

PLANNING COMMITTEE AGENDA

Tuesday 15th November 2022 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

(Please note this meeting will be broadcast via the Council's YouTube Channel, webcast and audio recorded) www.braintree.gov.uk

This is a decision making public meeting of the Planning Committee, which may be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public may also choose to attend the meeting. Members of the public will also be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor F Ricci
Councillor Mrs J Beavis	Councillor Mrs W Scattergood (Chairman)
Councillor K Bowers	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor Mrs S Wilson
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice-Chairman)	

Substitutes: Councillors T Cunningham, A Hensman, D Hume, Mrs A Kilmartin, P Thorogood, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel).*

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

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

D GASCOYNE
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 to Speak on a Planning Application/Agenda

Item: The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

Members of the public who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Members of the public may speak on any matter listed on the Agenda for this meeting. Registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to make a statement.

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

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at governance@braintree.gov.uk by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of the public may also attend the meeting ‘in person’, but priority will be given to those people who have

registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

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

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that 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.

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

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

Documents: Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy:

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

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

PUBLIC SESSION

Page

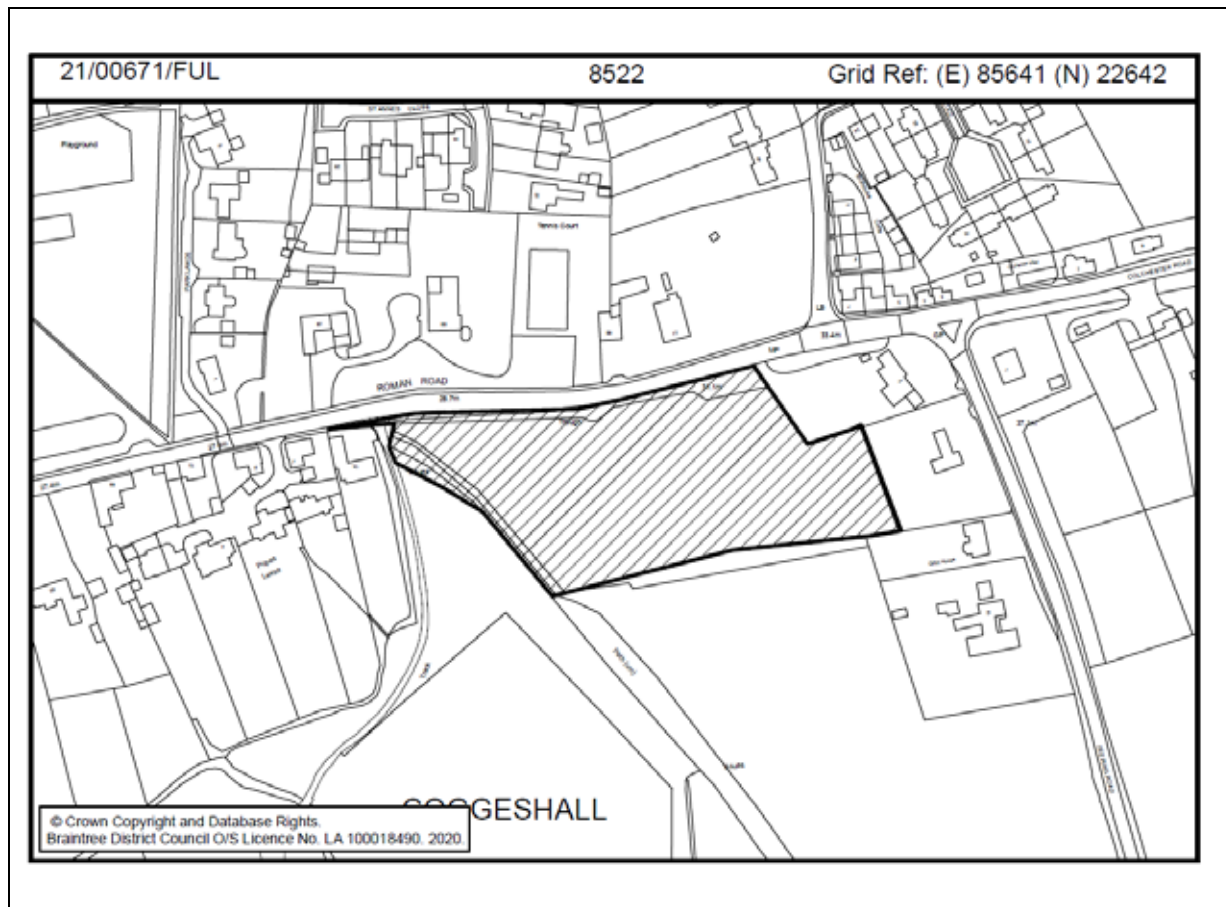
- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice 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 1st November 2022 (copy to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 21 00671 FUL – Development land, East Street, COGGESHALL** **6-48**
- 5b App. No. 22 00822 FUL – Horizon 120 Business Park, off A131 London Road, GREAT NOTLEY** **49-79**
- 5c App. No. 22 00938 OUT – Perkins Garages Ltd, Dunmow Road, RAYNE** **80-112**
- 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.

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.

Report to: Planning Committee		
Planning Committee Date: 15th November 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/00671/FUL	
Description:	Construction of 20 dwellings, new vehicular and pedestrian access to East Street, internal access road, garages, parking spaces, private open space, amenity space and provision of foul and surface water drainage and landscaping.	
Location:	Development Land, East Street, Coggeshall	
Applicant:	E J Taylor Coggeshall Limited, Philip Brown, Mill Works, Burnham Road, Hazeleigh, Chelmsford, CM3 6QT	
Agent:	Arcady Architects, Jon Crisp	
Date Valid:	9th March 2021	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: lisa.page@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>The Applicant has paid a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.

<p>Equality and Diversity Implications</p>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/00671/FUL.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013 – 2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) § Coggeshall Village Design Guide

	<p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>
--	---

1. EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the erection of 20no. dwellings, of 2 and 2 ½ storey scale, with a mix of detached and semi-detached (the housing mix consists of 12 market dwellings and 8 affordable dwellings), together with a new access off East Street, internal roads and parking, and wider landscape provision.
- 1.2 The site is located within the defined settlement boundary of Coggeshall, where the principle of residential development is acceptable. The site is also an allocated site for residential purposes within the Adopted Local Plan and the Neighbourhood Plan. Whilst the proposal exceeds the number of dwellings set out within the relevant site allocation policies, the actual numbers stated with the policies is not fixed, and terminological such as 'indicative' and 'around' is used. Notwithstanding this, the increase of 5 dwellings over that stated within policy does reduce the level of policy compliance.
- 1.3 The layout takes the form of a curved formation with dwellings facing out onto the roads and open space / landscaped areas around the site edge. Officers are content that this layout of development, although would result in a new arrangement of built form for Coggeshall, would create a group of dwellings with its own character and identify, whilst still providing a unifying approach with the village by way of the choice of materials. The dwellings include high quality architectural and fenestration detailing, which would contribute to the overall quality of the development.
- 1.4 The proposed housing mix for the market dwellings does result in some conflict with the SHMA, with a shortfall in the number of 1 and 2 bed units. However, given that the development only provides 12 market dwellings, the actual shortfall in real numbers is minimal. This matter does weigh against the proposal in the overall balance but is not considered in its own right to form a reason for refusal. In terms of affordable housing, there will be an on-site provision of 40% affordable housing, equating to 8 dwellings of a tenure mix to match evidence of housing need.
- 1.5 In heritage terms, the development would not give rise to harm to the setting of the Conservation Area and matters in regard to archaeology can be made acceptable.
- 1.6 The development would provide for acceptable amenity for future occupiers, and subject to the imposition of conditions there would be no harm to neighbouring properties from overlooking, outlook or general noise and disturbance.
- 1.7 The layout requires the removal of trees in Group G005 and hedgerow removal at H004. Although these are Category C rated, their loss is regrettable as they do contribute to the tree belt alongside East Street. Although the removal of existing landscaping does weight against the proposal, it is considered that any adverse impacts in relation to

landscaping and trees, with the removal of lower quality trees, can be mitigated through new high-quality planting and additional landscaping throughout the site.

- 1.8 Matters in relation to highway capacity and safety (including the impacts to the Public Right of Way) are considered acceptable. The Highway Authority have raised no objections. Across the site, parking would be provided in accordance with adopted standards.
- 1.9 Matters in regard to ecology would be acceptable subject to a number of conditions. Other matters in regard to flooding / drainage are also acceptable subject to the imposition of conditions.
- 1.10 Taking the above factors into account, the application is recommended for approval subject to conditions and a S106 Legal Agreement.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site forms a roughly rectangular parcel of land of some 1.2 hectares, located to the east of the centre of Coggeshall. The current use is agricultural with the land set to grass. There is a land level change across the site, wherein the land rises to the east.
- 5.2 The site benefits from established mature trees and shrubs on the northern, eastern, and southern boundaries. Two groups of trees (G3 and G4) and a small part of a group (G1) are covered by a Tree Preservation Order. To the western boundary is a Public Footpath (PROW 72_64) which is part of the Essex Way.
- 5.3 In terms of the wider context, there are residential properties to the east and west, and beyond East Street to the north. To the south lie further agricultural fields.
- 5.4 The site lies adjacent to the Coggeshall Conservation Area (the boundary of which runs along the northern boundary of the site with East Street).
- 5.5 The site is located within Flood Zone 1 (a low probability of flood risk).

6. PROPOSAL

- 6.1 The application seeks full permission for the erection of 20no. dwellings, of 2 and 2 ½ storey scale, and consisting of a mix of detached and semi-detached dwellings. The housing mix consists of 12 market dwellings (2no. 2 bed units, 4no. 3 bed units, 1no. 4 bed unit and 5no. 5 bed units); and 8 affordable dwellings (4no. 2 bed dwellings and 4no. 3 bed dwellings) equating to 40% as affordable housing.
- 6.2 A new vehicular and pedestrian access is proposed via East Street, which leads into a new internal access road to serve the dwellings. Each dwelling is provided with driveway parking provision and/or private on plot garaging. The site also provides for on street visitor parking.

- 6.3 In addition to private amenity space for each dwelling, there is public open space and a landscaped area proposed to the north and south of the site and to the western edge. Across the site wider landscaping will also be provided. The application also seeks provision of foul and surface water drainage.
- 6.4 The application also seeks works to the Public Footpath (PROW 72_64) which runs alongside the western boundary. It is proposed that the footpath be widened to 2 metres with the surfacing upgraded with self-draining bound aggregate.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 Comment that they have assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 7.1.2 In regard to wastewater comment that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 7.1.3 In regard to used water network comment that a condition requiring on-site drainage strategy to be agreed, should be imposed on any approval.
- 7.1.4 In regard to surface water disposal comment that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

7.2 Cadent Gas

- 7.2.1 No objection.

7.3 Essex Fire & Rescue

- 7.3.1 Make comments in regards to access, building regulations, water supplied and sprinkler systems. Comment that due to excessive distance to the nearest existing statutory fire hydrant it is considered necessary that

additional fire hydrants are installed within the curtilage of the proposed site.

7.4 Natural England

- 7.4.1 Comment that the site falls within one of the zones of influence for one or more of the European designated sites.

7.5 NHS

- 7.5.1 The CCG and the Mid and South Essex HCP comment that the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 48 new residents and subsequently increase demand upon existing constrained services.

- 7.5.2 They identify that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. A contribution of £9,700 is requested to be secured.

7.6 ECC Archaeology

- 7.6.1 Comment there is a high probability for archaeological remains to survive within the development area which will be impacted upon by the proposed development. Request the imposition of a condition to provide for archaeological evaluation.

7.7 ECC Education

- 7.7.1 No comments received. Any comments received will be verbally updated to Members.

7.8 ECC Highways

- 7.8.1 Comment that from a highway and transportation perspective, the impact of the proposal is acceptable subject to securing a construction management plan to be agreed; a minimum 2 metre wide footway to be provided at the site frontage, from the site access to the West to join with the existing footway provision on East Street; a minimum 2 metre wide footway at the site access to the East to a point suitable for pedestrians to cross to the existing footway provision opposite; Residential Travel Information Packs.

7.9 ECC Historic Building Consultant

- 7.9.1 No objections. Comment that the latest set of plans, has resulted in alterations to the design of the proposed houses and an overall improvement of how the proposals respond to their setting, which is positive in regards to the Coggeshall Conservation Area.

7.10 ECC Local Lead Flood Authority (LLFA) - SuDS

- 7.10.1 Comment that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, do not object to the granting of planning permission subject to the imposition of condition.

7.11 BDC Ecology

- 7.11.1 No objection subject to securing a financial contribution in regard to RAMS and biodiversity mitigation and enhancement measures.

7.12 BDC Environmental Health

- 7.12.1 Respond with no adverse comments. Recommend conditions for hours of working; dust and mud control management; piling and noise/vibrations systems; no burning of waste; and unexpected contamination.

7.13 BDC Housing Enabling Officer

- 7.13.1 The development provides 8 affordable homes which accords with policy. The affordable unit mix is considered appropriate to match evidence of housing need.

7.14 BDC Landscape Services

- 7.14.1 Do not object to the principle of development subject to conditions set for a Tree Protection Plan; method statement for the areas where the development proposals impinge of the root protection areas of the retained trees; that testing be undertaken on the protected cedar; and that landscape proposals be agreed.

7.15 BDC Waste Services

- 7.15.1 Comment that following the submission of the waste collection plan, raise no objections with carrying out collections from this development.

8. PARISH / TOWN COUNCIL

8.1 Coggeshall Town Council

- 8.1.1 Provide the following comments: -

'The Parish Council are pleased to see the improvements on the boundary treatment along the Essex Way PROW, with the increased number of trees and the removal of the parking space. It is also pleasing to see the changes to the orientation and design of the houses and the road.'

However, although some of the Councils objections appear to have been addressed, they are still concerned about the number of dwellings on the site. The proposed number of 20 dwellings is still at odds with the 15 agreed between BDC and the Coggeshall Neighbourhood Plan (CNP) on this allocated site. Therefore, the Parish Council continues to object, and requests that the proposed number is reduced. It is suggested that the dwellings nearest to the Essex Way are removed, to give the breathing space for the path, for which the lower number of dwellings in the CNP was mainly negotiated for.'

9. REPRESENTATIONS

9.1.1 The application has been advertised by site notice, newspaper advert and neighbour letters.

9.1.2 1 'general' comment has been received with the following comments:

- All properties should be constructed to include a minimum of 3kw of solar panels. All roofs to be aligned for maximum solar energy.

