

ADDENDUM TO REPORT TO PLANNING COMMITTEE ON 25TH APRIL 2017
COMMITTEE ITEM 5c

APPLICATION NO: 16/02156/OUT

DATE VALID: 23.12.2016

APPLICANT: David Wilson Homes Eastern,
7 Springfield Lyons Approach, Chelmsford, CM2 5EY

AGENT: Savills (UK) Ltd
Mr J Dixon, Unex House, 132-134 Hills Road, Cambridge, CB2
8PA

DESCRIPTION: Application for outline planning permission with all matters reserved except for access for the erection of up to 120 dwellings, public open space, landscaping, new vehicular and pedestrian access, highway work, and drainage infrastructure works

LOCATION: Land North East Of Gleneagles Way, Hatfield Peverel

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

Introduction

Since the committee report was written a further consultation response has been received from the Council's Environmental Services Team. Officers have also sought to provide further clarification on certain points of detail. This report is an addendum to the published report and includes the additional consultation response and recommends a number of additional conditions.

Neighbourhood Plan

Officers need to correct the wording of the Committee report at page 75. As published, the report states "*the Draft Neighbourhood Plan has been submitted to Braintree District Council and is currently being reviewed to ensure it that it satisfies the legal requirements and conditions to allow the District Council to authorise the draft Plan for the second formal consultation process (Under Reg.15)*" The report should refer to Reg. 16.

Neighbourhood Plan Status

Following publication of the Committee Report Cllr. Bebb has raised concerns that Officers have not attached appropriate weight to the emerging Neighbourhood Plan. This issue is discussed in the main report at Page 75 where Officers conclude *'As the Neighbourhood Plan remains at a relatively early stage in the process and has unresolved objections and has not been through its second public consultation, examination or referendum process Officers consider that it can only be given very limited weight as a material consideration in the determination of the current planning application'*.

Cllr Bebb has said that in his opinion this is inaccurate as the Neighbourhood Plan is at an advanced stage and is not "*at a relatively early stage*". Whilst Officers accept that the work of the Neighbourhood Plan Group is entering the final stages of their work, the potential adoption of the Plan remains some way away. As the Officer Report sets out it still needs to be subject to a second round of public consultation, before it is subject to independent examination and ultimately a public referendum.

Cllr Bebb has also referred to guidance contained within the National Planning Practice Guidance (NPPG) on how much weight can be attached to an emerging neighbourhood plan when determining planning applications. The guidance states that planning applications should be decided in accordance with the development plan, unless material considerations indicate otherwise, as Officers highlighted in the main report. The PPG goes on to state that an emerging neighbourhood plan may be a material consideration and that Paragraph 216 of the NPPF sets out the weight that may be given to relevant policies in emerging plans in decision taking. As Officers highlighted in the main report factors Para 216 states that factors to consider when determining how much weight can be attached to an emerging plan includes the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.

The guidance also states *'Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it'*.

Officers have considered this particular element of the guidance, along with a number of other factors. As set out on Page 75 of the main report Officers consider that *'The limited weight that can be afforded to the emerging Neighbourhood Plan must be weighed against the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF. In making an assessment of the planning balance for the current application the NPPF must be given significantly greater*

weight than the draft Neighbourhood Plan and the application must be considered accordingly'. Officers remain satisfied that the assessment of the weight that can be given to the Neighbourhood Plan remains unchanged and maintain the recommendation that the application be approved.

BDC Environmental Services – Consultation Response

At the time of writing the Committee Report a formal consultation response from the Council's Environmental Services Officer (ESO) had not been produced, although Planning Officers had been working closely with the ESO, who had confirmed that they did not object to the application, subject to conditions being applied.

A copy of their consultation response is now available and is attached to this addendum.

Officers have also confirmed with the ESO that conditions should be attached to the planning permission controlling construction activity and potential ground contamination. These additional conditions are listed below.

HRA Screening

As set out on page 89 of the Committee Report the Council has engaged specialist ecological support from Essex County Council Place Services in respect of the Habitat Regulation Assessment Screening report. The screening report has now been submitted to Natural England.

