

PLANNING COMMITTEE AGENDA

Tuesday, 17 July 2018 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

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

Membership:-

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 3rd July 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

5a Application No. 18 00121 OUT - Land West of Station Road, EARLS COLNE 5 - 54

5b Application No. 18 00516 FUL - Newmans Farm, Yeldham Road, CASTLE HEDINGHAM 55 - 72

PART B

Minor Planning Application:-

5c Application No. 18 00650 FUL - Silver End Pavilion and Playing Fields, Silver Street, SILVER END 73 - 82

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

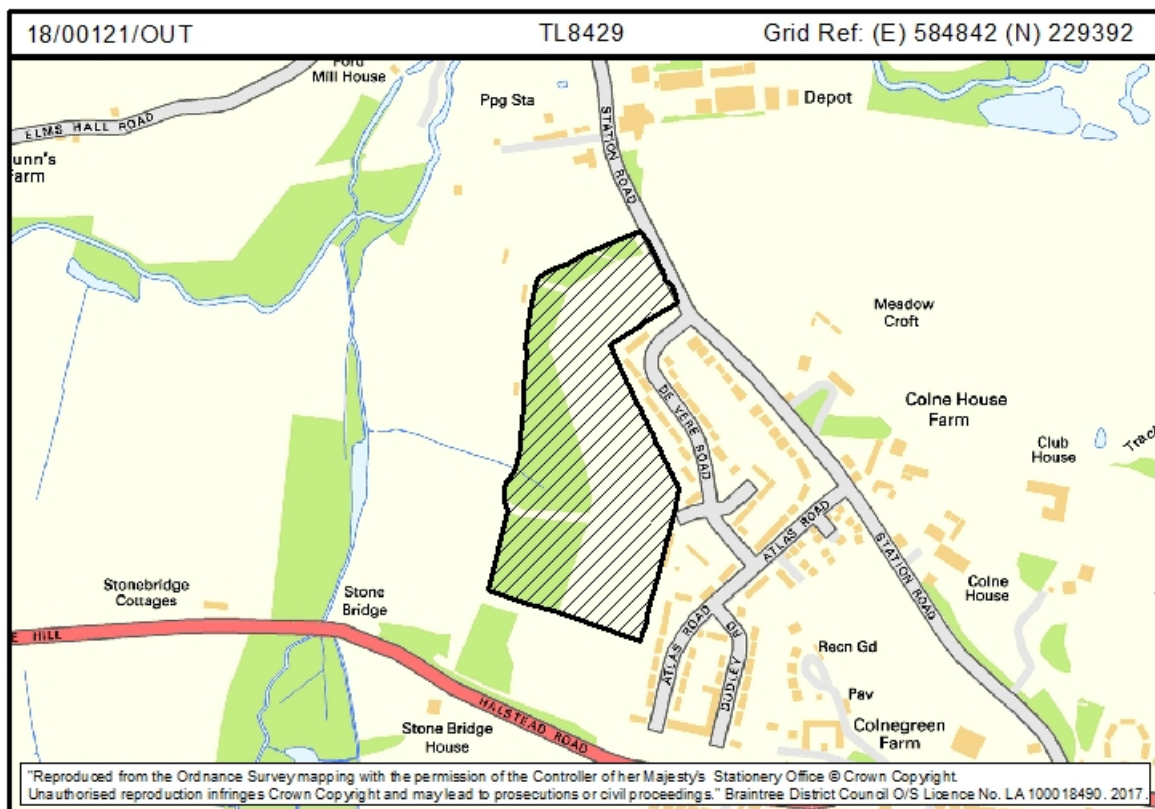
8 Urgent Business - Private Session

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

PART A

APPLICATION NO: 18/00121/OUT DATE: 01.02.18
 VALID:
 APPLICANT: Gladman Developments Ltd
 Gladman House, Alexandria Way, Congleton , CW12 1LB
 DESCRIPTION: Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access
 LOCATION: Land West Of, Station Road, Earls Colne, Essex

For more information about this Application please contact:
 Mr Timothy Havers on:- 01376 551414 Ext. 2526
 or by e-mail to: timha@braintree.gov.uk



SITE HISTORY

17/01892/FUL	Erection of a stable block with associated hardstanding, fencing, vehicular access and access track	Withdrawn	25.04.18
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POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types

RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Site Allocations and Development Management Plan
Affordable Housing Supplementary Planning Document
Essex Design Guide
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan
Essex Parking Standards Design and Good Practice 2009

Other Guidance

Landscape Character Assessment 2006
Braintree District Settlement Fringes – Evaluation of Landscape Analysis
(June 2015)
Earls Colne Village Design Statement (2003)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications. The Parish Council have also objected to the proposal contrary to the Officer recommendation.

NOTATION

The application site is located outside the Earls Colne Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is not proposed for allocation for residential development in the emerging Draft Local Plan.

The application has been advertised as a departure from the Council's adopted Development Plan.

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Village Envelope of Earls Colne.

It measures approximately 6.78 hectares and consists primarily of an agricultural field and a large wooded area which forms a substantial tree belt to the site's northern and western boundaries.

The site is bounded by existing dwellings located on De Vere road to the east and by Millennium Green to the south. The eastern site boundary also includes a section of frontage to Station Road. To the north and west lies further countryside, which slopes down towards the River Colne and Bourne Brook respectively.

There is no formal vehicular access to the site with an agricultural access currently being taken from the site's boundary with Station Road.

In terms of gradient, the highest point of the site is located at its south-eastern periphery with the land falling towards both the west and the north by a maximum of up to (approximately) 11m.

PROPOSAL

The applicant seeks outline planning permission with all matters reserved except access for the erection of up to 90 dwellings with public open space, landscaping and a sustainable drainage system and a vehicular access point from Station Road.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The scheme proposes a detailed vehicular access from Station Road. Appearance; landscaping; layout and scale are Reserved Matters.

The applicant has, in addition to the site location plan and a Parameter Plan, submitted an illustrative Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed. The illustrative Masterplan was revised during the course of the application following concerns raised by Officers in relation to the density of the proposed development and the number of units proposed.

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

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Surface Water Drainage Strategy
- Noise Report
- Agricultural Land Report
- Air Quality Report
- Arboricultural Report
- Archaeology and Heritage Assessment
- Ecology Report
- Foul Drainage Report
- Landscape and Visual Appraisal
- Socio-Economic Sustainability Statement
- Statement of Community Involvement
- Utilities Statement
- Contaminated Land Assessment

CONSULTATIONS

Two consultations were carried out, the second following the submission of an amended scheme with the proposed number of dwellings being reduced from up to 115 to up to 90.

Sport England

No objection. The proposed development does not fall within either our statutory remit or non-statutory remit. Therefore Sport England has not provided a detailed response in this case but wish to give the following general advice to aid the assessment of the application.

If the proposal involves the provision of additional housing it will generate additional demand for sport. If existing sports facilities do not have capacity to absorb this demand then new and/or improved sports facilities should be secured.

Consideration should also be given to how any new development will provide opportunities for people to lead healthy lifestyles and create healthy communities.

BDC Environmental Health

No objection. The Noise and Air Quality Reports are acceptable. If planning permission is granted conditions relating to hours of working; the requirement for a Construction Management Plan and details of any piling to be carried out on site will be required.

Essex Police Architectural Liaison Officer

Adopted BDC Policy RLP90 states that the design and layout of developments shall promote a safe and secure environment; crime reduction and prevention and the related objective of enhancing personal safety.

We note reference is made within the Design and Access Statement to Secured by Design principles. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

NHS

No objection subject to the required financial contribution being secured through a s106 Agreement. The development is likely to have an impact upon the services of 1 GP practice operating within the vicinity of the site and its implications, if unmitigated would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity, by way of a capital contribution towards the cost of recruiting an additional GP for the benefit of the patients at The Pump House surgery. A developer contribution of £10,000 will be required to mitigate the impacts of this proposal. Payment should be made before the development commences.

Natural England

Natural England advise that they have no comment to make on this application.

Essex Wildlife Trust

Objection. The application site lies within close proximity to the Bourne Brook and River Colne valleys, both of which are key wildlife corridors of considerable ecological importance. This riverine habitat supports significant biodiversity and several protected species, including otters, water voles and bats.

Our concerns relate to potential adverse impacts from significantly increased recreational pressure and increased disturbance on sensitive wildlife habitats as a result of the proposed development.

We acknowledge that the proposal will retain existing priority deciduous woodland habitat on the site; however recreational pressure, disturbance, light pollution, litter and dog waste will reduce the value of this habitat for wildlife.

River valleys represent some of the best remaining natural and semi-natural habitat in Essex and provide crucial connectivity for wildlife. However Essex rivers are already under enormous pressure from development; it is vital that local authorities ensure that new development is sited away from river corridors in order to protect these sensitive habitats from degradation and disturbance.

Earls Colne Parish Council update

Objection.

- Site is outside the current Village Envelope and outside the Village Envelope proposed in the Draft Local Plan
- Distances to village amenities/services are more than double the recommended lengths in the Essex County Council Design Guide. Would result in high percentage of residents accessing these facilities by car with an associated substantial increase in parking facilities within the village which are already at a saturation point at peak times e.g. primary school is a 1 mile walk from the site

- Detrimental effect on the valley of Bourne Brook and the Colne Valley and upon the character of Millennium Green. Colne Valley status as a Dark Valley would be compromised
- Earls Colne has already received 206 additional houses as part of the Council's attempt to meet the Government imposed targets for new housing. Apart from the Monks Road site these sites are all 'infill' sites to the village boundaries and are within easy walking distance of village amenities unlike the current site
- Key services are unable to accommodate the increased demand this development will place on their resources. The primary school does not have capacity for the additional student numbers and the doctor's surgery faces challenges with meeting the needs of existing village residents
- Considered that any new junction onto Station Road, within the proposed development boundary, would be unacceptably and dangerously close to the existing De Vere Road Junction and not within the criteria outlined in the Essex County Council Design Guide
- The development will result in additional traffic on the problematic Station Road/Halstead Road Junction, which already needs to accommodate increased traffic volumes due to the already approved developments within the village and also increased traffic volumes from developments further afield in Halstead and beyond
- The footway on Station Road is inadequate in width to accommodate pedestrians and prams and in parts is incomplete, requiring pedestrians to cross Station Road three times to access the Village facilities or walk in the carriageway on lengthy sections of the road. Street Lighting in Station Road is substandard for pedestrians over some lengths
- Density of housing proposed is not consistent with existing density of homes in Earls Colne and is significantly higher than the density approved for other new developments within the village

Colne Engaine Parish Council update

Objection. Colne Engaine Parish Council fully endorses all the objection points made by Earls Colne Parish Council. In addition:

- The development will have an adverse visual impact on the Colne Valley, which is a special landscape area
- As the development is closer to the amenities in Colne Engaine than in Earls Colne the Colne Engaine end of Station Road and Church Street are not adequate or safe for the inevitable increase of vehicle and pedestrian movements between the development and Colne Engaine. In particular, there are no pavements or streetlights on Station Road, which will make it

extremely dangerous for children walking to Colne Engaine School, which is considerably closer to the development than Earls Colne School

- The increase in vehicular traffic will adversely affect the rural character of this village

ECC Flood and Water Management

No objection following the submission of additional drainage strategy information. Require standard conditions relating to the submission of a detailed surface water drainage strategy; the submission of a scheme to minimise the risk of offsite flooding during construction; the submission of a Maintenance Plan for the proposed SUDs system and a requirement for the keeping of a maintenance log of this system.

Anglian Water

No objection. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate these assets within either public open space or adoptable highway. If this is not practicable then the sewers will need to be diverted at the Developer's 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.

The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows. The sewerage system (foul sewerage network) at present has capacity for these flows.

The proposed method of surface water management does not relate to Anglian Water operated assets and the advice of the Lead Local Flood Authority (ECC) should be sought.

ECC Archaeology

No objection subject to conditions relating to the securing of a programme of archaeological evaluation prior to commencement of development.

The submitted Desk Based Assessment includes an early post medieval map which depicts a lane connecting Station Road and Halstead Road, running through the site. This is clear evidence for historic activity within the development area, the road would have provided a more direct route south from the nearby river crossing and may be earlier in origin.

The Historic Environment Characterisation Report for Braintree identifies the site as one of high potential for survival of archaeological remains due to the lack of development and the deposits associated with the valley of the Colne

which the Historic Environment Character Zoning (HECZ) is based on. Crop-mark evidence, coupled with chance finds have established that there has been activity in the zone from the prehistoric period onwards.

