

PLANNING COMMITTEE AGENDA

Tuesday, 08 November 2016 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:-

Vacancy	Councillor Lady Newton
Councillor K Bowers	Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
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 demse@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
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 demse@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 demse@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 25th October 2016 (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 the application listed under Part A.

PART A

Planning Application:-

- 5a Application No. 15 01458 OUT - Land North of Rayne Road, BRAINTREE** **5 - 43**

PART B

Minor Planning Application:-

- 5b Application No. 16 01571 ADV - Filling Station, Hatfield Road, WITHAM** **44 - 53**

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

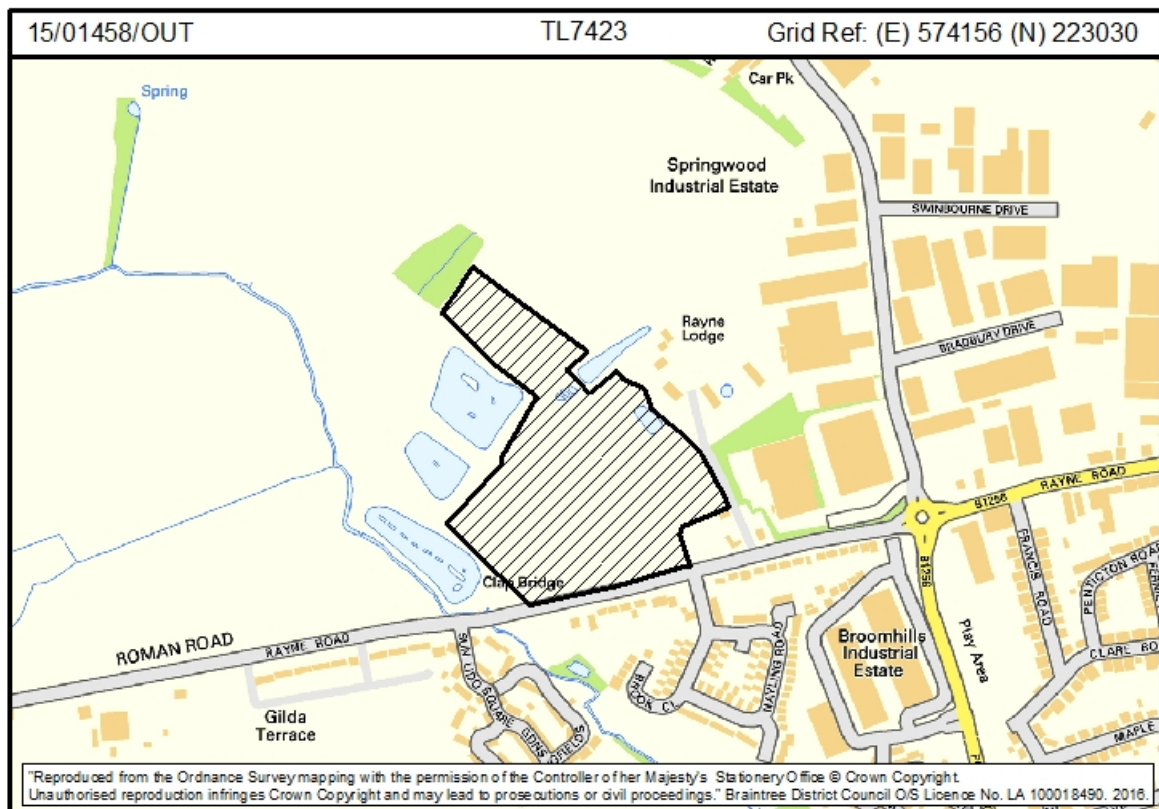
8 Urgent Business - Private Session

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:	15/01458/OUT	DATE VALID:	26.11.15
APPLICANT:	Manor Oak Homes C/o Agent		
AGENT:	Mr Geoff Armstrong Armstrong Rigg Planning, The Exchange, Colworth Science Park, Sharnbrook, Bedford, Bedfordshire, MK44 1LQ		
DESCRIPTION:	Outline planning application (with all matters other than means of access reserved) for residential development of up to 136 dwellings with associated landscaping, open space and vehicular access from Rayne Road		
LOCATION:	Land North Of Rayne Road, Braintree, Essex		

For more information about this Application please contact:
Terry Hardwick on:- 01376 551414 Ext. 2547
or by e-mail to: terry.hardwick@braintree.gov.uk



SITE HISTORY

15/00013/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 140 dwellings and associated open space, car parking and provision for ecological areas and landscape buffers.	Screening/ Scoping Opinion Adopted	04.11.15
--------------	---	------------------------------------	----------

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.

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 Draft Local Plan 2016.

