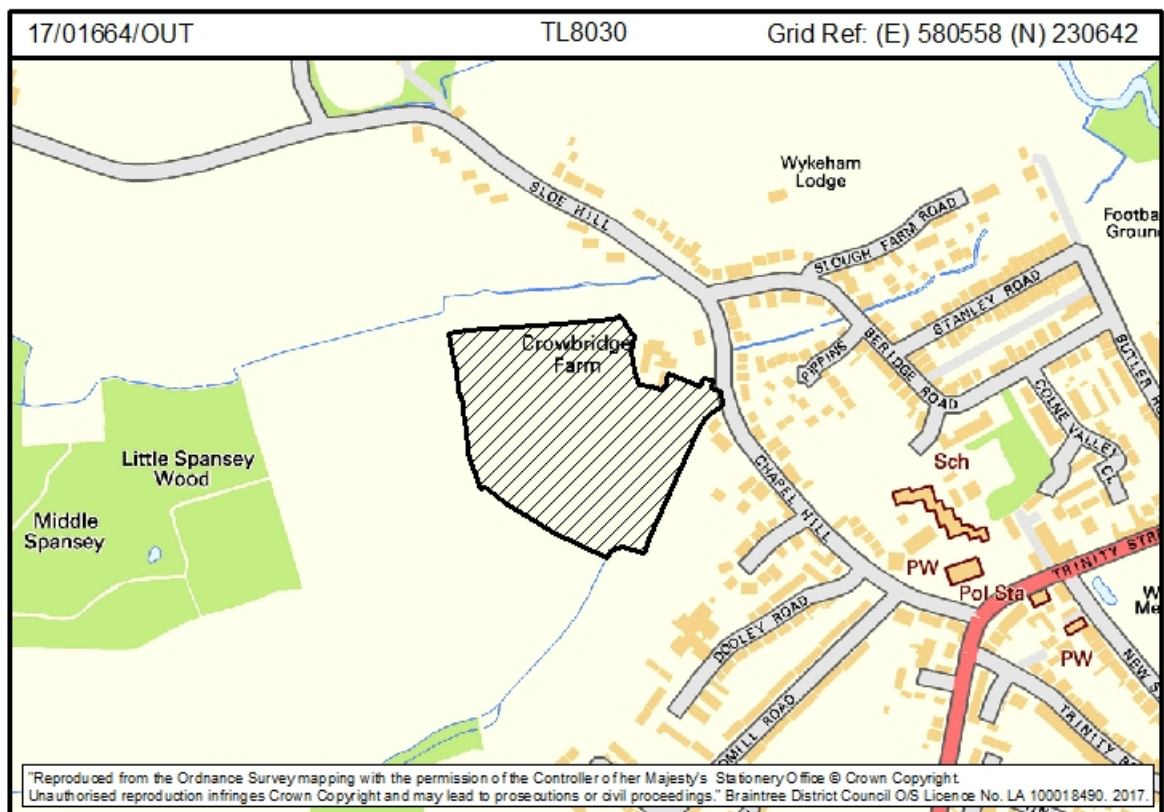
Framework Plan	Plan Ref: CSA/3321/102
Location Plan	Plan Ref: CSA/3321/104

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO:	17/01664/OUT	DATE VALID:	08.09.17
APPLICANT:	Go Homes Ltd Mr Oliver Hookway, Unit 4 Bolding Hatch Business Centre, Bishops Stortford Road, Chelmsford, Essex, CM1 4LF		
AGENT:	Go Planning Ltd Nigel Gedder, Unit 4 Bolding Hatch Business Centre, Bishops Stortford Road, Roxwell, Chelmsford, Essex, CM1 4LF		
DESCRIPTION:	Outline application for up to 70 dwellings with associated infrastructure and public open space.		
LOCATION:	Land Adjacent To Crowbridge Farm, Chapel Hill, Halstead, Essex		

For more information about this Application please contact:
Mrs Fiona Bradley on:- 01376 551414 Ext. 2519
or by e-mail to: fiona.bradley@braintree.gov.uk



SITE HISTORY

15/00835/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Refused	19.01.16
15/00836/LBC	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Granted	19.01.16
16/01562/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments and ancillary works.	Granted	08.11.16

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

BDC Affordable Housing Supplementary Planning Document
Essex Design Guide
BDC Open Spaces Supplementary Planning Document
BDC Open Spaces Action Plan
ECC Parking Standards – Design and Good practice

Other Guidance

Braintree District Landscape Character Assessment 2006
Historic Environment Good Practice Advice in Planning Note 3 (Historic England, 2015)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the development is considered to be of significant public interest and represents a departure from the development plan and is therefore an application which has significant policy implications.

SITE DESCRIPTION

The site is approximately 4.2 hectares in area and lies to the west of Chapel Hill, on the western edge of Halstead. The site is currently arable farm land with a few mature trees within the site and hedgerows around the majority of the site's boundaries. The site's topography rises across the site from east to west.

There is an existing site access from Chapel Hill which also leads to Crowbridge Farm which comprises a Grade II listed timber framed barn, dating from the 18th Century, connecting to a range of single storey brick built stable and other outbuildings. The barn and outbuildings were granted planning permission and listed building consent to be converted to a dwellinghouse in 2016.

The site is located outside the Halstead town development boundary and is therefore within the countryside.

Immediately to the southwest of the site lies Chapel Hill Meadow, a local wildlife site, which is a protected grassland area.

There are no public footpaths on the site although there are a number of public footpaths in close proximity to the site including one running parallel to the northern boundary of the site.

There are no TPOs protecting trees on the site. Little Spansey Wood is located to the west of the site, separated by a field, with Great Spansey Wood being further to the west.

PROPOSAL

This application seeks outline planning permission, with all matters reserved except access, for the development of up to 70 residential dwellings with a vehicular access point from Chapel Hill.

All matters are reserved with the exception of the main vehicular site access which would be on the western side of Chapel Hill where the existing site access currently lies.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before a fully detailed proposal is put forward. Besides access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters.

The application is also supported by a suite of documents which include –

- Design & Access Statement
- Affordable Housing Statement
- Landscape and Visual Assessment

- Heritage Statement
- Phase 2 Habitat Survey
- Flood Risk Assessment
- SUDS supporting information
- Planning Statement
- Statement of Community Involvement
- Transport Assessment

The illustrative masterplan indicates a potential attenuation pond to the eastern side of the site with the residential development located on the lower parts of the site and the public open space on the higher ground in the south western corner.

CONSULTATIONS

ECC Lead Local Flood Authority (LLFA) – Initially raised a holding objection however the applicant submitted further information and the LLFA has removed their objection but requests conditions be attached to any permission requiring: a detailed surface water drainage scheme; a scheme to minimise off-site flooding; a maintenance plan; and a yearly log of the maintenance plan.

Anglian Water – There is capacity in the system for foul drainage flows generated by this proposal. The sewerage system has available capacity for the proposal. Surface water drainage does not relate to Anglian Water assets. Advice from the Lead Local Flood Authority should be sought and the Environment Agency should be consulted if applicable.

NHS England - In its capacity as the primary healthcare commissioner, NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

ECC Economic growth - No education contribution is sought for this proposal.

Environmental Health – No objection subject to a condition regarding site investigation and risk assessment for potential ground contamination.

BDC Waste – no comments.

BDC Landscape Services – Landscape Services object to this application on the basis that it will create a visual intrusion into the open countryside on the edge of the settlement boundary; in this location the margins of the town are framed by the distinctly rural farmland landscape, with a sense of remoteness and tranquillity away from the main transport corridors, the proximity of the local wildlife sites, stream corridors public footpath network and the setting of the ancient woodland site at Great Spansey Wood (which specifically needs to be acknowledged and respected with a suitable spatial buffer). The presence of 18th and 19th century field enclosures with a framework of boundary hedgerows reduces the capacity of the landscape to absorb new residential development without significantly affecting the quality and cumulative charm of these key elements.

BDC Ecology – The submitted reports have been given consideration and no objection is raised. Should the application be given consent a number of conditions are recommended to ensure the ecological protection and enhancement of the site.

Halstead Town Council – Strongly objects as this is a greenfield site that would have a significant impact on the biological diversity of the environment as part of the areas lies within a designated wildlife site and this large development would harm both the setting of a listed building and the countryside including the valley floor.

Historic Buildings Advisor – Objects to the application. The development of this land would encapsulate Crowbridge Farm, divorcing it from the agricultural setting with which it has had a close functional and aesthetic relationship since the eighteenth century. This would represent a substantial and irrevocable change in how the heritage assets are experienced and interpreted as well as undermining the asset's significance. Whilst the NPPF acknowledges that settings change as the surrounding environs evolve this change would represent additional cumulative harm to previous suburban development to the east. The rising topography of the site would accentuate the presence of the built forms which would become the backdrop of Crowbridge Farm and Cottages when viewed from Chapel Hill and the public footpath.

With regards to the indicative layout, the proposed appears to have given little consideration to the setting of the farm when considering layout, density or heights. The applicant's assessment of how this harm is mitigated, minimised and justified (Ch.8) outlined within the Heritage Statement is strongly disputed.

In addition, permission to convert the farm complex to residential use has already been granted (16/01562/FUL) and consequentially, the proposed scheme will have no resultant heritage benefit against which to balance the harm caused to the assets' setting.

It is possible that the proposed development will intrude into long distance views of the Grade I listed Holy Trinity Church from the north-west. However, it is not possible to fully evaluate an exact level of potential harm without further details of heights and the provision of photomontages/wirelines. I do not believe the impact upon this highly designated heritage asset has been assessed fully within the application. Furthermore, the present site provides one of the final rural viewpoints prior to arrival within the Halstead Conservation Area from the north-west. The development of this site would therefore further detach the conservation area from its historic agricultural landscape and further the outward suburban sprawl.

The proposed scheme, if realised, will cause significant harm to Crowbridge Farm. For the purposes of planning, this harm is considered to be at the upper end of less than substantial. In addition, the scheme would cause harm to the Halstead Conservation Area and Trinity Church though to a lesser degree. In accordance with the NPPF, the local planning authority must balance this harm against any supposed public benefit(s) which may arise from the scheme.

ECC Archaeology - The Essex Historic Environment Record (HER) and Historic Environment Characterisation (HEC) Report shows that the proposed development lies within a potentially sensitive archaeological area.

The proposed site lies immediately adjacent to the known postmedieval extent of the town of Halstead, which can be traced back to the medieval period, and is possibly earlier in origin. Crowbridge Farm is 18th century in origin and may be earlier, elements of which survive and are protected as listed buildings, along with a number of other historic farms within the area. The site lies close to a confluence of streams which flow towards the River Colne, and close to findspots dating to the Roman period.

The proposed development lies within a HEC zone identified as having high potential for the survival of both archaeological and palaeoenvironmental remains. Within the zone there is a scatter of Roman finds at Brook Street, probably from a farmstead associated with a crossing of the river. The area also includes the remains of several production sites relating to the important medieval Hedingham pottery industry. There are extensive crop-mark complexes relating to medieval or post-medieval water management in the valley floor. There is considerable potential for the survival of palaeoenvironmental evidence in the alluvium in the valley floor.

Conditions are recommended to require a programme of archaeological investigation to be undertaken prior to any development being undertaken.

Sport England - The proposed development does not fall within our statutory remit.

Essex Police - We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-planning consultation is always preferable in order that security and

lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

Halstead 21st Century Group – object to the application. Impact on GPs surgery and the primary healthcare. No Health Impact Assessment has been submitted. The site is outside the town development boundary. Limited and flawed evidence relating to pedestrian access and transport. The proposal is not suitably located for the purposes of sustainable transport. Impact on wildlife. Evidence of badgers on the site. Survey for the presence of dormice is required. Impact on listed buildings (Crowbridge Farm Cottages), counter to the principles of the NPPF. Evidence of archaeology on the site, so a survey is required.

ECC Highways Authority – No objection raised to the application subject to conditions requiring: the development of a construction traffic management plan; a priority junction off Chapel Hill to provide access to the proposal site as shown in principle on the planning application drawings; upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site; and Residential Travel Information Packs in accordance with Essex County Council guidance.

REPRESENTATIONS

28 letters of objections have been received and are summarised below:

- Impact from construction traffic.
- Overlooking and loss of privacy from new houses.
- Increased traffic will be dangerous, the access is on a bend, limited visibility, the road is narrow at this location.
- The road is already at capacity.
- Impact on outlook.
- Impact on existing infrastructure including education, primary healthcare, GPs surgery. Infrastructure struggles to cope with existing population. There is a strain on services and infrastructure of other approved developments around the town.
- The site is in the countryside and not in the town development boundary.
- The site was discounted through the local plan process as it was considered development in this location would have an adverse impact on the biological diversity of the environment.
- Impact on the setting of listed buildings.
- Contradictions within the application.
- Flood risk, land close to the site has flooded.

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

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

The application site is located outside of the town boundary for Halstead and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 of the Core Strategy states that outside of town development boundaries development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in late 2017/early 2018.

The site was considered and discounted during the Call for Sites process. The reasons for not allocating the site included harm to the setting of the adjacent listed building at Crowbridge Farm and harm to the wider landscape character. The site was also identified as having significant adverse, but also uncertain, impact on the adjacent local wildlife site. There is an unresolved objection to this decision not to allocate the site in the emerging Local Plan.

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

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Moreover paragraph 14 of the NPPF identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means ‘*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted*’.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether

to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Sustainable Development

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

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within the town and other nearby towns/villages.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: “That the broad spatial strategy for the District should concentrate development in Braintree planned new garden communities, Witham and the A12 corridor, and Halstead”.

The site is located adjacent to but outside of the Town Development Boundary of Halstead and is situated within the countryside. Halstead is identified in the adopted Core Strategy as one of the main towns within the District. It is stated in Para.4.9 of the Core Strategy that, 'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham.'

As one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Witham and Braintree, it offers a good range of day to day services and facilities and includes several large employment areas which offer residents the opportunity to meet their needs within the town. The site is readily accessible to the town centre and its facilities/services on foot.

Design, Appearance, Layout

The NPPF requires a high quality design and good standard of amenity for all existing and future occupiers of land and buildings. Policy CS9 of the Core Strategy and Policy RLP90 of the Local Plan Review require a high standard of design in all new developments. Policy RLP3 of the Local Plan Review states that residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria where it can take place without material detriment to the existing character of the settlement. Policy RLP9 of the Local Plan Review requires new residential development to create a visually satisfactory environment and be in character with the site and relate to site surroundings. RLP10 of the Local Plan Review seeks to control residential density and advises that density should be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping.

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The application is supported by an indicative layout which shows the proposed development to be located on the lower parts of the site with a large area of public open space in the higher part of the site, in the south western corner,

In order for development on this site to be successful it would need to relate to the existing development and draw upon characteristics from this whilst also ensuring the rural edge is maintained. The application site is located beyond the town boundary and also divorced from the existing development. At this point along Chapel Hill, existing development takes the form of frontage development becoming more sporadic.

Notwithstanding this it is prudent to consider whether the number of units proposed can be satisfactorily accommodated on site. The illustrative plans submitted show a layout of 70 units comprising 62 houses and 8 flats. Affordable housing has also been indicated on the illustrative plans. It is noted that the affordable housing is visually distinct from the market housing with parking spaces to the front of the dwellings which would not be considered acceptable. It is apparent that gardens for a number of dwellings and the block of flats do not meet the minimum standard set out in the Essex Design Guide which has implications on the amenity of future occupiers.

There are also two significant trees on the site, one of which has been shown on the indicative drawings as being within, or adjacent to, a number of rear gardens. Having such a large tree in relatively small private gardens is not an ideal situation and would not be supported.

Officers are not satisfied that the number of units proposed could be accommodated in a way which would ensure a high standard of design and good level of amenity without spreading onto the higher parts of the site. Furthermore, the developable area is located in close proximity to the Grade II listed barn which, as discussed in more detail in the Heritage section below, fails to safeguard the setting of the listed building. Cumulatively this indicates that the number of units proposed cannot be accommodated on the site in a way which would be appropriate in this rural location and without adversely affecting the setting of the Grade II listed building.

Impact on the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

A core principle of the NPPF is the conservation of the historic environment. Para.132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Core Strategy Policy CS9 requires the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings and Conservation Areas. Policy RLP100 seeks to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy RLP95 requires the preservation or enhancement of Conservation Areas.

Historic England's 'Historic Environment Good Practice Advice in Planning: 3' guide states that the character of a historic place is the sum of all its attributes, which may include: its relationships with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Heritage assets and their settings contribute to character but it is a broader concept, often used in relation to entire historic areas and landscapes. It also states that a conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated.

The document advises that the contribution of setting to the significance of a heritage asset is often expressed with reference to views, a purely visual impression of an asset, and including views of the surroundings from or through the asset. It states that views which contribute more to understanding the significance of a heritage asset include those where relationships between the asset and places or natural features are particularly relevant. It further advises that setting is not in itself a heritage asset, nor a heritage designation, and its importance lies in what it contributes to the significance of the heritage asset.

The site is immediately adjacent to, and shares its access with, the Grade II listed barn at Crowbridge Farm. The site is in close proximity to the Grade II listed Crowbridge Cottage, which front onto Chapel Hill.

In terms of this proposal, the Historic Buildings Advisor notes that although in close proximity to Halstead, Crowbridge Farm has historically been situated apart from Halstead at the area which took its name from the Crow Bridge opposite. Whilst development has encroached northward along Chapel Hill Crowbridge Farm still enjoys a rural setting which contributes positively to how the heritage assets are experienced and also to their significance. The suburban expansion of Halstead has to date already caused harm to the historic agricultural landscape, undermining the setting of once detached agricultural buildings/farms such as Crowbridge.

With regards to the indicative layout, the proposal appears to have given little consideration to the setting of the farm when considering layout, density or heights. The applicant's assessment of how this harm is mitigated, minimised and justified within the Heritage Statement is strongly disputed.

Chapter 8 of the applicant's Heritage Statement states:

The level of change to the Grade 2 Listed Barn and the group of subsidiary buildings making up the Farmyard is categorized as minor. This is due to the existing trees and shrubs making up the natural boundary enclosing and retaining the setting of the historic farm yard. The proposed scheme does not interrupt the boundary, which forms the setting of the listed barn and farm buildings. The boundary forming the setting of the listed barn and farm buildings is further reinforced by the proposed landscaping. The layout of the

proposed scheme has been designed to respect the setting of the listed barn and farm buildings by locating the dwellings some distance away from the boundary forming the farm yard and retaining an open area to the south of the farm yard for public open space and attenuation pond. The sum total of these points forming the justification, results in an overall impact being Moderate.

This assessment disregards the fact that the farm complex itself was rooted in the surrounding agricultural land, therefore it is appropriate to consider that the listed buildings are experienced in the wider agricultural landscape, including the application site. The development of this land would encapsulate Crowbridge Farm, divorcing it from the agricultural setting with which it has had a close functional and aesthetic relationship since the eighteenth century. Furthermore, the rising topography of the site would accentuate the presence of the built forms which would become the backdrop of Crowbridge Farm and Cottages when viewed from Chapel Hill and the public footpath. This would represent a substantial and irrevocable change in how the heritage assets are experienced and interpreted as well as undermining the asset's significance.

Officers strongly disagree with the applicant's assertion that the "*existing trees and shrubs making up the natural boundary enclosing and retaining the setting of the historic farm yard*". Views of the site from within the site and beyond show that the farm buildings can be appreciated in the rural setting. These views would be harmed by the erection of dwellings within the rural setting of the listed building.

It is possible that the proposed development will intrude into long distance views of the Grade I listed Holy Trinity Church from the north-west. However, it is not possible to fully evaluate an exact level of potential harm without further details of heights and the provision of photomontages/wirelines. It is not considered that the impact upon this important designated heritage asset has been assessed fully within the application. Furthermore, the present site provides one of the final rural viewpoints prior to arrival within the Halstead Conservation Area from the north-west. The development of this site would therefore further detach the conservation area from its historic agricultural landscape and further the outward suburban sprawl.

The proposed scheme, if realised, would cause significant harm to the Grade II listed barn and its associated buildings at Crowbridge Farm. For the purposes of planning, this harm is considered to be at the upper end of less than substantial. Furthermore, the proposal would result in a degree of harm to the Grade II listed Crowbridge Farm Cottages by altering their setting and detaching them from the rural setting in which they have had an aesthetic and functional relationship since construction. However, this is moderate compared to the harm to the barn and other associated farm buildings. In addition, the scheme would cause harm to the Halstead Conservation Area and Trinity Church though to a lesser degree.

In summary the proposal would result in harm to heritage assets. Such harm would be significant, particularly in regard to the listed barn, though it would be 'less than substantial' in terms of paragraph 134 of the NPPF. However, less than substantial harm does not equate to a less than substantial planning objection. The proposal would fail to preserve the setting of listed buildings which is a consideration that must carry considerable weight and importance in the overall planning balance.