The built heritage (much of which is Listed) forms a significant resource. There is potential for the survival of below-ground remains relating to the historic settlement pattern. There is considerable potential for the survival of paleo-environmental evidence in the alluvium in the valley floor. The industrial heritage of the area includes the former line of the Colne Valley railway, several brick-making sites and numerous mills, the crop-marks also show evidence for water-management in the valley floor in the form of drainage gullies, which show as cropmarks.

The potential for evidence relating to the former lane and possible associated archaeological features within the development area will need to be established through archaeological evaluation.

ECC Education

With regard to Early Years and Childcare it is anticipated that there will be sufficient capacity to accommodate children generated from this development.

Primary Education – the proposed development is located within the priority admissions area of Earls Colne Primary School. The school has space for 379 pupils and is at or close to capacity in some year groups. Demand for school places in the area is rising significantly, as demonstrated by higher numbers in the lower year groups. According to our latest forecasts, the School will require 20 additional spaces by the academic year 2021/22.

Forecasts also suggest a small deficit, without action, across the area. Demand generated by this development would be in addition to this demand and with other developments proposed in the area, a project to provide additional school places will be necessary. Based on demand generated by this development proposal a developer contribution of £343,818 index linked to April 2017 is required to mitigate its impact on primary school provision. The developer should ensure that safe direct walking and cycling routes are available to the local school.

Secondary Education – it is anticipated that there will be sufficient capacity to accommodate pupils from this development at the Ramsey Academy in Halstead. However, there would be a requirement for a secondary transport contribution of £62,415.

ECC Historic Buildings Consultant

No objection although given the character and significance of Earls Colne as a settlement it will be necessary to secure further details as to materials, layout, elevational treatments, joinery details, landscape masterplans and boundary treatments at Reserved Matters stage.

The site falls to the north-western edge of the settlement of Earls Colne, outside the boundary of the Earls Colne Conservation Area, a designated heritage asset for the purposes of the NPPF. There are several listed buildings which are identified as having the potential to be impacted on by the proposed development, which will be considered sequentially below. The listed buildings in closest proximity to the application site are Colne House and Ford House. However the site is not considered to form part of their setting. The setting of Ford House is more broadly defined by its relationship with the river, and sits in a topographical low point, which serves to break the potential visual interrelationship. The intervening landscape between the application site and Colne House is already well defined by a modern housing development, and as such the impact on the setting and significance of this heritage asset caused by further modern development to the north will be negligible. For a similar reason, this sense of separation is also considered to negate the impact of the development on the significance of the Earls Colne Conservation Area.

The Parish Church of St. Andrew in Earls Colne, located to the south-east, and the Parish Church of St. Andrew in Colne Engaine both sit on topographical high points which mean that they are visible in long views and offer long views looking out over the surrounding countryside. This is a functional and intentional relationship with the surrounding landscape, which recent appeal decisions in Steeple Bumpstead and Finchingfield confirm as making an important contribution to this significance. However, in this instance, even though there will be glimpsed areas of intervisibility between site and churches, these views are not considered to be integral in contributing to an understanding of the listed churches or to their significance.

ECC Highways

No objection subject to planning conditions or a S106 Agreement requiring the following prior to occupation of the development:

- a) A priority junction off Station Road to provide access to the proposal site as shown in principle on the planning application drawings;
- b) Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site;
- c) A footway along the west side of Station Road between the proposal site access and existing footway at De Vere Road;
- d) Dropped kerb crossing points with tactile paving in De Vere Road immediately west of its junction with Station Road and in Station Road outside number 21;
- e) Residential Travel Information Packs in accordance with Essex County Council guidance.

A Construction Traffic Management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway is also required prior to the commencement of development.

BDC Ecology

An Ecological Appraisal (FPCR, January 2018) has been submitted with this application. The report provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups.

The report has not identified the surveyors and therefore it has not been possible to assess the appropriate qualifications/experience. Details of the surveyors are therefore required to confirm that appropriate qualifications/experience is held. [Details have subsequently been submitted and the Council's Ecology Officer has confirmed that they are acceptable and appropriate].

If this application is approved then conditions would be required to ensure the ecological protection and enhancement of the site and would be appropriate to be submitted as part of Reserved Matters application. (These relate to the requirement for a lighting design strategy; the need to avoid disturbing nesting birds; a Construction Management Plan; a Landscape and Ecological Management Plan and Ecological Enhancement measures).

It is not considered necessary or appropriate to create a footpath through the existing woodlands (as shown on the original illustrative masterplan). The retention of the woodland provides an important buffer and habitat and a footpath would increase disturbance and cause fragmentation. It is considered that there are sufficient footpaths available (designated and permissive) that allow public access to adjoining areas and the wider countryside.

BDC External Landscape Consultant – Michelle Bolger Expert Landscape Consultancy

In addition to the assessment made by the Council's Landscape Officer, BDC commissioned an independent report on the landscape impact of the proposed development by an external expert Landscape Consultant. The Consultant's full report was published on the Council's website and was based on the originally proposed larger scheme of up to 115 dwellings. The Landscape Consultant's comments are summarised as follows:

Overall, we consider that while the proposal would result in some landscape harm, and some notable effects upon visual amenity, particularly during the winter months, overall this harm is not likely to be considered unacceptable. The development presents the opportunity to enhance the natural surveillance of Millennium Green and provide a more coherent, permeable, and softer edge to the countryside, in a manner which respects the existing settlement

pattern. This conclusion is subject to the following key requirements, which are recommended to be required of any final design proposal:

- The swathe of vegetation within the western parts of the site is retained and managed as a visual screen in perpetuity to protect the character of the Bourne Brook/ Colne Valleys and the surrounding countryside.*
- Dwellings do not exceed two storeys (plus a pitched roof) in height, so as not to increase the height of the settlement edge, and its prominence from the surrounding countryside.*
- The building layout avoids the northern-most corner of the site, setting development back from the road, and maintaining/ enhancing the treed boundary which interfaces with Station Road.*
- Development is set back from the edge of Millennium Green and is designed to provide a greater degree of natural surveillance across the park.*

BDC Landscape

This application can be considered to have three possible impacts on the landscape setting and open countryside beyond the western edge of Earls Colne

1. The character and charm of the Millennium Green
2. The impact on the tranquillity and charm of the Brook Green and Colne Valley around Ford Mill House
3. The visual impact and magnitude of change to the views from and setting of St. Andrews Church in the adjoining village of Colne Engaine

The impact of the proposed development on the setting, character and charm of the Millennium Green with the proposed change of land use from agriculture to residential particularly during the winter months when vegetation provides only a skeletal level of screening ; in this context the report from Michelle Bolger for the Council clearly states that the effect on the visual amenity of users of the Green will be major/moderate in winter; however, the report also makes the point that increased surveillance onto the open space from a well-designed scheme - sensitive to the appearance of the new dwellings - that about the area with some overlooking is also a consideration and a positive element that cannot be dismissed.

The impact of the proposals on the attractive setting of the river valley to the west of the site is limited by the effective screening provided by a variety of tree and scrub features – a disposition that is helped by the way the land falls within the contour pattern for the immediate area, so that those enjoying the PROWs along Bourne Brook and the River Colne are only moderately aware of the settlement extents on the higher ground to the east.

Views from St. Andrews Church in Colne Engaine were not assessed as part of the applicants report. The Grade1 listed building sits on rising ground with

good views of much of the Colne valley to the south but the views of the application site itself are reasonably well screened in summer and will be sufficiently broken even in winter by the established vegetation, - notably the poplars along the valley floor - that the impact on the amenity/experience of those visiting the church are felt to be moderate with a low adversity to their enjoyment of the building and its setting.

There has been some selective election of views and a seasonal influence in the LVA produced by the applicant in support of their application but when the proposals are viewed in the context of the existing settlement pattern - including the stark presence of a relatively modern three storey block, permitted light industrial development within the valley floor and current benefits of the enclosure provided by established landscape features it is reasonable to accept that the impact is not overwhelming and if consideration is given to the four key requirements identified in Section 3.26 of Michelle Bolger's report then there is some scope for enhancement and improvement to the current appearance of this part of the settlement edge.

In conclusion where there is some sensitivity the magnitude of the change is not great with the proviso that the key requirements identified in the closing paragraphs of the council's consultant's report are addressed.

BDC Housing

In accordance with Policy CS2 of adopted Core Strategy, 40% of the units should be provided as affordable homes. The proposal for construction of up to 90 residential dwellings therefore requires up to 36 affordable dwellings to be provided. It is acknowledged that details concerning the type of dwellings will be subject to a reserved matters application. However, as an illustrative layout drawing is provided within the Design & Access Statement the affordable housing mix below would be considered appropriate to match housing need.

- 6 x 1 bedroom 2 person flats
- 24 x 2 bedroom 4 person houses
- 4 x 3 bedroom 5 person houses
- 2 x 3 bedroom 6 person houses

Additional requirements for affordable housing that should be considered:

- Affordable homes should be clustered in two areas of site
- Affordable dwellings should be deliverable without reliance on public subsidy
- Accessibility requirement for units accessible at ground floor level to be compliant with either Lifetime Homes Standards or Part M Cat 2 of Building Regulations
- 70 /30 tenure mix of affordable rent over intermediate tenure such as shared ownership

BDC Refuse

No comment at the outline planning application stage.

Representations

In total 44 representations were received to the original consultation. A further 10 representations were received in response to the re-consultation following the reduction in dwelling numbers from up to 115 to up to 90. All representations received were objections. For the purposes of clarity none of the objectors stated that they withdrew their original objection following the revised scheme and therefore all objections have been treated as objections to both the original and reduced scheme.

The representations received are summarised below:

- Village does not have capacity to support the development
- Schools; doctors; parking and road network cannot cope
- Impact upon wildlife
- Impact on air quality
- Impact upon Millennium Green
- Concerns relating to highway safety and to congestion at Station Road/Halstead Road junction
- Increased volume of traffic
- Development should be located where facilities and amenities can be accessed on foot
- Road access to site is poor with limited visibility and conflict with Lorries accessing Riverside Industrial Park
- Loss of vegetation to achieve visibility splays will make development even more prominent
- Site is outside Village Envelope
- Already a substantial number of new dwellings in the village
- Coalescence between Earls Colne and Colne Engaine
- Development of 5 dwellings was refused on the other side of Station Road due to being outside the Village Envelope
- Concerned that traffic will start cutting through Colne Engaine as an alternative route on a narrow and dangerous road
- Site currently hosts a well-used footpath which village residents enjoy
- Concerned that the houses will be out of keeping with the area
- Children would have to be driven to school adding to traffic congestion
- Landscape impact. Site occupies a prominent location on higher ground overlooking Colne Valley
- Development would be visible in many cross valley views
- Significant adverse landscape and visual effects on an NPPF Para 109 valued landscape
- Urbanising effect on the tranquil valley landscape

- Existing harsh settlement edge will be exacerbated not improved by this development
- Contrary to BDC 2015 Landscape Capacity Assessment which rates the landscape capacity of this area as low to medium and visual sensitivity as medium to high overall to the requirements of NPPF para 170
- Developer fails to properly consider the value attributed by BDC to 4 local wildlife sites within 1km of the site and fails to satisfy para 117 and 118 of the NPPF
- Outline application gives no certainty over the detailed design and layout of the development
- Too many units to access from a single point of entry
- Site is located adjacent to a valuable and fragile ecosystem – The River Colne and Bourne Brook which would be adversely affected
- Light pollution would cause serious disturbance to what is currently a dark valley contrary to NPP para 125
- Density of scheme (115 dwellings at 37dph) is significantly greater than other planning applications for the village
- Impact of proposal upon the character of the Grade 2 listed Ford Mill
- Visible from 4 Grade 2 listed buildings at the western end of Elms Hall Road
- Detrimental impact upon the heritage of the village
- Site is probable location of a lost early modern road
- Applicant undertook minimal public consultation contrary to NPPF para 66
- Inadequate pedestrian links into the village along Station Road will cause vehicle use
- Inadequate bus services from the site
- Increased noise pollution to River Valley. Development contrary to para 123 of the NPPF.
- Construction noise in short term
- Loss of greenfield site
- Inadequate parking provision in new development would cause overspill into the De Vere Road estate and surrounding roads
- Detrimental impact upon character of Colne Engaine
- Unjustified intrusion into the countryside – urban sprawl. Village Envelope will be opened up.
- Cumulative impact with other planning applications/developments in the Village. Village will no longer be a village
- Development hasn't been evaluated as part of the emerging Local Plan process
- Contrary to NPPF para 135
- Development hasn't undergone a sustainability screening process undertaken by Land Use Consultants Ltd and adopted by BDC in its Local Plan assessment
- Contrary to adopted Local Plan
- Would set precedent for further development in this area