Members are advised that the report that has been drafted concludes that subject to a number of mitigation measures this development will have no likely significant effect on the designation features of the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, either alone or in combination. The mitigation package that has been recommended to Natural England is:

- 1) Promoting the local footpath network by supplying all new residents with a map and guide to local (circular) walking routes.
- 2) A proportionate financial contribution towards improvements to the Public Rights of Way network within the vicinity of Hatfield Peverel subject to agreement with the Rights Of Way Team at Essex County Council.
- 3) Provision of green infrastructure within the development site, including public access to the adjacent PROW (90-40) which will provide a link to a circular walk within an area of open space at The Strutt Memorial Recreation Ground
- 4) A proportionate financial contribution to towards visitor monitoring surveys on the Blackwater Estuary (to be undertaken by Colchester Borough Council). This is necessary to raise awareness of visitor disturbance to the Natura 2000 sites.

As set out in the main report Members are recommended to approve a resolution to grant planning permission, subject to the outcome of the Screening exercise.

If Natural England accepts the recommendation for mitigation set out in the Council's Screening Report then the financial contributions for Public Rights of Way Improvements and visitor monitoring will need to be included within the Heads of Terms and secured through the S106.

It is recommended that a condition is added to requiring the provision of a map / guide to new residents of the development showing local circular walking routes and that a pedestrian link will connect the application to the Public Right of Network to the south of the site, as indicated in the Illustrative material supplied as part of the application.

Additional Conditions

In addition to the conditions set out within the main Committee Report it is recommended that the following conditions are added as part of the recommendation.

37. The first Reserved Matters application shall be accompanied by full details of a pedestrian link connecting the development site to the Public Rights of Network (Footpath 90_40) to the south of the application site, including the design and location of signage denoting the route. The approved pedestrian link and signage shall be provided and made available for use prior to occupation of 80th dwelling.

- Reason – to increase the permeability of the development and to provide connections to the Public Right of Way network and access to the countryside for leisure purposes, to encourage occupants of the development to pursue recreational activities with the village and reduce visitor pressure at designated European sites.

38. Prior to the first occupation of each dwelling, the Developer shall be responsible for the provision of literature, approved in writing by the local planning authority, promoting the local footpath network, including a map and guide to local (circular) walking routes.

- Reason - The literature is required to help mitigate increased pressure from recreational activities at European sites by encouraging occupants of the development to pursue recreational activities with the village.

39. No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the

development.

- Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

- Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

41. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- 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;
- Delivery, demolition and construction working hours.
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of highway safety.

42. Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, 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. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This information is required prior to the commencement of development to ensure that construction work does not commence before any required remediation work, or mitigation measures, are put in place to ensure that construction workers, local residents and ecology is not exposed to potential contaminants.
43. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

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

MEMORANDUM

To: Planning Section**Case Ref: 17/00005/PLANCO
Your Ref: 16/02156/OUT****From: Environmental Services****Date: 13th April 2017**

RE: LAND NORTH EAST OF, GLENEAGLES WAY, HATFIELD PEVEREL, ESSEX

Following consideration of the various reports and suggested conditions submitted in respect of air quality and noise affecting the site then I can agree to the following conditions.

Internal noise

Together with any submission of reserved matters, details of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that internal noise levels do not exceed 35 dB LAeq 16 hour in living rooms during the daytime (07:00 – 23:00) and also do not exceed 30 dB LAeq 8 hour in bedrooms during the night-time period (23:00 – 07:00) as set out in BS 8233: 2014. In addition, the details must demonstrate that maximum night-time noise levels in bedrooms should not exceed 42 dB LAmax more than 10 to 15 times per night. The development must be carried out in accordance with the approved details.

External noise

Together with any submission of reserved matters, details of the proposed boundary mitigation (noise barrier) must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that external noise levels will not exceed 55 dB LAeq 16 hour in any of the private residential gardens. The development must be carried out in accordance with the approved details.

Air quality:

Together with any submission of reserved matters, details of the proposed boundary mitigation (air quality) must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that ambient concentrations of nitrogen dioxide will not

exceed the UK annual mean objective concentration of $40\mu\text{g}/\text{m}^3$ at any of the residential properties within the development.

(With regard to the air quality condition then the applicant should be aware of the burden of proof expected as explained in the paragraph below.

It is the case that any monitoring or modelling method used to determine an air pollutant concentration at a given point has a certain level of uncertainty. Therefore the determination of the levels at any residential property location (including garden areas) must take into account the relative uncertainties and have regard to trends in data for prediction of future years when determining exceedances. For example a diffusion tube may be accurate to $\pm 20\%$ and a continuous analyser to $\pm 10\%$ and there may be variation from year to year given the varying meteorology or traffic flows. To set a target above which an AQMA (Air Quality Management Area) is declared means that the applicant would need to show that there is no likelihood of exceedance taking into account all variables.)

Signed *P Sharp*

Miss P Sharp
Environmental Health Officer