In this case it is considered that paragraph 14 of the NPPF, which requires the titled balance to be applied, is not triggered as there are "*specific policies in this Framework indicate development should be restricted*" identified in Footnote 9 i.e. paragraph 134 which states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". This is discussed in more detail in the Conclusion section of this report.

Notwithstanding the harm identified to the heritage assets, consideration of other impacts of the proposal are set out below.

Landscape and Visual Impact

Paragraph 109 of the Framework is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. Core Strategy Policy CS 8 states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP 80 states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The Council has sought advice from Landscape Consultants who have visited the site and assessed the information submitted with the application. It is concluded that the site has limited visibility from outside of its boundaries due to well established hedgerows, mature trees and topography. The site would be visible from a number of surrounding properties however the visual impact of the development would be mitigated by the distance between the properties and the proposed development. Views from the public right of way which runs off Sloe Hill are occasional and glimpsed through a well-established hedgerow which has very occasional breaks. Although these views may be slightly worse in winter due to the loss of foliage the overall effect of the visual change would be considered minor. The visual impact could be mitigated through the reinforcement of existing boundary vegetation.

The visual effect on the wider countryside would be minor. The natural ridgeline to the western site boundary creates an effective break to views within the wider landscape context and the provision of public open space on the higher ground, further reinforces this landscape buffer.

The importance of the landscape value assessment has become heightened since the publication of the NPPF where in paragraph 109 it states that ‘the planning system should contribute to and enhance the natural and local environment by: *‘protecting and enhancing valued landscapes, geological conservation interests and soils’*. The presence of having ‘valued’ landscape characteristics can be given more weight when assessing if an application can be refused on landscape grounds.

The Landscape Capacity Analysis for Halstead (2007) identifies the wider landscape (H6) as medium to high value due to the presence of a County Wildlife Site, listed buildings, footpath networks and the moderate sense of tranquillity and remoteness.

The site has been assessed by the Council’s Landscape Consultant as being of medium landscape value which is in line with the findings of the *Evaluation of Landscape Analysis Study of Halstead (2015)*. The development is assessed as affecting a locally moderate magnitude of change and a minor adverse overall landscape effect. The site’s landscape value does not reach the threshold at which it has the characteristics of a ‘valued landscape’ even though it may be valued by local people for visual amenity.

Although somewhat representative of the character of the area, this site is visually distinct from the wider landscape due to topography. It is not a rare landscape typology and has no specific designations and associations which would raise it to the level of a ‘valued landscape’ in the context of the NPPF. It should however be noted that the linear edges and internal hedgerows are important in landscape character and visual terms and should be retained and enhanced.

The indicative drawings submitted show the developable area on the lower parts of the site with a large open space proposed on the higher part of the site. Notwithstanding this, the introduction of residential development in this location would not promote or reinforce local distinctiveness which reflects the sensitivity and location of this edge of settlement location. Development in this area is characterised by sporadic development and the introduction of this proposal would create a form of development that would not respect the character of this rural setting on the edge of the settlement.

Furthermore, as identified previously, it is Officer’s opinion that the number of units proposed could not be adequately provided whilst meeting the Council’s adopted design standards. The developable area is also in very close proximity to the Grade II listed barn (approximately 25m separates the listed barn from the nearest dwelling). The agent has indicated that the developable area could be moved further from the listed building if considered appropriate. However, it is considered that in order to accommodate the number of units proposed in a way which would ensure a high standard of design and good level of amenity, the development would be required to spread onto the higher parts of the site. The higher land is much more sensitive both visually and in relation to its context and proximity to the wider landscape. This would

inevitably have more of a visual impact and a greater impact on the landscape.

Impact on Neighbour Amenities

One of the core planning principles set out in the NPPF is to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity.

The scheme is in outline form therefore it is not possible to consider the impacts on residential amenity at this stage. This assessment would be undertaken at the reserved matters stage. However, Officers are satisfied that a scheme could be brought forward which does not give rise to unreasonable impacts upon residential amenity from the development itself given the relationship with the neighbouring properties, the size of the site and the density of development.

There is the potential for the development to affect the amenity of residents of nearby properties during the construction period. If the Council were minded to approve the development, Officers would recommend a number of conditions to control construction activity in order to minimise the impact on those properties.

Highway Issues

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF also requires planning to focus development in locations which are or can be made sustainable. Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel.

Policy RLP49 of the Local Plan Review states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in the design and layout. Policy RLP50 of the Local Plan Review advises that development proposals will only be permitted where design and layout incorporates routes for cyclists. Policy RLP53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport service exist or there is potential for the development to be well served by public transport and the layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance. The application proposes that access is considered at the outline stage.

Local Planning Authorities are required to determine planning applications on their merits and take professional advice where necessary to inform a decision.

Essex County Council as Highway Authority has not raised an objection to this application but has recommended conditions be attached to any permission requiring: the development a construction traffic management plan; a priority junction off Chapel Hill to provide access to the proposal site as shown in principle on the planning application drawings; upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site; and Residential Travel Information Packs in accordance with Essex County Council guidance.

The concerns of the objectors are noted however in the absence of an objection from the Highway Authority and substantive evidence to suggest a severe highway impact and considering the application on its merits as required, it is Officer's opinion that a highways impact reason for refusal could not be substantiated nor robustly defended.

With regards to accessibility, the applicants consider that the site is located close to amenities and facilities so that future residents will be able to use sustainable modes of transport to access them.

The closest bus stops to the site are located on Chapel Hill which are served by the No. 88 bus which provides a half hourly – hourly service between Great Yeldham and Colchester. Further bus stops are available on the A131 which are served by the Nos. 38 and 38A services which provide a twice hourly service Mondays to Saturday between Witham and Halstead.

There is therefore scope for residents to access fairly regular bus services into Halstead town centre, Colchester, Braintree and other locations although objections to the scheme have cited poor bus services in the area. The site therefore could provide pedestrian access to bus stops which would allow the development to meet the 400m walking distance referred to in Policy RLP53.

The site is within walking distance to the town centre and public footpaths are available on the most direct route.

Arboriculture and Ecology

Policy CS8 of the Core Strategy states that all development proposals will ensure the protection and enhancement of the natural environment, habitats and biodiversity. Development must have regard to the character of the landscape and its sensitivity to change.

Policy RLP80 of the Local Plan Review states that proposals for new development should not be detrimental to the distinctive landscape features and habitats of the areas such as trees, hedges, woodlands, grasslands, ponds and rivers. Policy RLP81 of the Local Plan Review encourages landowners to retain, maintain and plant locally native trees, woodlands and hedgerows.

Policy RLP 83 of the Local Plan Review and Policy LPP 68 of the Draft Publication Local Plan seek to ensure the protection of local wildlife sites.

Policy RLP 84 states 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, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

a) Facilitate the survival of individual members of the species b) Reduce disturbance to a minimum; and c) Provide supplementary habitats.

In this case, the Council's ecologist has not raised an objection to the application. However, the site is adjacent to the Local Wildlife Site and badger and other mammal activity has been recorded on the site. Accordingly, conditions would need to be attached to any permission to ensure the ecological protection and enhancement of the site.

It is noted that the site contains a high number of well-established mature trees particularly located along the field boundaries and within the site. The illustrative plans indicate two large trees on the site being retained, one of which would be within residential gardens. Consideration of these trees at reserved matters stage will be essential in relation to their proximity to residential properties given the significance of these trees and potential for future occupants to seek reduction of the removal in the interests of the amenity of their houses and gardens.

Once a layout is known at the reserved matters stage it will be possible to consider any impact on root protection areas and mitigate accordingly. Landscaping within the development is a reserved matter and will be considered at a later date.

To conclude, it is considered that the application has sufficiently considered the impact on ecology and suitable mitigation measures can be put in place to ensure identified species are not adversely affected.

OTHER MATTERS

Surface Water Drainage and Sewerage

The application is supported by a Drainage Strategy and Flood Risk Assessment. Essex County Council as the Lead Local Flood Authority raised an objection to the application due to insufficient information being submitted with the application. Further information was submitted by the applicant resulting in this objection being removed subject to a number of conditions being imposed on any approval to cover: a detailed surface water drainage scheme; a scheme to minimise off-site flooding; a maintenance plan; and a

yearly log of the maintenance plan. No objection was raised by Anglian Water in respect of the development.

Impact on health services

A number of representations have raised concerns regarding the impact of this development on infrastructure and facilities in Halstead, in particular on the doctors' surgery. The NHS was consulted on this application and has advised that a financial contribution of £26,496 would be required to mitigate the impact of the proposal on health services.

Contaminated Land

The Council's Environmental Health Officer has requested conditions be attached to any permission to require the developer to undertake a survey prior to commencement to identify any potential contamination on the site.

Archaeology

Essex County Council's Historic Environment team has advised that the site lies immediately adjacent to the known postmedieval extent of the town of Halstead, which can be traced back to the medieval period, and is possibly earlier in origin. Crowbridge Farm is 18th century in origin and may be earlier, elements of which survive and are protected as listed buildings, along with a number of other historic farms within the area. The site lies close to a confluence of streams which flow towards the River Colne, and close to findspots dating to the Roman period.

The proposed development lies within a HEC zone identified as having high potential for the survival of both archaeological and palaeoenvironmental remains. Within the zone there is a scatter of Roman finds at Brook Street, probably from a farmstead associated with a crossing of the river. The area also includes the remains of several production sites relating to the important medieval Hedingham pottery industry. There are extensive crop-mark complexes relating to medieval or post-medieval water management in the valley floor. There is considerable potential for the survival of palaeoenvironmental evidence in the alluvium in the valley floor.

Accordingly, if permission was to be granted, conditions are recommended to require a programme of archaeological investigation to be undertaken prior to any development being undertaken.

S106

Paragraph 2-4 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identified those matters that the District Council, were it to grant

permission, would seek to secure through a planning obligation. The applicant has agreed to enter into a S106 agreement in respect of these matters.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 30%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped play area. This is shown on the indicative layout and referred to within the draft Planning Obligation.

A financial contribution would be sought for outdoor sport. The provision/contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects would be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects. However, whilst the applicants have indicated that they would be prepared to enter into an agreement to provide the appropriate infrastructure mitigation, no such agreement is in place at the present time. The development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Core Strategy Policies CS2, CS10 and CS11 and Policy LLP 82 of the Publication Local Plan.

CONCLUSION

The application site is located outside of the town boundary of Halstead and is therefore within the countryside for the purposes of planning. The development therefore conflicts with Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy.

NPPF paragraph 14 explains how the presumption in favour of sustainable development works. For decision-taking this means approving development that accords with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken

as a whole (the first limb of bullet point 14); or specific policies in it indicate development should be restricted (the second limb).

Paragraph 134 of the NPPF confirms that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In applying this balance the public benefits of the scheme would include up to 70 new dwellings, 30% of which would be affordable. The applicant's planning statement sets out a number of economic benefits of the proposal including employment opportunities and associated spending related to construction; the benefits of expenditure by prospective residents for the local economy. Reference is also made to the council tax income and the New Homes Bonus associated with the development. These considerations would apply where the housing were built and cannot be considered material to the consideration of this particular scheme.

Moreover, Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of '*local financial consideration*'.

The NPPF states that '*Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body*'.

Officers do not consider that the payment of New Homes Bonus is a material consideration, or council tax payments, are necessary to make the proposed development acceptable in planning terms.

Officers acknowledge the proposal would generate some public benefits and weight is attached to these.

Considerable importance and weight is to be given to any harm to designated heritage assets. It is considered that the harm to the Grade II listed barn at Crowbridge Farm would be significant although 'less than substantial harm' in terms of paragraph 134 of the NPPF. In addition, the scheme would cause harm to the Halstead Conservation Area and Trinity Church, again this being less than substantial harm. Para. 132 of the NPPF states that "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". In this case harm to the listed buildings' settings has not been clearly and convincingly justified as required by NPPF paragraph 132. Consequently it is concluded that the harm to these designated heritage assets is not outweighed by the scheme's public benefits and specific policies in the Framework.

Officers consider that the proposals fail the specific policy tests referred to above meaning that development should be restricted and the application

should be refused. However Officers have also considered how the proposal would be assessed if there were no Footnote 9 issues indicating that development should be restricted. If this were the case then the Council would need to consider the application in light of the tilted balance whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The assessment would need to balance the cumulative harm identified in respect of Heritage, and any other harm, against the benefits arising from the proposal to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

As set out within this report Officers have identified other harm arising from the proposals, including failure to respect the wider landscape character of this area edge of settlement location which detracts from the existing appreciation of the rural character of the site. In addition, whilst the indicative plans submitted indicate the developable area to be the lower parts of the site, in order to minimise landscape and visual impact, the application site is much larger and includes the land on the higher ground with no mechanisms provided to control this. Furthermore, it has not been demonstrated that the site can accommodate up to 70 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the sensitivity and location of the site, whilst also ensuring a good standard of amenity and a high quality living environments for all residents of the development by compliance with the Council's adopted design standards.

Accordingly, Officers consider that even applying the 'tilted' balance in favour of sustainable development the harm identified within this report would significantly and demonstrably outweigh the public benefits and this conclusion would mean that the application should be refused in any event.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 Given the location of the site and its relationship with designated heritage assets, the Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting or any features of special architectural or historical interest which the Listed buildings possess. The Local Planning Authority also has a duty under Section 72(1) of the same Act to pay special attention to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a Conservation Area. Core Strategy Policy CS9 and Local Plan policies RLP 90, RLP95 and RLP100 and the National Planning Policy Framework support these statutory duties and regimes.

The proposed development would cause significant harm to the Grade II listed barn and its associated buildings at Crowbridge Farm. This harm is

considered to be at the upper end of less than substantial in the terms identified in the NPPF. Furthermore, the proposal would result in a degree of harm to the Grade II listed Crowbridge Farm Cottages by altering their setting and detaching them from the rural setting which they have had an aesthetic and functional relationship with since construction. This harm is moderate compared to the harm to the barn and other associated farm buildings. In addition, the scheme would cause harm to the Halstead Conservation Area and the Grade I listed Holy Trinity Church though to a lesser degree. In these respects, the proposal is also considered to be contrary to Policy CS9 of the Core Strategy, Policies RLP95 and RLP100 of the Braintree District Local Plan Review and LPP60 of the Publication Draft Local Plan. These policies concern the impact of development upon heritage assets.

Having regard to the guidance in paragraphs 131 - 134 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance of designated heritage assets and would conflict with the statutory duties, national guidance and Local Plan policies outlined above.

- 2 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to their location. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District.

The proposed development would trigger the requirement for:

- The delivery of affordable housing on site;
- A financial contribution towards health services;
- The provision, maintenance and delivery of public open space.

These requirements would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.

- 3 The Council consider that the application of restrictive policies involving heritage and valued landscapes indicate that development should be refused here, in accordance with footnote 9 to Paragraph 14 of the National Planning Policy Framework (NPPF), as set out in the reasons for referral above.

Further or alternatively, even if the tilted balance were to apply under paragraph 14 of the NPPF, whilst the Council acknowledges that it

cannot currently demonstrate a 5 year supply of housing land, the Council considers that the adverse impacts of granting permission here would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this particular case, the Council recognises the benefits of allowing development but concludes that the adverse impacts of the development, as set out below, significantly and demonstrably outweigh the benefits:

- the location, scale and character of the development would have a less than substantial impact on the designated heritage assets - specifically the Grade II listed barn at Crowbridge Farm, Grade II listed Crowbridge Farm Cottages, Halstead Conservation Area and the Grade I listed Holy Trinity Church - and that the public benefits do not outweigh the harm.
- it has not been demonstrated that the site can accommodate up to 70 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the sensitivity and location of the site, whilst also ensuring a good standard of amenity and a high quality living environments for all residents of the development by compliance with the Council's adopted design standards.
- it has not been demonstrated that the developable area would not extend onto the higher and more visually prominent parts of the site which would result in unacceptable landscape and visual harm in this edge of settlement location.
- the development would result in a distinct change in character of this edge of settlement location which is characterised by sporadic development, to a more intensive suburban character.

Accordingly, the proposal would be contrary to the NPPF, Policies CS5, CS8 and CS9 of the Core Strategy and Policies RLP10, RLP80, RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review.

SUBMITTED PLANS

Location Plan	Plan Ref: 2017-838-001
Photograph	Plan Ref: 2017-838-002
Photograph	Plan Ref: 2017-838-003
Photograph	Plan Ref: 2017-838-004
Constraints Plan	Plan Ref: 2017-838-005
Site Opportunities Plan	Plan Ref: 2017-838-006
General	Plan Ref: 2017-838-007
Site Plan	Plan Ref: 2017-838-008
Height Parameters Plan	Plan Ref: 2017-838-009
Density Parameters Plan	Plan Ref: 2017-838-010
Street elevation	Plan Ref: 2016-838-001
Street elevation	Plan Ref: 2016-838-012
Topographical Survey	Plan Ref: 2016-838-013

Section
Transport Plan

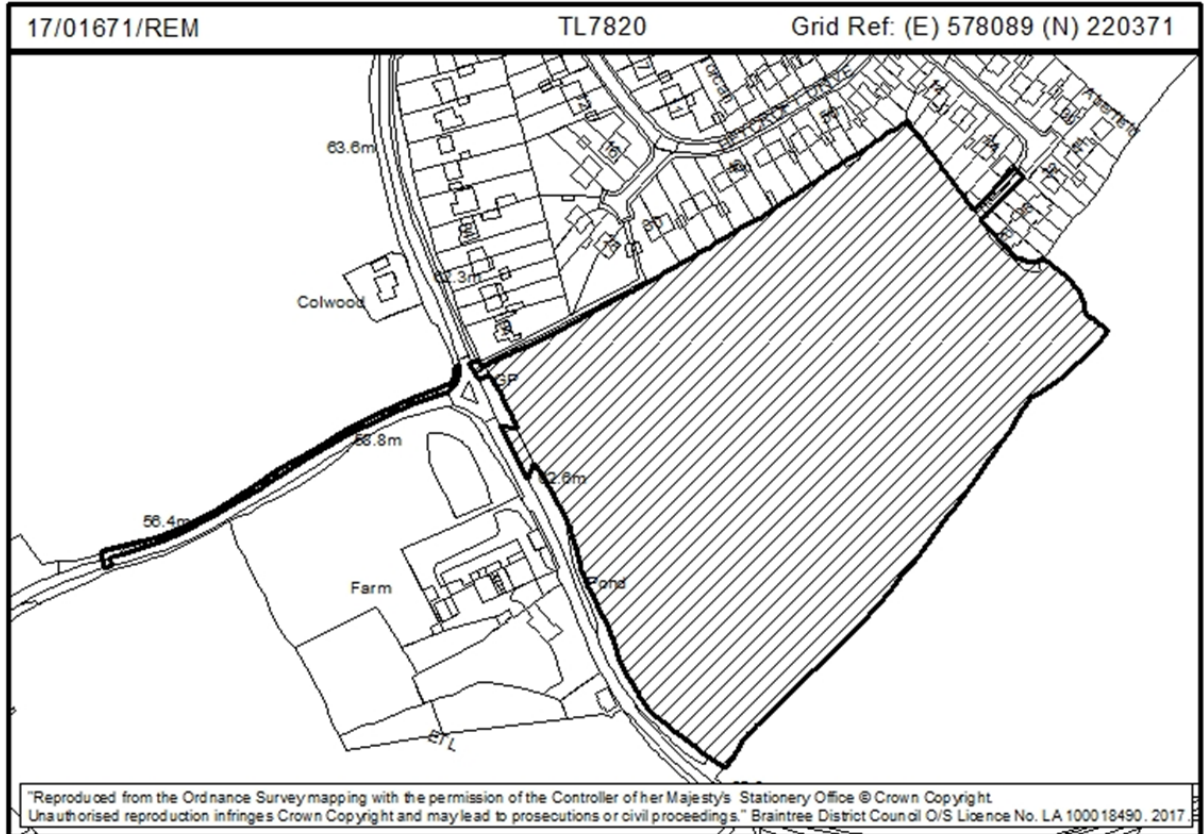
Plan Ref: 2016-838-014
Plan Ref: DR1

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01671/REM DATE: 19.09.17
 VALID:
 APPLICANT: Bellway Homes Ltd
 C/o agent
 AGENT: Strutt & Parker
 Miss Jennifer Carroll, Coval Hall , Rainsford Road,
 Chelmsford, Essex, CM1 2QF
 DESCRIPTION: Reserved matters planning application for the approval of
 scale, appearance, layout and landscaping in relation to
 outline application permission 16/00397/OUT for the
 erection of 118 dwellings, access into the site from Mill
 Lane and the creation of a pedestrian footway link to
 Crossing Station, via Bulford Mill Lane.
 LOCATION: Land East Of, Mill Lane, Crossing, Essex

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



SITE HISTORY

16/00397/OUT	Application for outline planning permission with all matters reserved except for access for residential development of up to 118 units and the creation of a pedestrian footway link to Cressing Station, via Bulford Mill Lane	Granted with S106 Agreement	08.05.17
86/01242/OUT	Proposed residential development	Refused then dismissed on appeal	16.11.87

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan

Other Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the development is considered to be of significant public interest. Cressing Parish Council has also raised objection to the proposals and a significant number of objections have been received from local residents, contrary to the officer recommendation.