9.1.3 23 objection letters have been received from local residents and the Coggeshall Society and The Ramblers Association raising the following comments:

- The number of dwellings exceeds that within the Coggeshall Neighbourhood Plan;
- The number of dwellings is not in keeping for this location. Density out of keeping;
- Housing mix is unacceptable, and no 1 bed units are proposed and no ground floor accommodation;
- Grouping of affordable housing is socially unacceptable;
- Design does not relate to the village. Site is on the edge of the Conservation Area;
- The access point is unsuitable. Vehicles exceed the speed limit;
- Surface water will drain down the slope into the stream that borders no 74 East Street and 2 to 5 Popes Leeze. This floods during periods of high rainfall. Flood management has not been addressed;
- The local sewage system does have spare capacity;
- Will negatively impact on the rural character of the surrounding area – this is an edge of the settlement site;
- Harm to a 'protected view' as set out in the Neighbourhood Plan;
- Harm to the rural character and setting of the Essex Way. Footpath condition should be improved;
- Inadequate parking for residents. Vehicles from the site should not park on East Street;
- There is an historic watering hole/natural spring on the boundary;
- The standards for sustainability comply only with building regulation standards, not with the enhanced standards targeted by the Neighbourhood Plan;

- Existing tree screening to the existing pylon to the east of the site should remain;
- Impact to wildlife.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

10.2 5 Year Housing Land Supply

- 10.2.1 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.
- 10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.
- 10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on the 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.
- 10.2.4 Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions, that situation is likely to change.
- 10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

10.3 The Development Plan

- 10.3.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013-2033 and the Coggeshall Neighbourhood Plan (July 2021).
- 10.3.2 The site is located within the defined Village Envelope for Coggeshall within the Adopted Local Plan and further is designated as a residential site (Cogg 174) with an 'indicative remaining capacity' for 15 dwellings. The site is also an allocated site for residential purposes, within the Coggeshall Neighbourhood Plan (Policy 3), for 'around 15 dwellings'. The principle of residential development at the site is therefore acceptable.
- 10.3.3 Whilst the application seeks planning permission the erection of 20 dwellings, and thus exceeds the number set out within the above policies, it has to be noted that that actual allocation set out in the policy is not fixed, and terminological such as 'indicative' and 'around' is used. Notwithstanding this, the increase of 5 dwellings over the number of

dwellings anticipated has to be acknowledged and this does reduce the level of compliance with the policies set out.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

11.1.2 Coggeshall is assigned as a Key Service Village as identified within the Adopted Local Plan. The Spatial Strategy within the Plan identifies that the ability to meet day to day needs is normally possible in a Key Service Village through the availability of schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links by public transport and road to the larger towns. Development may be considered sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village.

11.1.3 Coggeshall offers a good range of services and facilities to meet day to day needs of the development. The centre of the village is a distance of 600 metres and has a dentist, pharmacy, shops, restaurants and similar. The nearest primary school is a distance of 650 metres walking distance from the site and the co-op a distance of 260 metres.

11.1.4 Furthermore, in terms of sustainable transport, Coggeshall is served by a number of bus-stops within its centre (Market Hill and Church Street), which supply a number of services to a variety of destinations including Braintree, Mark Tey Rail Station and Colchester.

11.1.5 Taking into account the above, Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location and future occupiers could readily access this provision. The site is also relatively well served by public transport to encourage more sustainable transport means.

11.2 Layout, Design, Appearance and Impact upon the Character and Appearance of the Area

11.2.1 The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Furthermore, Policy LLP52 of the Adopted Local Plan seeks to ensure a high quality design and layout in all developments, whilst Policy 14 of the Neighbourhood Plan, amongst other criteria requires development to contribute positively to the character, setting and appearance of the surrounding area. At the national level, the NPPF is also

clear in its assertion (Paragraph 126) that 'good design is a key aspect of sustainable development' and that (Paragraph 130) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.

- 11.2.2 The development would be served by a single access point from East Street. This access road then extends into the site and provides a curved layout with dwellings facing out onto the roads and open space / landscaped areas around the site edges to provide an active street scene. Officers are content that this layout of development, although would result in a new arrangement of built form for Coggeshall, would create a group of dwellings with its own character and identify, whilst still providing a unifying approach with the village by way of the choice of materials.
- 11.2.3 The siting of Plot 1 continues the existing building line of East Street and would result in an active and interesting entrance to the site. Otherwise, the dwellings that are internal to the site, are inset from all boundaries and would ensure that the impact of built form is reduced, particularly from East Street, whilst still providing an attractive and interesting appearance for views that can be achieved from this public view. The layout also respects the PROW which runs to the western boundary. Built form is set back from the PROW and indeed there is no parking or similar located here to ensure no sense of encroachment of the PROW or harm to its character. The siting of dwellings would not appear unduly prominent from this public viewpoint, but they would ensure natural surveillance along it.
- 11.2.4 In terms of scale for the proposed dwellings, all of the dwellings are of 2 or 2 ½ storey in height. Dwelling types include detached and semi-detached dwellings. This relates to the scale and type of dwellings within the locality. Turning to the detailed design of the dwellings, this has been subject to numerous variations throughout the course of the application and Officers and the Applicant's team have worked together to secure a high-quality scheme.
- 11.2.5 The dwellings are of a modern design and include high quality architectural and fenestration detailing, which would contribute to the overall quality of the development. The chosen palette of materials include render (various colours including white, cream, light pink, powder blue, and a pale green), painted brickwork, with roofing materials to include clay roof tiles, natural slate, and lead lined dormers. All of these are considered appropriate for Coggeshall and would ensure that the modern design references back to the wider context of the site. A condition is imposed to require samples and details of these to secure the delivery of a high-quality finish.
- 11.2.6 In regard to housing mix, the development provides the following: -

Market Housing

2 x 2 bed houses

4 x 3 bed houses
1 x 4 bed house
5 x 5 bed houses

Affordable Housing

4 x 2 bed houses
4 x 3 bed houses

- 11.2.7 Planning policies are clear that the District Council should seek to promote mixed and inclusive communities. Policy LPP35 of the Adopted Local Plan states that the Council will seek the provision of a range of house types and sizes at an appropriate density of the area which reflects local need. Policy LPP35 also states that 'housing mix should be in line with the identified local need as set out in the 2015 Strategic Housing Market Assessment (SHMA) update (or its successor), unless material considerations indicate otherwise. In addition, Policy 1 and Policy 14 of the Neighbourhood Plan states that residential development should include a range of housing types, sizes and tenures appropriate for the location and size of the site, which should meet evidenced need.
- 11.2.8 The SHMA requires the following dwelling sizes for market housing:
- 1 bed (5.7%); 2 bed (34%); 3 bed (33.3%); 4 bed + (17.2%).
- 11.2.9 The mix of market dwelling types for the scheme is limited to the following:
- 2 bed (16.7%); 3 bed (33.3%); 4 bed + (50%).
- 11.2.10 The development therefore does not meet with policy in terms of a lack of 1 and 2 bed dwellings and the over-provision of 4 bed dwellings. However, given that the development only provides 12 market dwellings, the shortfall in actual numbers is minimal (the number of proposed 1 bed dwellings is only 1 unit and the shortfall for the 2 bed dwellings is 2 units). In addition, the pattern of development in the locality is for larger dwellings such that the housing mix would reflect the character of the locality. On balance, although this non-compliance with the SHMA does weigh against the proposal in the overall balance, it is not considered in its own right to form a reason for refusal.
- 11.2.11 In respect to affordable housing, it is proposed that 8 of the total dwellings will be affordable. This equates to 40% of the total number of units and thus is compliant with Policy LPP31 of the Adopted Local Plan. 6 dwellings will be for affordable rent and 2 for shared ownership. The Councils Housing Officer is supportive of the tenure mix and comments that it will match evidence of housing need. The grouping of the affordable housing across the site has been a matter raised by third parties, but as only 8 units are being delivered, it is not considered to result in an excessive cluster of affordable that would result in social exclusion. This does not raise any conflict with the Affordable Housing SPD. In addition, it is considered that

the development is 'tenure blind', with the layout and design of dwelling types and tenures across the development appearing uniform.

11.3 Heritage

- 11.3.1 The site is immediately south of the Coggeshall Conservation Area boundary which abuts the site's northern edge. In terms of nearby listed buildings, a number are sited on East Street, but their setting is unaffected given the distances involved. Historically there was a Grade II listed nineteenth century mile post, shown on record to be sited approximately 15m east of the site's north-eastern corner (outside of the application site), has been removed from site (for reasons unknown).
- 11.3.2 In accordance with Paragraph 189 of the NPPF which states that 'Local Planning Authorities should require an Applicant to describe the significance of any heritage assets affected, including any contribution made by their setting', the application has now been submitted with a Heritage Statement. This sets out an assessment of the development and impact upon the setting of the Conservation Area and nearby listed buildings.
- 11.3.3. The merits of the scheme in terms of its layout, design and appearance have been assessed within this report above. It is considered that the development includes the design quality needed to preserve and enhance the Conservation Areas setting and to make a positive contribution to local character and distinctiveness. The development would thus meet with the criteria of Policy LPP57 of the Adopted Local Plan, Policy 13 of the Neighbourhood Plan and the wider provisions relating to heritage set out within the NPPF.
- 11.3.4 To further ensure that the quality of the development respects the heritage setting, a number of conditions are imposed which require further details of all eaves, soffits, fascia's, lintels, cills and drainage; in addition to details of the windows and doors (including details of the depth of reveal); together with samples of materials.
- 11.3.5 Further in regard to heritage are archaeological considerations. The Essex Historic Environment Record shows that the proposed development will affect a site of archaeological interest. (There is evidence for a small Roman settlement at Coggeshall on the north side of East Street. The road through Coggeshall, including East Street is thought to be on the alignment of a Roman road. In addition, recent excavation to the northeast along Colchester Road has revealed further evidence of Roman settlement). As there is a high probability for archaeological remains associated with the Roman settlement and road as well as later medieval settlement to survive within the development area which will be impacted upon by the proposed development, it is considered necessary to impose a condition to properly provide for archaeological investigation, evaluation and recording.

11.4 Impact upon Future Occupiers Amenity

- 11.4.1 All of the market dwellings and affordable dwellings will be constructed to meet with Nationally Described Space Standards in accordance with Policy LLP35 of the Adopted Local Plan. In addition, all of the dwellings are provided with private gardens that meet or exceed the sizes set out within the Essex Design Guide. This will contribute to high quality amenity for future occupiers.
- 11.4.2 The layout of dwellings would ensure that there would be no unacceptable overlooking between the dwellings themselves, and each would be provided with acceptable outlook and light provision.
- 11.4.3 The layout would also ensure that future occupiers would also not be adversely affected by adjacent residential properties, nor experience undue harm to amenity from noise and disturbance, or similar, from traffic on East Street, nor uses of the adjacent PROW.

11.5 Ecology

- 11.5.1 The application has been submitted with an Ecological Mitigation and Strategy and Net Gain report, relating to the likely impacts of development on designated sites, protected and Priority Species & Habitats. In addition, a Biodiversity Metric 3.0 – Calculation Tool has been submitted to support the application. Sufficient ecological information is therefore available for determination to provide certainty for the LPA of the likely impacts on designated sites, Protected and Priority Species & Habitats.
- 11.5.2 The Ecological Mitigation and Strategy and Net Gain report identifies a number of mitigation measures relating to dormouse, nesting birds and bats. As a result, it is recommended that a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent to implement the finalised mitigation measures for this scheme.
- 11.5.3 Officers are supportive of the submission of the Biodiversity Metric 3.0 – Calculation Tool which demonstrates that a measurable biodiversity net gain can be achieved for this development. This includes a net increase of 11.34% of Habitat units and a net increase of 10.6% of hedgerow units. An update to the submitted Metric Calculation will be required once a soft landscaping scheme is approved to ensure net gain will still be delivered and is to be secured via condition. Furthermore, a Landscape and Ecological Management Plan should be secured as a condition of consent, which would set out the detailed management plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements.

11.6 Landscape Matters

- 11.6.1 The application has been submitted with a Landscape and Visual Impact Assessment (LVIA) which has considered both the physical effects the development might have on the landscape, its features and character, and on the visual amenity or the changes to views within the area. In terms of landscape character, the LVIA concludes that although the development would have a slight impact on the immediate area, the site does have capacity to absorb development without undue detrimental effects to the Blackwater River Valley landscape characteristics and the location of the site adjacent to existing housing would mean that visual change would not be discordant with the existing local setting.
- 11.6.2 In terms of the visual impact of the development, the characteristics of the landscape surrounding the site help to form a relatively contained visual envelope and the location on the village edge limits views in most directions. The visual impact is greatest to the PROW along the western boundary of the site, but this would be limited to the immediate stretch of the PROW. Overall, Officers consider that there would not be undue harm to the landscape characteristics of the site, nor would there be unacceptable impacts upon visual amenity.
- 11.6.3 The application is also supported by a Tree Survey and Arboricultural Impact Assessment. The impact of the proposals on the physical landscape features is limited to the removal of some vegetation in the northern boundary to create the new access to facilitate the development. This specifically requires the removal of trees in Group G005 and hedgerow removal at H004. G005 is a group of three Ash and one Sycamore (Category C rating). H004 consists of Hawthorn, English Elm, and Sycamore. (Category C rating). The loss of these is regrettable as they do contribute to the tree belt alongside East Street, however there is no scope for them to be retained within the development. Although the removal of existing landscaping does weight against the proposal to a degree, overall, it is considered that any adverse impacts in relation to landscaping and trees, with the removal of lower quality trees, can be mitigated through new high-quality planting and additional landscaping throughout the site to be secured via condition.
- 11.6.4 In addition, four trees and four landscape features require minor surgery to permit construction space or access. Officers are content that this work would not result in adverse harm. The alignment of Plot 10 and Plot 12 and the new road will result in a modest intrusion within the Root Protection Areas (RPA's) of trees and hedges to be retained. For the affected landscaping features, it is either proposed to use 'no dig' construction techniques or undertake linear root pruning. The proposed works and construction method for these aspects is considered appropriate.
- 11.6.5 With the exception of G005 and H004, all other trees and hedges that surrounding the site, which add a sense of maturity and form a treed skyline will be retained. This will assist in the development assimilating into

the locality. In addition, a detailed landscaping scheme for the wider site has been submitted with the application and is supported by Officers. This includes the planting of an appropriate native hedge mix and a number of native trees. A condition is imposed to ensure that the landscaping works are undertaken.