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 Development Framework Core Strategy

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
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
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 Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP43	Health and Wellbeing Impact Assessment
LPP44	Provision for Open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP67	Run-off Rates
LPP68	External Lighting

Supplementary Planning Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
ECC Parking Standards – Design and Good Practice (September 2009)
Open Space Supplementary Planning Document
Open Spaces Action Plan
Affordable Housing Supplementary Planning Document
External Lighting Supplementary Document

Other Guidance

Landscape Capacity Analysis 2007
Landscape Capacity Assessment July 2015

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before Planning Committee because it is a major development of significant public interest on land that is currently outside the development boundary for Braintree and represents a departure from the current Development Plan. It is, therefore, an application that has significant policy implications.

NOTATION

The land lies outside but adjoins the development boundary on the western side of Braintree.

The site, however, has a draft allocation for housing for up to 136 dwellings in the emerging Draft Local Plan (ref BOCS140).

SITE DESCRIPTION

This 6.32 ha site, which fronts the northern side of Rayne Road, is currently uncultivated, greenfield agricultural land that was until recently partly used as rough pasture (paddocks) for the grazing of horses. It is irregular in shape and is located outside, though adjoining, the development boundary for Braintree on its western side. The land slopes steeply downwards in a westerly direction towards the River Brain/Pods Brook and the Rayne Fishery lakes.

The site has a southerly frontage to Rayne Road and faces a linear form of housing development that runs the length of the site and beyond. The site is elevated relative to Rayne Road, increasingly so in a west-to-east direction towards Braintree town.

To the west and north-west of the site are commercial fishing lakes (Rayne Lodge Fishery) and a car-park used in association with that use; beyond these to the west is open countryside. Rayne Lodge, a Grade II listed building, lies to the north-east of the site, which it is largely screened from the site by established trees and hedgerow. The site is substantially contained by existing established trees and hedgerows.

The River Brain/Pods Brook, which at this point flows roughly north-west to south-east, runs along part of the site's south-western boundary and is bridged by Rayne Road immediately west of the site.

Springfield Industrial Estate and undeveloped land identified for expansion of the industrial estate as part of the North-West Braintree Growth proposals lie to the east and north-east.

There is currently no vehicle access to the site from the highway. Access is only available to pedestrians, by means of the two public rights of way that cross the site and from the angler car-park on the north-eastern side of the site just west of Rayne Lodge. This is reached by a private access road off Rayne Road, which runs along part of the site's north-eastern boundary and serves Rayne Farm primarily (of which the site is currently part) but also the house and stables that adjoin the south-eastern corner of the site, which are not part of the site. Rayne Road provides connections to Rayne village to the west and into Braintree to the east and is a bus-route, served by services 133 and 314. The 133 service follows a route that links Braintree Town Centre with Colchester and Stansted Airport; the 314 links Braintree to Great Dunmow. The 508, school service, also runs along Rayne Road. Braintree railway station is about 2.3 km from the site.

Two public rights of way cross the site. Footpath 6 runs roughly south-west to north-east and crosses the southern part of the site, to exit the site on its north-eastern boundary slightly east of Rayne Lodge, whilst footpath 91, which also runs roughly south-west to north-east, crosses the north-western part of the site to emerge into the fishery car-park slightly west of Rayne Lodge.

The site is not within a conservation area nor does it contain trees that are subject of a Tree Preservation Order. The site does not contain any statutory or non-statutory designated sites or features.

PROPOSAL

The application seeks outline planning permission (with all matters, other than the means of access, reserved for subsequent approval) for up to 136 dwellings, with associated landscaping, open-space and vehicle access from Rayne Road.

The proposal is supported by a "Masterplan" that seeks to demonstrate that the amount of development sought can be achieved satisfactorily. The indicative layout shows two main roads through the site, to which some dwellings would have direct access; these roads would coincide roughly with the two public rights of way that cross it. The balance of the development would be arranged in smaller clusters off the two main roads.

There would be generous landscaping throughout the development, equating to over one third of the site area. Key features would be a landscaped "walk" through the middle of the development and sizeable areas of open-space (A) in the vicinity of the listed building, Rayne Lodge, (B) at the north-western limit of the development, where the site adjoins open-countryside beyond, and (C) towards the south-western part of the site adjacent to the River Brain/Pods

Brook, where it is likely that the sustainable drainage proposals for the site will include the formation of two attenuation ponds, which will also serve as landscape features for the development. Existing trees and hedgerow, principally around the perimeter of the site, would be retained and strengthened. The exception to this would be the frontage to Rayne Road, which is currently marked by an established hedgerow that is in poor condition. This would be removed, the frontage opened-up and new planting undertaken, including new tree planting. There would also be a children's play area.

Access to the site would be by means of a new junction with Rayne Road. There would also be works to mitigate the impact on the functioning of the Rayne Road/Aetheric Road/Pierrefitte Way junction, as agreed with the Highway Authority.