NOTATION

The application site is located outside, but abuts, the Cressing/Tye Green Village Envelope, as designated in the Braintree District Local Plan Review 2005.

The application site is allocated for 118 dwellings in the emerging Publication Draft Local Plan (DLP) as CRESS 192; and has the benefit of outline planning permission, 16/00397/OUT refers. The DLP also proposes that Bulford Mill Lane and Mill Lane are designated as Protected Lanes, pursuant to its draft Policy LPP46.

SITE DESCRIPTION

This open undeveloped site has an area of approximately 4.7 hectares and is located on the southern edge of the village of Tye Green. It is immediately east of Mill Lane, directly opposite its junction with Bulford Mill Lane, which leads to Cressing railway station. It is currently laid to rough grass, and is currently considered to be agricultural land.

The land has a frontage to Mill Lane that is marked by an established, mostly continuous, indigenous hedgerow and a ditch that separates the site from the carriageway. Other boundaries are also screened to a greater or lesser extent by existing hedgerows which would largely be retained.

The north western and north eastern boundaries of the site for the most part adjoin the gardens of existing residential development. The exception to this is a short section towards the western end of the north western boundary where the site runs alongside the Public Right of Way 38 (PRoW) that leads from Mill Lane to Bulford Close and separates no.94 Mill Lane from the site.

The south eastern and the most easterly part of the north eastern boundaries adjoin cultivated agricultural land. This land is the subject of an as yet

undetermined outline planning application for the erection of up to 225 residential dwellings; associated access (including provision of a new roundabout on Braintree Road); public open space; play space; pedestrian and cycle links; landscaping; and provision of land for expansion of Cressing Primary School (ref.16/02144/OUT).

There are 3 no. Grade II listed buildings located along Mill Lane, including Jeffrey's Farmhouse which is directly opposite the site. The listed barn at Stubble's Farm is located across the adjoining field and to the south east of the application site approximately 200m away; and Hawbush Old House, which is situated approximately 340m to the east, is located at the junction of Mill Lane with the B1018 (Witham Road).

The application site also includes a strip of land on the northern side of Bulford Mill Lane that is proposed to provide a footpath link to Cressing railway station on the far side of the field hedge.

PROPOSAL

Background

As set out above, the submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 1 imposed upon the grant of outline planning permission 16/00397/OUT on 8 May 2017. The description of development for this was: *"Application for outline planning permission with all matters reserved except for access for residential development of up to 118 units and the creation of a pedestrian footway link to Cressing Station, via Bulford Mill Lane"*.

Outline planning permission was granted subject to a S106 agreement which set out a range of planning obligations as follows:

- Affordable Housing – 40% of units on-site to be affordable housing, with a final mix to be agreed at the reserved matters stage, but with a 70/30% ratio of Affordable Rent over Intermediate Affordable Housing; All units to comply with Lifetime Home Standards; and 25% of ground floor flats and all 3 bed houses to meet Category 2 of Part M of the Building Regulations;
- Education - Financial contribution for the expansion of Cressing Primary School and a financial contribution towards the cost of transporting students from the site to secondary school based on the number of dwellings to be constructed;
- Health – financial contribution towards improvements to Primary Health care facilities at the Silver End GP practice. Contribution of £328.98 per dwelling;
- Highways and Transport - construction of an off-road pedestrian link to Cressing railway station and associated highways works; pedestrian

links to PRow 38 and The Westerings; provision of real-time passenger information displays at Tye Green Post Office bus stops on Claud Ince Avenue; financial contribution of £11,640 towards the provision of additional covered cycle parking at Cressing Railway Station;

- Public Open Space (on-site) to be managed by a Management Company;
- Equipped Play Facility – To be provided on-site; the value of which shall be calculated in accordance with the Council's Open Space SPD; and
- Outdoor Sports - Financial contribution calculated in accordance with the Council's Open Space SPD.

The S106 required an Open Space Plan, Specification and Management Plan; and an Affordable Housing Scheme to be submitted to the Council not later than the submission of the first Reserved Matters. These details have been submitted with the application.

Several conditions on the outline permission required additional information on submission of the first of the Reserved Matters applications (Conditions 18, 25, 28, 29), the specific requirements are set out as follows:

- Condition 18 required the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development;
- Condition 25 required the first Reserved Matters application relating to landscaping to be accompanied by a Landscape and Ecology Management Plan (LEMP);
- Condition 28 required the first application for Reserved Matters for Appearance to include details of all gates/fences/walls or other means of enclosure within the relevant phase of development; and
- Condition 29 required the Reserved Matters application for Layout to include a site-wide design guide for all areas of public realm and character areas. This has been covered in the submitted Design and Access Statement.

There are also a number of conditions on the outline permission that required specific information to be included within each Reserved Matters submission, these include: full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points (Condition 6); full details of finished floor levels, above ordnance datum (Condition 12); a detailed specification of hard and soft landscaping works for each phase of development (Condition 21). As this application covers the whole of the site, it

isn't envisaged that any further Reserved Matters submissions will be made after this one.

The detailed matters, the subject of this application, have been provided in a suite of plans and supporting documents, which include:

- Completed planning forms;
- Design and Access Statement;
- Planning Statement – incorporating information on affordable housing;
- Written Scheme of Archaeological Investigation;
- Visibility Splays drawing;
- Residential Information Travel Pack;
- Construction Method Statement;
- Construction Environmental Management Plan;
- Levels Strategy;
- Foundation Strategy;
- Geo-Environmental Site Assessment;
- Lighting Strategy;
- Site Wide Drainage Layout;
- Strategic Drainage Report;
- SUDS details;
- Overall Site Plan - Open Space and Tree Planting Strategy;
- Detailed Hard and Soft Landscape Scheme;
- Arboricultural Method Statement, including a detailed Tree Protection Plan;
- Ecological Mitigation and Management Plan;
- Open Space Plan;
- Landscape and Ecology Management Plan (LEMP);
- Affordable Housing Plan.

In addition to the above technical supporting documents, a wide range of drawings have been submitted, which include revisions thereto, to support this Reserved Matters application, including:

- Location Plan;
- Site Layout;
- Block Plan;
- Materials Plan;
- Parking Plan;
- Refuse Strategy;
- Affordable Housing Plan;
- Enclosures Layout;
- Cycle and Pedestrian Routes;
- Road Hierarchy Plan;
- Storey Height Plans;
- Constraints Plan;
- Street Scenes, Elevations and Floor Plans of houses, apartments, garages, carports and refuse/cycle stores.

Separate to the conditioned requirements for the Reserved Matters, the outline planning decision notice includes a number of other relevant planning conditions. The wording of these conditions required the submission of information to discharge these conditions before the commencement or occupation of development.

Notwithstanding this, in order to progress matters and assist with the local authority in considering the proposals, Bellway Homes have applied to discharge some of these planning conditions at the present time in an accompanying application (Ref. 17/01670/DAC).

Therefore, the principle of residential development on this site has already been deemed acceptable by the local planning authority, with the matter of access having been approved at the outline stage.

Layout

The layout (as with the appearance and landscaping) of the proposed development has been the subject to extensive pre-application discussions with the Council's Officers and has evolved further during the processing of the current application. It has been formed by taking into account the indicative layout that was approved at the outline stage and the existing trees, landscaping and hedging that are situated along the site's boundaries.

The public open space and an attenuation basin would be located to the north west side of the site to maintain a buffer between the listed building at Jeffreys Farmhouse on the opposite side of Mill Lane and the proposed development. There are three areas of open space and in all cases dwellings would be located to overlook these public spaces to provide natural surveillance.

The proposed layout has also been formed by taking into account the various requirements of local and national policy, as well as technical input from Essex County Highways. The estate road layout has been designed to accord with the Essex Design Guide (EDG) and the Manual for Streets, emphasising the implementation of shared private driveways, shared surfaces and the prioritisation of pedestrians and cyclists through the development: this includes the previously approved footpath/cycle link to The Westerings, footpath link to PROW 38, a new 2m wide footpath onto Mill Lane, as well as off-site pedestrian works to improve connections to Crossing Station along Bulford Mill Lane.

The applicant has also shown on the layout drawing the location of three possible footpath/cycle links which could be provided to link the site to any future development to the south of the site, should planning permission be forthcoming. The land to the south of the application site is not allocated for development and the application for outline planning permission has not been determined so it would not be reasonable, or necessary, to require the applicant (Bellway) to provide these links, however it is important that the

ability to form these links is secured at this stage. The ability to form these links could be secured by way of a variation to the S106 agreement.

The overall proposed housing mix of the development (including private and affordable units) is as follows:

Dwelling size	No. of units
1 Bed	10
2 Bed	38
3 Bed	40
4 Bed	30

Giving rise to a total of 118 units, in accordance with condition 2 of the outline planning permission, the proposals would give rise to a mixture of terraced, semi-detached and detached housing, as well as low level (3 storey) apartment blocks.

Scale

The submitted drawings identify that the built form of development across the site would range between two storey houses and three storey apartments, which would be located in the centre, and south eastern corner of the site. These are denoted on the submitted Storey Heights Plan.

One of the letters of representation received made reference to the difference in ground levels between 30/32 Bulford Close and the proposed ground upon which proposed plots 10/11 would be located. Bellway's Engineers have reviewed the levels strategy and the proposed Finished Floor Levels in this part of the site and revised plans have been submitted which show the site level reduced in this location. There will still be a variation in levels between the site and the adjoining property but in this location the difference in levels will be 160mm. The applicants propose that instead of a retaining wall gravel boards will be used on the boundary.

Appearance

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

The mix of external materials would include the use of brick, render and weatherboarding, with plain tile roofs and have regard to the varied architecture found in Tye Green.

Landscaping

Detailed landscaping plans have been submitted, with 10,135sqm of public open space to be provided as part of the development. The majority of this

space would be located along the Mill Lane frontage, providing a substantial green buffer between the road and the edge of built form within this site.

This area of public space would also form an important component of the site's sustainable urban drainage system to help manage surface water runoff, as well as providing a location for children's informal play equipment. A further area of open space would be located towards the north eastern side of the site, to the north of and adjacent to the proposed footpath/cycleway that would lead into The Westerings.

The proposals have sought to protect and enhance the existing landscaping features, specifically the field hedges, with the exception of the location of the permitted access.

The scheme also includes increased tree planting across the wider site and landscaping, alongside planting, where possible, in parking courts. On-plot landscaping is also proposed to be provided with grass lawns laid to all houses and to the private amenity space for the blocks of flats.

Furthermore, the Design and Access Statement states that the street hierarchy would be identified through careful material selection, broadly through three zones which include primary access streets, shared surfaces and restricted vehicular access routes.

Simple robust hard landscape materials with colour variations to delineate between public and private spaces and private spaces would be used in a fashion to create an unfussy street scene, defining the character of development and creating a sense of place. The proposal would also use close board fences, larch lap fences and high brick screen walls for the treatment of boundaries.

CONSULTATIONS

External Responses

Anglian Water – They have previously made comments on planning reference 16/00397/OUT relating to this site and the comments they made on this application remain unchanged.

Cressing Parish Council – Recommend refusal of the application, based on the information initially submitted with the application, on the following grounds:

1. The site, CRESS 192, was submitted in 2014 as part of BDC's Call for Sites. The Cressing sites were discussed at a meeting of the Local Plan Sub-Committee on 9.5.2016. The officer recommendation was that no sites in Cressing were suitable for residential development. The minutes recite: '(xx) That site CRESS192 – Land on the East side of Mill Lane, Cressing is not allocated for residential development.' However, the outline application that followed was permitted on 14.2.2017;

2. With reference to the highways works detailed in the S.106 agreement – excerpt in appendix (A) at end, they state that there still does not seem to be any concrete plans offered for this [the improved pedestrian route to the station] and no resolution forthcoming regarding what land it could be built on as there is not enough width in the roadway to make a footpath. They highlight that there are embankments each side which are well populated with mature trees and shrubs and that there are also houses in the way of any such proposed path. They also have concerns about the road layout regarding the splay from the site entrance which was unclear in the application. P.7 of the Arboricultural Impact Assessment and Method Statement states, 'The trees will need to be felled to facilitate construction of the access and provide a sufficient site splay.' Cressing Parish Council objects to the felling of trees in this Protected Lane. Also, no pedestrian routes on Mill Lane are shown on the Cycle and Pedestrian Routes document;

3. They refer BDC to the letter from Place Services dated 29.9.2017 and endorse the following comments: 'In addition the application refers to a pedestrian route from the development to the station along a historic route which is also a Protected Lane. We cannot see any details of this route nor the works proposed to create the footpath. The reserved matters application fails to provide the necessary information with which to make an informed decision and so this will need to be addressed. We cannot support the application until this information is received.' Increased traffic due to this development and the neighbouring proposal would seriously challenge the Protected Lane in front of the site;

4. Following consultation with their tree warden, they have a number of objections relating to the Arboricultural impact assessment and method statement:

a. Trees T49 and T50 are attractive field maples, the roots of which extend onto the proposed site and are likely to be damaged by proposed development;

b. Tree T58 is a mature Oak tree, close to a neighbouring property. It has been managed in the past and well maintained. It would be badly affected by the proposed development, putting at risk the tree and the neighbouring property due to large deep roots running under it. The author proposes an option to remove it, which is ridiculous. The tree should have a TPO in place, but nobody ever dreamt it would be at risk;

c. The 'Dark Grey Area' shown on Plan4 (page 14) for material storage is close to neighbouring properties, plus it extends over root protection areas (RPAs) for T58 and T60. The impact on mature trees in the area would be detrimental to the future appearance of the village;

d. One of the two trees covered by recent TPO is T63. The report suggests various checks and inspections be carried out; these must not be used as an excuse for removing a healthy tree. They would ask the Landscape Officer to pay close attention to any attempts to use questionable assessment on it;

e. T68 is proposed for felling to aid construction. This is unacceptable vandalism of the rural setting and a valuable tree in the village. This tree is another that should be covered by a TPO, rather than being felled for development.

Their Tree Warden advises that he is basing these comments on the findings of the Arboricultural impact assessment and method statement, therefore cannot check the facts on the ground in the time available. It is felt that the Arboricultural impact assessment and method statement is well written, but biased towards the development as a forgone decision; as is usually the case;

5. This site lies outside the Village Envelope in the current local plan so is in contravention of Policy RLP 2 Town Development Boundaries and Village Envelopes. Whilst the site is in the Publication Draft Local Plan, this plan is still only in draft. Cressing Parish Council is concerned about the way in which M. Scott Properties Ltd and Pomeroy Planning Consultants Ltd bypassed both the Local Development Plan process and the Neighbourhood Plan process with application 16/00397/OUT. It is expected that a first draft Neighbourhood Plan will be available in early December. As quoted from paragraph 17 of the NPPF, one of the 12 Core Planning Principles is that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the local area.”;

6. CPC would like to refer BDC to what the Publication Draft Local Plan says regarding the settlement hierarchy. Cressing is listed as a third tier village: ‘All other villages which have a development boundary are considered third tier villages. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.’ A development of 118 houses is not sustainable in this location, particularly if 225 are to be added on the adjacent site;

7. Policy SP 6, Place Shaping Principles, in Section 1 of the Publication Draft Local Plan states: ‘Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car’. This development is not sustainable in terms of public transport. They make the following comments:

a. Cressing Train Station was originally called Bulford Station as it is on Bulford Mill Lane, the issue of the lack of footpath and lack of lighting is critical here. More people using this narrow lane to access the station both in vehicles and by foot will increase the risk of accidents here;

b. There is very limited parking at the station and there has never been any suggestion of extending the car park to allow for further vehicle parking from BDC nor the developers. This is a significant oversight, particularly with the expected increase in vehicles that will be generated by any new development of such a scale;

c. Stephenson's of Essex run the Halstead to Witham bus service through Cressing; routes 38 and 38A. There is no Sunday service at all. On Saturdays, the last bus from Cressing, Tye Green Post Office in the Witham direction leaves at 18:02 and the last bus in the Braintree direction leaves at 18:55. This can hardly be considered 'well connected';

8. The school originally had 140 on roll. This was increased by 70 places this September to make 210 places. It is now a single form entry. Essex County Council education wrote on 15.4.2016: 'A development of this size can be expected to generate the need for up to 10.6 early years and childcare (EYandC) places, 35.4 primary school, and 23.6 secondary school places.' Two form entry is discussed in connection with the neighbouring application 16/02144/OUT. Essex County Council education's letter dated 18.11.2016 stated that this development could be expected to generate the need for 90 primary school places. However, this was for 300 homes rather than the later proposal for 225 homes. They understand that the school does not wish to have mixed-age classes. Presumably two form entry means 420 pupils. If Cressing becomes a 2FE school, this will completely change the nature of the village primary school;

9. Their meeting on 11.10.2017 was attended by concerned residents. One issue raised was the fact that they had been assured that a certain distance would be left between their existing properties and the proposed new dwellings. However, this distance does not seem to take into account conservatories. Therefore, the gap is less than had been promised. They understand that minimum back to back distances of 25m have been proposed. Two excerpts from Policy SP 6, Place Shaping Principles, in Section 1 of the Publication Draft Local Plan are as follows: 'Respond positively to local character and context to preserve and enhance the quality of existing communities and their environs' and 'Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light and overlooking.';

10. BDC's website includes comments made in respect of drainage and flooding, particularly in the vicinity of The Westerings. They are pleased to note the holding objection in the response from ECC dated 12.1.0.2017: 'Lead Local Flood Authority position - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission'.

The Parish Council submitted a second consultation response in response to the revised plans submitted in November.

Protected Lanes: Mill Lane and Bulford Mill Lane

The Parish Council wishes to reiterate their concerns about how the proposed footpath to the station will impact on the two Protected Lanes; Bulford Mill Lane and Mill Lane. Our District Councillor, Cllr James Abbott also shares these concerns and has given comment that where ECC are deciding on the

treatment of this pedestrian access there is a risk of a 'hard engineering' scheme that will ruin the character of the existing lane.

The Parish Council refer to the comments of the Council's Historic Buildings Adviser and his concerns about the impact of the proposed works on Bulford Mill Lane.

The Parish Council shares Mr Broadhead's concerns and would like to see a definitive proposal from the developers for the footpath route and all associated street furniture. To date, no definite plan has been presented for consideration on this matter. Until we receive such a plan for our review and comment the Council are unable to remove our objection.

Loss of important trees

The loss of important trees is a material planning consideration. Whilst we appreciate that the two TPO items are to be retained, our Tree Warden has identified other important trees that would be affected by this development. His comments are included in our original response but they have not been addressed by Bellway.

Overshadowing/loss of outlook (but not loss of view), Loss of daylight or sunlight, Overlooking/loss of privacy, and Design, visual appearance, and materials

These are all material planning considerations. There have been many objections from our parishioners, which I am sure you are aware of, regarding this very valid issue. Initially, the objections were submitted in September and October, however there are considerably more submitted during November which reinforces the undeniable fact that the residents have outstanding concerns which need addressing.

The Parish Council is fully supportive of our residents on these issues and we would strongly urge BDC to identify the concerns of residents and act accordingly.

Finally, BDC have to be seen to act in a manner which actively addresses these issues and concerns and by not to doing so could be seen by some that BDC is shirking it's responsibility in this highly contentious proposed development.

ECC Flood and Water Management – As the Lead Local Flood Authority (LLFA), ECC provides advice on SuDS schemes for major developments. The LLFA registered a holding objection following their initial assessment of the application.

The applicant has submitted additional information and having reviewed this, the LLFA have withdrawn their objection regarding surface water drainage, subject to the measures as detailed in the FRA and the documents submitted with this application are implemented as approved.

ECC Highways – No objection, subject to a condition requiring that all visitor parking spaces positioned to be clear of junction visibility splays; any landscaping within visibility splays a maximum of 600 mm in height upon maturity; an overrun area at the bend adjacent plot 33.

In addition the Highway Authority recommends that 3 metre wide footpath/cyclepath be secured in two locations on the site's southern boundary.