- Location is not sustainable
- Development offers no employment facilities; local services or small retail outlets
- Site is Grade 3 (best and most versatile) agricultural land and should not be considered for development. NPPF para 112 requires LPA's to seek poorer quality land in preference to higher quality
- Colne Stour Countryside Association object. Significant adverse effect on the valley landscape. Retention of the site as a landscape feature becomes increasingly important not less so given the state of currently permitted development in Earls Colne. Should be no more large scale development on this side of the village closing in on Colne Engaine. Existing development in the village meets BDC's housing requirements. Important to retain a village experience to Earls Colne
- It would not encourage residents to live in an environmentally sustainable way and doesn't demonstrate any strategic insight into how the local council envisions new developments to operate in a sustainable and positive way with existing communities
- The Inspector at the Steeple Bumpstead appeal stated that "I consider that in the absence of any examined up to date plan setting out provision to the contrary, that it should accord with national advice to make up the shortfall within 5 years ". BDC currently have over a 4 year supply and are able to sufficiently demonstrate that any deficit is being made up as directed, to meet national requirements. Thus this application should be refused as although Paragraphs 49 and 14 of the NPPF may be deemed to be of relevance, due to the obvious rectification of the position re the 5 year housing supply Paragraph 14 should not be given any due weight and thus not applied.
- If the submitted Local Plan is adopted, then the housing land requirements will be fully met due to the planned developments contained within.
- I think very unfair that the Council haven't sent out an updated letter to residents showing them the plans for the area, and have just piggy-backed this on. Many residents won't have seen this - it's only because I get email notifications
- The visual impact drawings/photography have been cleverly produced to show a 'best case' scenario. In the winter months when the trees and bushes are without foliage, the new development will stick out massively. Plus there is another large development that has been given permission in the vicinity. The impact of this has not been fully realised because it's not been built yet
- Density of revised scheme still too high and higher than the approved site by Colne House
- Even Tey Road proposal is more sustainable and that is also inappropriate
- Not NIMBYs; Colne Engaine has room for housing in a field in Brook Street and there is room for further development opposite the Colne Engaine village shop in Bones Yard which has already seen appropriate and sympathetic development

- Reduced scheme will still have a huge effect on the village
- Detrimental impact on neighbour existing dwellings, especially their outlook

REPORT

Principle of Development

5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council is currently unable to demonstrate a 5 year housing land supply. The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan.

These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 31 March 2018) is considered to be 5.51 years based on the Liverpool approach, it is 4.33 years based on the Sedgefield approach.

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

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a **presumption in favour**

of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.....

For **decision-taking** this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF.

Site Assessment

The Adopted Development Plan

The application site sits outside the defined Village Envelope of Earls Colne. The application is therefore a departure from the adopted Plan and the principle of development is contrary to adopted Policy RLP2 which states that new development will be confined to areas with Town Development Boundaries and Village Envelopes and Core Strategy Policy CS5 which seeks to limit development outside such boundaries to uses appropriate to the countryside.

However, as set out above the Council cannot currently demonstrate a 5 year housing land supply under the Sedgfield method of calculation and as such, in accordance with the NPPF relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to assess the planning balance, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole (the tilted balance); or specific policies in the NPPF indicate that development should be restricted (the un-tilted balance). In this case Officers do not consider that there are any specific policies in the NPPF which indicate

that development should be restricted and the application must therefore be assessed against the tilted balance.

The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the emerging Local Plan (the 'Publication Draft Local Plan'). The site was put forward for consideration for allocation for residential development through the Local Plan consultation process however it was not allocated. Officer concerns related to the prominence of the site on the approach to Earls Colne along Station Road and the change to the visual character of the area that its development would cause. The encroachment of the developed site into the countryside and the potential visual impact were also identified as being of concern.

The proposed development is therefore contrary to the Publication Draft Local Plan, in particular to draft Policy LPP1 which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan which are set out above in detail under the 'Policy Consideration' section of this report.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan. As such limited weight can be given to its policies.

Location and Access to Services and Facilities

The application site is located immediately adjacent to but outside the Village Envelope of Earls Colne as identified in the adopted Local Plan. Earls Colne is identified in the adopted Core Strategy as a key service village, one of six within the District. Key service villages sit below main towns but above other villages within the District's settlement hierarchy and are defined in the Core Strategy as *'large villages with a good level of services, including primary schools, primary healthcare facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*. The designation of Earls Colne as a key service village has been carried forward into the draft Local Plan.

It is therefore accepted that at the strategic level the village of Earls Colne is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding areas, in common with the other key service villages.

The site itself is located immediately to the north-west of the existing Village envelope. A footway runs along the eastern side of Station Road connecting the site to the village centre. The applicant proposes a new footpath on the western side of Station Road between the proposed site access and De Vere Road. Footway links also exist at the southern end of the site into De Vere Road/Atlas Road (surfaced) and (unsurfaced) into Millennium Green. Earls Colne, as a key service village provides a wide range of facilities and services. These include for example a library; Primary School; Doctor's Surgery; Pharmacy; Post Office; Co-op Foodstore; Recreation Club; several Pubs; a Church; a butchers and several takeaways.

In terms of distances; these vary with the Recreation Club being approximately 750m from the application site via Atlas Road and 820m from the northern end of the application site via Station Road. The western section of the High Street where the Co-op; Library; Pharmacy and Pubs are located are positioned approximately 1.1km away and the primary school 1.6km via Station Road. All of these facilities are accessible from the application site by foot or bicycle. Earls Colne is not a compact village and the current village envelope projects substantially from its historic core, in particular to the south-east. Distances from these projecting areas of the Village to the High Street facilities are directly comparable with those from the application site.

The closest bus stop to the application site is located on Halstead Road, approximately 370m from the application site boundary with another located approximately 750m away. These stops are served by the 88/88A/88B buses with regular services (30 minute intervals weekday and Saturdays; limited later evening service and no service on Sundays) between Great Yeldham; Halstead; Earls Colne and Colchester.

The physical location of the application site is therefore considered to be relatively sustainable in terms of access to facilities and services. Future residents would have access to both the village's amenities and the wider area by public transport and there are direct pedestrian links to the village centre although walking distances are noted as being longer.

Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan and draft Policy LPP55 of the emerging Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 56) that 'good design is a key aspect of sustainable development' and that (para 58) developments should 'function well and add to the overall character of the area...establish a strong

sense of place....are visually attractive as a result of good architecture and appropriate landscaping’.

The current application is an outline application with all matters reserved except access. The applicant has submitted, in addition to a site location plan a Parameter Plan and an illustrative masterplan which demonstrate one way in which the application site could accommodate the proposed quantum of development. This masterplan was revised following concerns identified by Officers in relation to the proposed net density of the development and the proximity of the developable area to Station Road. The number of units was reduced from 115 to 90 dwellings lowering the density and facilitating a set back from Station Road.

The applicant seeks permission for the erection of up to 90 dwellings at a net density of approximately 30 dwellings per hectare and an overall gross density of approximately 13 dwellings per hectare. The proposed site access would be taken from Station Road. The existing woodland belt which forms the north and western area of the application site would be retained and an area of public open space would create a substantial set back from Station Road. The Parameter Plan also identifies a landscape buffer to the site’s Millennium Green frontage and the retention of both an existing public right of way along part of the site’s south-eastern boundary and of a private access track which crosses the site from east to west.

The illustrative masterplan sets one way in which the site could accommodate the proposed quantum of development with the parameters described above which are set out in the Parameter Plan being adhered to. Two SUDs drainage features are located to the western side of the proposed dwellings. The access road leading into the site from Station Road leads through the site to a small open square which sits opposite the existing children’s play area located in De Vere Road.

Two pedestrian links are shown exiting the site, one leading from the above square toward the De Vere Road play area and another linking the site to Millennium Green via an established permissive footpath.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered to be acceptable.

Landscape

Core Strategy Policy CS8 *Natural Environment and Biodiversity* states that *‘development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment’*. Draft Policy LPP71 also states that development must be suitable for its landscape context and should be informed by and sympathetic to the character of the landscape as identified in the Council’s Landscape Character Assessment.

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site, as part of a larger area of land (evaluated as Parcel 2c) which has medium-low capacity for development (sites being rated from low; medium-low; medium; medium-high and high in category). Given the potential landscape sensitivity of the application site and in particular its elevated position with regard to the Bourne Brook River Valley the Council employed an external professional landscape consultant to undertake an independent review of the potential landscape impact of the proposed development. The Council's own landscape officer also reviewed the application in detail.

External Professional Landscape Review

The external review was carried out by Michelle Bolger Expert Landscape Consultancy. Key findings of the review are highlighted below:

- The landscape setting of Earls Colne was evaluated as part of an evidence base for the Core Strategy and the emerging Local Plan. In the 2007 capacity study, the site forms a small part of 'Landscape Setting Area' EC2. This covers a large area extending up to 2km west from Earls Colne and is identified as having a 'low/medium capacity' for new urban development. Despite this, it states that *'New residential development could be accommodated on the upper eastern slopes of the valley that encloses Bourne Brook, adjacent to existing, visually prominent modern housing'*.
- In the 2015 capacity study, the site is included within *Parcel 2C Millennium Green*. This comprises a smaller area, within EC2, which includes the site as well as the lower valley sides down to the Bourne Brook. The site occupies less than 50% of its total area. Parcel 2C is considered to have an overall 'Medium - Low Landscape Capacity' for new urban development, in a broad sense. In our opinion, the area proposed for development (which is less than 50% of the application site) has a much greater capacity to absorb the proposal than the rest of Parcel 2C. The guidelines for development and mitigation measures for Parcel 2C include: *'Opportunities to integrate and soften the existing urban edge to properties on the north western fringes of the village, at Atlas Road and De Vere Road'*.
- Despite the site's valley side location, a substantial swathe of vegetation extends along the site's western parts – in depths ranging between approximately 25m and 90m. This vegetation limits the site's visibility from the neighbouring valley floor and sides and would limit the proposal's impact upon the landscape character of the wider valley to the west, including from footpath 75/16 which runs parallel to the Bourne Brook, west of the site.
- The proposed development would alter the landscape setting of Earls Colne by increasing the settlement's size and by extending the settlement

further west into the countryside and the Bourne Brook Valley. Station Road users would be particularly aware of this extension as would users of Mill Lane, where the site's valley slope can be viewed 'side on'. However, the development would not unduly harm the distinctive settlement pattern. The proposal would wrap around the existing western settlement edge and descend to a similar contour to that occupied by development on the eastern side of the town. Importantly, the development would avoid the mid-lower parts of the valley side – beyond the site's western boundary vegetation - which have a higher sensitivity to the change proposed.

- The proposed development would result in the loss of certain characteristic features of the county/district Landscape Character Areas, most notably the arable land use, which is characteristic of the valley side location. This would have an impact on the character of Station Road and Millennium Green (including the footpath to De Vere Road), in particular.

The Landscape Consultant concluded the following:

Overall, we consider that while the proposal would result in some landscape harm, and some notable effects upon visual amenity, particularly during the winter months, overall this harm is not likely to be considered unacceptable. The development presents the opportunity to enhance the natural surveillance of Millennium Green and provide a more coherent, permeable, and softer edge to the countryside, in a manner which respects the existing settlement pattern. This conclusion is subject to the following key requirements, which are recommended to be required of any final design proposal:

- *The swathe of vegetation within the western parts of the site is retained and managed as a visual screen in perpetuity to protect the character of the Bourne Brook/ Colne Valleys and the surrounding countryside.*
- *Dwellings do not exceed two storeys (plus a pitched roof) in height, so as not to increase the height of the settlement edge, and its prominence from the surrounding countryside.*
- *The building layout avoids the northern-most corner of the site, setting development back from the road, and maintaining/ enhancing the treed boundary which interfaces with Station Road.*
- *Development is set back from the edge of Millennium Green and is designed to provide a greater degree of natural surveillance across the park.*

The Council's own Landscape officer also reviewed the application in detail and stated the following:

This application can be considered to have three possible impacts on the landscape setting and open countryside beyond the western edge of Earls Colne

1. *The character and charm of the Millennium Green*

2. *The impact on the tranquillity and charm of the Brook Green and Colne Valley around Ford Mill House*
3. *The visual impact and magnitude of change to the views from and setting of St. Andrews Church in the adjoining village of Colne Engaine*

The impact of the proposed development on the setting, character and charm of the Millennium Green with the proposed change of land use from agriculture to residential particularly during the winter months when vegetation provides only a skeletal level of screening ; in this context the report from Michelle Bolger for the Council clearly states that the effect on the visual amenity of users of the Green will be major/moderate in winter; however, the report also makes the point that increased surveillance onto the open space from a well-designed scheme - sensitive to the appearance of the new dwellings - that about the area with some overlooking is also a consideration and a positive element that cannot be dismissed.