Based on a total of 136 dwellings, 95 units would be private market-housing, with the balance of 41 provided as "affordable" units, equating to 30% provision.

The application is supported by the following documents:

- Planning Statement;
- Design & Access Statement;
- Transport Assessment;
- Residential Travel Plan;
- Flood Risk Assessment;
- Heritage Statement;
- Landscape & Visual Impact Assessment;
- Preliminary Ecological Appraisal;
- Protected Species Survey;
- Public Open Space (& Supporting Plans);
- Landscape Master Plan (& Supporting Plans);
- Arboricultural Report;
- Noise Impact Assessment;
- Air Quality Assessment;
- Lighting Impact Assessment;
- Archaeological Trial Trench Evaluations;
- Incoming Services Appraisal;
- Local Facilities Plan;
- Waste Management Plan;
- Contamination Land Check;
- SUDS Checklist;
- Sustainable Design & Construction Checklist;
- Site Waste Management Plan.

CONSULTATIONS

ECC (Highway Authority). No objections subject to any planning permission being granted with conditions and informatives relating to the following matters:

- prior to occupation of the first dwelling, agreed improvements at the junction of Pierrefitte Way, Rayne Road and Aetheric Road to have been constructed;
- provision of visibility splays 2.4 metres by 120 metres to both the east and west of the access into the site from Rayne Road, the area within each splay to be kept clear of any obstruction exceeding 600mm in height at all times;
- no development to take place, including ground works or demolition, until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority, the Plan to provide clear of the highway for safe access to the site, parking for site workers and visitors, loading and unloading of plant and materials, storage of plant and materials used in the construction of the development, the provision of wheel and underbody washing facilities and the safeguarding of the Public Rights of Way during construction;
- the developer providing and implementing a Residential Travel Plan, approved by Essex County Council, to include six one day travel vouchers for use with the relevant public transport operator;
- improvements to the bus-stops in the vicinity of the site on Rayne Road;
- widening of the public footpath in front of the site to 2m.

Highways England: No objections

ECC Flood & Water Management (SUDs): No objections to the development based on the Flood Risk Assessment (FRA) and associated documents as revised January 2016, subject to any planning permission being granted with conditions as follows:

- the development being undertaken in accordance with the FRA dated January 2016 and the mitigation measures detailed therein relating to run-off rates and the provision of attenuation storage to cover events up to and including the 1:100 year storm event inclusive of climate change;
- no works being undertaken until a scheme to minimise the risk of off-site flooding caused by surface-water run-off and groundwater during construction has been submitted to and approved in writing by the Local Planning Authority, the approved scheme to be implemented as approved;
- no works taking place 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/frequency, has been submitted to and agreed in writing by the Local Planning Authority;

- the applicant or any successor in title to maintain yearly logs of maintenance which shall be carried out in accordance with the approved Maintenance Plan, this to be available for inspection upon a request by the Local Planning Authority.

ECC Economic Growth & Development (Education): No objections subject to any planning permission being subject to a requirement for a developer contribution of £370,637, index linked to April 2015, towards the provision of additional primary school places.

The development can be expected to generate a need for up to 9.1 early years and childcare places, 30.4 primary school places and 20.3 secondary school places.

No developer contribution is required towards early years and childcare provision or for secondary school places, of which there are expected to be a surplus of 213 places by the school year 2019-20. Neither is a contribution required towards the provision of school transport, given the proximity of the site to the nearest primary and secondary schools.

ECC Historic Buildings & Conservation: No objections.

The proposed development lies in close proximity to the Grade II listed building known as Rayne Lodge, which lies slightly outside the north-eastern boundary of the site.

The proposal has been revised from the scheme of development tabled at pre-application stage and the impact on the setting of the listed building, to which the Local Planning Authority has a statutory duty to have regard, would now be within acceptable tolerances. This has been achieved by moving the new housing further away from the listed building and returning to it an area of land beyond its existing curtilage that equates to what appears to have been the original plot/garden for the building. Combined with the landscaping proposals for this part of the site, the impact on the setting of the building would be positive overall.

If planning permission is granted, particular care should be taken when considering the design, appearance and external finishing materials of the dwellings proposed in the vicinity of the listed building, to protect its setting.

ECC Archaeology: No objections, subject to any planning permission being granted with a condition requiring archaeological investigation of the site prior the carrying-out of any development on the site, including any preliminary ground-works, according to a written scheme of investigation which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

ECC Public Rights of Way: No response.

ECC Police: No response.

ECC Council Minerals: No response.