ECC Place Services Historic Buildings Adviser (HBA) – States that from a conservation perspective the impact of the development relates to the principle of development as opposed to the specific detailing, as the site will be read as part of the existing modern development of housing in Tye Green. He therefore has limited comments to make on this reserved matters application:

As the development will be read as part of an existing modern development and there is little pervading historic built form in close proximity, save for isolated farmsteads. There is therefore no specific palette of materials or design which would make the development more or less acceptable from a heritage perspective, although it would be beneficial if the development tied into the character of the existing built form in Tye Green.

Similarly the majority of the landscaping across the site is not considered to have an impact on the setting of the nearby listed building [Jeffrey's Farm]. Therefore, provided that the landscaped boundary line along Mill Lane is thickened to reduce or remove visual permeability, they would not comment about the rest of the landscaping throughout the central and eastern section of the site.

They commented that the applicant had not offered any details as to the proposed pedestrian access route to the station; and as this proposes to utilise Bulford Mill Lane and Mill Lane, two protected lanes, the impact on these currently cannot be adequately assessed. The need to install lighting and other paraphernalia around the junction may also have an impact on the setting of the complex of buildings at Jeffreys Farm.

Therefore, they do not offer any specific comments in regard to the majority of the application from a conservation perspective, but they stated that they would want to be re-consulted when further details are submitted in relation to the proposed pedestrian route to the station.

The Historic Buildings Adviser has provided a second consultation response following receipt of further information about the proposed works along Bulford Mill Lane. They comment that the works (including a tarmac footpath to the north of Mill Lane, passing places, tactile paving and reflectorized bollards) would fundamentally alter the character of the road in a manner which would alter its appearance and its character, and which would vitiate the ability to understand the visual and historic value of a section of this lane. The Historic Buildings Adviser concludes that the proposals as set out in this proposal would do considerable harm to the significance of this non-designated

heritage asset. This harm should be considered as per paragraph 135 of the NPPF and weighed against the public benefits of the scheme.

ECC Place Services Historic Environment Officer (HEO) – A full archaeological condition was recommended for application 16/00397/OUT. A Written Scheme of Investigation (WSI) has been submitted with the Reserved Matters application. The WSI can be approved, however the condition on 16/00397/OUT requires the implementation of a programme of archaeological work prior to the commencement of the development. As no fieldwork has yet taken place or been scheduled to take place an assessment of the reserved matters application in respect of the impact on any archaeological remains is not possible.

In addition, the application refers to a pedestrian route from the development to the station along a historic route which is also proposed to become a Protected Lane, but no details of this route nor the works proposed to create the footpath were provided with the initial application. This information will be required to assess potential Archaeological implications.

Essex Police – They are pleased to see within the Design and Access Statement that the applicant has taken into consideration crime prevention with the following included: *"To foster a sense of safety and security through the quality of design such that crime and disorder or the fear of crime is minimized"* and *"The principles of Secure by Design have been integrated within this illustrative masterplan"*. They would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development.

Internal Responses

BDC Environmental Services – No comments in respect of the reserved matters application.

BDC Housing Research and Development – This application seeks detailed approval for a scheme of 118 residential dwellings including 47 dwellings for affordable housing, this meets affordable housing policy CS2 of adopted Core Strategy.

The housing and tenure mix which is specified in the table and in accordance with site layout drawing number 17.016/800 Rev.P19 is considered to be appropriate to match evidence of housing need.

Dwelling Type	Tenure	
	Affordable Rent	Shared Ownership
10 x 1 bedroom 2 person flat	8	2
12 x 2 bedroom 4 person flat	8	4
20 x 2 bedroom 4 person house	15	5

3 x 3 bedroom 5 person house	0	3
2 x 3 bedroom 6 person house	2	0
Total 47 units	33	14

They are fully supportive of the application because, if approved, it provides potential to deliver a significant number of new affordable homes that will assist in addressing the high levels of housing need in the District.

BDC Landscape Services –

1. Landscape Setting:

The submitted landscaping plans are sufficient for the areas they cover, however they would expect further tree planting across the development site where possible. There are opportunities for this in shared spaces and front gardens. It is not clear from the available plans how front garden areas are to be treated, whether they will be in private ownership or adopted highway verges, and how the frontage between adjoining properties will be delineated.

2. Trees and Arboriculture:

The Arboricultural Impact Assessment (AIA) report and Tree Protection Plans are acceptable, and the recommendations contained within section 8 should be adhered to. The tree protection measures detailed in the report and shown on the plans must be in place before development commences and remain until it is completed.

Further Arboricultural Method Statements as discussed in the AIA should be submitted under condition and approved in writing before development commences on site. These method statements should include details of arboricultural supervision, with the expectation that a short report will be submitted after each visit to ensure sound arboricultural practices are adhered to.

(The points of objection raised by the Parish Council on arboricultural matters (points 4a-e of their letter dated 18 October 2017) are covered in the Landscape section within the main body of the report)

BDC Waste Services - The refuse collection plan is acceptable, provided that the roads will be offered for adoption by ECC.

REPRESENTATIONS

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

Principle

- Cressing is a rural village and the extension of building outside the village envelope will irreparably damage the feel of the village let alone stretching the burden of extra cars and people on the local infrastructure;
- The location is clearly unsuitable for the development proposed and it is a shame that more emphasis has not been directed to more appropriate locations to fulfil the Council's housing quota.

Design and Layout

- The level of housing proposed is disproportionate to the size of the current village and will sacrifice the rural charm and open spaces that brought the existing residents to the area;
- The site layout and design is not in keeping with the existing residential properties along the village boundary (Heycroft Drive and The Westerings) which are well spaced out with larger gardens, none of which are social housing, it is thus out of character;
- The drawings may not accurately show the presence of additions such as conservatories;
- The majority of properties in Bulford Close, Heycroft Drive and The Westerings are chalet style or bungalows. The two storey houses proposed to be backing onto these will be much taller and not in keeping with the style of the surrounding properties;
- The modern and high density housing in this plan is entirely out of character with the rest of Mill Lane and the neighbouring houses;
- The high number of properties will negatively alter the look and feel of the village and represents a jump in size that will change the village forever;
- Detrimental impact upon the setting of listed buildings.

Residential Amenities

- BDC is urged to insist a redesign that sees social housing moved away from existing residents and replaced by the larger four bedroom properties, due to the perceived effect that the proposal would have upon the living conditions of them and their property values;
- Concerns raised over the proposed finished floor levels and the distances between the development and neighbouring properties giving rise to overlooking, a restriction of light and general loss of amenity, especially with the absence of a natural break in between;

- Noise levels both during the construction and on occupation;
- The placing of parking bays adjacent to the boundary line with The Westerings would cause an increase in noise and disturbance;
- The submitted layout differs from one previously sent out by the Applicant's Solicitors Hill and Abbott to local residents, which showed a plot of proposed dwellings orientated at 90° to the bottom of 14 – 24 The Westerings;
- The proposed dwelling at Plot 54 has no natural symmetrical buffer to the property boundary with 18/20/22 The Westerings, a back-to-back garden would be far more appropriate as the current layout would give rise to an unnecessary and unacceptable intrusion into the living space and fall of natural light into those properties;
- Question why is there a large green open space next to Mill Lane, where there are no existing residents, but it's proposed to cram as many houses as possible up the other end towards where there are already houses situated. Could the green not go in reverse, creating a natural barrier between existing residents and the new site?
- The stipulated hours for construction especially an 8am start on a Saturday is too early for construction and should be amended to 9am. The construction hours should be extended to include people/vehicles arriving and leaving the site, so as to minimise impact on existing residents;
- The use of task lighting in the winter months during the construction of development will cause light pollution for the Bulford Close and Heycroft Drive residents.

Landscape and Ecology

- Potential damage to road surface and grass verges from construction traffic;
- Hoarding has been erected around part of the site and concerns that future hoarding flags and advertisements could have a detrimental impact upon the Protected Rural Lane and its environment, including hedgerows;
- Although the final plans have not been determined, workmen were seen cutting through the hedge on Mill Lane in mid October;
- Tree Preservation Order Number 03/2017/TPO at Land East of Mill Lane should be adhered to and none of the pre-existing hedgerows should be removed, so as to minimise the impact on wildlife;

- Ancient hedgerows, ponds, wildlife habitats etc will be completely destroyed on land that had protected status in place;
- The site is surrounded by mature trees and hedges, the application proposes removing some trees and encroaching of the root protection areas of others;
- Referring to the AIA Method Statement for this proposal:
 - a. Trees T49 and T50 are attractive field maples, the roots of which extend onto the proposed site and are likely to be damaged by proposed development;
 - b. Tree T58 is a mature Oak tree, close to a neighbouring property. It has been managed in the past and well maintained. It would be badly affected by the proposed development, putting at risk the tree and the neighbouring property due to large deep roots running under it. The author proposes an option to remove it, which is ridiculous. The tree should have a TPO in place, but nobody ever dreamt it would be at risk;
 - c. The 'Dark Grey Area' shown on Plan4 (page 14) for material storage is close to neighbouring properties, plus it extends over root protection areas (RPAs) for T58 and T60. The impact on mature trees in the area would be detrimental to the future appearance of the village;
 - d. One of the two trees covered by recent TPO is T63. The report suggests various checks and inspections be carried out; these must not be used as an excuse for removing a healthy tree. They would ask the Landscape Officer to pay close attention to any attempts to use questionable assessment on it;
 - e. T68 is proposed for felling to aid construction. This is unacceptable vandalism of the rural setting and a valuable tree in the village. This tree is another that should be covered by a TPO, rather than being felled for development.

Highway Related Matters

- The footpath connecting the site to The Westerings should not be permitted due to the increased passing footfall existing residents will have to endure;
- Bulford Mill Lane and Mill Lane are included in the Draft Local Plan as having Protected Rural Lane status and an artificial footpath to the station is most unwelcome as it will affect their visual integrity;
- Little detail on the proposed Station footpath, which was a material consideration that was considered to be a benefit by the Planning Committee in granting outline planning permission;

- The footpath to the Station is far from a benefit and is in fact a hindrance to the rural character of the area with no safety benefits provided to residents/commuters;
- Given the very limited bus and rail service the majority of people will have no choice but to use a vehicle, this is likely to result in hundreds of vehicle movements in and out of the site each day and will not only likely result in damage to the road, grass verges and hedgerows, but is also an accident waiting to happen;
- Being a country lane, Mill Lane is not suitable for large amounts of traffic which will be generated by the number of dwellings proposed;
- There is no public footpath way along Mill Lane and anyone walking along there will have large numbers of traffic to counter which is not safe;
- All objection comments raised at the outline stage still apply and the lack of a road safety audit report for the proposed access is still unresolved;
- Probably more than 200 cars will be added to Mill Lane which cannot deal with more traffic in its current state, with there being insufficient room for two larger vehicles to pass, this is notwithstanding that traffic still moves at high speeds;
- Normal use of Mill Lane for existing residents will become stressful and unpleasant because added traffic will make manoeuvring in and out of driveways difficult and exiting onto the B1018 more problematic at peak traffic times which cannot deal with more traffic;
- The access to the site for construction traffic has been situated in a most inappropriate position as it is the narrowest part of Mill Lane on a blind bend with no speed limit. This is not only impractical, but dangerous and demonstrates that this development should never have been permitted in the first place;
- The original plans did not include a haul road and therefore residents were unable to comment at that time;
- Concerns raised about the management of construction traffic, including vehicles belonging to site workers, the irresponsible parking of which could give rise to amenity and safety issues. Restrictions should be imposed to include no parking on existing residential roads and penalties enforced if not adhered to;
- The surrounding infrastructure in the wider area is also overburdened currently and would not be able to cope with the level of traffic safety e.g. Galleys Corner and Wyeveles Garden Centre roundabout.

Community Infrastructure

- The immediate infrastructure of the area is ill equipped to deal with the increase in population and would negatively impact all living in the area in respect of education, healthcare and transport;
- Cressing has no GP surgery or dentist. Without any additional facilities it is an unsuitable location for this size of development with residents forced to travel into Braintree or Silver End for medical services, where those GP surgeries are overloaded and unable to offer sufficient levels of care;
- The primary school is rated “Good” and serves the village well and children can be educated in a proper village school along with their siblings and friends. However, classes are at or near capacity so unable to take the hundreds of extra children that might need schooling; with competition for places in the current primary school potentially doubling over the 2018 – 2020 intake years and beyond;
- Some future residents that have pre-school aged children will move to Cressing in the hope of raising them in a village school environment, but will be forced to place them in schools outside of the village;
- No assurances have been made of adequate sewage disposal, this needs ascertaining before any development starts;
- The development will cause an increase in porous ground being converted to hard landscape causing an increase of surface water flooding to existing neighbouring residents;

One letter of objection stated that the finished floor level to Plots 10 and 11 was proposed to be 1m above the rear of the gardens of 30/32 Bulford Close with a retaining wall proposed to the rear of with a 1.5m fence on top of it. Their concerns were with regard to the potential for overlooking and consequent lack of privacy.

In response to the revised plans received, they state that they are pleased to note that the difference in the proposed finished floor level of plots 10 and 11, and that of the rear garden on 30 Bulford Close has been reduced by 475mm. However, the finished floor level would still be approximately 500mm above the garden of no.30, and with a level difference of 400mm on the boundary. They are not certain that the installation of a gravel board, as suggested to them by Bellway would be an adequate solution, so they remain concerned as previously, but less so.

REPORT

Principle of Development

As highlighted by the Parish Council, the site lies outside of the Village Envelope as denoted by the Proposals Map in the adopted local plan, and residential development is contrary to Local Plan Review Policy RLP 2. The Parish Council are also correct in stating that the Draft Local Plan (DLP) is still in draft form i.e. it is not currently adopted as part of the development plan.

However, as was stressed within the Officer report for the determination of the outline planning application (16/00397/OUT) which preceded this application, the Council acknowledges that in terms of what the NPPF requires, it cannot demonstrate that it has a deliverable 5 year supply of land for housing “...*that meets the full objectively assessed needs for market and affordable housing*”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.

This does not mean that sites outside of existing development boundaries are automatically appropriate for new development, however, the above is reinforced at NPPF paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means “*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted*”.

It was therefore necessary, in accordance with the requirements of the NPPF to assess the specific merits of the application site in detail to allow an evaluation of it to be made in terms of its potential to accommodate the proposed development in a sustainable manner at the outline stage. Having undertaken that assessment, Officers concluded that the benefits of the development outweighed any adverse impacts and outline permission was granted. At that time, as indeed was the case at the time of drafting this report, the Neighbourhood Plan is still at an early stage in its preparation. The District Council have not been consulted under Regulation 14 on a Draft Neighbourhood Plan. At such an early stage in the process the Neighbourhood Plan can only be given very limited weight in the consideration of any planning application.

The Publication Draft Local Plan (DLP), following amendments, was approved by Council for Regulation 19 Consultation and Submission on 5 June 2017. The DLP was published for Consultation between 16 June and 28 July 2017. The DLP proposals map under 'Cressing (Tye Green)' identifies the site as CRESS 192 for residential development.

Whilst many of the issues raised in objection letters refer to the principle of development, and whether the proposal constitutes a sustainable form of development, outline planning permission has been granted by the Council. This means that the principle of development cannot be revisited. As a matter of principle this application for Reserved Matters is considered acceptable.

Design and Layout

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

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

As explained above, the layout has evolved since the outline planning permission was granted, and as with the matters of appearance, scale and landscaping, has been the subject to extensive pre-application discussions with Officers, as well as having been revised further during the processing of the current application. Nonetheless the layout has broadly, but not exclusively been formed by taking into account the indicative layout that was submitted at the outline stage and the existing trees, landscaping and hedging that are situated along the site's boundaries.

In coming to the finalised proposed layout, the applicants have taken into account the various requirements of local and national policy, as well as technical input from the Highway Authority - Essex County Council. The estate road layout, which would connect from a single vehicular point of entry onto the existing public highway (the access onto Mill Lane that has been previously approved), has been designed to accord with the EDG and the Manual for Streets, thereby emphasising the implementation of shared private driveways, shared surfaces and the prioritisation of pedestrians and cyclists through the development.

This includes the previously approved footpath/cycle link to The Westerings, footpath link to PROW 38, a new 2m wide footway onto Mill Lane, as well as off-site pedestrian works to improve connections to Crossing Station along Bulford Mill Lane. The applicant also states that the layout also allows for the provision of three possible footpath/cycle links into any future development site to the south of the site, should planning permission be forthcoming.

Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The largest area of Public Open Space (POS) and an attenuation basin would be located to the western side of the site and this will maintain a buffer between the listed building at Jeffreys Farmhouse on the opposite side of Mill Lane and the proposed development.

The location of this POS has been questioned by some residents, who naturally have asked why the main open space and the SUDS features included within it could not be located adjacent to existing housing, so as to create a buffer for them from the proposed new housing. In response to this, the applicant has highlighted that the land slopes down to Mill Lane (east to west) and therefore due to this, the drainage for the scheme has to be located on the lower ground, adjacent to Mill Lane, and under the POS. Officers also considered that it was appropriate to establish a landscape buffer along the western boundary to reduce the impact of the development on the listed building and Mill Lane.

Third party concerns have been raised with regard to the quantum of housing proposed and the effect that this would have upon the rural setting of Tye Green. However, the principle of the construction of 118 dwellings on this site has already been accepted by the grant of the outline permission (and condition 2 attached thereto), and in any case, the proposal is not considered to be disproportionate to the size of the village which has evolved over time, with previous significant phases having been built during the period spanning the 1950's to the 1980's. The number of dwellings is considered appropriate, making an efficient use of the site whilst complying with relevant design standards and responding to site constraints and the character of the area.

Dwellings within Heycroft Drive, Bulford Close and The Westerings, as well as those fronting Mill Lane to the north of the site, were built during the latter stages of the above period, and which largely form the immediate built edge of the settlement and therefore context to the site. These are generally privately owned semi-detached bungalows, chalet bungalows and two storey houses of a suburban design and form. Many of these have been altered and extended over the years, but were nonetheless originally built with plots of varying sizes, with the rear garden depths of some properties being comparable with the recommended contemporary standards set out within the EDG.

The proposals would give rise to a mixture of terraced, semi-detached and detached housing, as well as apartment blocks which would be located in the centre, and south eastern corner of the site. All houses would front an access road to provide consistent street frontages across the site; and the mix of external materials proposed would include the use of brick, render and weatherboarding, with plain tile roofs.

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

The proposal also incorporates waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised. This is in accordance with the requirements of condition 6 imposed upon 16/00397/OUT.

Another third party concern has been that the proposal would have a detrimental impact upon the setting of listed buildings. In response to this the HBA has stated that from a conservation perspective the impact of the development relates to the principle of development as opposed to the specific detailing, as the site would be read as part of the existing modern development of housing in Tye Green. He therefore had limited comments to make on this reserved matters application, but had previously raised no objection to the principle of residential development on the site during consideration of the outline planning application.

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

Residential Amenities

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

As shown on the submitted Site Layout Plan, each house would be provided with a private garden, of at least 50m² for 2 bedroom houses and at least 100m² for houses of 3 or more bedrooms which is in accordance with the EDG. A number of the dwellings would have private rear gardens which are well in excess of the minimum standards and would provide a higher quality

living environment for both existing residents and future occupants of the development.

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

The EDG states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*.

Furthermore, the EDG stipulates that where new houses are at an angle of greater than 30° to the existing, proximity may increase proportionately down to 1 metre from the boundary; and where new houses are at right angles to the existing, and there are no windows in the flank end or problems of overshadowing, the new houses may encroach up to 1 metre from the boundary with a building to building distance of at least 15m.

Concerns have been raised by local residents over differences between the layout plan submitted with this Reserved Matters application and a layout plan sent out by the landowner's (not the applicant's) Solicitors to residents neighbouring the application site. The Solicitors letter accompanying the earlier plan clearly stated that the plan was indicative but it is understood how confusion would arise. As previously stated the layout has been the subject of extensive pre-application discussions. It is for Members to determine the plans as submitted to the Council as part of this reserved matters application, having regard to the development plan and all other material considerations.

It has also been highlighted by third parties that the proposed dwelling at Plot 54 is shown to be located at 90° to the rear boundaries of 18, 20 and 22 The Westerings. Whilst it is acknowledged that a back-to-back garden would give rise to a greater sense of space than what is proposed, nonetheless the north eastern flank elevation of that proposed dwelling would be between 2-3m away from the shared boundary, with a minimum building to building distance of 19.5m, thereby exceeding the EDG guidelines. Consequently it is considered that the outlook from and daylight received by these existing neighbouring dwellings would be adequately protected.

A bathroom window is shown to be installed on the facing elevation of the proposed Plot 54 dwelling, and in order to minimise overlooking and a loss of privacy it is recommended that a condition be imposed to require that it be obscurely glazed and non-opening for the first 1.8m above first floor level. In addition, by virtue of this dwelling being orientated due west, a degree of

overshadowing would occur during the afternoon period, although this would only likely affect the end of the rear gardens, and on balance this is not considered to be a reason to withhold approval of the layout and scale of the proposal.