- 11.6.6 The AIA also identifies concern regarding the structural integrity of one of the protected cedars on the southern boundary and recommends further decay analysis is undertaken to verify the condition of the tree within Group G001. A condition is therefore imposed to require a PiCUS sonic tomograph test be undertaken on the protected cedar with a report to be submitted to the LPA in support of any additional works required to a protected tree.

11.7 Impact upon Neighbouring Residential Amenity

- 11.7.1 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy LPP52 of the Adopted Local Plan emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact. In addition, Policy 14 of the Neighbourhood Plan states that development should not have a significant harm to neighbouring residential amenity.

- 11.7.2 The residential properties most affected by the development are the dwellings to the east on Coggeshall Road. Within the development site, Plots 10, 11 and 12 would back onto these existing neighbouring properties. However, given the distance of the proposed dwellings from the rear boundary, the existing landscape to this eastern site boundary and the resultant back-to-back distances, there would be no adverse impact upon the neighbours amenity from unacceptable overlooking, loss of light or outlook. Other existing residential dwellings to the north and west would similarly not be affected by overlooking, loss of light or outlook, due to the distances involved, orientation of dwellings and intervening landscaping.

- 11.7.3 In terms of impact to neighbours from increased noise disturbance or similar, no objection is raised by Environmental Services to the proposal subject to conditions. In view of the proximity to existing dwellings to the east and west of the site, it is recommended that short term dust emissions and thus air quality can be reduced to acceptable levels by following the best practice dust mitigation measures and a condition for a construction management plan (CMP), which includes the need for a dust and mud strategy, is imposed. In addition, a condition is imposed to restrict the use of piling unless a scheme for associated noise and vibration has been agreed. Lastly, the CMP will also control a number of matters including the storage of plant and materials used in constructing the development; the storage of top soil; wheel washing; details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance; and contact details for Site Manager and details of publication of such details to local residents.

11.8 Highway Considerations

- 11.8.1 The site will be accessed via one vehicular point onto East Street, with a further individual vehicular access point for Plot 1. The submission demonstrates that adequate visibility splays can be obtained at these accesses to ensure that the development would not result in highway safety concerns.
- 11.8.2 The internal access road will be a shared surface and will not be subject to adoption by ECC. The width of 6 metres would be appropriate for the shared usage and furthermore is designed to accommodate 26 tonne vehicles (to be secured within the S106 Legal Agreement). A refuse vehicle plan also accompanies the application which demonstrates that refuse vehicles can manoeuvre throughout the site and that refuse can be appropriately collected from each dwelling. BDC Waste Services have no objections.
- 11.8.3 In terms of parking, each dwelling will be provided with a minimum of 2 on plot parking spaces in accordance with the Adopted Parking Standards. All the dwellings will be provided with electric vehicle charge facilities (EVC) - the provision of which will be secured via condition. In terms of visitor parking spaces, 5 are located across the site which also meets with adopted standards. The location of the parking is discreet and would not dominate the street scene or public realm. In this respect, the development meets with the criteria of Policy 16 of the Neighbourhood Plan.
- 11.8.4 The approach for cycle storage is that there will be provision with garages. For those dwellings that are not provided with a garage, the provision will be via a secure shed / storage unit within the private rear curtilage. The provision of this will be secured via condition to comply with Policy LPP42 of the Adopted Local Plan and Policy 16 of the Neighbourhood Plan.
- 11.8.5 The application also seeks changes to the PROW, where it falls within the application site boundary. The current surface of the PROW is unmade and therefore the condition can be quite poor at times, being uneven and prone to flooding / exceed mud. All of these factors restrict the usability of it. The application seeks to widen the footpath to 2 metres and resurface the path with self-binding gravel. In terms of adjacent planting, the application now proposes low height vegetation and wild flowerbeds on the eastern development side, which retains the open aspect of the footpath and enables it to be overlooked and not hidden behind hedging. The Public Right of Way Section within the Highway Authority have reviewed this and are supportive. The Ramblers Association are also now supportive.

11.9 Flood Risk and Drainage

- 11.9.1 Part 14 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.

- 11.9.2 Paragraph 169 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. Policy LPP76 of the Adopted Local Plan has the same objectives.
- 11.9.3 Part of the site (the western edge adjacent to the PROW) is designated as a Flood Management Area within the Neighbourhood Plan (Policy 12), which are identified to manage the potential for flooding throughout the Parish, particularly during high volume rainfall events. The policy requires that development proposals should demonstrate that flood risk will not be increased overall and that opportunities to reduce flood risk, for example, through the use of sustainable drainage systems and natural flood management, are taken.
- 11.9.4 The proposal site lies in Flood Zone 1 (an area of low flood risk) and further is not at risk of flooding from any source including fluvial, tidal, a breach of any nearby reservoir, groundwater or pluvial/surface water. An assessment of the practical use of sustainable drainage techniques has been carried out. As soil types will not support the effective use of infiltration devices, it is proposed that surface water is attenuated through the use of permeable paving prior to discharge into the adjacent Ordinary Watercourse.
- 11.9.5 The Lead Local Flood Authority (LLFA) having reviewed the proposals and associated documents which accompanied the planning application, including the principle of the strategy and confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures, which would demonstrate that flood risk will not be increased overall. The development would comply with Policy 12 of the Neighbourhood Plan, Policy LPP76 of the Adopted Local Plan, and the requirements of the NPPF.
- 11.9.6 Anglian Water states that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre which currently does not have capacity to treat the flows the development site. However, they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. Therefore, on this basis it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.
- 11.10 Contamination
- 11.10.1 The application has been submitted with a Phase I Preliminary Risk Assessment which concludes that no recommendations are required to

address contamination. The Council's Environmental Health Officer has reviewed the submission and is satisfied that contamination is not a constraint to development. No further site investigations are necessary, and a scheme of remediation is not needed in this instance. A condition is imposed however, in terms of should any unexpected contamination be encountered.

11.11 Habitat Regulations Assessment (HRA / RAMS)

11.11.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

11.11.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

11.11.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.

11.11.4 The proposed mitigation measures would consist of the securing of a financial contribution of £137.31 per dwelling erected towards offsite visitor management measures at the above protected sites.

11.11.5 This financial contribution has been secured and the Applicant has made the required payment under S111 of the Local Government Act 1972.

12. PLANNING OBLIGATIONS

12.1.1 Paragraph 56 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.

12.1.2 Policy LPP78 of the Adopted Local Plan states that permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures

must be agreed with the Council and the appropriate infrastructure provider.

- 12.1.3 The Neighbourhood Plan in Policy 17 also states that development proposals must provide financial contributions towards primary and secondary education in accordance with the Essex County Council Developers Contributions Guide, and appropriate provision towards healthcare facilities. In addition, development proposals will be required to contribute proportionately towards the provision of specific infrastructure projects.
- 12.1.4 To secure the provision of the on-site Affordable Housing previously referred to in this report it is recommended that there is a Section 106 Agreement which will establish the planning obligations required in connection with this development.
- 12.1.5 Policy SP6 of the Adopted Local Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy refers to various types of infrastructure, services and facilities, including transportation and travel and social infrastructure which includes education and health and well-being. Officers have identified a range of planning obligations that the District Council would require to mitigate the impacts of the development and a S106 agreement has been drafted which covers these matters. The following identifies those matters that the District Council would seek to secure through a Section 106 Legal Agreement.

12.2 Healthcare

- 12.2.1 In response to their consultation on the application, NHS England state that the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 48 new residents and subsequently increase demand upon existing services. An assessment is set out in terms of the primary care floorspace needed to support this additional population and the costs of doing so. For the additional floorspace indicated in the scheme, a financial contribution of £9,700 is sought.

12.3 Highway Matters

- 12.3.1 To ensure that there is no adverse impact upon highway safety and convenience, and to encourage sustainable travel, it is recommended that the S106 will secure a minimum 2 metre wide footway to be provided at the site frontage from the site access to the West to join with the existing footway provision on East Street; a minimum 2 metre wide footway at the site access to the East to a point suitable for pedestrians to cross to the existing footway provision opposite; and Residential Travel Information Packs.

- 12.3.2 In addition, to ensure that both all roads (private or adopted) are built to the standards commensurate with that required by the Local Highway Authority and that access for the Council to pass and repass over these roads can be permitted at all times.

12.4 Public Open Space

- 12.4.1 Policy LPP50 of the Adopted Local Plan requires that new developments provide a 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.
- 12.4.2 The Council's Open Space SPD sets out further details on how these standards will be applied. The SPD also specifies that a development of this size does not require the on-site provision of equipped children's play areas, outdoor sports facilities or allotments – rather a financial contribution should be sought towards the provision calculated on the number and size of the dwellings constructed (£15,359.12 for play equipment, £22,867.98 for outdoor sports facilities, and £725.70 for allotments).
- 12.4.3 In terms of the open space whilst there are landscaped edges to the site that fall to be amenity strips, there is no provision of formal open space. A financial contribution is therefore sought towards this. For the size of development a contribution of £9,453.00 is sought. It will also be necessary for the S106 to include an obligation for the Applicant to form a Management Company responsible for the day to day and longer-term management and maintenance of the areas of incidental space within the development.

12.5 Education

- 12.5.1 The proposed number of dwellings at the site would result in the development falling within the threshold of when a financial contribution towards education can be requested. Essex County Council had originally commented stating that no contribution would be required, however, they are now re-assessing this position. Members will be updated on this matter either prior to the Planning Committee Meeting or will be provided with a verbal update at the Committee itself.

13. PLANNING BALANCE

- 13.1.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the

appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

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

- 13.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.
- 13.1.3 In this case, it is not considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development.
- 13.1.4 As such, pursuant to Paragraph 11d) (ii) it is necessary to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in this Framework taken as a whole. Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.
- 13.1.5 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);

- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

13.2 Summary of Adverse Impacts

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

Housing mix for market dwellings

- 13.2.2 The proposed housing mix for the market dwellings does result in some conflict with the SHMA, with a shortfall in the number of 1 and 2 bed units. However, given that the development only provides 12 market dwellings, the actual shortfall in real numbers is minimal. Given the scale of development limited weight is attributed to this.

Removal of existing landscaping

- 13.2.3 The layout requires the removal of trees in Group G005 and hedgerow removal at H004. Although these are Category C rated, their loss is regrettable as they do contribute to the tree belt alongside East Street. Although the removal of existing landscaping does weight against the proposal, it is considered that any adverse impacts in relation to landscaping and trees, with the removal of lower quality trees, can be mitigated through new high-quality planting and additional landscaping throughout the site to be secured via condition. Limited adverse harm is attributed to this.

13.3 Summary of Public Benefits

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

The Development Plan

- 13.3.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".

- 13.3.3 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.
- 13.3.4 The site is also an allocated site for residential purposes within the Adopted Local Plan and the Neighbourhood Plan. Whilst the proposal exceeds the number of dwellings set out within the relevant site allocation policies, the actual numbers stated with the policies is not fixed, and terminological such as 'indicative' and 'around' is used. Notwithstanding this, the increase of 5 dwellings over that stated within policy does reduce the level of policy compliance, however, it is considered that the proposal complies with the Development Plan when taken as a whole.

Delivery of Market and Affordable Housing

- 13.3.5 The development will deliver a total of 20no. dwellings and will deliver policy compliant affordable housing equating to 8 dwellings. Given the scale of development, moderate weight is assigned to this.

Location and Access to Services and Facilities

- 13.3.6 Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location. In addition, there is convenient access to public transport provision. Substantial weight is assigned to this.

Economic and Social Benefits

- 13.3.7 The development will accrue social benefits with the provision of dwellings (including affordable dwellings), and economic benefits with during the construction and thereafter with the spending powers of future occupiers. Moderate weight is assigned to this.

Biodiversity Net Gain

- 13.3.8 The submission demonstrates that a measurable biodiversity net gain can be achieved for this development (11.34% of Habitat units and a net increase of 10.6% of hedgerow units). Limited to moderate weight is assigned to this.

13.4 CONCLUSION

- 13.4.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, it is considered that the proposal complies with the Development Plan when taken as a whole.

Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. The Planning Balance is concluded below.

13.5 PLANNING BALANCE

When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

14. RECOMMENDATION

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

- Affordable Housing;
- Healthcare;
- Education (to be confirmed if required – as discussed above);
- Open Space (allotments, children and young people, outdoor sports contribution, amenity space - including a management company); and
- Highways matters (including refuse Vehicle Access)

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

14.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	1509 - P300 - A - LOC	N/A
Proposed Plans	22X06X13	H
Proposed Plans	22X06X14	G
Proposed Plans	22X06X15	I
Street elevation	22X06X18	F
Concept Plan	22X06X19	E
Proposed Site Plan	22X06X03	H
Proposed Block Plan	22X06X04	J
Proposed Plans	22X06X06	H
Proposed Plans	22X06X07	G
Proposed Plans	22X06X09	H
Proposed Plans	22X06X10	H
Proposed Plans	22X06X11	H
Proposed Plans	22X06X12	I
Landscaping	001	C
Waste Management Strategy	N/A	N/A

Condition(s) & Reason(s)

Condition 1

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

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

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

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

Condition 3

- 1) No development or preliminary groundworks can commence until a mitigation strategy has been approved and been submitted to the Local Planning Authority.
- 2) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
- 3) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless

otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To properly provide for archaeological remains.

Condition 4

No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings and their gardens;
- Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of ground levels and therefore any building(s) within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. To ensure that the development does not prejudice the appearance of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

Condition 5

No above ground development shall commence until samples of the materials to be used on the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 6

No works shall commence until additional drawings (by section and elevation at scales between 1:20 and 1:1 as appropriate) and specifications of proposed new windows (including the depth of reveal), doors, eaves, verges, fascias, lintels and sills to be used, have been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure the use of appropriate detailing of the development in the interests of the quality of the development.

Condition 7

All service intakes to dwellings (apart from gas), including soil and waste plumbing, shall be run internally and not visible on the exterior.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 8

Prior to installation of any meter cupboards on the external front and side (if a corner plot) elevations of the dwellings hereby approved, details of the location, design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 9

Prior to the erection of any means of enclosure, details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the relevant plot and shall be permanently retained as such.

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

Condition 10

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 dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out to Plot, 1, 3, 4 or 16 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 in the interests of residential and/or visual amenity.

Condition 11

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 addition or alteration to the roof of a dwellinghouse, as permitted by Class B 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 roof extensions in the interests of residential and/or visual amenity.

Condition 12

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

Planning Authority.