The impact of the proposals on the attractive setting of the river valley to the west of the site is limited by the effective screening provided by a variety of tree and scrub features – a disposition that is helped by the way the land falls within the contour pattern for the immediate area, so that those enjoying the PROWs along Bourne Brook and the River Colne are only moderately aware of the settlement extents on the higher ground to the east.

Views from St. Andrews Church in Colne Engaine were not assessed as part of the applicants report. The Grade1 listed building sits on rising ground with good views of much of the Colne valley to the south but the views of the application site itself are reasonably well screened in summer and will be sufficiently broken even in winter by the established vegetation, - notably the poplars along the valley floor - that the impact on the amenity/experience of those visiting the church are felt to be moderate with a low adversity to their enjoyment of the building and its setting.

There has been some selective election of views and a seasonal influence in the LVA produced by the applicant in support of their application but when the proposals are viewed in the context of the existing settlement pattern - including the stark presence of a relatively modern three storey block, permitted light industrial development within the valley floor and current benefits of the enclosure provided by established landscape features it is reasonable to accept that the impact is not overwhelming and if consideration is given to the four key requirements identified in Section 3.26 of Michelle Bolger's report then there is some scope for enhancement and improvement to the current appearance of this part of the settlement edge.

The Council's Landscape Officer concluded the following:

In conclusion where there is some sensitivity the magnitude of the change is not great with the proviso that the key requirements identified in the closing paragraphs of the council's consultant's report are addressed.

As with all such major residential developments there would be a degree of landscape harm and this must be assessed in the overall planning balance. However overall, and following an extensive landscape assessment of the application, Officers do not consider that there are grounds to refuse the application on landscape impact subject to the recommendations made by the external Landscape Consultant. These recommendations could be secured through the approval of the Parameter Plan and a condition relating to maximum building heights. The approval of the submitted Tree Retention Plan would also secure the existing trees identified for retention along the site's Station Road frontage in addition to the woodland area positioned along the western side of the site.

Ecology

Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Adopted Policy RLP81 and draft Policy LPP69 encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species. Draft Policy LPP68 also requires the impact of new development upon protected species to be considered.

The site consists of an agricultural field and a relatively large adjacent wooded area in addition to a number of boundary trees along the Station Road Frontage. The boundary hedge between the application site and Millennium Green also straddles the site boundary. The applicant's Arboricultural Statement identifies that two Oak Trees would need to be removed to facilitate the site access from Station Road, however both are identified as Category C (trees of low quality or young trees with a stem diameter below 150mm). There is also a Category B (moderate quality) Oak Tree on this boundary however the access has been specifically designed to ensure its retention. The two SUDs features would require the removal of a small amount of the existing tree belt which occupies the western side of the site.

The applicant has submitted an Ecological Appraisal in support of their application. The Appraisal states that *'The site comprised a former arable field that had been undisturbed for a short period of time and supported ephemeral/short perennial habitat in addition to broadleaved plantation woodland, a small strip of poor semi-improved grassland, tall ruderal vegetation, a dry ditch and semi-natural broadleaved woodland'*.

The appraisal found two trees on the site which have moderate potential to support roosting bats. Both are located within the area of woodland proposed for retention and as such no further survey work is identified as being necessary. No other further surveys were recommended and overall the Ecological value of the site was found to be comparatively low. Opportunities for enhancement were however identified in the form of tree planting and the creation of the SUDs with associated wetland habitat.

Essex Wildlife Trust have objected to the application on the grounds of the potential adverse impacts it could cause from significantly increased recreational pressure and increased disturbance to the Bourne Brook and River Colne valleys, both of which they consider are key wildlife corridors of considerable ecological importance. The Trust state that it is vital that local authorities ensure that new development is sited away from river corridors in order to protect these sensitive habitats from degradation and disturbance

However, the Council's Ecology Officer has reviewed the application in detail and does not consider that there are Ecological grounds to refuse the application, subject to a number of planning conditions relating to the requirement for a lighting design strategy to ensure lighting from the development is controlled; the need to avoid disturbing nesting birds; a Construction Management Plan; a Landscape and Ecological Management Plan and Ecological Enhancement measures.

The Council's Ecology Officer considers in particular that the retention of the woodland belt which forms the western side of the application site provides an important buffer to the river corridor and habitat area in its own right. The applicant originally proposed a footpath through this woodland which has since been removed in light of concerns about the increased disturbances a footpath would generate to the potential detriment of the woodland habitat.

Highways and Transport

The applicant seeks outline permission with all matters reserved, except access for which detailed permission is sought. A Transport Assessment and detailed access drawing have been submitted in support of the application with the new vehicular (and pedestrian) access being taken from Station Road. A new pedestrian footway linking the proposed site access to De Vere Road is also proposed on the western side of Station Road.

This access would require the removal of two Category C trees and the possible trimming back of some of the lower level existing foliage along the Station Road frontage to ensure the required visibility splays could be achieved.

The existing pedestrian access points to the site from its eastern boundary with De Vere Road and its southern boundary with Millennium Green are also shown as being retained as 'potential pedestrian/cycle links' on the submitted Parameter Plan and the existing permissive footpath which links the two is shown to be retained.

As set out above, the closest bus stop to the application site is located on Halstead Road, approximately 370m from the application site boundary with another located approximately 750m away. These stops are served by the 88/88A/88B buses with regular services (30 minute intervals weekday and Saturdays; limited later evening service and no service on Sundays) between Great Yeldham; Halstead; Earls Colne and Colchester. Future residents of the

development would therefore be well placed to access regular bus services to Colchester and the wider district.

The submitted Transport Assessment is based upon the original proposal for 115 units and states that based on an assessment of the national TRICS database it is predicted that in the AM Peak 69 (total two way) trips would be generated by the development and in the PM peak 69 (total two way) trips would also be generated. This trip generation level has been scrutinised and adjusted by Essex County Council to ensure it is robust.

Essex County Highways have no objection to the proposal and do not consider that this would have any significant material impact on the existing highway network. Furthermore the number of vehicle movements predicted would be lower than those cited as the proposed number of dwellings has dropped from a maximum of 115 to a maximum of 90.

Essex County Highways have stated that they require the following either by way of planning condition or s106 Agreement:

- a) A priority junction off Station Road to provide access to the proposal site as shown in principle on the planning application drawings;
- b) Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site;
- c) A footway along the west side of Station Road between the proposal site access and existing footway at De Vere Road;
- d) Dropped kerb crossing points with tactile paving in De Vere Road immediately west of its junction with Station Road and in Station Road outside number 21;
- e) Residential Travel Information Packs in accordance with Essex County Council guidance.
- f) A Construction Traffic Management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway is also required prior to the commencement of development.

It is therefore recommended that these points are secured either by way of condition or s106 Agreement as set out below in order to ensure that the highway impact of the proposal is acceptable.

Impact Upon Neighbour Amenity

There are existing dwellings located immediately adjacent to the site's eastern boundary which back onto the application site. Although design and layout are reserved matters the illustrative layout demonstrates in principle how the

site could be developed whilst retaining an appropriate relationship between new and existing dwellings.

In terms of the internal layout, the illustrative plan demonstrates broad compliance with the Essex Design Guide in terms of garden sizes and back to back distances between new dwellings with detailed compliance being a matter for the Reserved Matters stage.

Heritage

The Earls Colne Conservation Area is located approximately 150m from the application site's boundary with Station Road and 160m from the application site's boundary with Millennium Green. There are also two Grade 2 listed buildings, Colne House located approximately 300m to the east and Ford House 290m to the north-west.

The Council's Historic Buildings Consultant has assessed the application and stated the following:

The listed buildings in closest proximity to the application site are Colne House and Ford House. However the site is not considered to form part of their setting. The setting of Ford House is more broadly defined by its relationship with the river, and sits in a topographical low point, which serves to break the potential visual interrelationship. The intervening landscape between the application site and Colne House is already well defined by a modern housing development, and as such the impact on the setting and significance of this heritage asset caused by further modern development to the north will be negligible. For a similar reason, this sense of separation is also considered to negate the impact of the development on the significance of the Earls Colne Conservation Area.

There are also two Grade 1 listed Churches in the locality, the Parish Church of St. Andrew in Earls Colne, located approximately 1.2km to the south-east of the application site, and the Parish Church of St. Andrew in Colne Engaine located approximately 760m to the north-east. The Council's Historic Buildings Consultant has assessed the potential impact of the proposed development upon these as follows:

Both sit on topographical high points which mean that they are visible in long views and offer long views looking out over the surrounding countryside. This is a functional and intentional relationship with the surrounding landscape, which recent planning appeal decisions in Steeple Bumpstead and Finchingfield confirm as making an important contribution to this significance. However, in this instance, even though there will be glimpsed areas of intervisibility between site and churches, these views are not considered to be integral in contributing to an understanding of the listed churches or to their significance.

In overall conclusion the Historic Buildings Consultant states:

There is therefore no objection to the outline application from a conservation perspective, although given the character and significance of Earls Colne as a settlement it will be necessary to secure further details as to materials, layout, elevational treatments, joinery details, landscape masterplans and boundary treatments at reserved matters stage.

There is therefore no identified harm to existing heritage assets which would be caused by the proposed development and subject to the requested conditions which would address detailed design and layout matters Officers do not consider that the proposal would have a detrimental impact in heritage terms.

Other Matters

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application. They have identified that the site has a high potential for the survival of archaeological remains due to the lack of development and that activity is considered to have occurred in the locality from the prehistoric period onwards.

Planning conditions relating to the securing of a programme of archaeological evaluation prior to commencement of development are therefore required.

Construction Activity

In order to safeguard the amenity of existing residents in the locality a condition is recommended requiring the applicant to submit for approval a Construction Management Plan covering for example hours of working, the submission of a dust and mud control scheme and details of any piling to be carried out on site.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and proposes to utilise infiltration basins. One would rely solely upon infiltration and the other would also incorporate an outflow to an existing ditch onsite which connects to a tributary to the River Colne. Surface water from the site would be fed into these via surface water pipes. At the detailed design stage reductions in the size of the attenuation basins may be achieved by incorporating lined permeable pavements into minor roads and drive ways.

Following the submission of further drainage strategy information, the Lead Local Flood Authority (Essex County Council) consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be

agreed at the Reserved Matters stage and the County Council have specified a number of conditions which it is recommended are attached to any permission granted relating to the required content and management of this scheme.

Foul water from the development is intended to be discharged to an existing onsite public sewer via a new connection.

Anglian Water have been consulted and have no objection to the application. They advise that the foul drainage from this development would be in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows.

Agricultural Land

Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and where significant development of such land is necessary should seek to use areas of poorer quality.

The application site consists partly of an agricultural field. The Council's Agricultural Land Classification Maps show the land to be located on land classed as Grade 3 'Good to moderate' agricultural land. The applicant has submitted a detailed Agricultural Land Classification Report which is based on soil samples taken on site. This Report confirms that the field is Grade 3 'Good to moderate' agricultural land and further clarifies that it is partly sub category 3a and partly 3b.

The proposed development would therefore result in the loss of an area of agricultural land measuring approximately 3.9ha, approximately half of which is classed as best and most versatile. However, given the comparative size of the application site to the wider District the loss of this land is not considered to be significant.

Reserved Matters Timescales

The applicant has agreed at Officer's request, to reduce the time period for the submission of Reserved Matters from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and could result in the development being brought forward earlier than could normally be expected, which in turn would assist the Council to address the current shortfall in the 5 year housing land supply.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Essex Wildlife Trust have raised an objection however Officer's do not consider that there are ecology grounds to recommend the refusal of planning permission.

Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

Section 106

The following identifies those matters that the District Council would seek to secure through a planning obligation.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in a rural area and the provision of 40% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 90 dwellings this would equate to 36 affordable dwellings.

The benefits of this aspect of the scheme in terms of social sustainability are clear and due weight must be given to this in the overall planning balance.

The Council's Strategic Housing Team have reviewed the application and would require the following:

- A tenure mix comprising 70% affordable rent and 30% intermediate tenure such as shared ownership
- Requirement for affordable homes to be clustered in two areas of site
- All affordable dwellings should be deliverable without reliance on public subsidy
- Affordable units that are accessed at ground floor level should be compliant with either Lifetime Homes standard or Part M Cat 2 of Building Regulations

Public Open Space

Policy CS10 requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size is required to make a

financial contribution towards the off-site provision of allotments and outdoor sports. Informal open space should be provided on site and is identified as such on the illustrative masterplan. Equipped play space could be provided on site although it is recommended that the s106 allow an off-site contribution as an alternative to ensure flexibility at the detailed design and layout stage.