All other dwellings would be positioned with minimum back to back distances of 25m, and in many cases these would be exceeded.

One of the reasons for objecting to the application, cited by the residents at no.36 Bulford Close, is that the 25m separation between buildings is not achieved at their property as they have extended the rear of their property with a conservatory which is not shown on Ordnance Survey maps. Officers consider the proposed dwellings to have an acceptable relationship to this property as conservatories are considered to often be a transitional space between houses and their gardens, much like a patio area, and that the main building to building distance (and therefore habitable rooms) would comply with the Council's design standards.

Furthermore, in response to some of the concerns raised with regard to the originally proposed finished floor levels (pursuant to condition 12 of 16/00397/OUT) within the northern portion of the site and the distances between the development and neighbouring properties, the applicant has shown a reduction in site levels, so as to reduce the risk of a material level of overlooking, and a general loss of outlook.

Some residents have urged the Council to insist on a redesign of the scheme to move the affordable housing away from existing residents and replaced by the larger four bedroom properties, due to the perceived effect that the proposal would have upon the living conditions of them, specifically in respect of noise, and their property values.

The Council's planning policies require developers to provide Affordable Housing as a part of new housing developments - 40% Affordable Housing on this site. As the Affordable Housing plan shows the Affordable Housing is proposed to be located in clusters.

As Members will be aware the effect of development upon property values is not a material planning consideration. The proposed development along the boundary to Mill Lane, Bulford Close, Heycroft Drive and The Westerings comprise a selection of detached and semi-detached two storey properties for both private and affordable occupation. As stressed by the applicant, the external appearance of all properties on the site will be 'tenure blind' to ensure that there is no differentiation in the built quality of the respective units.

Concern has also been raised with regard to the proposed placing of parking bays adjacent to the boundary line with The Westerings. A parking court for units 59-66 is shown to be provided due south of 26 The Westerings, however only 2no spaces would be provided adjacent to the end of the rear garden of the existing neighbouring house, and overall it is considered that their use would not cause an unacceptable increase in noise and disturbance.

With regard to the build out of the proposed development, the stipulated hours for site clearance and construction, and the associated movement of vehicles were set by the imposition of conditions 13 and 14 on the outline planning permission, and an 8am start on Saturdays forms part of the Council's standard conditions. Comments with regard to the use of task lighting in the winter months during the construction of development causing light pollution for the Bulford Close and Heycroft Drive residents are noted, but the construction hours are controlled by condition and any resulting light pollution is unlikely to be significant. Details of permanent external lighting are secured through condition 17 of 16/00397/OUT.

In addition, one of the objection letters received stated that the footpath connecting the site to The Westerings should not be permitted due to the increased passing footfall existing residents will have to endure. The increase in pedestrian movements through The Westerings would not result in a significant loss of amenity and in any event the principle of this pedestrian link has already been approved through the grant of the outline planning permission.

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

Landscape and Ecology

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 Natural Environment and Biodiversity states that *'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'*. Policy CS8 also states that *'the restoration and enhancement of the natural environment will be encouraged through a variety measures'*. These aims are supported by Policies RLP80 and RLP84 of the Local Plan Review.

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

As has been previously highlighted, the Council's Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) identifies the application site as falling under Parcel 4a, and is described as follows:

"4.7 A semi-circular Parcel of land extending from the south-east edge of Tye Green and bounded to the east by the B1018 and to the south and west by Mill Lane. The Parcel comprises a large- to medium scale pattern of fields with hedged boundaries, containing both arable and rough grass. The listed Hawbush Old House is located in the south-eastern corner. The Parcel is located on the higher plateau along with Tye Green. To the south-west, the land drops into the valley of the River Brain.

4.8 Public access is limited to a footpath along the settlement edge, and public views into the Parcel are limited. Neighbouring residential properties in Tye Green afford filtered views into the Parcel.

4.9 The Parcel's relationship to Tye Green settlement edge and its limited visual influence on the surrounding landscape afford it some opportunities to accommodate development. Such development would need to respect the setting of Hawbush Old House and maintain a separation with the hamlet of Hawbush Green.

4.10 Any development should be sensitive in scale, style and layout to the southern edge of Tye Green, and where possible should incorporate the key characteristics of the settlement. Existing vegetation along Mill Lane should be preserved and enhanced in order to reinforce the distinction between Tye Green and the river valley landscape beyond. Opportunities should be explored to improve public access provision through the Parcel, in particular, there is potential for a green link along the northern edge that could continue out towards Cressing Station."

The proposal has been made in this context, in addition to the parameters set out within the outline planning permission and it is considered that the reserved matters demonstrate that the site can absorb new development in a suitable and sympathetic manner:

In accordance with condition 21 of 16/00397/OUT, detailed landscaping plans have been submitted, with 10,135sqm of public open space to be provided as part of the development. The majority of this space would be located along the Mill Lane frontage, providing a substantial green buffer between the road and the edge of built form within this site.

This area of public space would also form an important component of the site's sustainable urban drainage system to help manage surface water runoff, as well as providing a location for children's informal play equipment. A further area of open space would be located towards the north eastern side of the site, to the north of and adjacent to the proposed footpath/cycleway that would lead into The Westerings.

The proposals have sought to protect and enhance the majority of the most valued existing landscape features, including the field hedges, with the exception of the location of the permitted access.

Simple robust hard landscape materials with colour variations to delineate between public and private spaces would be used in a fashion to create an unfussy street scene, defining the character of development and creating a sense of place. The proposal would also use close boarded fences, larch lap fences and high brick screen walls for the treatment of boundaries, pursuant to condition 28 of 16/00397/OUT.

The submitted landscaping plans are sufficient for the areas they cover, however further tree planting across the development site should be provided, with there being opportunities for this in shared spaces and front gardens. It is not clear from the available plans how front garden areas are to be treated, whether they will be in private ownership or adopted highway verges, and how the frontage between adjoining properties will be delineated, therefore it is recommended that an appropriate condition be imposed.

DLP Policy LPP46 states that '*The District Council will conserve the traditional landscape and nature conservation character of roads designated on its proposals map as Protected Lanes, including their verges, banks, ditches and natural features such as hedgerows and other structural elements contributing to the historic features of the lanes*'. It goes on to state that any proposals that would have a materially adverse impact on the physical appearance of these Protected Lanes or generate traffic of a type or amount inappropriate for the traditional landscape and nature conservation character of a protected lane, will not be permitted.

Both Mill Lane and Bulford Mill Lane are proposed to be allocated as Protected Lanes within the DLP, although due to the DLP's current status Policy LPP46 can only be afforded limited weight. In addition, by virtue of the grant of outline planning permission the principle of development has already been deemed acceptable by the Council. Notwithstanding this, a number of comments have been raised by some consultees and objectors with respect to the proposed Bulford Mill Lane works and the draft Protected Lane designation.

By way of context to this, the S106 agreement stipulates that a scheme of works, to facilitate pedestrian movement between the site and Cressing Rail Station, to include a footway / footpath, signing, lining, localised carriageway widening within highway land and appropriate lighting on the off-road link be submitted to the Council prior to the commencement of development.

Therefore, the applicant is not obliged to provide such details at this stage, provided that they have obtained the Council's approval to the detailed design of the highway works and entered into a Highway Works Agreement with the County Council prior to operational development beginning. A plan has recently been submitted in draft form to the Council. This establishes the principles of the works with a footway being constructed behind the hedge at

the eastern end of Bulford Mill Lane before re-joining the carriageway east of Mill House. Other proposed works within highway land include new signage, road markings and build outs. The applicant is undertaking further detailed design work following discussions with Highway Officers and the scheme could be subject to further change, however notwithstanding the requirements of the S106 this does not prohibit this reserved matters application being determined.

In addition to concerns expressed by the Parish Council and local residents about the proposed works to Bulford Mill Lane the Council's Historic Buildings Adviser (HBA) has stated that the proposed works would 'fundamentally alter the character of the road in a manner which would alter its appearance and its character, and which would vitiate the ability to understand the visual and historic value of a section of this lane.'

The HBA concludes that the proposals would do considerable harm to the significance of this non-designated heritage asset. This harm should be considered as per paragraph 135 of the NPPF and weighed against the public benefits of the scheme. When taking the decision to grant the outline planning permission the Council considered that the public benefits of the improved pedestrian link down Bulford Mill Lane would outweigh the harm that would result from works of this nature and now the details of these proposals are becoming clearer sees no basis for reaching a different conclusion.

The potential damage to the road surfaces and grass verges from construction traffic and future resident's vehicles has been raised as an issue that could challenge the status of the proposed Protected Lanes, however as previously set out, access has already been a matter that has been approved by the Council, with a quantum of up to 118 dwellings. In addition, whilst it is acknowledged that hoarding has been erected around part of the site and the concerns that future flags and advertisements could have a detrimental impact upon the Protected Lanes and their environment, they are not critical factors in the consideration of this application, with the latter issue being of a temporary nature in any case.

In respect of Trees and Arboriculture, it is considered that the Arboricultural Impact Assessment (AIA) report and Tree Protection Plans are acceptable, and the recommendations contained within section 8 should be adhered to. The tree protection measures detailed in the report and shown on the plans must be in place before development commences and remain until it is completed.

Further Arboricultural Method Statements as discussed in the AIA should be submitted under condition and approved in writing before development commences on site. These method statements should include details of arboricultural supervision, with the expectation that a short report will be submitted after each visit to ensure sound arboricultural practices are adhered to.

Planning Officers have consulted the Council's Landscape Services team regarding the concerns raised by the Parish Council and the village's Tree Warden on arboricultural matters. The Landscape Officers advice follows each point in italics.

a. Trees T49 and T50 are attractive field maples, the roots of which extend onto the proposed site and are likely to be damaged by proposed development;

The retention of this tree can be dealt with adequately through the Tree Protection Plans that form part of the AIA. While these trees are near to development, they are to be protected by way of either a cellular confinement system to spread load and stop compaction, or fencing with a suitable Arboricultural Method Statement.

b. Tree T58 is a mature Oak tree, close to a neighbouring property. It has been managed in the past and well maintained. It would be badly affected by the proposed development, putting at risk the tree and the neighbouring property due to large deep roots running under it. The author proposes an option to remove it, which is ridiculous. The tree should have a TPO in place, but nobody ever dreamt it would be at risk;

This tree is not subject to a TPO and the tree, if retained, would be located within the rear garden of a property in the proposed layout. The applicants AIA does not conclude whether the tree should be removed or retained but the application has proposed that the tree is removed.

The tree is considered to be an attractive one and is in good condition. The AIA cautions that removal of the tree could have implications for the adjoining property in The Westerings and states that the tree could be retained but would need to be managed with crown reduction every 3-5 years. If the tree were retained there would be overshadowing of the garden but the crown would not completely cover the garden.

Officers have discussed this matter at length with the Council's Landscape Services Team. It is considered that the semi-mature oak tree will be too close to the proposed new dwelling to be retained. Oaks are large 'high forest' trees when they mature and the Council's tree strategy (2016) recommends that the minimum distance for these trees in a main garden would be 20 metres from the built development. This distance cannot be achieved within the current layout. If the tree were to be retained it would really need to be located within an area of open space but this cannot be realistically achieved within this layout without significantly redesigning the layout. Whilst the retention of trees is usually preferable this is not always practicable and its removal is considered acceptable in this case.

c. The 'Dark Grey Area' shown on Plan4 (page 14) for material storage is close to neighbouring properties, plus it extends over root protection areas (RPAs) for T58 and T60. The impact on mature trees in the area would be detrimental to the future appearance of the village;

As with point a. above - the retention of this tree can be dealt with adequately through the Tree Protection Plans. NB – this concern has arisen from the proposed storage of materials during construction. This is a matter controlled by condition and is not part of this Reserved Matters application.

d. One of the two trees covered by recent TPO is T63. The report suggests various checks and inspections be carried out; these must not be used as an excuse for removing a healthy tree. They would ask the Landscape Officer to pay close attention to any attempts to use questionable assessment on it;

This tree is covered by a Tree Preservation Order. As the tree is preserved and no works to it are proposed as part of this application, any works would require a separate TPO application which we would consider in the usual way. Any application to fell or carry out other works would need to be properly justified and backed up with evidence.

e. T68 is proposed for felling to aid construction. This is unacceptable vandalism of the rural setting and a valuable tree in the village. This tree is another that should be covered by a TPO, rather than being felled for development.

T68 is a field maple in good condition. It would be preferable to retain this tree, however I think it would be very difficult to do so. Adjusting the layout to allow the retention of the tree is likely to put more pressure on the vegetation to the east, including the preserved oak. The Landscape Officer considers that on balance whilst the loss of the tree is regrettable, most of the good quality vegetation on the eastern boundary is to remain, so they do not object to the loss of this tree.

With regard to ecological matters, condition 25 of 16/00397/OUT required the first Reserved Matters application relating to landscaping to be accompanied by a Landscape and Ecology Management Plan (LEMP). In response to this and the related application to discharge conditions 23, 24 and 26 the Ecology and Natural Environment Officer has highlighted that the following reports have been submitted: Ecological Mitigation and Management Plan; Open Space and Ecological Management Plan; Construction Environmental Management Plan (CEMP); and Lighting Strategy. In the main the Ecological Mitigation Plan and Open Space Management would ensure safeguarding of protected species.

In addition, the requirement of condition 9 imposed upon 16/00397/OUT was for the submission of a Construction Method Statement, which amongst other things required details of safe access to/from the site and any temporary haul routes proposed. Whilst, this is also the subject of the discharge of condition application and does not form part of the application which is before Members, a number of representations have made reference to part of the Mill Lane hedgerow being cut back. This has been proposed by the applicant to provide a temporary construction access opposite the curtilage of Jeffrey's Farmhouse which would cut through the existing hedge line, in addition to that approved for the main site access opposite Bulford Mill Lane.

One of the most important ecological features of this site is the existing hedge line which provides commuting and foraging routes for biodiversity and connectivity to the wider countryside and as such the Council would usually seek to retain such features. Officers have queried the need for two separate access points to be created for the same site as it would cause disruption and fragmentation of the green corridor. Additionally, the proposed construction haul road would run the length of the hedgerow adding to the potential for ecological disturbance. These ecological concerns are in addition to concerns regarding highway safety and visual impact. The applicant intends to submit further information regarding the proposed construction access and this will be considered by Officers in due course. If Officers do not approve this construction access options would need to be considered as to how the approved site access could provide for the access and egress of construction vehicles.

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

Archaeology

In its glossary, the NPPF highlights that *“There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.”*

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

As highlighted by the Historic Environment Officer (HEO), a full archaeological condition was recommended for application 16/00397/OUT and which was imposed as condition 3. A Written Scheme of Investigation (WSI) has been submitted with the Reserved Matters application, although this condition does not need to be discharged prior to the determination of reserved matters. It does however prohibit development from commencing prior to adequate details being submitted to and approved in writing by the Council.

The HEO has confirmed that the WSI can be approved, although the condition requires the implementation of a programme of archaeological work prior to the commencement of the development. Until the fieldwork has been undertaken and the reports submitted it is not possible to assess the impact on any archaeological remains, but that is not a justification for delaying

determination of this application, as no breach of condition had taken place at the time of writing this report.

The submission of a final report incorporating the results of the archaeological monitoring will enable the proposal to comply with the NPPF and the above policies.

Drainage and Flood Risk

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

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

Third party representations have also sought assurances that the proposal would give rise to adequate sewage disposal. Anglian Water previously made comments on planning reference 16/00397/OUT relating to this site and the comments they made on this application remain unchanged: that being that the foul drainage from this development is in the catchment of White Notley Water Recycling Centre and which will have available capacity for flows; and the sewerage system at present also has available capacity for these.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas. Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP 7 and RLP 8 require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

As highlighted by the Council's Housing Research and Development Officer with the proposal being for up to 118 dwellings, at 40% affordable housing this equates to 47 units. The housing and tenure mix which is specified in the table in the Consultations section of this report is in accordance with site layout drawing, and is considered to be appropriate to match evidence of housing need.

The proposal provides the potential to deliver a significant number of new affordable homes that would assist in addressing the high levels of housing need in the District, in accordance with policy CS2.

Highways and Accessibility

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

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

Road widths reflect the parameters agreed at the outline application stage and the accompanying highways plans confirm that the proposed developed area provides comprehensive access for cars and refuse vehicles, alongside full safety compliant visibility splays.

As stated previously the applicant has indicated the location for three potential locations where foot/cycle connections could be formed to connect this site to the land to the south, which is the subject of an undetermined planning application for residential development.

Whilst the land to the south of the application site is not allocated for development and the application for outline planning permission has not been determined Officers have considered the possibility that the site to the south could be developed at a later date. Whilst it is not necessary for the applicant (Bellway) to provide these links, it is important that the ability to form these links is secured at this stage. Once Reserved Matters are approved there would be no mechanism through the Planning system to secure these links. Officers therefore recommend that the ability to form these links, in the event that they become required, should be secured by way of a variation to the S106 agreement. Officers consider that the two proposed links shown off the estate road should be secured. The third possible location for a link – at the western side of the site within the Public Open Space – is not considered to be necessary and Officers do not propose that the potential for this link is secured through the legal agreement.

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

circumstances and garages (to be counted towards parking provision) should measure 7 metres by 3 metres.

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

Members will note that quite a number of objections have centred upon highway related matters, however as previously stated the issue of access, both to and from the site was assessed and has been approved through the grant of 16/00397/OUT.

As with any new development, it is inevitable that road traffic would be generated; however the aim should be to provide and promote other options, such that future residents are given the opportunity to travel by more sustainable means. As set out above, the S106 requires the construction of an off-road pedestrian link to Cressing Railway Station and associated highways works; pedestrian links to PRoW 38 and The Westerings; provision of real-time passenger information displays at Tye Green Post Office bus stops on Claud Ince Avenue; and a financial contribution of £11,640 towards the provision of additional covered cycle parking at Cressing Railway Station.

It has been suggested that the applicant should provide additional car parking at the railway station but residents of this development should be encouraged to walk or cycle to the station and not encouraged to drive and park there.

In the Landscape and Ecology section above, the requirement of condition 9 imposed upon 16/00397/OUT for the submission of a Construction Method Statement was highlighted. In addition to requiring details of safe access to/from the site and any temporary haul routes proposed, it also required details of the parking of vehicles belonging to site operatives and visitors.

Whilst this is the subject of the discharge of condition application (17/01670/DAC) and therefore does not form part of the reserved matters application, any access into the site for vehicular traffic will have to be provided with suitable visibility splays. It is also acknowledged that vehicles belonging to site workers, could give rise to amenity and safety issues if not adequately controlled and Officers will seek to ensure that any such disruption will be minimised.

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

Community Infrastructure

The need to provide for appropriate community infrastructure was discussed in detail within the report appertaining to the determination of 16/00397/OUT, and which specifically lead to heads of terms with the S106 agreement to cover matters of education and healthcare.

Specifically the related planning obligations are as follows:

- Education - Financial contribution for the expansion of Cressing Primary School and a financial contribution towards the cost of transporting students from the site to secondary school based on the number of dwellings to be constructed; and
- Health – financial contribution towards improvements to Primary Health care facilities at the Silver End GP practice. Contribution of £328.98 per dwelling.

As at the time of determining the outline application, Officers continue to be of the view that these provisions satisfy the tests for planning obligations set out in the Community Infrastructure Levy Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind.

CONCLUSION

The site is identified in the DLP for residential development up to 118 dwellings, which is the number of units that have been permitted by virtue of the grant of 16/00397/OUT.

It is considered that the proposal is consistent with the key elements set out in the approved illustrative site layout and provides a reasonable mix of dwelling types, including affordable housing.

The layout, design and detailing of the proposed development is considered to be of an acceptable quality, respecting the character and appearance of the area. It would provide acceptable living conditions for future occupants, as well as protecting the amenities of existing residents, particularly those adjoining the site.

In addition, the proposal would ensure that the site is accessible by sustainable means of transport, as well as ensuring that suitable conditions for highway safety are provided. Subject to the imposition of reasonable planning conditions it is considered that the proposal would amount to sustainable development, broadly in accordance with the Development Plan.

RECOMMENDATION

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

1. Footpath/cycleway links into the adjoining site

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

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

Reason

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

- 2 Apart from for gas, all service intakes to dwellings, and soil and waste plumbing, shall be run internally within buildings and not be visible on the exterior.

Reason

In the interests of visual amenity.

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

Reason

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

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

Reason

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

- 5 No dwelling shall be occupied until the waste and recycling facilities which

are proposed to serve it have been provided. The facilities shall be retained solely for the storage of waste at all times.