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

Condition 13

The garage hereby permitted to Plots 6, 7, 8, 9 and 10 shall be used for the parking of motor vehicles, bicycles, and powered two wheelers associated with the dwelling.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

Condition 14

The on plot driveway car parking spaces hereby permitted shall only be used for the parking of motor vehicles, and powered two wheelers associated with the dwelling.

Reason: To ensure adequate parking space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

Condition 15

Prior to the first occupation of any of the units without the provision of a garage, details of the size, siting and design of the proposed secure cycle storage unit, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure the provision of secure cycle storage, in the interests of sustainability.

Condition 16

Prior to the implementation of the landscaping scheme hereby approved, a strategy for the watering and maintenance of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

The scheme of landscaping indicated upon the approved plan(s) / documents, shall be implemented in accordance with the approved implementation programme. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the approved landscaping scheme is implemented and that appropriate measures are put in place to ensure that new trees are suitably irrigated until they become established and in order to enhance the appearance of the development and in the interests of amenity and privacy.

Condition 17

Prior to the commencement of any development, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the

development shall be carried out in full compliance with the approved plan document.

Reason: In the interest of visual amenity of the site.

Condition 18

Prior to the commencement of any development, a suitable method statement for the areas where the development proposals impinge of the root protection areas of the retained trees, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full compliance with the approved plan document.

Reason: In the interest of visual amenity of the site.

Condition 19

A PiCUS sonic tomograph test shall be undertaken on the protected cedar identified as an area of concern within the report provided by Haydens. The report to be submitted to the Local Planning Authority in support of any additional works required to a protected tree. Thereafter the development shall be carried out in full compliance with the approved works, prior to the first occupation of the development.

Reason: In the interest of visual amenity of the site.

Condition 20

No above ground development shall commence until an Electric Vehicle Charging Strategy to demonstrate the provision of at least one Electric Vehicle Charging point to every dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented for each dwelling prior to the occupation of that dwelling and thereafter retained.

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

Condition 21

No above ground development shall commence until a strategy to provide fastest available broadband access has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: To ensure that all new dwellings/commercial units are provided with appropriate internet connectivity that will improve commercial opportunities and facilitate working from home and improve residents' connections to essential online services and social networks.

Condition 22

A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Mitigation and Strategy and Net Gain report (Geosphere Environmental Ltd, April 2022). The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

Condition 23

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstance should any other external lighting be installed without prior consent from the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

Condition 24

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to

discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

Condition 25

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

Condition 26

No works except demolition shall take place until 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, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Demonstrate that rainwater reuse has been considered and implemented into the

scheme as much as feasibly possible

- Demonstrate that above ground green features have been considered and implemented into the scheme as much as feasibly possible.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 27

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 28

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure

mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 29

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 30

No occupation of the development shall occur until a vehicular access off East Street to the proposal site as shown in principle on the planning application drawings has been provided. The access shall be constructed at right angles to the highway boundary and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. The width of the access at its junction with the highway shall not be less than 5.5m. The access is to be provided with a 2.4 x 43 metre visibility splay as measured to the nearside edge of the East Street carriageway.

Reason : To protect highway efficiency of movement, highway safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 31

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

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to manage the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;

- Contact details for Site Manager and details of publication of such details to local residents.

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

Reason: In the interests highway safety, neighbouring amenity and visual amenity.

Condition 32

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

Reason: In the interest of neighbouring amenity.

Condition 33

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the above Site Investigation Condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the above Site Remediation Condition, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority in accordance with the above Verification and Remediation Condition.

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

Informative(s)

Informative 1

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.

Informative 2

The public's rights and ease of passage over public footpath 64 Coggeshall shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP53	Conservation Areas
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

Coggeshall Parish Neighbourhood Plan 2019 - 2033

1	Meeting the Housing Need
3	Allocated Site - Cook Field
6	Protecting and Enhancing Green and Blue Infrastructure and the Natural Environment

12	Managing Flood Risk & Drought Mitigation
13	Protecting and Enhancing our Heritage
14	Design Management
15	Protected Views
16	Transport and Accessibility
17	Infrastructure and Developer Contributions
18	Recreational disturbance Avoidance and Mitigation Strategy

APPENDIX 3:

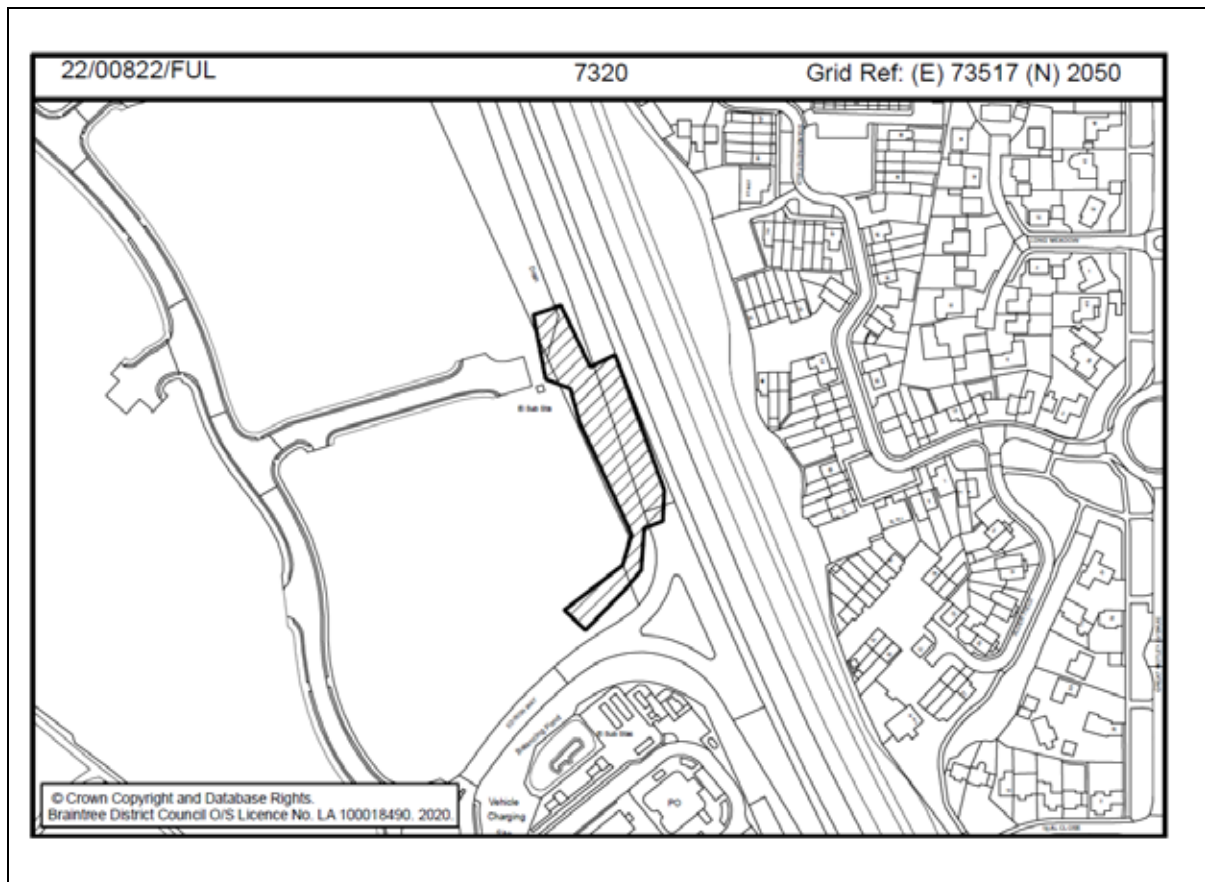
SITE HISTORY

None relevant.

Agenda Item: 5b

Report to: Planning Committee		
Planning Committee Date: 15th November 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	22/00822/FUL	
Description:	Erection of acoustic fence and landscaping	
Location:	Horizon 120 Business Park Off A131, London Road, Great Notley	
Applicant:	Braintree District Council, Mr Aidan Kelly, Causeway House, Bocking End, Braintree, CM7 9HB	
Agent:	Strutt & Parker, Mr Richard Clews, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF	
Date Valid:	8th April 2022	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Conditions & Reasons and Informatives outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plans & Documents Conditions & Reasons and Informatives
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Alison Rugg For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2522, or by e-mail: alison.rugg@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/00822/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site sits within the red line of the Horizon 120 Business Park which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan and benefits from a Local Development Order (LDO) granted by the Council in 2021.
- 1.2 The application seeks full planning permission for the erection of a proposed acoustic fence, approximately 138 metres in length, which would enclose the eastern and south-eastern boundaries of Unit 1, currently under construction for B8 use, adjacent to the A131.
- 1.3 The proposed acoustic fence stems from a recognition that noise emanating from the Horizon 120 Business Park at night has the potential to exceed the approved noise levels of the Sharp Pritchard Noise Report, approved as part of the Local Development Order for the Horizon 120 Business Park, and would therefore benefit from additional mitigation in order to protect residential amenity. The principle of an acoustic fence, within the Horizon 120 LDO land, to mitigate noise impacts from the Horizon 120 Business Park to existing residents is therefore accepted in principle.
- 1.4 It is generally considered that the introduction of a acoustic fence in this location with soft landscaping and screening will improve the visual amenity of this eastern boundary (given the visual prominence of the boundary) along with the noise mitigation benefits. With appropriate landscaping and screening, the impact on visual amenity is considered acceptable.
- 1.5 The proposed soft and hard landscaping is of high quality and is well considered. The proposed landscaping would have no detrimental impact on existing ecology but would significantly enhance and increase biodiversity.
- 1.6 The purpose of the acoustic fence is to ensure that the noise levels associated with the service yard on the eastern edge of the development are in accordance with the approved Sharp Redmore Report for 24 hour operation for Unit 1, which would not be possible without the erection of an acoustic fence in the location proposed. Environmental Health Officers concluded that the proposed acoustic fence offers noise reduction to assist in achieving the approved criteria.
- 1.7 Given the nature of the development, there is not considered to be any detrimental visual impacts on existing residential amenity due to the proximity and the boundary tree planting between the residential properties, A131 and the site. The erection of an acoustic fence and landscaped screening is considered a benefit to visual amenity when compared with the current state of the site. In terms of the noise impacts, the nature of the acoustic fence which seeks to protect such disturbance would be considered a benefit to residents.

- 1.8 The proposal is therefore considered acceptable subject to appropriate conditions imposed.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The development site comprises of a 0.116 ha area of land located at the southern end of Horizon 120 Business Park which is currently under construction.
- 5.2 The site sits along the eastern boundary of Unit 1 which is currently under construction. Gridserve charging station is located to the south, with the Great Notley Bypass (A131) to the east. Beyond the A131 to the east are residential properties, the closest being those on Stanstrete Field and Elder Field.

6. PROPOSAL

- 6.1 This application seeks planning permission to erect a 4.5m high acoustic fence along the eastern and part of the southern boundary to the service yard of Plot 1 of the Horizon 120 Business Park. The fence would span a total of 138m in length. The proposals also includes associated landscaping to soften the appearance of the fence.
- 6.2 The acoustic fence has been proposed to reduce predicted noise levels arising from night time activity to below the levels adopted for Horizon 120 Business Park, to benefit the amenity and living conditions of nearby residential properties.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 ECC Highways Authority

- 7.1.1 No objection.

- 7.1.2 The Highways Authority initially required further information in relation to the highway boundary owing to the proximity of the proposed acoustic fence and landscaping. Further information was submitted to highlight that

the fence and associated landscaping would not be within the highway boundary.

7.2 BDC Environmental Health

7.2.1 No objection subject to a condition recommending the installation and on-going maintenance of the acoustic fence is retained to ensure that the mass density of the acoustic fence always provides the designed sound attenuation.

7.2.2 The Environmental Health Officer initially required further modelling to be completed to comprehensively assess the likely noise impact from the proposed service yard of the employment unit, to ascertain whether the acoustic fence proposed would be sufficient. This further modelling was provided and subsequently no objection has been raised to the proposal.

7.3 BDC Ecology Consultant

7.3.1 No objection.

7.3.2 The Ecology Officer initially objected to the application as an invasive species (Virginia Creeper) was proposed to be used within the landscaping. This species was subsequently removed from the soft landscape mix. The Ecology Officer also raised comments in relation to the provision of Scots Pine (*Pinus sylvestris*) or Silver Linden (*Tilia tomentosa*), as these species are considered non-native to England. Therefore, if the purpose of the buffer planting is for a native buffer, it is indicated that English Oak (*Quercus robur*) and Guelder Rose (*Viburnum opulus*) could be used as a suitable alternative species. The Applicant has provided direct confirmation that no additional vegetation clearance is required to allow the fencing to be implemented. As a result, Ecology Officers are satisfied that the proposals are unlikely to result in impacts upon protected and priority species / habitats and that no further ecological information is required to support the development.

7.4 BDC Landscape Consultant

7.4.1 No Objection. Supports the proposed planting mix for this location due to the fast growing nature of the species proposed and the screening benefits.

8. PARISH / TOWN COUNCIL

8.1 Great Notley Parish Council

8.1.1 No objection owing to proposed 24 hour use with residential properties nearby– subject to the instillation of appropriate vegetation to soften the visual impact.

9. REPRESENTATIONS

9.1 None received.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.4 The application site sits within the red line of the Horizon 120 Business Park which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan and benefits from a Local Development Order (LDO) granted by the Council in 2021.
- 10.5 The application seeks full planning permission for the erection of a proposed acoustic fence, approximately 138 metres in length, which would enclose the eastern and south-eastern boundaries of Unit 1, currently under construction for B8 use, adjacent to the A131.
- 10.6 The proposed acoustic fence stems from a recognition that noise emanating from the site at night has the potential to exceed the approved noise levels of the Sharp Pritchard Noise Report, approved as part of the Local Development Order for the Horizon 120 Business Park, and would therefore benefit from additional mitigation in order to protect residential amenity. Specifically, the fence would reduce the impact of noise from activities within the service yard at Unit 1, for residents in Great Notley. This would benefit those closest to the development on Stanstrete Field and Elder Field (at the elevations facing west) but would be a benefit to all residents in the village. The barrier is designed to reduce noise at the

exposed façade of the nearest dwellings to below the night time level adopted for the Horizon 120 LDO of 60dB.

- 10.7 The principle of an acoustic fence, within the Horizon 120 LDO land, to mitigate noise impacts from the Horizon 120 Business Park to existing residents is therefore accepted in principle.