In terms of the off-site contributions, the Open Space SPD would require a financial contribution of approximately £87,305 toward the off-site provision of, or improvements to outdoor sports facilities and allotments based on a development of 90 dwellings. Should an off-site contribution towards equipped play space be required this would equate to approximately £56,850.

These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed. The contributions would be put towards the delivery of public open space enhancements within the locality of the site with specific projects being identified using the 2018 Open Spaces Area Action Plan and agreed with the Parish Council.

An open space specification, plan and management plan would be required for approval by the Council in relation to on-site public open space. A Landscape and Ecological Management Plan would also be required for approval by the Council in relation to the retained woodland area, SUD's features and boundary trees/hedges.

Education

Essex County Council has advised that the proposed development is located with the priority admissions area of Earls Colne Primary School. The school has space for 379 pupils and is at or close to capacity in some year groups. Demand for school places in the area is rising significantly, as demonstrated by higher numbers in the lower year groups. According to ECC's latest forecasts, the School will require 20 additional spaces by the academic year 2021/22.

Forecasts also suggest a small deficit, without action, across the area. Demand generated by this development would be in addition to this demand and with other developments proposed in the area, a project to provide additional school places will be necessary. Based on demand generated by this development proposal a developer contribution of £343,818 index linked to April 2017 is required to mitigate its impact on primary school provision.

With regard to secondary education – it is anticipated that there will be sufficient capacity to accommodate pupils from this development at the Ramsey Academy in Halstead. However, there would be a requirement for a secondary transport contribution of £62,415.

NHS

NHS England advise that the development would give rise to a need for improvements to capacity, by way of a capital contribution towards the cost of recruiting an additional GP for the benefit of the patients at The Pump House surgery. A developer contribution of £10,000 will be required to mitigate the impacts of this proposal. Payment should be made before the development commences.

Transport

Prior to occupation of the development the following are required:

- The two bus stops which would best serve the application site are to be upgraded with details and scope of works to be agreed with the Local Planning Authority;
- The provision of a footway along the west side of Station Road between the proposal site access and the existing footway at De Vere Road;
- The provision of dropped kerb crossing points with tactile paving in De Vere Road immediately west of its junction with Station Road and in Station Road outside number 21;
- The provision of Residential Travel Information Packs for new occupiers of the development.

Conclusion

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework. 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.

In this particular case, there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted due to for example heritage impact or the site constituting a valued landscape. This means that the LPA must consider the proposals in the context of the “tilted balance” indicated by the first bullet point of paragraph 14 of the NPPF; i.e. to consider whether the adverse impacts of the approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

The application site is located adjacent to but outside the village envelope of Earls Colne as identified in the adopted and the emerging Local Plan and is situated in the countryside. The applicant's proposal to develop the site in a residential capacity must therefore be considered as a departure from both the adopted and the emerging Development Plans. Although adopted Development Plan Policies concerning the supply of housing must be considered out of date some weight can still be given to the application's conflict with Local Plan Policy CS5 which accords with the NPPF's aim to recognise the intrinsic beauty and character of the countryside. The application's conflict with the emerging Local Plan can also be given a limited degree of weight, given the stage of the emerging Local Plan's preparation. The application's departure from both Plans therefore weighs against the proposed development in the planning balance.

Other adverse impacts of the proposal are limited. The loss of a comparatively small amount of agricultural land, some of which is classed as best and most versatile and the loss of a greenfield site weigh against the proposal, however the Council's Ecology Officer has identified a number of mitigation and enhancement measures which could be achieved by way of condition.

There would be a landscape impact, with some landscape harm, and some notable effects upon visual amenity, particularly during the winter months, however the landscape impact of the scheme has been assessed in detail by both the Council's Landscape Officer and by an external expert Landscape Consultant and Officers do not consider that it would be substantial.

With regard to the benefits of the scheme, there are a number of factors which clearly weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would bring demonstrable public benefits including up to 54 market homes and 36 affordable homes, making a notable material contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. Indeed the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application from 3 years to 2 years leading to earlier delivery.

Environmentally, the site is located in a sustainable position, being immediately adjacent to one of the District's key service villages with its associated services and facilities. Pedestrian and cycle access could be achieved from the site into Earls Colne village centre and there is good bus service provision in the locality which provides regular access to the wider area, including Colchester.

Other benefits which weigh in favour of the development include financial contributions towards the off-site provision of outdoor sports facilities and allotments; the upgrading of two existing bus stops and the provision of public open space on site which could be used by both new and existing residents in the locality.

The development would also generate a number of construction jobs during the build phase.

The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

Overall, when considering the economic, social and environmental limbs of sustainable development as identified in the NPPF, it is concluded that the benefits of granting permission for the residential development of this site, which will deliver an appreciable boost to housing supply within the District outweigh the limited adverse impacts. Accordingly approval is recommended.

RECOMMENDATION

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** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in two areas of the site; delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations).
- **Public Open Space** (financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contribution towards equipped play space required if it is not provided on site. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Specific projects to be identified by Officers. Trigger point for payment being prior to first occupation of more than 10% of the dwellings. Open space specification, plan and management plan required for approval by the Council in relation to on-site public open space. Landscape and Ecological Management Plan required for the retained woodland area, SUDs features and boundary trees/hedges).
- **Education** – (financial contribution towards primary school provision and towards secondary school transport provision is required based on the County Council's standard formula, index linked to April 2017).
- **Healthcare Provision** – (financial contribution of £10,000. Trigger point for payment being prior to commencement of development).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include

six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).

- **Highway Works** Provision of a footway along the west side of Station Road between the proposal site access and the existing footway at De Vere Road; provision of dropped kerb crossing points with tactile paving in De Vere Road immediately west of its junction with Station Road and in Station Road outside number 21. Trigger point being prior to occupation of first unit.
- **Upgrading of bus stops** (The upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit).

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Location Plan	Plan Ref: 8087-L-01	
Tree Plan	Plan Ref: 8087-A-03	Version: A
Parameter Drawing	Plan Ref: 8087-L-05	
Access Details	Plan Ref: ITM 13342-SK-006	Version: B

1 Details of the:-

- (a) scale;
- (b) appearance;
- (c) layout of the building(s); and
- (d) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 90 dwellings, with public open space, landscaping and sustainable drainage system (SUDs) and vehicular access point from Station Road and shall demonstrate compliance with the approved plans listed above.

Reason

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

- 3 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy.

- 4 No occupation of the development shall take place until a priority junction off Station Road to provide access to the proposal site as shown in principle on the approved Access Drawing ITM 13342-SK-006 REV B has been constructed in full.

Reason

To protect highway efficiency of movement and to ensure that the access is constructed to an acceptable standard in the interests of highway safety.

- 5 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- 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 facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 6 a) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
- b) Where further work has been identified from the archaeological evaluation required under a) above a mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority for approval prior to the completion of this work.
- c) 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 required by b) above, and which has been signed off by the local planning authority through its historic environment advisors.
- d) Within 6 months of the completion of fieldwork required under a) and/or c) the applicant shall submit to the Local Planning Authority a final report or detailed publication proposal for the dissemination of the results of the project.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological evaluation is required prior to the commencement of

development to ensure that the evaluation is carried out before construction works start which could damage archaeology on the site.

- 7 No development shall commence 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 shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting discharge rates via infiltration (if this is found to be unviable, run off rate should be limited to the 1 in 1 year greenfield rate) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 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. This should include a suitable half-drain time.
- 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 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 summarizing the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the development.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that a system is not installed which is insufficient to deal with surface water during rainfall events which could lead to increased flood risk and pollution from the site.

- 8 No development shall commence 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 be implemented as approved.

Reason

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 and methods for preventing or mitigating this should also be proposed. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding and/or pollution are in place when works commence on the site.

- 9 No development shall commence until 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 approved 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. The Maintenance Plan is required prior to the commencement of development to ensure that a system is installed which is properly maintained.

- 10 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.

- 11 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site as identified on approved Tree Retention Plan 8087-A-03 REV A from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete

satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

- 12 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage and signs. The landscaping scheme shall also include details of new planting to bolster the retained tree/hedgeline along the site's boundary with Station Road and DeVere Road (identified as G9, T6 and G10 on the approved Tree Retention Plan 8087-A-03 REV A).

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

Reason

Landscape planting will add character to the development and it is

considered desirable for these to be dealt with concurrently with the other details.

- 13 No above ground works shall commence until a schedule and samples of the materials to be used on the external finishes of the dwellings and where appropriate garages 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.

Reason

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

- 14 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure within the relevant phase of the development 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 development and shall be permanently retained as such and only in accordance with the approved details.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 15 Any Reserved Matters application relating to layout shall be accompanied by a strategy for the following:

- details of a strategy for fibre broadband provision to the new dwellings
- details of a strategy for the provision of electric car charging points

The Development shall be carried out in accordance with the approved strategy.

Reason

To ensure that an acceptable level of broadband provision is made to each of the new dwellings.

- 16 No development shall take place until a lighting design strategy for the river corridor, woodlands and any tree and hedge lines or any areas to be lit, has been submitted to and approved in writing by the LPA. The Strategy shall;

i. Identify areas/features on the site that are sensitive for all bat species and otters and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging: and

ii. Show how and where the external lighting will be installed so that it can

be clearly demonstrated that areas lit will not disturb or prevent bats or otters using their territory or having access to their breeding sites or resting places, and show how dark corridors and areas will be retained.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be permanently maintained thereafter in accordance with the strategy. No additional external lighting shall be installed.

Reason

To ensure there is no harm or disturbance to a protected/priority species. The lighting strategy is required prior to the commencement of development to ensure that the development is carried out in accordance with the agreed strategy from the outset.

- 17 All garden sizes across the development shall comply with the minimum standards set out in the Essex Design guide 2005 which requires the following:

- A minimum of 100sqm for 3 or more bed houses;
- A minimum of 50sqm for 1 or 2 bed houses;
- A minimum of 25sqm of private amenity space for all flats. Balconies or terraces over 5sqm in extent may count towards the total garden provision for flats provided that the Local Planning Authority considers that they are acceptable in terms of design and amenity.

Reason

To ensure an acceptable standard of amenity for future occupiers of the development.

- 18 No building on the site shall exceed 2 storeys in height.

Reason

To ensure that the development does not have an unacceptable landscape impact.

- 19 No development, preparatory ground works or vegetation clearance shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority (LPA). 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 and must include pollution prevention/ control)
- 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 CEMP should give particular regard to:

- Badger and Otter (and other small mammals. i.e. hedgehogs) during construction and vegetation removal. (Although no evidence of badgers has been reported they are a highly mobile species and should be given consideration)
- Protection of the brook/river from pollution run off
- Lighting of areas/features used by bats for feeding, roosting and foraging including the existing woodlands and boundary trees/hedgelines
- Protection of retained trees and hedgerows

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

The information is needed prior to commencement of the development to ensure the long term survival of protected species.

- 20 No development shall take place until details of the proposed ecological enhancement of the site are submitted to and provided in writing by the LPA. It should include new habitat creation, particularly the proposed SUDs scheme which should be enhanced for biodiversity, wildflower planting/seeding of attenuation basins and detail the proposed habitat improvement/retention including buffer zones and green infrastructure/wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and provision of dark areas), refugia sites and hibernaculum creation and creation of basking sites for reptiles, and connectivity to wider habitats. The provision of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and must include integrated swift bricks/boxes. A barn owl box could also be considered. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Reason

In the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures. This information is needed prior to commencement of the development to ensure that the development is carried out in accordance with the approved details from the outset.

- 21 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. The agreed details shall be adhered to throughout the piling process.

Reason

To protect the amenity of existing residents in the locality.

- 22 a) 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 addition to any assessment provided with the planning application, 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,
- archeological 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'.

b) Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.

The remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and

site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, 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.

INFORMATION TO APPLICANT

- 1 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority with details to be agreed before the commencement of work. You are advised to contact the Development Management team at development.management@essexhighways.org or SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester C049Y
- 3 You are reminded that under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Vegetation clearance should therefore take place outside of the nesting bird season or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified Ecologist. Any active nesting sites must be cordoned off and remain undisturbed until young birds have fledged.
- 4 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.