Reason

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

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

Reason

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

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

Reason

In the interests of visual amenity and to prevent the erection of unsightly and unnecessary satellite dishes which would detract from the appearance of the apartment blocks.

- 8 The dwelling on plot 54 hereby permitted shall not be occupied until the bathroom window on the north east facing elevation has been fitted with obscured glazing, and no part of that/those window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be so maintained at all times.

Reason

To protect the living conditions of the occupants from adjacent residential properties from overlooking and a loss of privacy.

- 9 The means of boundary enclosure as indicated on the approved layout plan shall be erected in accordance with the approved details prior to the first occupation of each respective dwelling hereby approved and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the site and in order to

protect the privacy of the occupiers of adjoining dwellings

- 10 The garage hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 11 Prior to installation of any meter cupboards on the external elevations of the dwellings hereby approved, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such

Reason

In the interests of visual amenity.

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

Reason

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

- 13 The development shall be carried out in accordance with the recommendations contained within Section 8 of the Arboricultural Impact Assessment and Method Statement, undertaken by SES, (ref. SES 1324) dated 4 September 2017.

Reason

To ensure the protection of the existing trees, shrubs and hedges that are identified for retention.

- 14 The development hereby approved shall not be occupied until the Surface Water Drainage Scheme specified in the Strategic Drainage Report [170744/J Courtney Version 1.1] and the plans listed above has been laid out in accordance with the approved details.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent

pollution.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 You are reminded of the need to comply with all relevant conditions attached to the outline planning permission 16/00397/OUT.
- 4 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).
- 5 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.
- 6 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.

- 7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

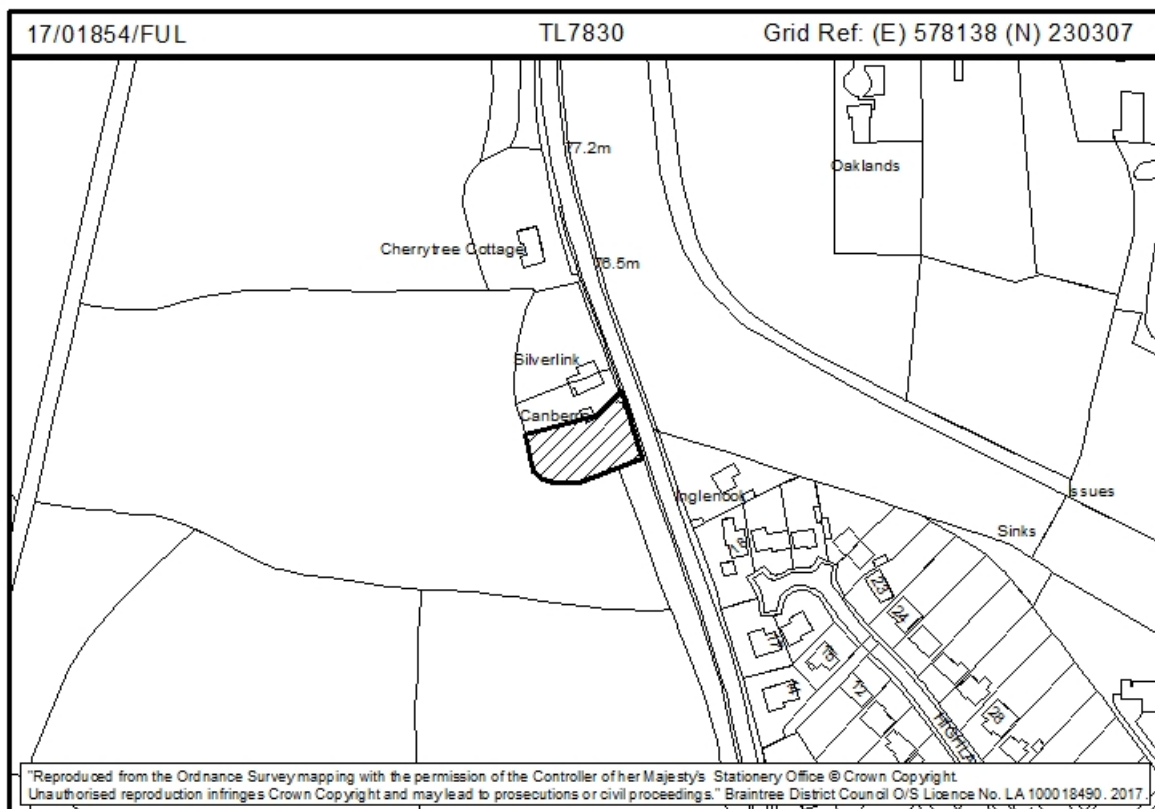
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART A

APPLICATION NO: 17/01854/FUL
DATE: 20.10.17
VALID:
APPLICANT: Mr Gavin Stock
Canberra, Hedingham Road, Gosfield, CO9 1PJ
DESCRIPTION: Construction of a semi-detached pair of dwellings with associated car parking, garden space and associated development
LOCATION: Land At Canberra, Hedingham Road, Gosfield, Essex

For more information about this Application please contact:
Katie Towner on:- 01376 551414 Ext. 2509
or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

17/01213/FUL	Erection of two semi-detached dwellings with garaging	Withdrawn	23.08.17
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given support from the Parish Council contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the western side of Hedingham Road and currently comprises a semi-detached house with a large garden located to the western and southern side of the property. The site is beyond the village envelope of Gosfield and is therefore located within the countryside for the purposes of planning policy. The site is immediately bound by dense woodland to the south and west. The site is accessed from Hedingham Road.

PROPOSAL

The application proposes a pair of semi-detached houses and a detached double garage located within the existing garden area of Canberra Cottage. The properties would share the existing vehicular access with Canberra Cottage from Hedingham Road.

CONSULTATIONS

Environmental Health – No objection subject to conditions in respect of construction hours, piling, burning of waste, dust and mud control and contamination.

Essex County Highways – No comments to make.

REPRESENTATIONS

Parish Council – Supports the application on land with a residential property already on the site.

One letter of objection has been received from the adjoining property at Silverlink Cottage, in response to the public consultation the contents of which are summarised below:

- Canberra Cottage and Silverlink Cottage currently share a septic tank on the land where the new houses are proposed
- Not keen to have to share facilities sited on land at Canberra as we would have to negotiate access to it via three parties, due the shared driveway
- The cottages are well set back in comparison to the current housing and the land is slightly higher where the proposed houses would be. Concerned that the houses may block light to our garden.

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the village envelope for Gosfield and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in early 2018.

The site was considered by the Local Plan Sub Committee in May 2016 (ref: GOSF 242) and was not allocated for development, given that the extension of the urban block was deemed to be ribbon development and the development of the site could have potentially detrimental effect upon the character of the area. This remains unresolved.

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

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted’.*

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over

the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the 'decision taking' section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Sustainable Development

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

The development will bring limited social and economic benefits (2no. units for housing supply and the provision of jobs during construction) however given the scale of the development these would be limited and can only be given minimal weight.

Para.55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church. The village is served by the no. 38/38A and no. 352. The no. 38 provides links to Halstead, Braintree, Witham, Cressing, Silver End and Rivenhall and is a ½ hourly service Monday to Saturday. The no. 352 links to Halstead, Braintree, Great Leighs, Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

Gosfield does have a variety of amenities and facilities; however the site is located beyond the settlement limits, is disconnected from the village centre and is not within a reasonable walking distance of the site. There is a footpath from the site along the western side of Hedingham Road (which has a 60mph speed limit along this part) which connects to the village; however this is in the main extremely narrow and as a consequence is neither a safe nor inviting walking environment which would encourage future residents to utilise facilities within the village without using a vehicle. Development in this location would undoubtedly place reliance on travel by car which conflicts with policy CS7 of the Core Strategy and weighs against the proposal in the overall planning balance.

The applicant within their supporting statement refers to the site being brownfield land. A High Court Judgement in 2015 held that residential gardens outside of 'built up areas' were to be considered as brownfield. There is however no definition of 'built up areas'. The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value. This must however be considered in the context of the Framework as a whole. Although broadly the use of brownfield land to deliver housing would be preferable to releasing greenfield sites, when considering a brownfield site it is not the case that all other standards and policies are disregarded. The NPPF does not dictate or presume that the development of brownfield land should be granted planning permission without giving due consideration to all other material considerations, including securing sustainable development. Previously developed land is a consideration and has benefit in terms of sustainability, but it is not the sole determining factor.

To conclude, in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development. Furthermore despite there being facilities within Gosfield village and a regular bus service, the site is divorced from these and the pedestrian route available would not encourage means of travel, such a walking or cycling. This must be a factor in the overall planning balance.

Members are asked to note a recent High Court Judgement in respect of a proposal for development of two houses near Blackmore End. The District Council had challenged the Inspector's decision to grant permission for two dwellings, taking particular issue with the Inspector's view on whether the proposal would create isolated homes in the countryside. The High Court decision gives a legal interpretation of the definition of "isolated" in the context of its use in the NPPF. This interpretation is that isolated should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the function and physical. Therefore we must consider the application of this test as to whether the proposal is physically proximate to other dwellings, rather than considering a wider analysis of the functional relationship to services and settlements. At this time the interpretation of the High Court is the law on this point, however the Council are currently seeking leave to appeal this Judgement and therefore this has an impact on the weight given to this decision.

The planning balance is concluded below.

Design, Appearance and Layout

The NPPF requires planning to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The site is located beyond the settlement boundary/village envelope for Gosfield and is therefore within the countryside. At this point along Hedingham Road is it clear that you have left the village of Gosfield, or if approaching from the north that you are not within a settlement boundary. Development is sporadic and sparse, highlighting the role performed by the settlement boundaries in protecting the amenity of the countryside. The settlement boundary policies are performing an important function in this location to direct development away from the countryside.

The proposed development results in the intensification of sporadic development within the countryside, which would compromise the clear distinction between the settlement and the countryside and set a precedent for further ribbon development in this location. The function of the settlement boundaries is to control inappropriate development within the countryside. The open and undeveloped nature of the countryside would be lost/eroded and the

character of the countryside diminished should the development be allowed. The development therefore falls contrary to the NPPF which recognises the different roles and character of different areas and policy CS5 of the Core Strategy which seeks to protect the amenity of the countryside by controlling inappropriate development.

It is apparent that the properties have been designed with reference taken from the adjacent semi-detached pair. The properties appear relatively modest from the front elevation, however a large two storey projection to the rear with a hipped roof makes for a large and bulky development. The proposed properties have a greater depth than those existing and as a consequence it is not possible to achieve the same roof pitch, resulting in an overly wide gable end with a slacker pitch to the roof which appears squat in comparison. Although the development is set back behind the existing building line created by the existing semi-detached pair, the size and bulk of the dwellings would still be visible from the street scene, especially as travelling south along Hedingham Road. It is noted that Silverlink Cottage has a two storey side extension, however this has been designed such it is subordinate to the original property. The proposed development is overly large and bulky and makes for a poor pastiche of an attractive 20th Century pair of cottages. In this respect the proposal fails to secure a high quality design, reflecting or enhancing local distinctiveness or be in harmony with the character and appearance of the surrounding area, contrary to Policy RLP90 of the Local Plan and Policies CS5 and CS9 of the Core Strategy.

As mentioned above the applicant refers to the site being brownfield given that it is a residential garden outside of a built up area. Notwithstanding this the site is also located within the countryside and it is considered that the harm identified to the countryside, as detailed above, outweighs the limited benefits of developing this site.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 (iii) of the Local Plan Review stipulates that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed development is sited to the south of Canberra Cottage and set back into the site. Given the distance between the proposed development and Canberra Cottage it is not considered that the proposal development would be overbearing. There are two windows at first floor level on the side elevation, one serving a bathroom and the other a bedroom, which would have a view in to the rear garden of Canberra Cottage. It is not considered however that some overlooking from a bedroom window would be unreasonable upon residential amenity, such to justify refusing the application on this basis.

The development is well distanced from Silverlink Cottage. It is not considered that the proposal would be overbearing, cause a loss of light or give rise to overlooking such it would be detrimental to residential amenity.

The neighbouring resident at Silverlink Cottage raises concern with regards to a shared septic tank and access to this if the development goes ahead. This would be a private matter between this neighbour and the applicant.

Highway Issues

The development is shown to share the existing access off Hedingham Road with Canberra Cottage. The Highway Authority raises no objections to this arrangement.

The adopted car parking standards require dwellinghouses with more than 2 bedrooms to be served with a minimum of 2 off street car parking spaces to dimensions of 2.9m x 5.5m and garages to internal dimensions of 3m x 7m.

The site plan submitted shows two off street car parking spaces and 2 spaces within a detached double garage. Neither the off street spaces nor the garage spaces meet the size requirements as stipulated above and thus the proposal contravenes the car parking standards in this respect. Notwithstanding this, there is space within the site for the car parking to be enlarged without significant amendments to the site layout, such it would be reasonable to overcome this by a condition on any grant of consent which would require the car parking spaces and the garage to be increased in size.

CONCLUSION AND PLANNING BALANCE

The application site is located outside of the Village Envelope for Gosfield and is therefore within the countryside for the purposes of planning policy. The development conflicts with Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus the weight afforded to Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy (in so far as they restrict the supply of housing) must be reduced. It should be noted however that a principal purpose of Policy CS5 of the Core Strategy is to limit development in the countryside in order to protect and enhance its landscape character and biodiversity, geodiversity and amenity. This must therefore be afforded weight in any balancing of the adverse impacts and benefits of the proposal.

In this case Officers have concluded that specific policies of the NPPF (i.e. Footnote 9 considerations) do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' for which there is a presumption in favour of sustainable development, to the consideration and determine and assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. In terms of economic and social sustainability the development would deliver housing, albeit 2no. units adds only marginally to the overall supply. The development would generate jobs at the construction stage and would help to support services/amenities which are available in the village; however this is of significantly limited benefit due to the small scale of the development.

The site benefits from a footpath link into the village of Gosfield, however this is beyond reasonable walking distance and given the nature of the road, the speed of traffic and the narrow width of the footpath is not a welcoming pedestrian route which would encourage the use of facilities within the village without a vehicle. Development in this location would undoubtedly place reliance on travel by car which conflicts with policy CS7 of the Core Strategy and weighs against the proposal in the overall planning balance.

Whilst the proposed semi-detached pair would sit alongside an existing dwelling and not therefore isolated in the terms of the recent High Court decision, the site is rural in its context and disconnected from the settlement. The proposal would introduce and intensify sporadic development in the countryside, compromising the clear distinction between the settlement and the countryside and would set a dangerous precedent for further ribbon development in this location. The function of the settlement boundaries is to control inappropriate development in the countryside. The open and undeveloped nature of the countryside would be lost/eroded and the character of the countryside diminished should the development be allowed. The development therefore falls contrary to the NPPF which recognises the different roles and character of different areas and policy CS5 of the Core Strategy which seeks to protect the amenity of the countryside by controlling inappropriate development.

In addition the development fails to secure a high quality design and results in an overly large and bulky pair of houses which are not sympathetic to the existing pair of cottages or the local distinctiveness, contrary to the NPPF, Policy RLP90 of the Local Plan Review and Policies CS5 and CS9 of the Core Strategy.

In Officer opinion the conflict with the NPPF, Policies RLP2 and RLP90 of the Local Plan Review and Policies CS5, CS7 and CS9 of the Core Strategy as enlarged upon above, significantly and demonstrably outweigh the limited benefits of the development and therefore planning permission should be refused.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal would introduce sporadic development in to the countryside compromising the clear distinction between the settlement and the countryside and erode the function of the settlement boundaries to control inappropriate development within the countryside, with the character and nature of the countryside diminished as a result. In addition the proposal fails to secure a high quality design, resulting in an overly large and bulky pair of houses which fail to respect or enhance local distinctiveness or the character of the countryside location.

Furthermore the site is divorced from the village with facilities and amenities beyond reasonable and safe walking distance of the site and development in this location would undoubtedly place reliance upon travel by car.

Cumulatively the adverse impacts of the development outweigh the limited benefits and the proposal fails to secure sustainable development, contrary to the NPPF, policy CS5, CS7 and CS9 of the Core Strategy and policies RLP2 and RLP90 of the Local Plan Review.

SUBMITTED PLANS

Site Plan	Plan Ref: 01
Floor Plan	Plan Ref: 02
Proposed Elevations	Plan Ref: 03
Proposed Plans	Plan Ref: 04
Location Plan	Plan Ref: 05
Street elevation	Plan Ref: 06

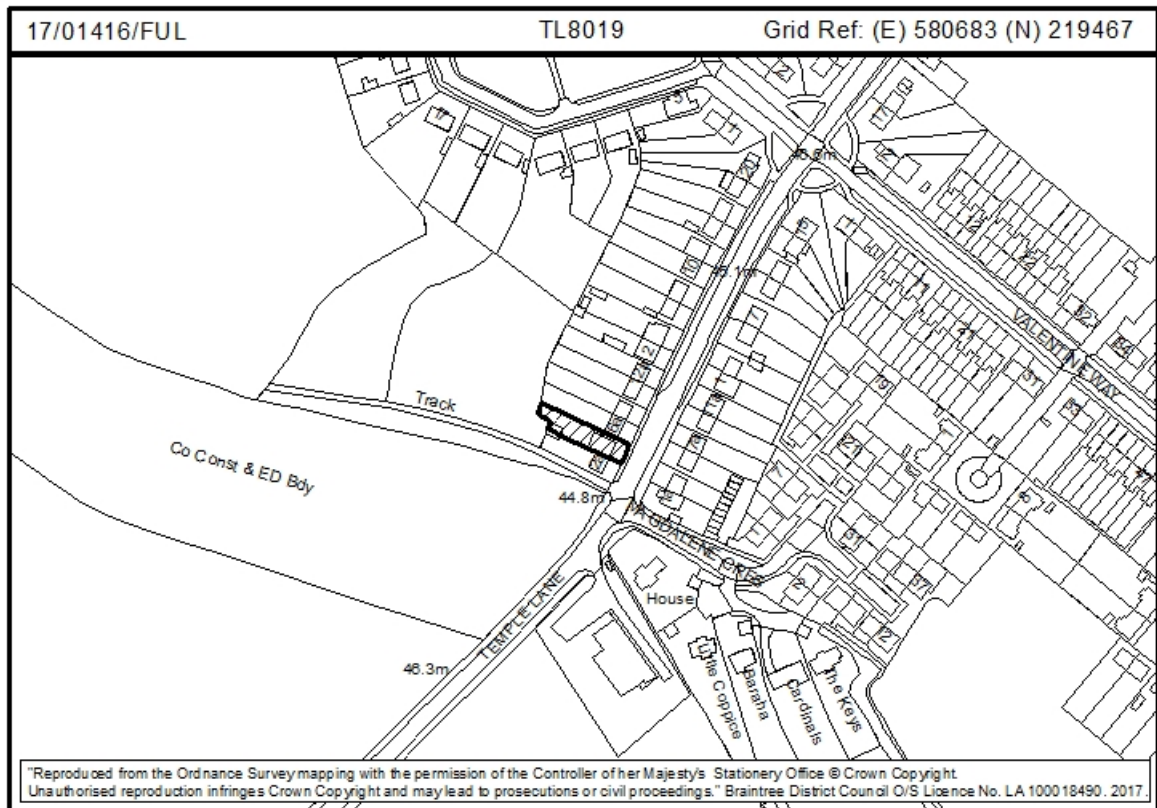
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION 17/01416/FUL DATE 31.08.17
NO: VALID:
APPLICANT: Mrs Fiona Halloran
4A Temple Lane, Silver End, Essex, CM8 3QY,
DESCRIPTION: Replacement windows
LOCATION: 4A Temple Lane, Silver End, Essex, CM8 3QY,

For more information about this Application please contact:
Mrs Liz Williamson on:- 01376 551414 Ext. 2506
or by e-mail to: liz.williamson@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Silver End Conservation Guide

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Parish Council has raised an objection, contrary to officer recommendation.

SITE DESCRIPTION

The property falls within the Conservation Area of Silver End, where an Article 4 Direction is in place. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of who went into meticulous detail when designing the houses, down to the design of doors and windows. 4A Temple Road is a detached dwelling which is considered to make a positive contribution to the character and appearance of the Silver End Conservation Area.

PROPOSAL

The properties in the area were installed with Crittall windows some of which have been replaced with aluminium framed windows which have been established as being acceptable within the Conservation Area by various approvals for similar applications. The application seeks permission to replace the following 9no. existing Crittall windows with aluminium windows.