11. SITE ASSESSMENT

11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.1.1 Policy LPP52 of the Adopted Local Plan seeks a high standard of layout and design in all developments in the District. Given the nature of the proposal and the technical characteristics, the appearance of the proposal is constrained.
- 11.1.2 In terms of the technical specification and detailed appearance of the fence, it is proposed to utilise the 'Natural Soundblock Reflective' product produced by Gramm Barrier Systems, as this fence has a suitably natural appearance for a sensitive location. The colouring of the fence is limited in terms of choice, but will consist of a natural brown colour as it was considered that this would compliment the Horizon 120 Business Park due to other similar materials being present in this colour range.
- 11.1.3 Standing at 4.5m in height, the fence is considered particularly tall and therefore the visual impact of the fence must be considered. The longest stretch of acoustic fence fronting the A131 will generally be visually obscured by soft landscaping and planting (once established), however, the corner section of the fence as you turn left into the Horizon 120 Business Park from the A131 (adjacent to Gridserve) will be particularly exposed. The reason for this exposure is two fold, firstly, due to the width of the verge and ability to plant substantial screening vegetation on this corner section, and secondly, due to the visibility splay. Whilst there will be an element of tree planting on this corner closest to Unit 1, there will be an element of fence (approximately 20m stretch) which will have low laying shrubs and will be relatively exposed. To add visual interest to this section, a sign will be positioned on the fence to celebrate the entrance. The details of the signage are still being developed and will come forward by way of condition, therefore the plans indicate a 'signage zone', measuring approximately 10m x 2m, to ensure that this comes forward.
- 11.1.4 In terms of the impact on the visual appearance and character of the area, the impact is considered to be minimal (given current visual prominence of the eastern corner). The eastern boundary of the Horizon 120 Business Park is currently exposed with overgrown scrub and palisade fencing. There are direct views into the service yards of the buildings along the eastern boundary when travelling and walking along the A131. Where the fence is closest to the highway with less intervening landscaping, the fence would be visible and would be seen by travellers on the A131 and those

entering the park by vehicle, and against the backdrop of the business park with buildings of up to 14.5m high. However, overall it is generally considered that the introduction of a fence in this location with soft landscaping and screening will improve the visual amenity of this eastern boundary (given the visual prominence of the boundary) along with the noise mitigation benefits. With appropriate landscaping and screening, the impact on visual amenity is considered acceptable.

11.2 Ecology and Landscaping

- 11.2.1 Policy SP7 of the Adopted Local Plan set the principles for landscaping, biodiversity enhancement and mitigation for all developments. These principles are further emphasised in policies LPP63, LPP65 and LPP66 of the Adopted Local Plan.
- 11.2.2 The proposal includes a robust landscaping strategy to soften the visual appearance of the proposed fence and increase biodiversity. Species such as Pine, Hawthorn, Dog Rose, Guelder Rose form part of the planting mix with additional climber plants. Once matured the tree planting is expected to reach 5 metres in height. It is also notable that the majority of fence would be set well back from the highway edge. Effectively, in most locations there would be the existing highway verge; followed by an area of proposed tree and shrub planting; then the fence.
- 11.2.3 Officers have worked with the Applicant to ensure that the most appropriate mix and species of landscaping has been selected. Whilst comments in relation to the species of trees have been made by Ecology Officers in terms of their nativity, it is considered the selection of pine in this location is suitable for the screening and fast growing properties. Species such as Oak, as suggested, would take a long period of time to grow to an acceptable height to offer the screening properties necessary, along with the associated cost of maintenance and watering.
- 11.2.4 The proposed soft and hard landscaping is high quality and well considered. The proposed landscaping would have no detrimental impact on existing ecology but would significantly enhance and increase biodiversity. Appropriate conditions have been recommended to ensure the integrity and replacement of any failed planting.

11.3 Noise

- 11.3.1 Policy LPP70 of the Adopted Local Plan states, 'proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. Development will not be permitted where individually, or cumulatively and after mitigation there are likely to be unacceptable impacts arising from the development on natural environment, health and safety of existing residents, noise'.

- 11.3.2 The application is located within the Horizon 120 Business Park which as previously stated benefits from permission by way of an LDO. All development operations within the LDO area must be in accordance with the Sharp Redmore Noise Report which formed part of the approved documentation for the LDO permission.
- 11.3.3 The purpose of the acoustic fence is to ensure that the noise levels associated with the service yard on the eastern edge of the development are in accordance with the approved Sharp Redmore Report for 24 hour operation for Unit 1, which would not be possible without the erection of an acoustic fence in the location proposed.
- 11.3.4 A Noise Report accompanies this application which has been assessed by Environmental Health Officers. The sound level assessment in the applicant's noise assessment determines a night time limit of 35dB(A) as a rating level averaged over a 15 minute averaging period and 55dB(A) as a daytime rating level averaged over 1 hour. With the acoustic fence in place and accounting for all industrial units working typically, then the daytime noise limit is readily met. The night time limit is just achieved as a cumulative rating level of 35dB(A).
- 11.3.5 Environmental Health Officers concluded that the proposed acoustic fence offers noise reduction to assist in achieving the approved criteria. As the service yard layout does not have the benefit of building screening then operators will still need to employ best practicable means on site at all times particularly at night to control noise at source e.g. doors closed, reducing engine noise, impact noise etc in line with the typical operation modelled. Environmental Health Officers have recommended a condition for ongoing maintenance of the acoustic fence to ensure the integrity remains. The proposal is therefore considered to accord with Policy LPP70 of the Adopted Local Plan.
- 11.4 Impact on Neighbouring Residential Amenity
- 11.4.1 The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings and Policy LPP52 of the Adopted Local Plan states that development shall not cause unacceptable impacts on the amenities of nearby residential properties.
- 11.4.2 The nearest neighbouring properties to the site are approximately 50 metres from the eastern boundary of the site. There are no immediate residential properties abutting the site.
- 11.4.3 Given the nature of the development, there is not considered to be any detrimental visual impacts due to the proximity and the boundary tree planting between the residential properties, A131 and the site. The erection of an acoustic fence and landscaped screening would be a benefit to visual amenity when compared with the current state of the site. In terms of the noise impacts, the nature of the acoustic fence which seeks to protect such disturbance would be considered a benefit to residents. The application is

therefore considered to accord with Policy LPP52 of the Adopted Local Plan.

12. CONCLUSION

- 12.1 The principle of an acoustic fence, within the Horizon 120 LDO land, to mitigate noise impacts from the Horizon 120 Business Park to existing residents is therefore accepted in principle.
- 12.2 It is generally considered that the introduction of a fence in this location with soft landscaping and screening will improve the visual amenity of this eastern boundary (given the visual prominence of this boundary) along with the noise mitigation benefits. With appropriate landscaping and screening, the impact on visual amenity is considered acceptable.
- 12.3 The proposed soft and hard landscaping is of high quality and is well considered. The proposed landscaping would have no detrimental impact on existing ecology but would significantly enhance and increase biodiversity.
- 12.4 The purpose of the acoustic fence is to ensure that the noise levels associated with the service yard on the eastern edge of the development are in accordance with the approved LDO Sharp Redmore Report for 24 hour operation for Unit 1, which would not be possible without the erection of an acoustic fence in the location proposed. Environmental Health Officers concluded that the proposed acoustic fence offers noise reduction to assist in achieving the approved criteria.
- 12.5 Given the nature of the development, there is not considered to be any detrimental visual impacts on existing residential amenity due to the proximity and the boundary tree planting between the residential properties, A131 and the site. The erection of an acoustic fence and landscaped screening would be a benefit to visual amenity when compared with the current state of the site. In terms of the noise impacts, the nature of the acoustic fence which seeks to protect such disturbance would be considered a benefit to residents.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made: Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	721-FH-XX-00-DP-L-431	03
Section	721-FH-XX-00-DT-L-430	03
Landscape Masterplan	721-FH-XX-00-DP-L-430	05
Elevations	11399-FE-210	N/A
Section	11399-FE-200	N/A
Boundary Treatment	721-FH-SH-01 A131	03
Arboricultural Report	5280/19-02	01
Arboricultural Report	5280/19-03	01
General	Gramm Timber Reflective	Natural
	Fence Details/ Brochure	Soundblock Refle
Noise Details	AP1717/21265/2	N/A
Noise Details	Strutt and Parker	N/A
	Response to EHO	
	Modelling	
General	Spectrum Additional	N/A
	Information -	
	AP1783/21265	

Conditions & Reason

Condition 1

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

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

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

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

Condition 3

Within 6 months of the date of this decision, a Maintenance Strategy for the acoustic fence shall be submitted to, and approved in writing by the Local Authority.

Reason: To ensure a high quality development is maintained over the lifetime of the development.

Condition 4

The scheme of landscaping indicated upon the approved plans, 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.

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

Condition 5

All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not reasonably practicable then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

Condition 6

The acoustic fence shall be constructed in accordance with the specification shown within document entitled 'Acoustic Fence Specification Details - Gramm Timber Reflective Technical Information - Colour Green'.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 7

Within 6 months of the date of this decision, details of the signage located within the signage zone shown on approved Drawing No. 11399-200, shall be submitted to, and approved in writing by the Local Planning Authority. Details shall include 1:20 scaled drawings, proposed materials, fixtures and maintenance. The signage shall be installed within 6 months of the date of this decision and shall remain in perpetuity for the lifetime of the development.

Reason: In the interest of visual amenity for this prominent location.

Condition 8

The development shall be carried out in accordance with the Arboricultural Impact Assessment (AIA) for Horizon 120 prepared by PJC Consultancy and Arboricultural Method Statement (AMS) for Horizon 120 prepared by PJC Consultancy.

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

Informative(s)

Informative 1

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.

Informative 2

The applicant is advised that this grant of this application should not be construed as authorising the erection of the signage on the fence; for which the separate grant of advertisement consent is required.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP2	Location of Employment Land
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
17/01235/FUL	Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.	Granted	26.10.17
18/00003/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.	Screening/ Scoping Opinion Adopted	07.08.18

19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.	Granted	30.09.19
19/01525/FUL	Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Refused	30.03.20
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park	Granted	16.04.20

	<p>comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.</p>		
20/00444/NMA	<p>Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow:</p> <ul style="list-style-type: none"> - Change of the timeframe for removal of the dry pond to allow it to be 	Granted	22.05.20

	removed whilst the large new pond is being provided.		
20/00445/NMA	Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.	Granted	22.05.20
20/00473/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL	Granted	02.12.20
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Granted	02.12.20
20/00548/DAC	Application for approval of details reserved by condition 10 of approved application 19/01616/FUL	Granted	19.06.20
20/00549/DAC	Application for approval of details reserved by condition 10 of approved application 19/01525/FUL	Granted	19.06.20
20/00859/ADV	Display of double sided site signage	Granted	21.08.20
20/00860/ADV	Display of double sided site signage	Granted	21.08.20
20/00898/DAC	Application for approval of	Granted	24.06.22

	details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL		
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Granted	24.06.22
20/01502/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures.	Granted	09.12.20
20/01503/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Variation would allow revised wording of the condition regarding	Granted	09.12.20

	implementation of mitigation measures.		
20/00001/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P11 (Building Maintenance) and P12 (Renewable Energy).	Confirmation of Compliance with the LDO	06.11.20
20/00002/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone A (Enterprise Centre comprising offices and a cafe with associated landscaping and parking) pursuant to the discharge of conditions G2 (Compliance Checklist) G7 (Construction Management Plan) P1 (Plot Landscaping) P2 (Access) P3 (Parking) P6 (Surface Water Drainage) P7 (Foul Drainage) P11 (Building Maintenance) and P12 (Renewable Energy).	Confirmation of Compliance with the LDO	08.01.21
20/02234/DAC	Application for approval of details as reserved by conditions of approved application 20/01502/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 -	Granted	18.11.21

	Landscape and Ecological Management Plan; 18 - post excavation strategy.		
20/02236/DAC	Application for approval of details as reserved by conditions of approved application 20/01503/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan.	Granted	18.11.21
21/01300/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone C (Erection of industrial/R&D unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure.) pursuant to the discharge of Conditions G1. (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10. (Signage and Wayfinding Strategy); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P4. (Pedestrian Footpaths); P6. (Surface Water Drainage); P7. (Foul Drainage); P8. (Noise); P9. (Building Use); P11. (Building Maintenance); P12 (Renewable Energy); and S3. (Landscape Maintenance).	Confirmation of Compliance with the LDO	21.05.21
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park	Granted	

	<p>comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy</p>		
21/02715/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for</p>	<p>Non-Compliance with the LDO</p>	<p>08.10.21</p>

	Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P10 (Building Maintenance) and P11 (Renewable Energy).		
21/02944/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO	Confirmation of Compliance with the LDO	04.11.21
21/03015/FUL	Construction of western spur off roundabout with landscaping.	Granted	23.03.22
21/03016/VAR	Variation of Condition 1 (Approved Plans) of	Granted	23.03.22

	<p>permission 20/01503/VAR granted 09/12/2020.</p> <p>Variation would allow -</p> <p>Minor amendment to the siting of the western spur of the southern roundabout.</p>		
21/03516/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C -</p> <p>The erection of 3no. buildings totaling circa 14,927m² GEA of Use Class B8 (Storage or distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p>	Confirmation of Compliance with the LDO	22.12.21
22/00254/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) -</p> <p>The erection of 4no. buildings with 9no. units between totalling circa 11,850m² GEA of Use Class E (g)(iii) (Industrial)</p>	Confirmation of Compliance with the LDO	14.03.22

	with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/00965/LDOCC	Schedule C alterations to Enterprise Centre constructed under schedule A approval ref.20/00002/LDOCC, comprising additional events floor space, elevational changes, additional emergency escape route, art installation and landscaping alterations. Discharge of conditions G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage, Wayfinding and Public Art), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance), and P11 (Renewable Energy).	Confirmation of Compliance with the LDO	25.05.22
22/01205/DAC	Application for approval of details as reserved by condition S3 (Landscape	Granted	24.08.22