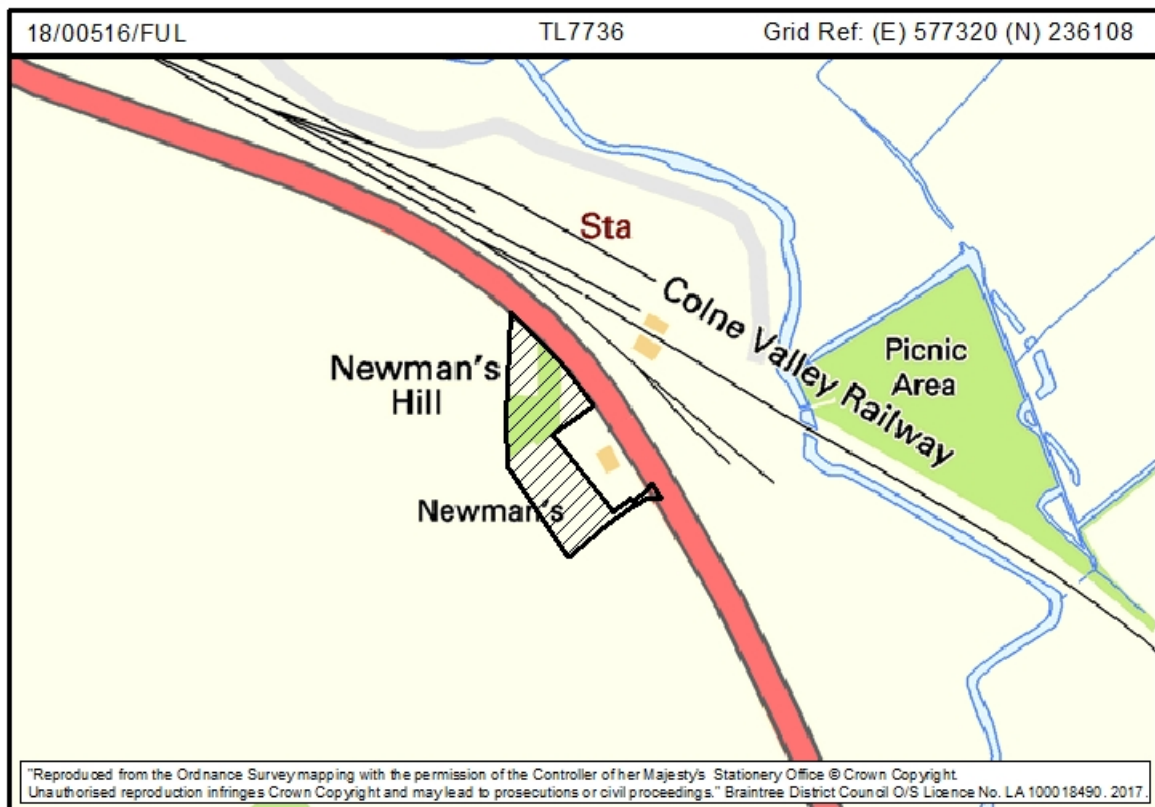
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore 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 Your attention is drawn to the Essex County Council SUDs consultation response dated 1st March 2018 which includes a number of SUDs informatives to which you should have regard.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00516/FUL DATE: 12.04.18
 VALID:
 APPLICANT: Mr Michael Sullivan
 Newmans Farm, Yeldham Road, Castle Hedingham, Essex,
 CO9 3DZ
 AGENT: Holmes & Hills LLP
 Dale Chambers, Bocking End, Braintree, Essex, CM7 9AJ
 DESCRIPTION: Change of use to a separate residential dwellinghouse (Use
 Class C3)
 LOCATION: Barn At, Newmans Farm, Yeldham Road, Castle
 Hedingham, Essex, CO9 3DZ

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

07/00820/FUL	Erection of garden gymnasium and changing rooms adjacent to swimming pool and erection of a 3 bay cart lodge	Refused	15.06.07
07/01489/FUL	Erection of garden gymnasium with cart lodge	Granted	10.09.07
11/00214/FUL	Completion of partially erected barn and its use as a residential dwelling	Refused then dismissed on appeal	26.04.11

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and

sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspector's views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP42	Residential Conversion of Buildings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being determined at the Planning Committee, as it has been determined, through consultation with the Chairman and Vice Chairman of the Planning Committee that the development could be significant in its impacts, in accordance with the Council's scheme of delegation.

SITE DESCRIPTION

The application site consists of an existing barn building, located within the curtilage of a residential dwelling known as Newman's Farm. The site is situated outside of the village envelope of Sible Hedingham, approximately

1.2 miles to the north of the centre of the village, and approximately 0.75 miles from the centre of Castle Hedingham.

In 2007, planning permission was granted for the erection of an outbuilding in the curtilage of Newmans Farmhouse, which is a Grade II listed building. The new building was to be used as a garden gymnasium.

The site is located off the A1017, which connects Sible Hedingham to Haverhill. There is an existing access off of this road, which serves the existing dwelling at Newmans.

PROPOSAL

The application seeks full planning permission for the conversion of the existing barn outbuilding to a separate residential dwellinghouse to that of Newmans Farmhouse.

The conversion would include subdividing the two plots, and including boundary features as appropriate.

CONSULTATIONS

Essex Highways – Object; their comments are as follows:

“As far as can be determined from the submitted information the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4 metres x 215 metres. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety”

Historic England: No comments to make.

Castle Hedingham Parish Council: Object to application; their comments are as follows:

- 1. The proposed development is outside the village envelope*
- 2. The planning statement refers to policies in the “emerging” Local Plan which is with the Planning Inspectorate. Until that is finalised, the existing plan is still in place with regards to development outside the development boundary and in a special landscape area. This application does not meet with existing policy.*
- 3. In terms of in the district housing supply and the parish of Castle Hedingham, one-off luxury builds such as this are not a priority compared with affordable or social housing.*
- 4. Setting a precedent by permitting this application could encourage applications for much more extensive development just across the road from this property, on land near the Colne Valley Railway which was rejected for a number of reasons as a site for housing development in the draft BDC Local Plan.*

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations were received.

REPORT

Principle of Development

The application site is situated approximately 0.75 miles away from the centre of the closest village, Castle Hedingham, and approximately 1.2 miles to the north of Sible Hedingham, which is a key service village.

The National Planning Policy Framework seeks to achieve sustainable development. In terms of residential development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities.

The site falls beyond the defined village envelopes of the Braintree District in an area where, in accordance with Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS7 of the Braintree District Core Strategy states inter alia, "Future development will be provided in accessible locations to reduce the need to travel."

The preamble of Policy CS7 of the Braintree District Core Strategy states "The reliance on the car needs to be reduced, where possible, to promote and deliver sustainability, tackle the impacts of climate change, reduce congestion and pollution and encourage healthy lifestyles by providing high quality walking, cycling and more efficient local public transport."

The submitted planning statement indicates the site is in a sustainable location as it is within walking and cycling distance to a key service village. However, the route from the application site to the two closest villages, Castle Hedingham and Sible Hedingham, is at parts at national speed limit, unlit and with no pedestrian footways. Although there is a bus stop 0.3 miles from the site, this is also accessed along a national speed limit road from the site, and is unlit and also without a pedestrian footway.

Both national and local planning policies seek to restrict new residential dwellings in the countryside and direct them to sites within towns and villages in sustainable locations where there is access to facilities and in order to protect the character of rural areas.

It is considered that the proposal would represent a new dwellinghouse in the countryside, which is not required for agricultural purposes, and which does not provide any environmental, social or economic benefits which could secure a sustainable development. The site is not considered a sustainable location, and therefore it is clear that the provision of a new dwelling is not in accordance with local or national policy.

Notwithstanding the above policy context, there are exceptions to policies of rural constraint. According to Braintree District Local Plan Review Policy RLP38 conversion of an existing building to residential use may be acceptable, subject to consideration against certain criteria.

The policy states:

“The conversion of rural buildings (including modern buildings) for business re-use will be permitted provided that:

- *they are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction;*
- *their form, bulk and general design are in keeping with their surroundings;*
- *there would be no unacceptable impact on the landscape or protected species or historic environment;*
- *safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking to the Council’s standards and lorry manoeuvring without detriment to the setting of the building residential amenity and the landscape within which it is located;*
- *the scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside;*
- *there shall be no open storage of goods, containers, waste materials or finished products.*

Conversion to residential use will only be acceptable where:

- i) The applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made; or*
- ii) Residential conversion is a subordinate part of a scheme for business re-use of the building; and*
- iii) In either case, the criteria set out above are met.”*

Braintree District Publication Draft Local Plan Policy LPP42 can be attached limited weight as an emerging policy. This policy also relates to the residential conversion of existing rural buildings.

According to Paragraph 216 of the NPPF, as the emerging policy document

has been submitted to the Planning Inspectorate for examination, and the policy is consistent in its aims with the NPPF, the policy can be accorded a degree of weight.

The preamble to this policy states: *“If these buildings are no longer suitable for commercial uses, and therefore have become redundant or disused, then the site must have been marketed for commercial uses for at least a year and the application must be accompanied by a marketing appraisal which may be independently verified at the expense of the applicant.”*

The wording of the policy itself is as follows:

The conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re-building to residential use will be permitted where they meet all the following criteria;

- a. The location of the site is accessible and sustainable in the terms of the framework*
- b. There is no unacceptable impact on protected species or heritage assets and their settings*
- c. The site is served by a suitable existing access*
- d. There is no unacceptable impact on residential amenity*
- e. There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value*

Applications for such proposals must be supported by a frame survey, structural survey and, where listed, a heritage statement setting out the implications of the development on the special architectural or historic interest of the subject building/s and their setting. Where considered appropriate surveys will be required for protected species that may include but is not limited to, bats and barn owls.

The criteria within Policy RLP38 which relates to whether ‘every reasonable effort to reduce suitable employment or community re-use’ is generally assessed in the context of evidence of marketing of the premises submitted by the applicant.

No marketing assessment or justification for the existing building being redundant or dis-used in its current form has been submitted. A marketing exercise would have ascertained whether an alternative, more appropriate use for the countryside, could have been secured for the building.

This criterion of the policy has therefore not been fulfilled, and therefore the application is refusable on this basis. Nonetheless, in the interests of completeness the proposals will be assessed against the rest of the policy.

Another criterion of the policy requires the building to be *“of permanent and substantial construction and capable of conversion without major extension or complete reconstruction”*.

Although no structural statement has been submitted with the application, the building itself is not old; being approved planning permission in 2007 and construction nearing completion in or around 2014. When the Case Officer carried out their site visit, the building appeared to be in good condition.

Therefore, Officers consider that the proposal complies with the rest of this policy.

The emerging Braintree District Publication Draft Local Plan Policy LPP42 also adds the requirement for the site to be in an accessible and sustainable location. As is discussed above, it is concluded that the site is not in an accessible or sustainable location.

It is acknowledged and appreciated that there are benefits which would be brought about through the development, albeit they are limited. These would be limited to the net gain of a single dwellinghouse. Despite this, as is clear from the assessment carried out above, the site is not located in a sustainable location, and therefore this very limited benefit is not considered to outweigh the detrimental impacts caused by the proposal.

Previous Planning Refusal & Appeal 11/00214/FUL

In 2011, a planning application was made for the change of use of the barn building into a separate residential unit. This application was refused for the following reason:

“The application site lies within an area of open countryside beyond the development boundary of any settlement where rural policies of restraint and specifically RLP2 of the Local Plan Review apply. RLP2 states that 'New development will be confined to the areas within Town Development Boundaries and Village Envelopes.'

In this location, as set out in Policies RLP78 and RLP79 of the Braintree District Local Plan Review, the countryside will be protected for its own sake and permission will not normally be given for development which is unrelated to agriculture or other activities appropriate to a rural area. Policy RLP90 is also relevant in that it states that developments should maximise the most sustainable forms of transport.

In this case there is no evidence to demonstrate that there is an agricultural need for the proposed residential use or other rural requirement which would justify an exception to rural policies of restraint. The residential use of the building and associated intensification of domestic activity would be harmful to the character of the area. Furthermore, the proposed new unit of residential accommodation would undermine the Council's objectives of securing the more efficient use of existing urban locations with better access to local facilities and services. As such the proposal would be contrary to the sequential approach to the location of new housing.”