- Window 1 - Ground floor front elevation (lounge)
- Window 2 - Ground floor front elevation (dining room)
- Window 3 - Ground floor side elevation (dining room)
- Window 4 - Ground floor side elevation (W.C)
- Window 5 - First floor front elevation (bedroom)
- Window 6 - First floor front elevation (bedroom)
- Window 7 - First Floor front elevation (bedroom)
- Window 8 - First floor side elevation (bedroom)
- Window 9 - First floor side elevation (bathroom)

The original drawings submitted with the application failed to provide detailed information to support the proposal. Subsequently, additional information has been submitted by the agent, providing details of the proposed replacement windows.

CONSULTATIONS

Historic Building Consultant - The design of the replacement windows is considered to be acceptable and no objections have been raised from a heritage perspective.

REPRESENTATIONS

Silver End Parish Council – objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End.

A site notice was displayed at the front of the property. No representations from neighbouring properties have been received.

REPORT

Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”.

In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policies LPP 50 and LPP 55 of the emerging Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

Policy RLP95 of the Braintree District Local Plan Review and Policy LPP 56 of the emerging Braintree District Publication Draft Local Plan seeks to ensure that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.

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

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon the character and appearance of the Conservation Area.

Design, Appearance and Layout

The property lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. The building also forms an important part of the masterplan and streetscape of Silver End. The building is therefore considered to make a strong positive contribution to the Silver End Conservation Area. The Silver End Conservation Guide (1999) gives details of appropriate materials and designs within this area and is a material consideration in the determination of this application.

It is recognised that the proposed replacement windows with the use of aluminium differ from those materials adopted in the Silver End Conservation Guide, however, as referenced above, the use of aluminium have been approved elsewhere in the Conservation Area. The principle of replacing Crittall windows with windows and doors of a similar material has become established as acceptable within the Silver End Conservation Area. This application seeks permission to replace existing Crittall windows with aluminium windows. The design and appearance of the proposed replacement windows is considered acceptable. Moreover, the Historic Building Consultant has raised no objections to the proposal from a heritage

perspective. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no representations have been received from neighbouring properties in connection with this proposal.

Highway Issues

The existing parking arrangements will remain unaffected by the proposal. It is therefore considered that there would be no highway implications associated with this application as sufficient parking would be retained at the property.

CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	
Photograph	Plan Ref: Illustrating Windows To Be Replaced
Window Details	Plan Ref: To Be Read In Conjunction With Annotated Photo
Window Details	Plan Ref: Summary Sheet
Window Details	Plan Ref: Technical Section Document
Window Details	Plan Ref: Stepped Window Brochure
Window Details	Plan Ref: Design And Sizes

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

Reason

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

- 2 The development hereby permitted shall be carried out in accordance with

the approved plans listed above.

Reason

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

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

Reason

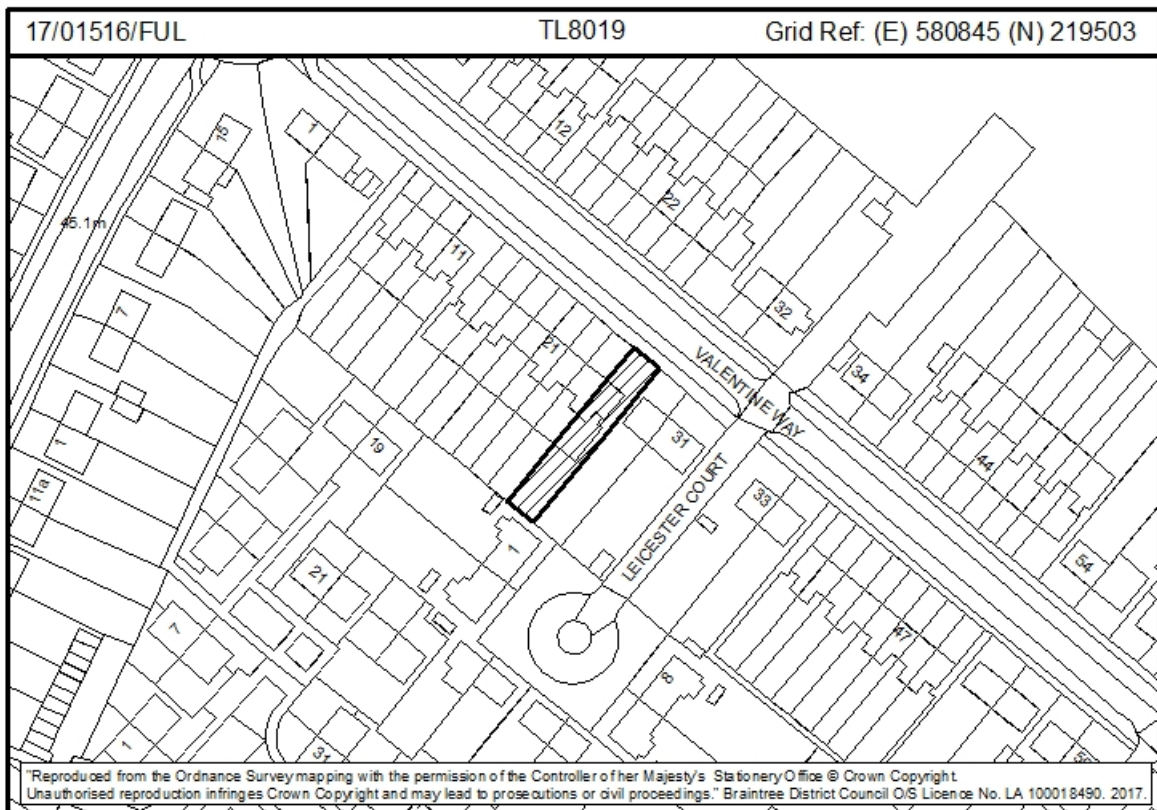
To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 17/01516/FUL DATE 15.08.17
 NO: VALID:
 APPLICANT: Greenfields Community Housing
 Mr James Elms, Greenfields House, Charter Way,
 Braintree, CM77 8FG, Essex
 DESCRIPTION: Installation of concrete strip driveway across the front
 garden
 LOCATION: 27 Valentine Way, Silver End, Essex, CM8 3RY

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to: liz.williamson@braintree.gov.uk



SITE HISTORY

07/02321/FUL	Proposed front driveway	Refused	28.12.07
09/01275/FUL	Replacement of all existing Crittall windows with new double glazed Crittall windows in properties: 6, 7, 8, 9, 11, 15, 16, 17, 18, 21, 22, 23, 24, 27, 28, 38, 40, 41, 45, 49, 50, 51, 53, 55, 57, 58, 61, 63, 64, 66, 67, 68, 70, 71, 72, 75, 77, 79 & 88 Valentine Way, 1a, 2, 2a, 4, 6 & 7 Leicester Court, 1, 1a, 2, 2a, 5, 6, 7 & 8 Stretford Court and 1 & 4 Bristol Court	Granted	05.11.09
16/01151/FUL	Retention of replacement front and side doors at various Greenfields properties (please see schedule of addresses)	Pending Consideration	

POLICY CONSIDERATIONS

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The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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National Planning Guidance

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National Planning Practice Guidance (NPPG)

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RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Other Material Considerations

Silver End Conservation Guide

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Parish Council has raised an objection, contrary to officer recommendation.

SITE DESCRIPTION

The property falls within the Conservation Area of Silver End and where an Article 4 Direction is in place. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of whom went into meticulous detail when designing the houses. The village included recreation areas, a village hall and other community facilities meaning there was a relatively low need for residents to own vehicles. In more recent times, more residents own vehicles and the need for off road parking has increased. 27 Valentine Way is an end terraced dwelling which is considered to make a positive contribution to the character and appearance of the Silver End Conservation Area.

PROPOSAL

The application seeks to provide off road parking at the front of 27 Valentine Way. The original scheme proposed a parking area across the width of the site which would be considered to be harmful to the character and appearance of the Conservation Area and its significance. Subsequently, revised plans have been submitted which reduced the width of the parking area to two concrete parking strips which would allow for the retention of a large grassed area to the front of the property and a section of hedging.

CONSULTATIONS

The Historic Building Consultant has responded to the proposal by stating the amended scheme for the proposed driveway would result in an improvement on the previous scheme. However the scheme would still require the loss of a large section of hedge and the giving over of an area of the garden to concrete would inevitably be an intrusion into the verdant nature of Silver End. Although the Historic Building Consultant is not supportive of the scheme it is however acknowledged that there is a counterbalancing argument in regard to the visual intrusion of on-street parking. Therefore, the Historic Building Consultant would not object to the proposal if the proposed concrete strips represented the minimum width necessary, to allow for the maximum amount of garden and hedge to be retained.

REPRESENTATIONS

Three representations have been received in relation to the proposal.

A representation was received from Taylor Freeman Kaataria Chartered Surveyors, 306 Green Lane, Ingatestone acting on behalf of the neighbour

residing at 29 Valentine Way. The objection raised related to the removal of the hedge which would be contrary to the Silver End Conservation Guide; no dropped kerb was shown on the proposed plan; the proposed chain link fencing to be positioned between the properties would appear unsightly and the proposal would not fit in with the overall character of the frontages of the properties. The representation stated that there is sufficient car parking available in the area and the proposal would remove an existing on street space; the application contained inadequate details to show the proposed fencing and hard standing; encouraging car parking in front gardens would erode the character and appearance of the surrounding streetscape; a similar application for the proposed front driveway was refused and if the Planning Department were to allow the introduction of a front driveway this would set an unwelcome precedent.

A representation from the neighbouring resident at 29 Valentine Way was received raising additional objections to the proposal stating that the street scene is characterised by grass verges and houses as well as large mature trees. The introduction of a concrete strip driveway would appear as incongruous feature which would have a detrimental impact on the harmonious appearance of this group of dwellings. The representation stated that the proposal would be an aggressive and dominant feature and would have no relationship with neighbouring properties. Again, the representation stated that if planning approval was granted it would set a precedent.

A representation was received from 1 Ashes Farm Cottage, Ashes Road, Cressing. The representation stated that Silver End is a heritage settlement and as such this could be respected and maintained. The street scene makes a positive contribution to the character and appearance of the "Garden Village". It was stated that the introduction of a chain link fence would make a negative contribution to the Conservation Area.

A representation from Mr Paul Rosier, Runsley Welwyn Garden City states that the Title Deeds pertaining to 25 Valentine Way states the right to pass and repass over the footpath to the side and to the rear of 27 Valentine Way. Any proposed drive to the side of 27 Valentine Way would block this path. The second representation letter stated that the extension of the grasscrete drive would mean the loss of existing off road communal parking space which runs adjacent to the road.

Following the submission of revised plans, the resident of 29 Valentine Way later withdrew their objection, as the applicant removed the proposed chain link fence and reduced the width of the concrete strips, thereby leaving an increased length of hedging and grassed area to the front of the dwelling.

REPORT

Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review and Policy LPP 38 of the emerging Braintree District Publication Draft Local Plan reiterate this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 50 of the Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”. However where the development or works would lead to “substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”. Policy RLP95 of the Braintree District Local Plan Review and Policy LPP 56 of the Braintree District Publication Draft Local Plan state that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings. Furthermore development should ensure architectural detailing on significant buildings within the Conservation Area are retained both physically and in their significance.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon the character and appearance of the Conservation Area and acceptable impact on the heritage asset.

Design, Appearance and Layout

The property forms part of the end terrace as part of a set piece series of modern movement buildings. The property also lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. The building also forms an important part of the masterplan and streetscape of Silver End. The building is therefore considered to make a strong positive contribution to the Silver End Conservation Area. The Silver End Conservation Guide (1999) gives details of appropriate materials and designs within this area and is a material consideration in the determination of this application.

The proposal is to remove a section of existing hedging and create a vehicular access with the insertion of two concrete strips with shingle. The front gardens of Valentine Way have low level hedging with mature trees lining the street, the design remains in keeping with the design of the Silver End Village. There is a mix of on street and off street parking within the immediate vicinity. It is acknowledged that off street parking is required due to residents requiring more than one vehicle per household. The applicant has revised the scheme to remove the chain link fence and reduce the width of the concrete strips which would allow the maximum amount of hedging to remain. While the comments within the letters of representations are noted, on the basis of the revised plans, the proposals are considered to be acceptable and in keeping with the character and appearance of the Conservation Area.

Impact on Neighbour Amenities

The resident at 27 Valentine Way raised concerns over the proposed chain link fencing as it would restrict access to their property. This element of the proposal has been removed and the objection from this resident has been withdrawn. Therefore, on the basis of the revised plans, it is considered that the proposal would not have a detrimental impact on neighbouring residential amenity.

Highway Issues

The proposal would increase the amount of parking provision at the property. It was noted from the site inspection that a number of vehicles were parked on the grass verge, therefore this proposal would improve the parking arrangements for the property. The proposal is considered to be acceptable in this regard.

CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan

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

Reason

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

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

Reason

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

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

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

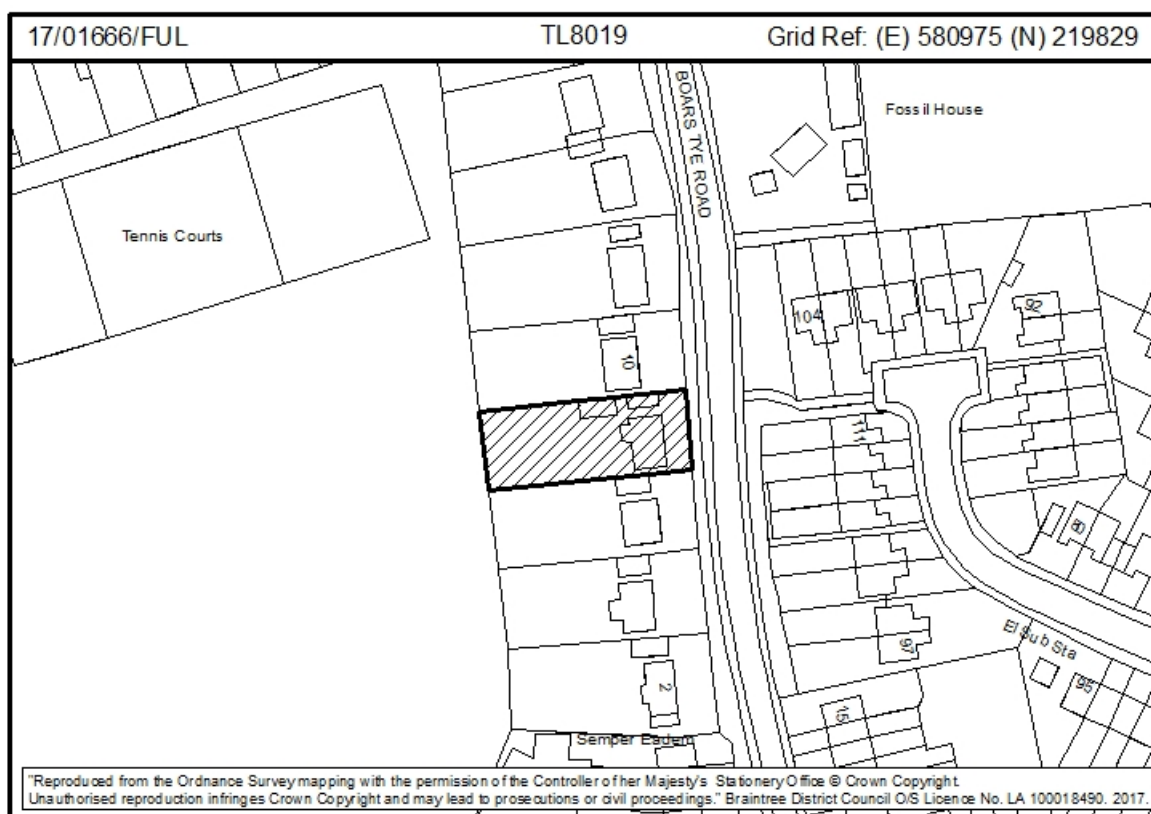
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION 17/01666/FUL DATE 11.09.17
NO: VALID:
APPLICANT: Mr Iain Ashford
8 Boars Tye Road, Silver End, Essex, CM8 3QA
DESCRIPTION: Replacement windows,
LOCATION: 8 Boars Tye Road, Silver End, Essex, CM8 3QA

For more information about this Application please contact:
Mrs Liz Williamson on:- 01376 551414 Ext. 2506
or by e-mail to: liz.williamson@braintree.gov.uk



SITE HISTORY

08/01802/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Fell Leylandii trees	Pending Consideration	
14/01448/FUL	Installation of new front door	Refused	06.01.15
17/01667/FUL	Replacement doors	Pending Consideration	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Silver End Conservation Guide

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Parish Council has raised an objection, contrary to officer recommendation.

SITE DESCRIPTION

The property falls within the Conservation Area of Silver End, where an Article 4 Direction is in place. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of who went into meticulous detail when designing the houses, down to the design of doors and windows. 8 Boars Tye Road is a detached dwelling which is considered to make a positive contribution to the character and appearance of the Silver End Conservation Area.

PROPOSAL

The properties in the area were installed with Crittall windows some of which have been replaced with aluminium framed windows which have been established as being acceptable within the Conservation Area by various approvals for similar applications. The windows in situ at 8 Boars Tye Road, are twentieth century replacement of indifferent design, and are not considered to be appropriate in a Conservation Area. The application seeks permission to replace the following 21no. existing windows with aluminium windows.

Window Type A	2 x ground floor front elevation 2 x first floor rear elevation
Window Type B	4 x first floor front elevation 1 x first floor side elevation
Window Type C	1 x ground floor side elevation
Window Type D	1 x first floor front elevation 2 x first floor side elevation 2 x first floor rear elevation
Window Type E	1 x first floor rear elevation
Window Type F	2 x ground floor rear elevation
Window Type G	1 x ground floor rear elevation
Window Type H	2 x ground floor front elevation

The original drawings submitted with the application failed to provide detailed information to support the proposal. Subsequently, additional information has been submitted by the agent, providing details of the proposed replacement windows.

CONSULTATIONS

The Historic Building Consultant has stated that the windows which are currently in situ are twentieth century replacements of indifferent design and are not considered to be appropriate in the Conservation Area where the windows and doors in particular are significant elements in establishing the intended architectural harmony between the buildings. Therefore the Historic Building Consultant has no objection to their replacement, as the use of aluminium windows have been considered acceptable elsewhere within the Conservation Area. However, although the revised windows would be an improvement on what is currently in situ, which are poor and out of keeping, it is not considered that the detailing adequately replicates the detailing of the original windows within the Conservation. Therefore, the Historic Building Consultant does not object to their replacement, but comments that the installation of better detailed windows would improve the contribution which this house makes to the character and appearance of the Conservation Area.

REPRESENTATIONS

Silver End Parish Council – objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End Conservation Area Guide.

A site notice was displayed at the front of the property. No representations from neighbouring properties have been received.

REPORT

Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”.

In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policies LPP 50 and LPP 55 of the emerging Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

Policy RLP95 of the Braintree District Local Plan Review and Policy LPP 56 of the emerging Braintree District Publication Draft Local Plan seeks to ensure that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.

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

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon the character and appearance of the Conservation Area.

Design, Appearance and Layout

The property lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. The building also forms an important part of the masterplan and streetscape of Silver End. The building is therefore considered to make a strong positive contribution to the Silver End Conservation Area. The Silver End Conservation Guide (1999) gives details of appropriate materials and designs within this area and is a material consideration in the determination of this application.

It is recognised that the proposed replacement windows with the use of aluminium differ from those materials adopted in the Silver End Conservation Guide, however, as referenced above, the use of aluminium windows has been approved elsewhere in the Conservation Area. The principle of replacing Crittall windows with windows and doors of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Building Consultant has raised no objections to the replacement of the windows from a heritage perspective, however, the Historic Building Consultant expressed concerns over the window details and stated that the installation of better detailed windows would improve the contribution that the property makes to the character and appearance of the Conservation Area. While those comments are noted, the windows proposed are considered acceptable and would represent an improvement to the existing windows. It is therefore considered that the proposal would enhance the existing property and would not have a detrimental impact upon the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no representations have been received from neighbouring properties in connection with this proposal.

Highway Issues

The existing parking arrangements will remain unaffected by the proposal. It is therefore considered that there would be no highway implications associated with this application as sufficient parking would be retained at the property.

CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	
Window details	Plan Ref: Window A&H
Window details	Plan Ref: Crown Casement window system
	Version: section
Window details	Plan Ref: Window B, C, D, E, F G
Photograph	Plan Ref: To be read in conjunction with window details

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

Reason

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

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

Reason

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

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

Reason

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

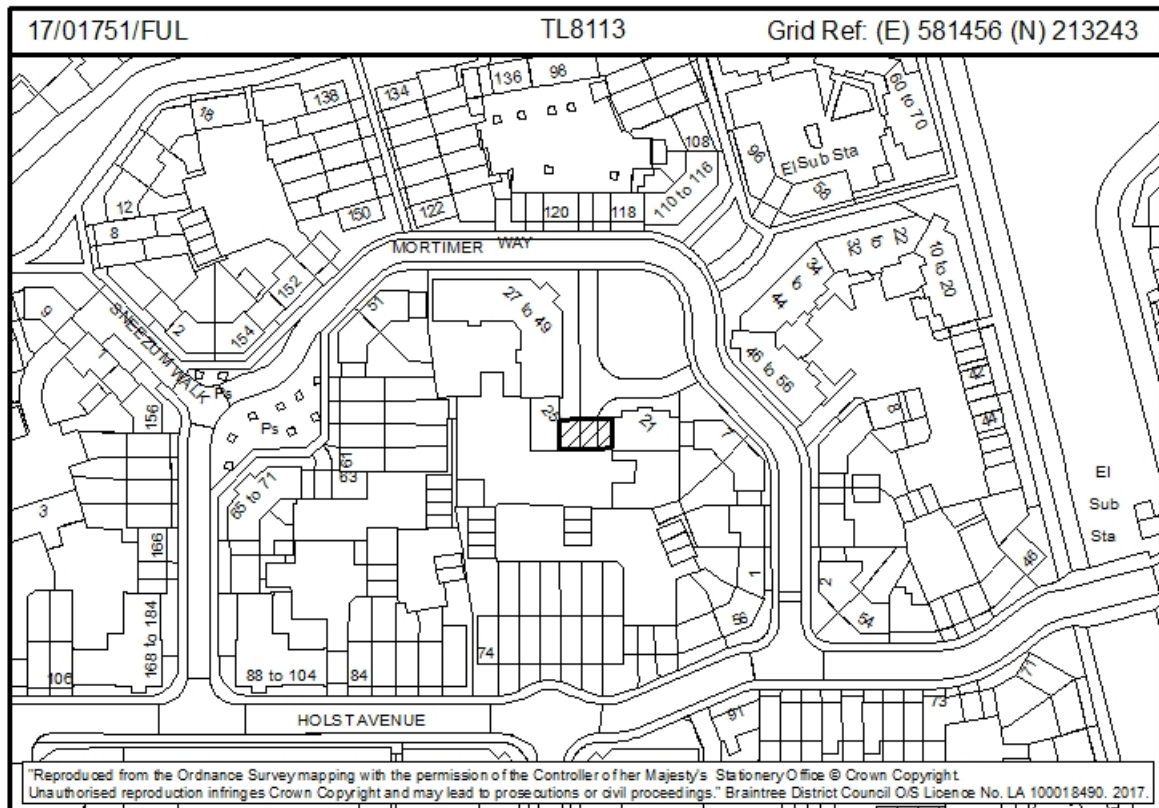
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5h

PART B

APPLICATION 17/01751/FUL DATE 29.09.17
NO: VALID:
APPLICANT: Mr Haci Cayir
23 Mortimer Way, Witham, Essex, CM8 1SZ,
DESCRIPTION: Proposed garage conversion
LOCATION: 23 Mortimer Way, Witham, Essex, CM8 1SZ,

For more information about this Application please contact:
Will Collier on:- 01376 551414 Ext.
or by e-mail to: will.collier@braintree.gov.uk



SITE HISTORY

04/00705/REM	Erection of 89 dwellings and associated ground works (Phase 2A Land Parcel 10)	Granted	04.06.04
91/01563/OUT	Erection Of Approx. 800 Dwellings, Business Park, Primary School, Neighbourhood Centre, Community Facilities	Granted with S106 Agreement	08.08.00

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION

This application is brought before the Planning Committee as the Town Council object to the application, contrary to officer recommendation.

SITE DESCRIPTION

The site is located on Mortimer Way on the Maltings Lane development in Witham. The property is a brick built 1 bed dwelling with all the accommodation at first floor level above the existing two integral garages and arch. There is a parking courtyard to the rear which provides 21 off street parking spaces (including 4 visitor spaces). The site is located within the Development Boundary.

PROPOSAL

The proposal is for the conversion of one of the garages into an additional (2nd) bedroom. There are no extensions to the property. The scheme has been amended to ensure that the total number of bedrooms in the house is 2 (reduced from 3). Windows are proposed in the front and rear elevations to give light into the room, and brickwork is proposed to match the existing.

CONSULTATIONS

Witham Town Council has objected to the proposal on grounds of loss of parking and causing additional pressures on the estate which suffers from overcrowding.

REPRESENTATIONS

A site notice was displayed near the property and neighbouring properties were notified. No representations have been received.

REPORT

Principle of Development

The property is located within a town boundary and therefore subject to Policy RLP3 (Development within Town Boundaries) and Policy LPP1 (Development Boundaries). Alterations to properties will be permitted within town boundaries where it satisfies amenity, design, environmental and highway criteria. The principle of the proposed garage conversion is therefore considered acceptable provided that it meets planning policy requirements on design, parking standards, and other material considerations.

Design and Appearance

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review and Policy LPP 29 of the Braintree District Publication Draft Local Plan reiterate this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which

is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 42 of the Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The proposed conversion of one of the garages into a bedroom involves removing the garage door and replacing it with a brick wall and window, and installing new window into the front elevation. These changes are considered to enhance the overall appearance of the property and contribute to the character of the area. Replacing one of the garage doors with a brick wall/window is considered to improve the visual balance of the rear elevation. Furthermore, opening up one of the bricked-in windows on the front elevation would also have a similar positive effect on the appearance of the house and character of the area. Both proposed windows are lined up with existing windows above to harmonise with the building. Proposed materials would match existing and are considered an improvement on the existing metal garage door. As such it is considered that the proposal complies with the abovementioned policies concerning design and visual amenity.

Impact on Neighbouring Residential Amenities

The proposed new windows, by virtue of their positioning, would not result in a loss of light, privacy or outlook to neighbouring properties. The proposed rear window looks out onto the parking court, and the front window does not directly face opposite neighbouring windows.

Highway Considerations

Policy RLP56 of the Braintree District Local Plan Review and Policy LPP45 of the Braintree District Publication Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council’s Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The proposal is to turn a 1 bedroom property into a 2 bedroom property, resulting in the loss of one of the two garages, leaving 1 garage parking space. There is no additional allocated parking space in the parking court for No.23. The overall parking provision for the dwelling would therefore fall short of the parking standard of 2 spaces. However, it should be noted that the existing integral parking space, proposed to be converted, doesn’t comply with the current parking standards.

Taking into account that the proposal has been amended to reduce its impact on parking, by reducing the number of proposed bedrooms from 3 to 2, the non-compliance with current parking standards, and that alternative parking could be available within the rear parking court, it is considered that a reason for refusal would be difficult to substantiate in this case. The proposal is therefore considered to be satisfactory in this regard.

CONCLUSION

The proposal is considered to have a positive effect on the visual appearance of the dwelling and on the character of the area. It would also have no detrimental impact on the amenities of neighbouring properties. Although there would be a loss of a substandard parking space, it is considered that a reason for refusal could not be substantiated on grounds of loss of parking.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: 17-04-05	Version: A
Proposed Elevations	Plan Ref: 17-04-07	Version: A

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

Reason

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

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

Reason

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

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

Reason

In the interests of visual amenity.

TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5i

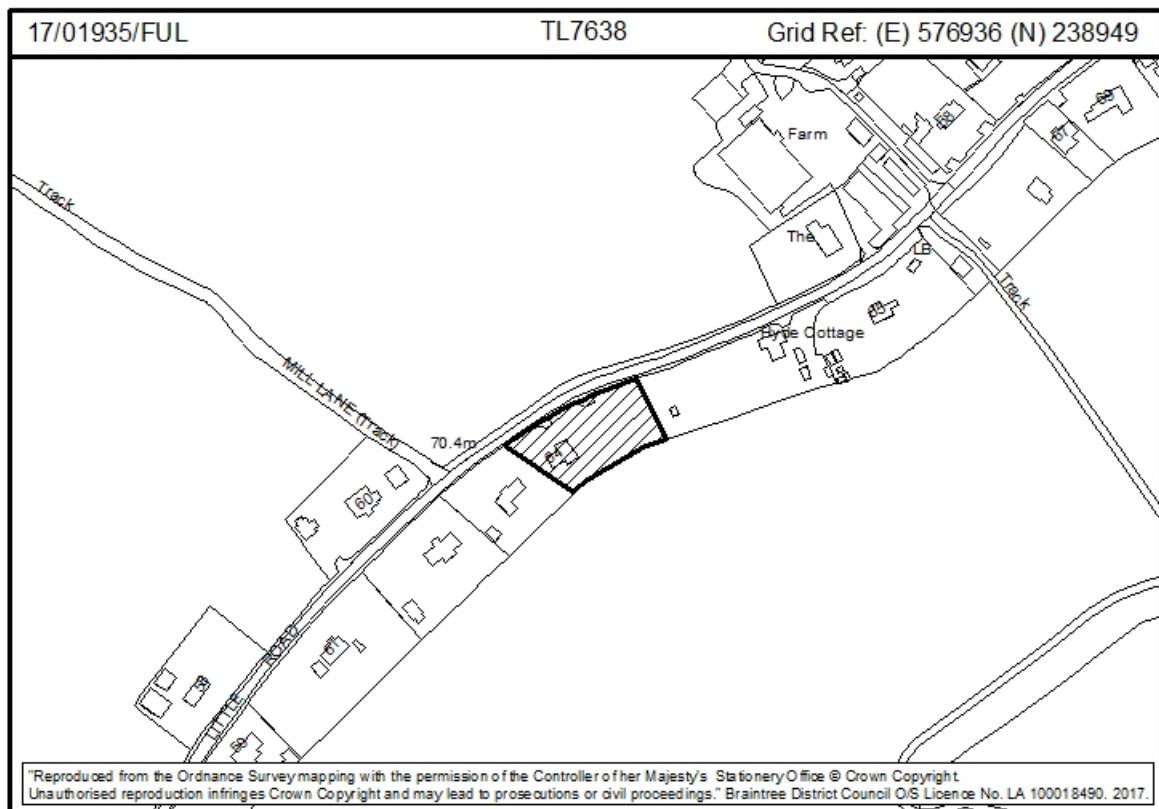
PART B

APPLICATION 17/01935/FUL DATE 20.10.17
NO: VALID:
APPLICANT: Mr & Mrs McLean
C/o Agent
AGENT: Dean Jay Pearce Architectural Design & Planning Ltd
Dean Jay Pearce , 2/3 Milestone House, Hall Street, Long
Melford, Suffolk, CO10 9HZ
DESCRIPTION: Change of use/extension to approved commenced building
(under 13/00336/FUL) to form annexe
LOCATION: 64 Little Yeldham Road, Little Yeldham, Essex, CO9 4QT

For more information about this Application please contact:

Mrs H Reeve on:- 01376 551414 Ext. 2503

or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

88/01498/P	Alterations To Vehicular Access	Withdrawn	17.11.88
88/02136/P	Alterations To Existing Access To No. 64 And Formation Of New Access To Form Double Entrance With Hyde Cottage	Refused	28.11.88
89/01204/P	Erection Of Extension And Annexe	Refused	24.08.89
91/00053/PFHN	Erection Of Extension To Dwellinghouse	Granted	06.03.91
04/02454/FUL	Erection of two storey side extension	Granted	31.01.05
07/01383/FUL	Erection of garage/store building	Withdrawn	16.08.07
07/01760/FUL	Erection of garage/store building	Granted	24.09.07
13/00336/FUL	Erection of garage/store building	Granted	30.05.13
16/00076/FUL	Erection of single storey rear extension	Granted	08.03.16
16/00077/FUL	Proposed detached outbuilding to form annexe for use of host dwelling only		
17/01494/FUL	Change of use/extension to approved commenced building (under 13/00336/FUL) to form annexe	Withdrawn	03.10.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles

LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Planning Committee as the Parish Council has objected to the proposal, contrary to officer recommendation.

SITE DESCRIPTION

The site is located beyond any settlement boundary in an area designated as countryside, to the north of Great Yeldham. The site comprises a detached white rendered two storey dwelling on a spacious plot.

The site is understood to be one of a number of houses constructed in the area by The Land Settlement Association in the inter-war period. The association's aim was to provide work on smallholdings for unemployed industrial workers such as miners, principally from the North of England. This was done by dividing agricultural land into plots which were then provided with houses and agricultural outbuildings.

Modern/renovated outbuildings exist to the rear of property and hedging obscures a large element of the site along the front boundary. Ground levels both within the immediately beyond the site are relatively flat with open views of the countryside beyond the rear boundary.

An Oak tree protected under TPO number 10/76 is sited towards north western corner of site frontage

A Garage/store/outbuilding footprint is in situ, as approved under 13/00336/FUL.

PROPOSAL

Planning permission is sought for the change of use and extension to an already approved (and commenced) outbuilding, under planning permission 13/00336/FUL, to form an annexe.

The proposal would largely follow the same footprint as approved, with an additional element on the eastern side to form an open cartlodge. Other alterations include a general fenestration alteration and the provision of a new steeply pitched catslide dormer window on the rear elevation.

The internal layout would comprise 1 bedroom and dining/kitchen area with bathroom area and a garden/garage store. Upstairs would comprise a store area.

This application follows a previously withdrawn application for an annexe which provided more accommodation.

CONSULTATIONS

None.

REPRESENTATIONS

Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council have raised objection to the proposal. Main issues of concern raised:-

- The PC objected to the previously approved proposal under 13/00336/FUL.
- The previous approval contains a condition preventing the building from being used as living accommodation
- The change of use is strenuously opposed
- It is policy of Braintree District Council to refuse development between former Land Settlement Association houses
- Proposed annexe is too large and would represent over-development
- The building is tantamount to infill
- The proposal could be regarded as the beginning of ribbon development between Great and Little Yeldham

Letters of objection were received from:-

74 Hydewood Road
73 Hydewood Road
68 Little Yeldham Road

Areas of concern summarised as follows:-

- Previous approval prevented living accommodation
- Separate residential unit is created rather than an annexe, contrary to policy
- Land settlement houses are not suitable for infill and are contrary to policy
- Roof height has increased plus a car port, increasing bulk
- Building would be directly visible from the road
- Cumulative impact of previous extensions on character of house
- Internal layout is questioned
- Dormer window is unnecessary
- Mix of roof materials are not necessary
- Highways team should be consulted – increase in traffic generation
- Design and Access Statement mentions a carer's room/hobby space – is this correct?
- Section 106 required to control the use of the building
- Precedent could be set for other home owners with similar plots

REPORT

Principle of Development

The site lies within an area of countryside beyond the defined development boundary of any settlement. Policy RLP 2 of the Braintree District Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Policy CS5 of the Core Strategy states that outside of town development boundaries will be strictly controlled to uses appropriate to the countryside.

However, RLP 18 allows for extensions to dwellings in the countryside and more specifically in this case, also allows for self-contained annexes to existing dwellings, to meet the needs of dependent relatives, subject to the annexe being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot on which it stands. The policy also requires a condition or obligation to ensure that an annexe will remain solely as ancillary accommodation, to be occupied in association with the main dwelling.

Planning permission reference 13/00336/FUL has been implemented for a very similar outbuilding of a similar scale in the same location on site, albeit purely for storage and garaging with no living accommodation; the footprint is currently in situ.

The principle of a building in this location has largely, therefore, already been accepted and indeed the outbuilding approved in 2013 has started.

In terms of the proposed use, there is no clear definition of an annexe in planning terms. Case law indicates that for an annexe to be considered as such, and not a separate residential planning unit, there must be a clear physical and functional relationship with the main dwelling on site and it must be incidental to the enjoyment of the dwellinghouse. An annexe should be sited relatively close to the main dwelling; there would be an expectation that there is an element of care required for the occupants and if an annexe were sited some distance away, it would be difficult to reasonably function in close association with the main dwelling. In terms of the functional relationship, there would be an expectation that the building provides some facilities immediately related to the main dwelling, such as car parking or storage, in addition to living accommodation for dependent relatives.

The previous application for an annexe (17/01494/FUL) was withdrawn, following discussion with the case officer. Although the siting in terms of proximity to the host dwelling, was considered acceptable, the overall physical size and scale of the development was considered to exceed the reasonable requirements for an annexe for dependent relatives; 3 bedrooms with en-suite facilities were proposed with live-in carer accommodation, which was considered tantamount to a new dwelling.

For the current application being considered, officers are satisfied that the proposal now meets the requirements to be considered as an annexe, there is a clear physical and functional relationship with the main dwelling on site. The outbuilding/annexe is sited close to the host dwelling – approximately 5.5 metres away and the overall facilities are much reduced – 1 bedroom is now proposed, with no carer accommodation. In addition, the building would provide car parking and storage facilities for the main dwelling. The application forms states that the annexe would be for elderly parents and a doctor's letter has been submitted in support of this. Accordingly, officers are satisfied that the proposal comprises an annexe

Neighbouring concerns are noted and a condition requiring the annexe to remain ancillary to the main dwelling on site and not sold/leased or disposed of separately has been attached to the recommendation. In addition, it is considered appropriate to retain the first floor for storage purposes only and not living accommodation which will also be conditioned to ensure the accommodation remains incidental to the enjoyment of the dwellinghouse.

Design and Appearance

The majority of Land Settlement houses within the area have been subject to quite extensive alterations and extensions, together with new outbuildings over the years and some plots have larger replacement dwellings. In this case, the plot is a substantial size, given the history of the site, and a similar large outbuilding has already been granted permission.

On this basis, the proposal is considered to be acceptable in terms of design and appearance. The outbuilding is physically close to the main dwelling and as such, will be read as an associated outbuilding, rather than a stand alone, unrelated building in the countryside. The overall scale has been reduced since the previous withdrawn application and the ridge height is now reduced to 5.5 metres, which is subordinate to the main 2 storey dwelling and also in line with the previous approval. The proposal when viewed directly from the road is in keeping with the scale and appearance of the approved outbuilding.

Alterations include fenestration re-arrangement, and a car port which is an open structure and as such is minimal in terms of built form. The dormer window is also noted. Although perhaps not strictly necessary, the feature is not objectionable and with a steep catslide roof, adds little in terms of bulk to the overall design. Traditional materials are being proposed. The concerns raised by a neighbour in terms of materials are noted, but it is not considered that the materials specified are objectionable and alteration is not therefore a requirement for acceptability.

It is considered that although this proposal is acceptable in terms of design and appearance, given the previous approval is similar in scale and size, the site is at the limit in terms of outbuildings. It is considered appropriate therefore, to impose a condition removing future permitted development rights for outbuildings.

Impact on Neighbouring Residential Amenities

This is a large plot and the closest neighbouring property on the side of the proposal is approximately 80 metres away. On this basis, there will not be any impact on neighbouring amenity from a planning perspective and is therefore acceptable in this respect.

The recommendations by Environmental Health are noted. However it is unusual to place such conditions on a householder application and as such, are considered onerous and are not recommended to be imposed.

Highway Considerations

The Highways Team have not been notified, due to the nature of the application and there is no alteration to the existing access. A neighbour's objection is noted relating to intensification of the site and increase in traffic, however it is not considered that the annexe would increase traffic beyond that of an expected domestic level, therefore no objection could be substantiated.

Other Issues

Other concerns raised by Parish Council and neighbours –

- Previous approval prevented living accommodation. The proposal did not include living accommodation and this is a standard condition imposed, for the avoidance of doubt on large outbuildings in the countryside. The imposition of this condition subsequently requires the applicant to apply for planning permission if they wish the building to be used for living accommodation and the LPA can then assess at that stage
- Design and Access Statement – carer's room. This has been included in error in the statement from the previous application and can be discounted
- Section 106 Agreement – a condition, rather than a legal agreement is preferable to control the use of the building
- Precedent set. All applications are assessed on their individual merits. The acceptability of this does not automatically convey acceptability for other sites.

CONCLUSION

Officers are satisfied that the proposal does not constitute a new infill dwelling in the countryside and meets the necessary criteria to be considered an annexe in line with RLP 18, with a physical and functional relationship with the host dwelling. The proposed physical alterations from the previous approval are relatively minor and would not have any greater impact than already approved.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans	Plan Ref: 17/49/01
Existing Block Plan	Plan Ref: 17/49/02

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

Reason

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

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

Reason

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

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

Reason

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

- 4 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 provision of any building within the curtilage of the dwelling-house, as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future outbuildings in the interests of visual amenity in this rural locality.

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in the annexe hereby permitted

without first obtaining planning permission from the local planning authority.

Reason

In the interests of visual amenity.

- 6 The first floor of the annexe hereby approved shall be used for storage purposes only and not used for living accommodation.

Reason

In order to maintain a functioning relationship with the host dwelling and to restrict the extent of living accommodation within the annexe hereby approved.

TESSA LAMBERT
DEVELOPMENT MANAGER