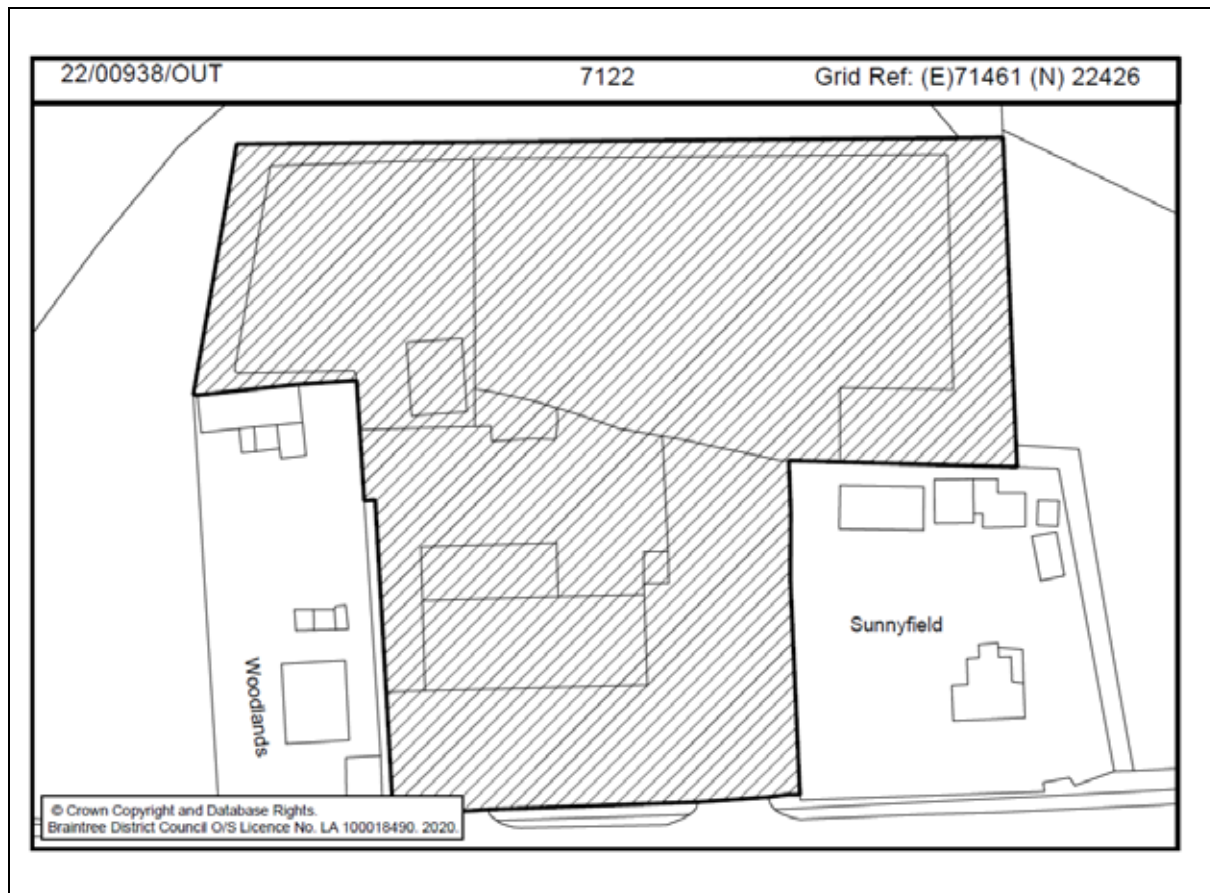
	Maintenance Strategy outside of plots) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.		
22/01206/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B). The erection of 1no. building totalling circa 3,145m2 GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1 (Design Code Compliance), G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.	Confirmation of Compliance with the LDO	15.06.22
22/01730/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) - Compliance Checklist application for site wide Wayfinding Strategy concerning Signage, Public Art and Furniture in accordance with Condition G2 (Compliance Checklist) of Schedule B, Class 2 and 3; Condition G1 (Design Code Compliance); and Condition G10 (Signage,	Confirmation of Compliance with the LDO	05.08.22

	Wayfinding and Public Art) of Schedule B Class 1.		
22/02233/DAC	Application for approval of details as reserved by condition G11 (Highways Improvements) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.	Pending Consideration	
22/02356/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,196m ² GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.	Confirmation of Compliance with the LDO	17.10.22
22/02935/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totalling circa 14,927m ² GEA of Use Class B8 (Storage or	Pending Consideration	

	<p>Distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p>		
--	--	--	--

Report to: Planning Committee		
Planning Committee Date: 15th November 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	22/00938/OUT	
Description:	Outline Planning Permission for the construction of 20 dwellings with permission sought for Access and Layout; with Scale, Appearance and Landscaping reserved.	
Location:	Perkins Garages Ltd, Dunmow Road, Rayne	
Applicant:	Messrs Paine and Terry Crownfield Holdings Limited, Perkins Garages Ltd, Dunmow Road, Rayne, CM77 6SA	
Agent:	Andrew Stevenson Associates, Mr Andrew Stevenson, Bigods Hall, Bigods Lane, Great Dunmow, CM6 3BE	
Date Valid:	5th May 2022	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Janine Rowley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2551, or by e-mail: janine.rowley@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/00938/OUT.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013 – 2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located outside of the village boundary. It is a brownfield site, forming part of the countryside. Residential properties in Dunmow Road are to the east and west and one property is located to the south. To the north-eastern boundary of the site is Broadfields Industrial Estate.
- 1.2 The application seeks outline planning permission for 20 residential units including 8 affordable homes (40%). Access and layout are to be considered at outline stage with appearance, scale, and landscaping reserved for future consideration. A single point of access is proposed from Dunmow Road for both vehicles and pedestrians.
- 1.3 The application site is not allocated for development and lies beyond any designated town or village development boundary in the Adopted Local Plan.
- 1.4 The development of an unallocated site outside of a defined development boundary for the scale of development proposed in this case weighs against the development in the planning balance. In addition, the proposal would also give rise to harm to the character and appearance of the local area, increase reliance on the use of private vehicles, be harmful to residential amenity, have a detrimental impact on highway safety, and would fail to provide a suitable sustainable urban drainage system. In addition, planning contributions on health provision, education, open space and affordable housing have not been secured by a completed S106 agreement. There are also detrimental impacts on the Blackwater Estuary Special Protection Area/Ramsar site and the Essex Estuaries Special Area of Conservation as no payment has been secured by a signed legal agreement or upfront payment.
- 1.5 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, such that planning permission should be refused in line with the Development Plan.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE
- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.
3. POLICY CONSIDERATIONS
§ See Appendix 2
4. SITE HISTORY
§ See Appendix 3
5. DESCRIPTION OF THE SITE AND SITE CONTEXT
- 5.1 The application site is currently used as a garage located on Dunmow Road beyond the settlement boundary of Rayne. There is a single storey building fronting Dunmow Road and associated buildings to the rear of the site. There is one residential property to the east and west of the site. Further to the east is Broadfields Farm which includes a number of industrial units and beyond that the settlement of Rayne. To the south is one residential property and beyond that the farmland and the A120.
- 5.2 To the north and south of the site are fields and the site is situated within the Rayne Farmland Plateau.
6. PROPOSAL
- 6.1 The application seeks outline planning permission for 20 no. residential units. Access and layout are to be considered at outline stage with the matters appearance, scale, and landscaping being reserved matters for future consideration.
- 6.2 Applications for outline planning permission seek to establish whether the nature of the proposed development would be acceptable to the Local Planning Authority, before a detailed proposal is put forward.
- 6.3 A single point of access off Dunmow Road is proposed with a footpath on either side of the access road. This leads to a shared surface which provides access for both vehicles and pedestrians to the rear of the site.
- 6.4 The submitted Design and Access Statement indicates the scheme would consist of 15no. 3 bedroom properties and 5no. 2 bedroom properties with a mix of terraced, semi-detached, and detached properties. The Applicant has confirmed that 40% affordable housing would be provided on site i.e. 8 units but no further information has been provided.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 The development falls out of the statutory sewage boundary and therefore no comments are raised.

7.2 Environment Agency

- 7.2.1 A holding objection is raised due to insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The application fails to provide assurance that the risk of pollution to controlled waters is acceptable. The application fails to provide assurance that the risks of pollution are understood. We have set out our objection position and provided detail on how the applicant can overcome this in the Ground Water section below.
- 7.2.2 The reason for the objection is to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2021), paragraphs 174, 183 and 184 and Environment Agency Groundwater Protection Position Statements (2017).

7.3 Essex Fire and Rescue Service

- 7.3.1 No objection. Access for the fire service purposes is considered satisfactory.

7.4 Essex Police

- 7.4.1 No concerns raised in relation to the layout, however further details is required regarding lighting, boundary treatments and physical security measures to achieve secured by design homes. An SBD award is only achieved by compliance with the requirements of the relevant design guide ensuring that risk commensurate security is built into each property and the development as a whole.

7.5 HSE

- 7.5.1 No objections on safety grounds.

7.6 Natural England

- 7.6.1 The development falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coast Recreational disturbance avoidance and mitigation strategy (RAMS).

7.7 NHS

- 7.7.1 The development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practice do not have capacity for the additional growth resulting from this development and the cumulative development in the area. The proposed development is likely to have an impact on the NHS Funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. A sum of £9,600 is required to be secured through a planning obligation in order to increase the capacity for the benefit of the patients of Silver End Surgery.

7.8 BDC Ecology

- 7.8.1 No objection, subject to conditions securing the mitigation measures set out within the Ecological Mammal Surveys March 2022 and a biodiversity enhancement layout. A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area (SPA) and Ramsar Site and the Essex Estuaries Special Area of Conservation (SAC) in line with the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy; and ecological mitigation and enhancement measures controlled by condition.

7.9 BDC Housing

- 7.9.1 In accordance with Policy LPP31 of Section 2 of the Local Plan a target of 40% affordable units are to be provided on site.
- 7.9.2 10% of all homes on individual sites should be affordable home ownership products, including starter homes and shared ownership. The mix of ownership options will be subject to identified local needs and reserved for future consideration under the reserved matters application. The affordable mix:

Type	No.	Affordable Rent	Intermediate Tenure, preferably Shared Ownership
2 bed 4 person houses	4	3	1
3 bed 5 person houses	4	3	1
	8	6	2

- 7.9.3 Affordable dwellings should be deliverable without reliance on public subsidy. All affordable dwellings that are accessed at ground level should be compliant with building regulations Part m(2).

7.10 BDC Waste Services

- 7.10.1 In order to assess the feasibility of waste collections, we will need a detailed plan showing highway adopted access roads and distances to bin collection points/bin stores. Operatives can only walk up to 20m to each property.

7.11 BDC Environmental Health

- 7.11.1 No objections have been raised subject to a suitable Environmental Management Plan will need to be submitted to the local Planning Authority. This plan should include a Construction and Demolition Method Statement(s) and additionally must take into account (amongst other environmental matters) controls relating to Dust suppression, Noise, potential Contaminated Land issues and Piling procedure (see below).
- 7.11.2 Matters to be taken into consideration should include: Contaminated Land Development shall not be commenced until a Desk Top/Historical investigation and risk assessment (Phase I) have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.
- 7.11.3 This investigation shall be undertaken in accordance with the Governments 'Land contamination risk management (LCRM) guidance' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing.
- 7.11.4 Prior to the commencement of any part of this process, planning permission will be required and shall be in accordance with the Applicants Phase 1 (and possible Phase 2) assessment(s).
- 7.11.5 Any amendment of these proposals that relates to the risk associated with contamination shall be submitted to the planning authority for prior approval.
- 7.11.6 Should contamination be found that was [not previously identified during any stage of the application) it shall be made safe and reported immediately to the local planning authority. The site shall be assessed in accordance with the Governments 'Land contamination risk management (LCRM) guidance' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers and a remediation scheme shall be submitted for approval by the planning authority.

- 7.11.7 Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the Applicants Contaminated Land assessment.
- 7.11.8 Control of dust from construction activities Before the development hereby permitted commences a Dust and Mud control Management scheme should be agreed with the local planning authority which specifies the provisions to be made for the control of dust from construction/vehicle activities on the site.
- 7.11.9 It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.
- 7.11.10 For information, a summary of best practice site management measures is provided within the guidance Kukadia et al, BRE/dti, February 2003. Here the Minerals Policy Statement 2, Annex 1 Dust provides guidance on dust control and mitigation measures.
- 7.11.11 In addition to the above, there are recommendations associated with hours of construction given the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of; Monday to Friday 0800-1800, Saturday 0800-1300 and not at all on Sundays or Bank Holidays. There are also restrictions on plant equipment, piling pneumatic tools, dust control measures, fire, radio noise, and working outside of the hours controlled by condition if the application is deemed acceptable.
- 7.12 ECC Archaeology
- 7.12.1 The Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. At Rayne roundabout to the west, evidence for Roman activity was revealed during the construction of the new A120, recent large scale investigation in advance of Rayne Quarry which adjoins the site to the northwest, has revealed multi-period archaeological evidence from the Bronze Age to medieval period and a substantial area of activity from the Roman period, including burials, close to the Roman road indicative of a nearby settlement. The site lies along the Roman road of Stane Street which follows the Dunmow road.
- 7.12.2 There is likely to have been some disturbance below ground from the existing development, however the areas to the rear remain undeveloped and a new road access is proposed. In accordance with paragraph 194 of the NPPF the applicant is required to conduct a field evaluation in order to

determine the significance of any potential heritage assets that may be affected by the proposed development. This can be carried out post consent and should be informed by any ground investigation works that may be required.

7.13 ECC Education

- 7.13.1 The nearest secondary school is over 3 miles from the proposed development, therefore ECC would request a secondary transport contribution. This would be 4 (pupils) x £5.30 (cost per pupil per day) x 190 (days in an academic school year) x 5 (years) = £20,140.00 index linked to Q1 2022.

7.14 ECC Highways

- 7.14.1 Objection. The planning application contains insufficient information to enable the Highway Authority to ascertain the likely impact of the proposal on highway capacity and safety.

7.15 ECC SUDs

- 7.15.1 A holding objection is raised, based upon the information not providing sufficient information to allow a formal assessment of the proposal in accordance with the ECC Suds design guide.

8. PARISH / TOWN COUNCIL

8.1 Rayne Parish Council

- 8.1.1 Objection on the following grounds:

- The site is not included within the 5 year local plan housing land supply;
- The road adjacent to the site has been subject of severe flooding on numerous occasions causing disruption to residents and traffic;
- Location of the site is outside of the village envelope. The addition of 20 dwellings would be disproportionate to the existing residential development in the area 3 dwellings being interspersed between farmland and local businesses increasing the density and the outline drawings of height and scale would not be in keeping with the surrounding area altering the character as you approach the village from the west;
- The infrastructure is non-existent and there is no main sewage or gas in the vicinity. It is unsustainable and no sewage or gas in the vicinity. It is unsustainable for school places, health services and public transport;
- Unacceptable impact on highways, this development would lead to more lorries diverting through the village on country roads that are not able to safely accommodate HGV's;
- An archaeological survey should be carried out given the site is adjacent to Stane Street a Roman Road, which has yielded artifacts and

human remains at the aforementioned gravel extraction site a few hundred metres away;

- No engagement with the local community.