The decision to refuse was then appealed, under appeal ref. APP/Z1510/A/11/2157454. The appeal was subsequently dismissed, with the Planning Inspector concluding that *“the proposal would be inconsistent with the approach of local and national planning policies to development in rural areas”*, and that *“the development would have a significantly harmful impact upon the character and appearance of the surrounding countryside.”*

Officers note that the barn has since been completed and is used as a form of ancillary accommodation, incidental to the use of the dwellinghouse. The proposal would not in this regard have a ‘significantly harmful impact on the character and appearance of the surrounding countryside’ as there would be no changes to the external appearance of either the building or its plot. However, the other points raised as a reason for refusing planning permission by the Planning Inspector still stand.

Although, as the applicant notes, both the planning officer’s decision and the Inspector’s decision were based on policies and a planning context which predates the NPPF, it should be noted that at the time, the Braintree District Core Strategy policies had been adopted, and were used by both officers and the Inspector when reaching their decisions. Furthermore, at that time the Draft NPPF was being consulted upon; there was a clear indication of the Government’s intention for planning policies, which was subsequently reflected in the NPPF which was published in 2012.

On this, the Planning Inspector concluded *“the draft NPPF does not materially affect my findings above on the planning merits of this particular case.”*

Therefore, whilst it is acknowledged that the 2011 planning refusal and subsequent appeal dismissal were determined prior to the introduction of the NPPF, it is clear that the tests to be carried out for new development provided in the published NPPF were taken into account when the application was determined, and therefore these decisions should be afforded weight in the planning balance.

A copy of the appeal decision is appended to this report.

Lack of Five Year Housing Supply

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

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

The scale of the shortfall in housing supply is a matter that has been the subject of debate at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 31 March) is considered to be 5.51 years based on the Liverpool approach, it is 4.33 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply and contribution towards the supply that this development would make is therefore a material consideration which weighs in favour of the proposed development. However despite the weight attached to the lack of a 5 year housing supply the overall planning balance still results in the application being refused.

Lawfulness

The submitted planning statement indicates that the physical changes to the building which differ from that approved planning permission in 2007 were subject of an enforcement investigation in 2014. At the time, the enforcement officer noted the changes made and found that it would not have been expedient to take enforcement action to address the changes.

The application form submitted with this application also makes it clear that this application is not for the physical changes to the building which differ from the 2007 permission.

Although the submitted statement concludes that the changes are older than 4 years and therefore immune from any enforcement action (and in this regard have become 'lawful'), an application for a lawful development certificate would need to be made in order to determine this matter definitively. During this process, the onus would be on the applicant to provide evidence to prove that on the balance of probabilities, the changes to the building have been in situ for more than 4 years.

It is important to note that the applicant is not seeking to state the building has been used as a separate dwelling in excess of 4 years. The application makes it clear in parts of the application form that the change of use (i.e. the use of the building as a residential dwelling) has not begun.

Design, Appearance and Layout

The application does not propose any physical changes to the exterior of the building itself. However, as the site would be subdivided and used as two separate residential units, the layout of the site can be taken into consideration, as well as the impacts of any additional boundary features.

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

Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Braintree District Core Strategy and LPP 50 of the Braintree District Publication Draft Local Plan seek to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The design of the building, as previously stated, would not be altered from what is currently in situ. When making their appeal in 2011 to use the building as a separate dwelling, the applicant stated "The barn was always intended to be a residential annexe to improve the living accommodation provided by the listed farmhouse". The building already has the necessary facilities, boundary features, and divisions set up to operate as a separate dwelling, as it likely would have done when planning permission was refused and the appeal was

dismissed in 2011, and in 2014 when it was found that any impacts caused by changes would not be expedient to enforce against.

The site is also located within the curtilage of the Grade II listed Newmans Farmhouse. Historic England were consulted, and wished to make no comment.

The Council's Historic Buildings Consultant stated in their response:

“Alterations to the approved scheme together with the treatment of its curtilage have resulted in an overly domestic and urbanised character which is considered to the detriment of the listed building. I cannot support the alterations which have been made to date... [they are] unable to support this application which legitimises the retention of unfavourable works which have had an adverse impact upon the setting of Newmans Farmhouse.”

These comments are duly noted and form a material consideration in the determination of this application. However, it should be noted that the Council became aware of alterations being made to the building which differed from the approved 2007 permission in 2014, and at that time chose not to enforce against them. Taking this into account, subject to these changes being lawful, it would be unreasonable to refuse the application on this basis.

Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst policies RLP90 from the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Publication Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

Given the amount of separation distance between the application site and the closest residential dwelling, Newmans Farmhouse, any impacts as a result of the barn becoming a separate residential unit are unlikely to be unacceptable in their impacts.

Highway Issues

The site is accessed via an existing driveway directly off of the A1017. This section of the A1017 has a derestricted speed limit (60mph), and according to the Highway Authority, it is classified as a Main Distributor within Essex County Council Development Management Policies February 2011 Route Hierarchy. The function of a Main Distributor route is outlined as, ‘the carrying of traffic safely and efficiently between major centres within the County’. Therefore, it is necessary for visibility splays to be provided in either direction upon leaving the site of at least 2.4 metres x 215 metres, according to the Design Manual for Road and Bridges (DMRB), to ensure the use of the access for any new dwelling does not prejudice highway safety.

On this, the Highway Authority when asked for their comments on the application raised objection. Their reason for objection is as follows:

“As far as can be determined from the submitted information the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4 metres x 215 metres. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. This proposal would therefore be contrary to the aims and objectives of the Local Transport Plan 2006-2011, Appendix G - Highway and Transportation Development Control Policies as refreshed 19 October 2007.

Whilst it is acknowledged the access is already in use by the existing dwelling, it appears to have been in use before the most recent standards were published therefore, any intensification of use would be hazardous to vehicles travelling both north and south along the A1017, and for vehicles egressing the site access.”

No information has been submitted to indicate the required visibility splays could be achieved at the site, in accordance with the Highway Authority's recommendation.

CONCLUSION

To conclude, the proposal represents a new dwellinghouse in the countryside, beyond settlement limits, which is not required for agricultural purposes. Although the development contributes to housing supply, albeit marginally, the introduction of a residential use to the building in this location would fail to secure the social or environmental roles of sustainable development.

The proposed dwelling would be in an inaccessible location resulting in negative environmental impacts in terms of the use of natural resources and negative social impacts in terms of the accessibility to local services.

Undoubtedly, the use of the private car would be required to gain access to essential facilities and services, which would not represent a form of sustainable development. When the car is used, the proposed new dwelling would not be served by an access which would allow it to enter the public highway safely and without prejudicing the safety of other users of the highway.

RECOMMENDATION

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

- 1 The proposal represents a new dwelling in the countryside, beyond settlement limits, which is not required for agricultural purposes. Although the development contributes to housing supply, albeit marginally, the introduction of a residential use to the building in this location would fail to secure the social or environmental roles of sustainable development.

The proposed dwelling would be in an inaccessible location resulting in negative environmental impacts in terms of the use of natural resources and negative social impacts in terms of the accessibility to local services.

Undoubtedly, the use of the private car would be required to gain access to essential facilities and services, which would not represent a form of sustainable development. The proposed new dwelling would not be served by an access which would allow vehicles to enter the public highway safely and without prejudicing the safety of other users of the highway.

A residential use in this location fails to accord with Paragraph 55 of the National Planning Policy Framework, Policies RLP2 and RLP38 of the Braintree District Local Plan Review, Policies LPP1 and LPP42 of the Braintree District Publication Draft Local Plan and Braintree District Core Strategy Policies CS5 and CS7, and the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

SUBMITTED PLANS

Location Plan

Existing Plans

Plan Ref: 07/1102/6 - A

Proposed Plans

Plan Ref: 07/1102/6 - B

TESSA LAMBERT
DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 15 November 2011

by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 December 2011

Appeal Ref: APP/Z1510/A/11/2157454

The Barn, Newmans Farm, Yeldham Road, Castle Hedingham, Halstead, Essex CO9 3DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Sullivan against the decision of Braintree District Council.
 - The application Ref 11/00214/FUL, dated 26 January 2011, was refused by notice dated 26 April 2011.
 - The development proposed is described in the application as 'change of use of barn at Newmans Farm to a separate residential. The barn was designed to be an "eco friendly" traditionally constructed gymnasium plus living accommodation. No changes are required to the building externally'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are firstly, whether the proposal would be consistent with the approach of local and national planning policies, having particular regard to development in rural areas and secondly, the impact of the development upon the character and appearance of the surrounding countryside.

Reasons

Whether the proposal would be consistent with the approach of local and national planning policies, having particular regard to development in rural areas.

3. Policy RLP 2 of the Braintree District Local Plan Review 2005 (LP) states that new development will be confined within town development boundaries and village envelopes. Exceptions may be made to this Policy for affordable housing schemes. Policy RLP 78 states that the countryside will be protected for its own sake. This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside to that required for agriculture, forestry or other rural development. Policy RLP 79 relates to special landscapes and Policy RLP 90 seeks a high standard of layout and design. Since the appeal, the Braintree District Council Local Development Framework Core Strategy (CS) was adopted. Broadly, the main thrust of CS Policies CS 5, CS 8, and CS 9 are similar to the LP Policies referred to in the refusal notice. Also relevant to the determination of this appeal is guidance contained in Planning Policy Statement (PPS) 3: *Housing 7* and PPS7: *Sustainable Development in Rural Areas*.

4. On 5 September 2007, planning permission was granted for the '*erection of a garden gymnasium with cart lodge*¹. The foundations and the oak frame with low perimeter walls have been erected. In its complete form, the structure would comprise a gymnasium, rest area, kitchen and shower facilities on the ground floor with a balcony and storage area at first floor. Externally, the building would be clad with feathered edge boards. At the time of the site visit, the building was not complete because the external walls and roof were not constructed.
5. Planning permission is now sought for the use of The Barn as an independent self-contained single dwellinghouse. Once completed it would be occupied by the appellant, his wife and elderly mother and other family members would live in the existing dwelling. The information is that residential accommodation is required on the ground floor, because the existing house is unsuitable due to its layout and narrow staircase². The appellant considers that the extant planning permission grants consent for the rebuilding of The Barn for living accommodation. Although a realistic fallback position, I agree with the Council's arguments that the garden gymnasium with cart lodge, in its complete form, would be incidental to the enjoyment of the main dwellinghouse because of its design and layout. In comparison, the grant of planning permission would result in the creation of a new dwellinghouse in this part of the countryside where national and local planning policies seek to restrain unwarranted development.
6. One of the few circumstances in which isolated dwellings in the countryside may be justified is when accommodation is required to enable agricultural full-time workers to live at, or in the immediate vicinity of, their place of work. In this case, the evidence does not show that the dwelling would be occupied or required for an agricultural worker. In addition to that, the dwelling would not be connected to the provision of affordable housing within this particular rural area. Furthermore, the development would undermine local and national planning policies that seek to make the effective and efficient use of land for housing. The scheme would be inconsistent with the Council's aims and objectives of securing residential development in existing urban locations with better access to local facilities.
7. Taking all of the above points together, the development would fail to comply with LP Policies RLP 2 and RLP 78. The proposal would be at odds with the main thrust of CS Policy CS 5 and guidance contained in PPS3 and PPS7³.
8. On this main issue, I conclude that the proposal would be inconsistent with the approach of local and national planning policies to development in rural areas.

The impact of the development upon the character and appearance of the surrounding countryside.

9. Newmans Farm is a large detached dwelling with outbuildings situated on a spacious plot. The surrounding area is mainly characterised by open and undeveloped agricultural land. The existing dwelling is a Grade II listed building. The Council does not object to the development on the basis that it

¹ The description here is taken from the Council's decision notice (ref: 07/01489/FUL).

² See the appellant's Grounds of Appeal.

³ See paragraph 36 – 51 of PPS3 and paragraph 8 – 11 of PPS7 and Annex A to PPS7 for guidance on agricultural, forestry or other occupational dwellings.

would have an adverse impact upon the setting of the listed building, because of the proposed Barn's location and positioning. I concur with that assessment.

10. The site is situated close to a busy road and there are other developments nearby including the Colne Valley Railway complex. The appellant argues that the dwelling would not be directly visible from public vantage points. Nonetheless, The Barn would be visible from the nearby highway because of the plot's slightly elevated positioning. Furthermore, the development would involve the creation of a separate residential curtilage, which would have a harmful urbanising effect and further erode the open and undeveloped character of the countryside. The unwarranted intrusion would represent encroachment into the countryside because of the use of The Barn as a single dwellinghouse with its defined residential curtilage.
11. Taking the above points together, the proposal would fail to comply with LP Policies RLP 78, RLP 79 and RLP 90 and CS Policies CS 5, CS 8 and CS 9. The scheme would fail guidance contained in PPS7, which seeks to protect the countryside for its own sake.
12. I conclude that the development would have a significantly harmful impact upon the character and appearance of the surrounding countryside.