9. REPRESENTATIONS

9.1 Public representations have been received from 6 addresses objecting to the proposal on the following grounds:

- The dwelling is on the opposite side of Dunmow Road of 79 dwellings 22/00864/FUL and is contrary to the Local Plan;
- It is close to a strategic gas pipeline;
- The site is in proximity to a Roman road and to the west near the roundabout there are significant archaeological deposits. The application, if granted should be subject to safeguarding conditions for the archaeology and require a full survey;
- The access onto Dunmow Road is very near that for the proposed development along Dunmow Road for consideration and will greatly increase the traffic by 40 vehicles;
- The plan shows house and gardens on an area of nature which has already resulted in a large area of hardstanding;
- The access point to the land drain to the rear of existing properties would be impacted upon in relation to access point;
- Flood risk due to the hardstanding and houses being proposed;
- Noise from the quarry, farm and the industrial estate is already a problem and this will only increase the associated noise for existing residents due to the numbers of people and vehicles in this rural place;
- Poor internet connection;
- Proposed houses are too close to the quarry;
- Local infrastructure is already overloaded;
- Dust and noise from the quarry will impact on the health of future residents;
- The quarry is only starting and vehicles coming to and from the site will result in congestion on local roads particularly The Street in Rayne which is already suffering.

10. PRINCIPLE OF DEVELOPMENT

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

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the

character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

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

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

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

10.2 5 Year Housing Land Supply

10.2.1 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.

10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.

10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on the 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.

- 10.2.4 Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions, that situation is likely to change.
- 10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.
- 10.3 The Development Plan
- 10.3.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013-2033
- 10.3.2 The application site is located outside of a designated development boundary and not allocated for residential use. As such, the site is located on land designated as countryside as identified by Policy LPP1 of the Adopted Local Plan.
- 10.3.3 Policy LPP1 of the Adopted Local Plan states Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

11. SITE ASSESSMENT

11.1 Location and access to services and facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.
- 11.1.2 As highlighted above, with respect to the Development Plan, the site is located outside of a defined development boundary, contrary to Policy LPP1 of the Adopted Local Plan, which seeks to restrict development to uses appropriate to the countryside. In addition, Policy LPP42 of the Adopted Local Plan seeks to promote development in accessible locations in order to reduce the need for travel, particularly private car use. Furthermore, whilst not explicitly related to rural locations, Policy SP3 of the Adopted Local Plan explains that the re-use of previously development land is an important objective, although this is to be assessed within the broader

context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

- 11.1.3 Paragraph 80 of the NPPF is also material and explains that planning policies should avoid the development of isolated homes in the countryside, albeit subject to certain exemptions.
- 11.1.4 The site is located within countryside outside of the village of Rayne, located to the east of the site, which is classified as a second tier village within the settlement hierarchy as set out in Adopted Local Plan. Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village.
- 11.1.5 Rayne benefits from a post office, local shop, primary school provision and village hall which is approximately 1000m away from the site. In terms of accessibility to nearby towns and villages to access services, there is bus service from Rayne to Braintree and vice versa once an hour which is located outside of the site. There is also a pavement linking both however the use of making journeys on foot and cycling would be less during periods of inclement weather and is unlikely to be regularly utilised by those with mobility issues or with young children.
- 11.1.6 With the site and development in an area not allocated or intended for housing growth, the principal of residential development of this scale in this location is not supported.
- 11.1.7 Future residents are unlikely to be encouraged to utilise sustainable modes of transport and will largely rely on travel by private motor car. Officers are of the view that development in this location would undoubtedly place reliance on the private car which conflicts with Policies SP3 and LPP42 of the Adopted Local Plan and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised. This weighs against the proposal in the overall planning balance.

Employment Use

- 11.1.8 The Design and Access Statement states the site has been in occupation since 2005. The supporting information states that the site at Rayne does not offer the potential to provide additional show rooms and electric vehicle work stations, aside from the considerable investment necessary to build them. The Applicant further goes on to state the Covid 19 pandemic has resulted in huge disruption to new vehicle supply, with the result that supply has become protracted with delays up to and over 1 year waiting lists from point of customer ordering and online marketing has taken over. In addition, the cluster of car dealerships at the Rayne Road/Pods Brook Road junction, at the western approach to Braintree town centre, are the main

search area for customers sourcing vehicles, making the current site even less competitive. The supporting statement goes on to state that companies of a size and location cannot operate effectively. Alternatives have been sought, including a car preparation centre, vehicle/commercial storage, a business park and retail and shops however, no marketing information has been provided to reflect this.

- 11.1.9 The Rayne site is not allocated for employment purposes in the Adopted Local Plan, however as identified above, the site is currently being used for commercial purposes. Officers consider that while the Applicant has considered various options, the site is still occupied and has not been marketed to explore alternative commercial uses which could be appropriate for the site. In light of this, it has not been formally demonstrated that a commercial use or commercial redevelopment of the site is not viable.

11.2 Design, Appearance and layout

- 11.2.1 Paragraph 126 of the National Planning Policy Framework (NPPF) sets out that ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve’. It then goes on to cite good design as a ‘key aspect of sustainable development’.
- 11.2.2 Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 11.2.3 Paragraph 174 of the NPPF, amongst other matters, explains that when making decisions local planning authorities should recognise the intrinsic character and beauty of the countryside. The emphasis on local responsiveness and high-quality design is also reaffirmed within the National Design Guide (NDG).
- 11.2.4 Policies SP6 and LPP52 of the Adopted Local Plan reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or enhance the area’s local distinctiveness.
- 11.2.5 This application seeks outline planning permission with details pursuant to the matters of access and layout. The matters of appearance, scale, and landscaping are therefore reserved and are not subject to detailed consideration under this application. However, in the interest of completeness, a high-level consideration is given to the indicative design material submitted in support of the application, as they provide some general parameters in an attempt to illustrate one way in which the development could be satisfactorily achieved on the site.
- 11.2.6 The overall layout appears incongruous given the location of the site within the countryside setting resulting in an urban pattern of development out of keeping with its surroundings. The layout is dominated by hardstanding,

with dwellings having little set back from the roadside. The location of the parking courts and remote parking is divorced from the housing it should serve. The National Design Guide seeks for parking solutions that do not dominate the public realm, but in this proposal the opposite prevails. The overall layout has resulted in a number of dwellings set with little separation from the new road proposed. Properties fronting Dunmow Road project in front of the existing building exacerbating the prominence of this new development to the detriment of the character and appearance of the area.

- 11.2.7 Officers consider that the submitted layout plan does not demonstrate that 20 dwellings can be satisfactorily accommodated on site with the level of on-site public open space required, along with the requirement for the provision of street trees. Officers are not satisfied that the site is large enough to accommodate the numbers of dwellings proposed.
- 11.2.8 Furthermore, each dwelling would require at least two car parking spaces, which are not visually dominant in the new streetscene and policy compliant level of private garden space. The layout compromises amenity and place making principles resulting in properties that would overlook private rear gardens and which would fail to provide sufficient back to back distances to mitigate against overlooking and loss of privacy which is discussed in further detail within the report below. In addition, a number of the properties would result in the outlook for many dwellings facing exposed car parking areas or brick walls of adjacent properties which is unacceptable design.
- 11.2.9 Whilst scale and appearance have been reserved for a future consideration, indicative elevation drawing have been provided for the properties fronting Dunmow Road. While appearance is reserved for future consideration, the indicative elevational design of the dwellings is considered to be poor, lacks articulation, and fails to create an appropriate high quality sense of place.
- 11.2.10 The proposal would result in overdevelopment of the site without complying with the relevant design requirements and standards. The illustrative block plan fails to demonstrate that a development of 20 dwellings could be accommodated on the site and achieve a satisfactory form of development. Instead it demonstrates that the development of this scale would fail to reinforce local distinctiveness appearing incongruous and discordant with the character and appearance of the local area and within the local landscape. The proposed development pattern is out of keeping with the existing development in the area.

Proposed residential amenity

- 11.2.11 The Nationally Described Space Standards, which are incorporated into Policy LPP35 of the Adopted Local Plan, set out the requirements for internal space in new dwellings. The appearance of the dwellings is reserved for future consideration and will be formally assessed during the reserved matters stage to ensure the proposal meets policy requirements

however, the indicative schedule of dwellings appears to meet national standards.

Amenity Space

- 11.2.12 The Essex Design Guide (EDG) recommends minimum garden sizes of 50sq.m for two bedroom properties and 100sq.m for three or more bedroom dwellings.
- 11.2.13 The proposed amenity space for the residential dwellings all comply with the above standards. It appears that 25m separation distance between the proposed dwellings could not be achieved particularly given the relationship/orientation of the dwellings between Nos. 5, 6, 7 and 8 with only 16m from the rear of No. 6 to the front elevation of No. 7 and 19m to the rear elevation to the front of No. 14. A number of properties would have outlook onto brick walls of adjacent properties or car parking forecourts which is not considered acceptable.

Refuse storage

- 11.2.14 Insufficient information has been provided in the form of a detailed plan showing the highway adopted access roads and distances to bin collection points. The BDC Waste Officer can therefore not provide any further comments until such a plan is provided. Furthermore, as detailed below within the Heads of Terms a refuse collection obligation is required to ensure the roads to collect refuse are built to a suitable standard.

11.3 Landscape, Tree and Ecology

- 11.3.1 Paragraph 179 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees. Policy LPP65 of Adopted Local Plan states trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is good arboricultural reason for their removal. Policy LPP66 of the Adopted Local Plan advocates the need for development proposals to provide protection of biodiversity and the mitigation compensation of any adverse impacts. Additionally, enhancement of biodiversity should be include in all proposals.
- 11.3.2 Landscaping is a reserved matter for future consideration. The site is located within National Landscape Character Area B1 (Central Essex Farmland), and locally within the Braintree Landscape Character Area B13 Rayne Farmland Plateau.
- 11.3.3 The key characteristics of the Rayne Farmland Plateau are as follows:
- Irregular field pattern of mainly medium and large arable fields, marked by sinuous fragmented hedgerows and ditches.

- Many small woods and copses provide structure and edges in the landscape. Scattered settlement pattern comprising a few small villages.
 - A concentration of isolated farmsteads, some with moats.
 - A comprehensive network of rural lanes and Public Rights of Way.
- 11.3.4 The proposed development would not have a detrimental impact on upon the farmland plateau taking into account the development is set between two residential dwellings to the east and west of the site. It would maintain cross valley views. Whilst the proposed development would detract from the character of the area in other ways, as stated elsewhere in the report, it is conceivable that a landscaping scheme could come forward at reserved matters stage if the application is deemed acceptable that could represent an enhancement to the local area.
- 11.3.5 Officers consider that the development would have highly localised effects given the site is a brownfield site is not contain any landscape interest and importance and any potential impact would be to localised views. Therefore, at this time there are no objections to the scheme from a landscape perspective.
- 11.3.6 In relation to trees, the agent has indicated there are trees on the site but have not been clearly shown on the block plan nor has an arboricultural report been submitted for future consideration. Insufficient information has been submitted to formally assess the impact of the layout upon the trees. Accordingly, an arboricultural report is required to fully assess the potential harm.
- 11.3.7 With regards to ecology, the application is supported by an Ecological Survey and Assessment carried out by John Dobson dated March 2022. The Councils Ecologist has reviewed the ecological information and is satisfied sufficient information has been submitted with the application for determination. They have also raised no objections to the application, subject to the imposition of conditions securing the proposed mitigation measures, a wildlife sensitive lighting design scheme, and the proposed biodiversity enhancements which would deliver net gains for biodiversity.
- 11.4 Impact upon Neighbouring Residential Amenity
- 11.4.1 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policies SP7, LPP37 and LPP52 of the Adopted Local Plan all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.
- 11.4.2 The immediate neighbouring properties are to the east, Sunnyfield, and west, Woodlands, and to the north and south of the site is countryside apart from Colleygate, to the southwest of the site.

- 11.4.3 There is sufficient 25m back to back separation distance from the proposed layout that would not impact on the amenities enjoyed by existing residential occupiers to the east and west of the site and to the southwest corner. It is considered that it would be possible at the reserved matters stage to prevent any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.
- 11.4.4 No information accompanies the application in relation to air quality or noise to assess the impact of a residential use in this location which is unacceptable. Furthermore, as detailed below in the report the site is located to the site allocation A9 Broadfield Farm within the Minerals Local Plan 2014, which has consent for extraction of 3.66 million tonnes of sand and gravel, installation of a processing plant and ancillary buildings and infrastructure, construction of a quarry access onto the B1256, construction of a permanent screening landform with an estimated lifespan of 14 years. No supporting information has been provided to demonstrate a residential use in this location would not be affected in terms of noise, disturbance or highway implications.
- 11.4.5 No comments have been received from the Councils Environmental Health Officer at the time of writing this report. Officers are concerned that insufficient information has been submitted with the application to demonstrate the amenity of future occupiers of the proposed residential development would not be affected by noise, increased activity at the site, air quality, or other health implications. However, in the absence of an objection from Environmental Health, no additional reason for refusal is recommended at this time. An update will be provided at Committee if a response is received from Environmental Health.
- 11.5 Highway Considerations
- 11.5.1 In promoting Sustainable Development, Paragraph 105 of the NPPF indicates that the planning system should actively manage patterns of growth in support of the Government's objective of improving transport networks and reducing reliance on the private car. Paragraph 107 states that if setting local parking standards for residential and non-residential development, policies should take into account of, amongst other things, the accessibility of the development, its type, mix and use and the availability of public transport. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.5.2 The application proposed that access is considered at outline stage. The proposed access onto the site would be via Dunmow Road.
- 11.5.3 Residents have raised concerns regarding traffic conditions in the local area, including the capacity of the local road network. The perception is that the increase in vehicles from the development would exacerbate the current problems.