Other matters and conclusion

13. The appellant refers to other developments in the District and the lack of objections from the local Parish Council, but that is not determinative. Regarding the other developments, on the basis of the limited information before me it appears that the site at Pannells Ash Barn and Old House Farm Barn relate to listed buildings where different local and national planning policy considerations would apply. In comparison, the appeal proposal would not involve the conversion of an existing rural building and these other developments are not precedents for the scheme. In any event, I have evaluated this appeal upon its individual planning merits.
14. National Planning Policy Framework (NPPF) was issued for public consultation on 25 July 2011 and that period expired in October. However, limited weight can be attached to it because the NPPF was for consultation purposes and might change in the future. In any event, the draft NPPF does not materially affect my findings above on the planning merits of this particular case.
15. I have considered all of the arguments about the personal circumstances surrounding the need to provide suitable accommodation for the appellant's mother. On balance, however, the development would be unjustified in planning terms and would be harmful to the character and appearance of the surrounding area.
16. For all of the above reasons and having considered all other matters raised, including the design and access statement, I conclude that the appeal should not succeed.

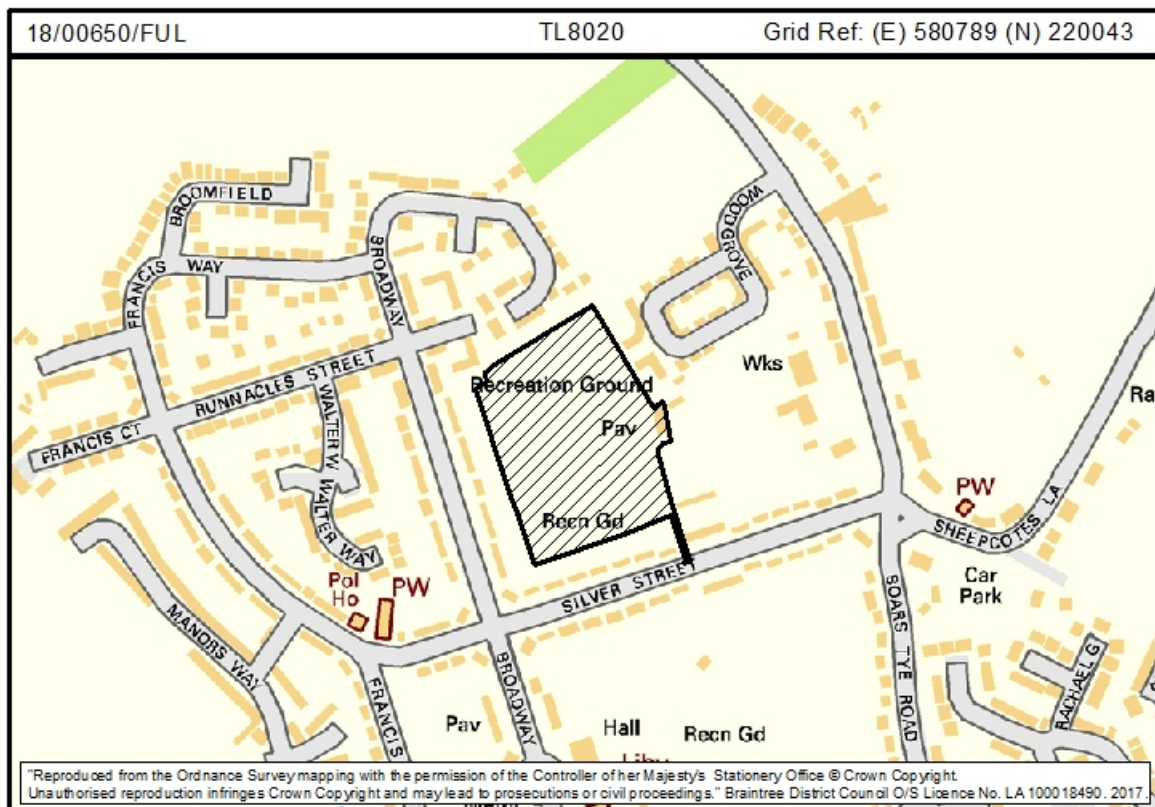
Ahsan U Ghafoor

INSPECTOR

PART B

APPLICATION NO: 18/00650/FUL DATE: 27.04.18
 VALID:
 APPLICANT: Braintree District Council
 Mr Samir Pandya, 4 Lakes Industrial Estate, Lower Chapel Hill, Braintree, Essex, CM7 3RU
 DESCRIPTION: Change of use from changing rooms and showers to nursery/multi-use room(s). Creation of external play area with child security fencing. Creation of block paved link from entrance to footpath.
 LOCATION: Silver End Pavilion And Playing Fields, Silver Street, Silver End, Essex, CM8 3QF

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



SITE HISTORY

06/01368/CON	Demolition of derelict pavilion (prefabricated flat roof structure)	Granted	24.08.06
85/00129/P	Erection of building for use for scouting activities	Granted	25.03.85
94/01252/FUL	Proposed siting of container next to Scout Hut for storage purposes	Granted	16.12.94
99/00795/COU	Replacement of existing four sheds with large metal container	Granted	16.08.99
05/01731/FUL	Demolition of existing pavilion and erection of new pavilion and perimeter fence	Withdrawn	22.11.05
06/00408/FUL	Demolition of existing pavilion and erection of new pavilion and 3 metre high chain link perimeter fence - APPLICATION NOT PROCEEDED WITH		
06/00803/FUL	Demolition of existing pavilion and erection of new pavilion and 3 metre high chain link perimeter fence	Refused	25.07.06
07/01851/FUL	Erection of temporary changing rooms and self contained chemical toilets	Granted	15.10.07
07/02554/FUL	Erection of single storey changing pavilion and associated parking	Granted	07.02.08

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP11	Changes of Use Affecting Residential Areas
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP128	Maintenance of Rural Services and Facilities
RLP150	Educational Establishments
RLP151	Protection of Community Services
RLP153	Community and Village Halls

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP65	Local Community Services and Facilities

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is referred to Planning Committee for determination as Braintree District Council is the applicant for the application.

SITE DESCRIPTION

The application site consists of a hall, which is currently used by local residents and community groups as a facility for changing when undertaking sporting activities on the adjacent playing field. On the approach to the hall are allotments, which are enclosed by a 2m high metal fence. To the side of the hall is a parking area with 29 designated parking spaces and two additional spaces which are allocated for people with disabilities. To the rear of the hall is a storage building and a further building which is currently utilised by the Silver End Scout Group. The site is located within the village envelope and Conservation Area of Silver End. In front of the hall is a large playing field which is surrounded by residential dwellings.

PROPOSAL

The proposal is to change the use of the existing hall from changing rooms to a mixed use which would accommodate changing rooms together with an area to be utilised by a children's nursey and multi-use room(s). It is also proposed to create an area at the front of the hall, which would include children's play equipment and be used which would enclosed by a 1m high metal fence and gates at each end of the play area.

The proposed building would incorporate a nursery use as well as a multi-use area for sporting activities. Internal works would be carried out to remove some internal partitions to create a large multi-purpose room in the centre of the building. The room would be mainly used by the nursery during weekdays and utilised by community group during evenings and weekends. The nursery would operate between the hours of 7am and 6pm Monday to Friday and

would be run by Trustees made up of local residents. The introduction of the nursery into the building would financially benefit the current owners of the building who are Braintree District Council. Utilising the building for a nursery would assist in financially supporting the premises. As well as providing a mixed use for the hall, it is proposed to create a play area at the front of the building, which would be utilised by the nursery providing a safe outdoor environment for nursery attendees.

CONSULTATIONS

Landscape Officer – no objection

Silver End Parish Council – no comment

ECC Highways – no objection

ECC Historic Buildings Consultant – no objection subject to condition

Environmental Health – no objection subject to condition

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified in writing. No letters of representation have been received in respect of this application.

REPORT

Principle of Development

Policy RLP151 of the Braintree District Local Plan Review seeks to protect community services stating that “Proposals that would result in the loss of key community facilities, or services, outside the urban areas, will be resisted, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location”. Policy RLP153 states that proposals to upgrade and enlarge existing community and village halls or to create new ones, in sustainable locations, will be supported subject to satisfying siting, design materials and landscaping.

In this case it is considered that the existing community asset would be retained and the introduction of a children’s nursery into the building would not have a detrimental impact on the existing use of the building. The proposal would enable the community facility to be utilised more intensively to the benefit of the local community. Therefore, it is considered that the proposal is acceptable subject to design, layout and highway considerations and providing there is no undue or unacceptable impact on neighbouring residential amenities.

Design, Appearance and Layout and Impact upon Conservation Area

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. This further elaborated within Policies RLP3, RLP90, RLP95 of the Braintree District Local Plan Review and Policies LPP1, LPP50, LPP55 and LPP56 of the emerging Braintree District Publication Draft Local Plan which require a high standard of design and layout for all new development.

The Historic Buildings Consultant was consulted on the proposal and did not consider the use of the building objectionable, as it is compatible with the building and does not require undue alteration or associated paraphernalia. The conversion of the building would also appear to leave sufficient space to allow the building’s former use to continue concurrently, thereby negating the possibility of an additional structure being required.

The submitted plans indicate that a proposed metal hoop fence and gates would be erected to enclose the play area. This aspect of the development has been discussed with the Historic Buildings Consultant and although there is no objection to a gate and fence being erected, further details are required to be submitted prior to commencement of development. A suitable condition is recommended in this regard.

No external works to the existing building would be required to take place in order to accommodate the proposed use.

The Council’s Environmental Health Officer was consulted on the application. The Environmental Health Officer raised no objection to the proposed mixed use of the building, subject to a condition limiting the hours of construction on site.

As limited external works would be taking place, Officers consider the proposal would not be unacceptable in terms of their impact upon the character and appearance of the locality, and the Conservation Area.

Impact on Neighbour Amenities

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the emerging Braintree District Publication Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact”.

In addition, Policy RLP11 states that permission will not be given for employment or other new uses which by reason of their character or appearance, or the noise, fumes, smell and traffic which they generate, will harm the character of predominately residential area and make it a less pleasant area in which to live. Similarly, RLP62 states that planning permission will not be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless adequate measures have been taken.

The building is currently used by the community for sporting activities during the evenings and at weekends. The introduction of the nursery into the building would intensify the use of the building, although the nursery use would be during the daytime from 7am until 6pm, whilst the sporting activities would be limited to evenings and weekends. This community building is currently underutilised, therefore, the introduction of the nursery during day time hours, together with the continued use of the building for other community activities during evenings and weekends, would ensure that the building is fully utilised. It is acknowledged that the use of the building would increase, but not to the detriment of neighbouring residential properties. Therefore, it is considered that the introduction of a nursery during weekdays is unlikely to have an increased impact on neighbouring residential amenity.

As part of this consideration, the Council's Environmental Health Officer was consulted on the application. The Environmental Health Officer raised no objection to its use as a children's day nursery, subject to a condition limiting the hours of construction on site.

Furthermore, no representations were received in connection with this application. Therefore, it considered that there would not be a detrimental impact on residential amenity.

Highway Issues

The Council refers to the Council's adopted Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires development relating to a new D1 use to have at least one space per full time equivalent member of staff, as well as a drop off/pick up facility. The proposed nursery would initially employ 3 members of staff which may increase to 4 as the nursery numbers increase over time.

The plans show that the proposed building would be served by the existing nursery car park, which has a total of 29 spaces. This is in excess of the required number of spaces.

The proposed building would be served by an existing access, which is currently used to access the Pavilion. The Highway Authority raised no objection in relation to the proposal.

CONCLUSION

The proposal incorporates a new use for the building to include a children's nursery. The building is in an accessible location and would be served by adequate parking provision. Therefore, taking into account the retention of the existing community facility and the introduction of a new facility which would be used alongside the existing use, officers consider the proposal would be acceptable in terms of their impact on the character and appearance of the area and on neighbouring residential properties. Officers therefore recommend that planning permission is granted for the proposal.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Proposed Plans

Plan Ref: 04-06.273.02

Proposed Floor Plan

Plan Ref: 02

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

Reason

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

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

Reason

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

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

Reason

To conform with the pattern of the existing development in the locality.

- 4 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 0900 hours - 1500 hours

Saturday - Closed.

Bank Holidays & Sundays - Closed.

Reason

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

- 5 Construction of any development shall not be commenced until details of the proposed fencing and gates at a scale of 1:20 or 1:50 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.

Reason

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

INFORMATION TO APPLICANT

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ.

TESSA LAMBERT
DEVELOPMENT MANAGER