- 11.5.4 ECC Highways have objected to the proposed vehicle access as insufficient information has been provided within the formal application to enable the Highway Authority to ascertain the likely impact of the proposed on highway capacity and safety.
- 11.5.5 In relation to parking requirements, Policy LPP43 of the Adopted Local Plan recommends that all new development is provided with sufficient parking in accordance with the adopted Essex County Council Vehicle Parking Standards. In this case, 2 vehicle parking spaces is required for 2-bed+ properties. It appears two parking spaces per dwelling are provided however, as set out in the report above the overall layout of the development is not considered acceptable.
- 11.5.6 Secured cycle parking could be provide via garage or in the rear garden therefore this element is in line with the requirement.
- 11.5.7 In light of the above, in the absence of highways information and the objection raised by Essex County Council it is therefore considered the application is contrary to policy.
- 11.6 Minerals
- 11.6.1 The site lies adjacent to site allocation A9 (Broadfield Farm) within the Minerals Local Plan 2014. The Minerals Local Plan review is under way and yet to be concluded. The residential development in this location is likely to be affected by noise and traffic. The site (92ha of with 56ha extractable area) has consent (15th December 2017) ESS/19/17/BTE for extraction of 3.66 million tonnes of sand and gravel, installation of a processing plant and ancillary buildings and infrastructure, construction of a quarry access onto the B1256, construction of a permanent screening landform. It has an estimated lifespan of 14 years. No supporting information has been provided to demonstrate a residential use in this location would not be affected in terms of noise, disturbance or highway implications.
- 11.7 Heritage and Archaeology
- 11.7.1 There are no designated heritage assets within or adjacent the application site. ECC Archaeology have been consulted on the application and state that the proposed development will affect a site of archaeological interest. At Rayne Roundabout to the west, evidence for Roman activity was revealed during the construction of the new A120, and recent large scale investigation in advance of Rayne Quarry which adjoins the site to the northwest, have revealed multi-period archaeological evidence from the Bronze Age to medieval period and a substantial area of activity from the Roman period, including burials, close to the Roman road indicative of a nearby settlement. The site is located along the Roman road of Stane Street which follows the Dunmow road. There is likely to have been some disturbance below ground from the existing development, however the

areas to the rear remain undeveloped and a new road access is proposed. In accordance with Paragraph 194 of the NPPF and Policy LPP59 of the Adopted Local Plan the applicant is required to conduct a field evaluation in order to determine the significance of any potential heritage assets that may be affected by the proposed development.

- 11.7.2 Planning conditions relating to securing of the above are therefore required to ensure that the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording, should approval be given.

11.8 Surface Water Drainage

- 11.8.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Policy LPP76 of Adopted Local Plan states all new development of 10 dwellings or more and major commercial development, car parks and hardstanding will incorporate sustainable urban drainages systems (SUDS).

- 11.8.2 In respect of surface water drainage, the application site is located within Flood Zone 1 where there is a low probability of flooding. No flood risk assessment and surface water drainage/suds strategy has been submitted for consideration with the application concludes that proposed use of the land in this location is appropriate. ECC Suds team is not satisfied that adequate surface water drainage can be achieved and raising a holding objection.

- 11.8.3 In the absence of this information and the objection raised by Essex County Council, it is therefore considered the application is contrary to Policy LPP76 of Adopted Local Plan.

11.9 Contamination

- 11.9.1 Policy LPP70 of the Adopted Local Plan states that proposed for all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.

- 11.9.2 The Design and Access Statement accompanying this application states that the site has historically used for commercial purposes and as a fully hard surfaced site the likelihood of contaminants entering the land is minimal. Whilst no comments have been received from the Councils Environmental Health Officer, at the time of writing this report if the application is deemed acceptable a suitable condition can be imposed to ensure full details of contamination are reviewed accordingly.

11.10 Construction Activity

- 11.10.1 In order to safeguard the amenity of existing residents in the locality, should the application be approved, a condition is recommended requiring the Applicant to submit for approval a comprehensive Construction Management Plan for the development covering for example, construction access, hours of working, dust and mud control measures, contractor parking; points of contact for existing residents.

11.11 Habitat Regulations Assessment (HRA / RAMS)

- 11.11.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

- 11.11.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.
- 11.11.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.
- 11.11.4 The proposed mitigation measures would consist of the securing of a financial contribution of £137.71 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.11.5 Instead of an up-front payment, the applicant has indicated that this financial contribution will be secured by a S106 Agreement. However, the contributions have not been secured and a S106 agreement has not been signed by the relevant parties.

12.0 Planning Obligations

Affordable Housing

- 12.1.1 Policy LPP31 of the Adopted Local Plan states that there is a requirement of 40% of total dwellings on site for affordable housing. The Applicant has indicated 8 dwellings will be provided and the housing mix to be confirmed during the course of the reserved matters application.
- 12.1.2 The Council's Housing Enabling Officer has stated that the Council's usual requirement is for the tenure mix of Affordable Housing provision to be

70:30. The Council's Housing Enabling Officer has stated 6 affordable rent properties (2 x 4 bedroom and 3 x 5 bedroom) and 2 intermediate tenure preferably shared ownership (1 x 4 bedroom and 1 x 5 bedroom).

- 12.1.3 Similar to other contributions, the affordable housing element has not been secured and a S106 agreement has not been signed by the relevant parties.

Other obligations

- 12.1.4 The development gives rise to a number of other financial contributions, namely:

- Open Space and Amenity
- HRA
- NHS
- Education

Open Space

- 12.1.5 The Adopted Open Space SPD states that outdoor equipped playspaces should be provided for housing schemes with 10 to 50 dwellings. The applicant is not proposing any equipped play provision within the development. No details have been provided in relation to the open space provision.

- 12.1.6 Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. The Council's Open Space SPD states that open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity.

- 12.1.7 Based on the mix of housing and average occupancy rates Officers estimate that the housing development could have a population of 44.5 people. This yields a policy requirement for open space within the development of 97.9sq.m. The overall layout fails to provide any public open space and there is no public open space in the vicinity of the site therefore there is a requirement to provide open space on site.

Healthcare Provision

- 12.1.8 In order to meet the healthcare needs arising from the proposed development the NHS Mid and South Essex Health and Care Partnership using the capital cost calculation would require a sum of £9,600.

Education

- 12.1.9 The nearest secondary school is over 3 miles from the proposed development, and therefore ECC have requested a secondary transport contribution. This would be 4 (pupils) x £5.30 (overall cost per pupil per day) x 190 (days in an academic school year) x 5 (years) = £20,140.00 index linked to q1 2022.

Refuse

- 12.1.10 A refuse collection obligation is required to ensure that the developer builds the road that is suitable for use by Crews with the refuse freighters.

Summary

- 12.1.11 None of the above planning contributions have been secured through a legal agreement pursuant to section S106 of the Town and Country Planning Act 1990 (as amended). On this basis, without the contributions to mitigate the effects of the development, the proposal would cause adverse pressure and harm upon both social infrastructure and environmental assets.

13.0 PLANNING BALANCE AND CONCLUSION

- 13.1.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 13.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with

those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.

- 13.1.3 In this case, it is not considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development.
- 13.1.4 As such, pursuant to Paragraph 11d) (ii) it is necessary to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in this Framework taken as a whole. Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.
- 13.1.5 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
 - a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
 - an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

13.2 Summary of Adverse Impacts

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

Conflict with the Braintree District Local Plan (2013-2033)

- 13.2.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 13.2.3 The proposed development would conflict with Policy LPP1 of Adopted Local Plan as it proposes development outside of the defined development boundaries and within the countryside. While the proposal would involve the reuse of a brownfield site, it has not been demonstrated that the current commercial use, or a commercial redevelopment of the site, is not viable.

Location and Access to Services and Facilities

- 13.2.4 It is likely that prospective residents would be heavily reliant on private cars to access facilities for day to day living, even to access those limited services in Rayne itself.

Harm to the Character and Appearance of the Area

- 13.2.5 The proposal, would result in overdevelopment of the site without complying with the relevant design requirements and standards. The illustrative block plan fails to demonstrate that a development of 20 dwellings could be accommodated on the site and achieve a satisfactory form of development. Instead it demonstrates that the development of this scale would fail to reinforce local distinctiveness appearing incongruous and discordant with the character and appearance of the local area and within the local landscape. The proposed development pattern is out of keeping with the existing development in the area. This weighs against the proposal and is afforded significant weight.

Impact on Residential Amenity

- 13.2.6 Insufficient information has been submitted to demonstrate the proposed development would prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution). Nor has the proposal demonstrated there is an acceptable standard of residential amenity in respect of limited separation distances between dwellings. Significant weight is afforded to this harm.

Highway Considerations

- 13.2.7 The proposed scheme fails to demonstrate a safe vehicle access onto Dunmow Road imposing danger to other road users. This harm is therefore afforded significant weight.

Flooding and Drainage

- 13.2.8 Insufficient information has been submitted in relation to proposals for a sustainable urban drainage system such it has not been possible for the Local Planning Authority to make an assessment.

Planning Obligations

- 13.2.9 There is no agreed S106 Agreement to secure all the identified planning contributions required to mitigate the impacts of increased demand for services and facilities, including health provision, education, libraries, open space, affordable housing, as well as to secure the provision and long term maintenance and management of the Public Open Space provided on-site. The failure to acquire the required planning contributions and on-site provision would result in unacceptable pressure and detrimental impacts on these infrastructure. Significant weight is therefore afforded to this harm.

Ecology and HRA/RAMS

- 13.2.10 The proposal would increase the recreational pressures on the designated sites. The lack of secured financial contribution would impose detrimental impacts on these protected sites. The harm is afforded significant weight.

Delivery of Affordable Housing

- 13.2.11 The proposal would fail to provide affordable housing to meet the identified housing need within the District. The harm is afforded significant weight.

13.3 Summary of Public Benefits

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

Delivery of Market and Affordable Housing

- 13.3.2 The proposal is for 12 market dwellings and 8 affordable dwellings to be provided. In view of the scale of development proposed and the unacceptable mix/layout of affordable units, the contribution to meet local housing needs would only be afforded moderate weight.

Economic and Social Benefits

- 13.3.3 The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. However, given the scale of development proposed, this is only afforded moderate weight.

13.4 Summary of Neutral Factors

- 13.4.1 There is no identified harm in terms of heritage assets and their settings, or ecological impacts. These are considered to be neutral factors in the planning balance.

13.5 CONCLUSION

- 13.5.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts with the Development Plan as a whole. As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, as indicated above, an important material consideration in this case is that as the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. In this regard, Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Notwithstanding this, Officers consider that there are no material considerations, including the Council's 5 Year Housing Land Supply position, that indicate that a decision should be made other than in accordance with the Development Plan. The Planning Balance is concluded below.

13.6 PLANNING BALANCE

- 13.6.1 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is refused for the proposed development.

14. RECOMMENDATION

- 14.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

Submitted Plan(s) / Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	100	N/A
Existing Block Plan	101	N/A
Proposed Block Plan	102	A

Reason(s) for Refusal

Reason 1

The site is located in the countryside and falls outside of the defined village envelope as identified in the Adopted Local Plan. The proposal would introduce 20no. dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Facilities and amenities are beyond reasonable walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and would not encourage sustainable transport options to be made. The proposal would therefore be contrary to the National Planning Policy Framework, Policies LPP1 and LPP52 of the Braintree District Local Plan (2013-2033).

Reason 2

The proposed development, by reason of layout fails to demonstrate 20 dwellings could be accommodated on the site and achieve a satisfactory form of development. The proposed development would fail to reinforce local distinctiveness, appearing incongruous and discordant with the character and appearance of the local area, and within the local landscape. The proposed pattern of development and density would also be out of keeping with the surrounding area dominated by car-parking with limited areas of meaningful landscaping. It would fail to achieve a high quality of design resulting in a form development which would be out of keeping with and detrimental to the prevailing character and appearance of the countryside, and which would fail to meet the needs of future occupiers as a result of insufficient private amenity space. The proposal would therefore be contrary to the National Planning Policy Framework, and Policies SP1, LPP1, LPP50, LPP52, LPP43 of the Braintree District Council Local Plan (2013-2033).

Reason 3

Insufficient information has been submitted to demonstrate the proposed development would not result in an unacceptable degree of hazard to all users of the highway, particularly the cars and pedestrians seeking to access and egress the application site. The proposal therefore would be to the detriment of highway safety contrary to National Planning Policy Framework, and Policy LPP43 of the Braintree District Local Plan (2013-2033).

Reason 4

Insufficient information has been submitted in relation to proposals for a sustainable urban drainage system such it has not been possible for the Local Planning Authority to make an assessment. The proposal is therefore considered to be contrary to the National Planning Policy Framework, and Policy LLP74 of Braintree District Local Plan (2013-2033).

Reason 5

The proposed development fails to secure appropriate mitigation with regards to increased recreational pressure on the Blackwater Estuary Special Protection Area and RAMSAR, and the Essex Estuaries Special Area of Conservation. In the absence of such mitigation, the proposed development would result in, on its own and in combination with other projects, detrimental impacts on the integrity of these European designated sites protected under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The proposed development is therefore contrary to Policy SP2 of the Braintree District Local Plan (2013-2033).

Reason 6

Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- On site Affordable Housing;
- On site provision as well as a financial contribution towards equipped play;
- A financial contribution towards outdoor sport and allotments;
- Ongoing maintenance for on-site public open space;
- A financial contribution to Essex County Council to mitigate its impact on Secondary School Transport; and
- A financial contribution for the NHS to ensure that the impacts of increased demand for services can be accounted for.

These requirements should be secured through a S106 Agreement and a S106 Agreement has not been prepared or completed. In the absence of securing such planning obligations the proposal would be contrary to Policies SP6, LPP31, LPP50 and LPP78 of the Braintree District Local Plan (2013-2033), and the Open Space Supplementary Planning Document (2009).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and setting these out clearly in the reason(s) for refusal. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP7	Rural Enterprise
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP69	Protected Lanes
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
00/00801/OUT	Removal of existing garage and redevelopment for residential purposes	Withdrawn	24.07.00
00/01458/COU	Change of use of existing garage to business use and open storage	Granted	20.11.00
87/02146/P	Change of use of land from agricultural to car parking.	Granted	17.05.88
81/00825/P	Proposed Installation of 1200 gallon underground petroleum storage tank	Granted	16.07.81
80/01438/P	Proposed Extension to existing garage/showroom	Granted	10.12.80
78/00361/P	Proposed garage and workshop/showroom	Granted	25.04.78
88/00861/P	Erection Of Workshop Extension	Granted	14.06.88
88/01833/P	Conversion Of Workshop To Car Showroom & Resiting Of Toilets	Granted	17.11.88
89/00903/P	Erection Of New M.O.T. Bay And Toilets	Granted	29.06.89
91/00525/PFBN	Renewing Underground Petrol Tanks, Drainage Works And Alteration To Site Entrance	Granted	26.06.91
91/00654/PFBN	Proposed Internal And External Neon & Flourescent Signs	Granted	18.07.91
96/01408/FUL	Proposed alterations to site entrance and to building to provide ramp/steps at entrance, new windows and doors, boiler house extension at rear, resurfacing and drainage works to forecourt	Granted	21.01.97
96/01509/FUL	Installation of 1.2m satellite receiving antenna to rear of building	Granted	04.03.97