Anglian Water: No objection subject to any planning permission being granted with a condition requiring that:

- before commencement of the development, a Foul Water Strategy shall be submitted to and approved in writing by the Local Planning Authority, the development to then be undertaken strictly in accordance with the measures/details approved under Foul Water Strategy and no dwellings on the development being occupied until the developer has confirmed in writing that the requirements of the approved Foul Water Strategy have been satisfied and has provided written evidence to that effect.

NHS England: No objections, subject to a developer contribution of £51,405 being made towards the expansion of the St Lawrence GP Surgery to provide the additional primary health-care generated by the development.

BDC Planning Policy: No objections.

The application is outside the development boundary for Braintree. Local Plan Review policy RLP2 and Core Strategy policy CS2 both presume against development outside development boundaries.

Nonetheless, the site is now an allocated housing site under the Draft Local Plan and, whilst that is not a statutory designation at the present time, its allocation as such is a material consideration. The Council considers the site to be a sustainable location that is suitable for residential development. Accordingly, the main issue is considered to be the impact on the landscape character.

Whilst the site is outside the development boundary, the proposal would nonetheless be seen as a natural extension to the built-up area of Braintree and its development would have a minimal impact on the landscape character. It also lies in an area that is identified in the 2015 Landscape Capacity Assessment, which was commissioned by the Council to inform the Draft Local Plan, as having “medium” capacity to accommodate new development.

There are, therefore, no policy objections to the development.

BDC Environmental Health: No objections. Any planning permission to be subject to conditions relating to acoustic attenuation, glazing standards and ventilation.

BDC Landscaping: The proposals are considered acceptable in landscape impact terms, with the exception of the treatment of the Rayne Road frontage

this is considered to be too open in the indicative details and should instead provide a treatment which ensures a visual “sense of arrival” to the town fringe.

BDC Community Safety: No response.

BDC Housing: No objections, subject to 30% affordable housing provision (41 units) and the mix of affordable housing being as follows:

- 12 x 1 bedroom 2 person flats;
- 18 x 2 bedroom 4 person houses;
- 9 x 3 bedroom 6 person houses;
- 2 x 4 bedroom 7 person houses.

In addition:

- tenure mix of 70% affordable rent and 30% shared ownership required;
- affordable units to be deliverable without reliance on public subsidy and to standards acceptable to the Homes and Communities Agency at point of construction.

Rayne Parish Council: Objects on the following grounds:

- the site lies outside the Parish boundary but will impact on residents;
- serious concern about the impact on the highway, in particular , the additional traffic that will use the Springwood Drive roundabout that it already “over-capacity”;
- additional demand on local infrastructure, including schools and health services;
- adverse visual impact, contrary to the local authority’s policy to preserve landscape features, such as the open countryside and mature trees.

REPRESENTATIONS

12 letters of representation have been received, including one from a District Councillor, all objecting to the development. Grounds of objection include:

- cynical attempt to circumvent the Local Plan process whilst new planning policy is being developed through the production of the new Local Plan;
- contrary to Core Strategy;
- affordable brownfield sites should be developed in preference to greenfield sites;
- change from rural to suburban character;
- loss of typical rolling Essex countryside;
- loss of open green-space;
- loss of rural views and walks;
- visible from Rayne village to the west;

- disruption of the peaceful nature of the Rayne Lodge fishing-lakes;
- loss of local villages as they are absorbed into the built-up area of Braintree;
- additional traffic congestion on Rayne Road, on the Springwood Drive roundabout and further afield as existing congestion is pushed further out;
- the Panfield Lane link-road will not be a solution to the traffic problems this development will create or add to;
- inadequate local infrastructure, including health services, schools and bus-services to sustain a development of this scale;
- destruction of wildlife habitat that ignores the advice in the NPPG (National Planning Practice Guidance) in regard to the protection of wildlife and the countryside;
- if development is permitted, this will need to be undertaken outside the bird-breeding season (March to August);
- the archaeological report submitted with the application mentions that the site is of archaeological interest but there is no recognition of this within the application. If development is allowed, the site's potential archaeological interest should be thoroughly investigated before development takes place;
- increased flood-risk from the river resulting from increased surface-water run-off and loss of drainage capacity alongside the river, which has flooded 2 or 3 times in the last 10 to 12 years and will do so more frequently once development is undertaken;
- the site is known to be of archaeological interest, which needs to be investigated before development is undertaken;
- the developer's claims that the development will have negligible visual impact but is untrue because the development will stand significantly higher than existing hedgerows to be retained;
- additional pollution;
- the development sought would not be suitable for local people in Braintree on low wages; there should be more affordable housing;
- the Council is only interested in allowing more new houses and increasing Council Tax income;
- the Council is responsible for protecting the environment and should ensure that development proposals are sustainable.

ASSESSMENT

Issues to be considered include:

- the principle of development in terms of current national and local policy, including the latest position with regard to the 5 year supply of land for housing in Braintree district;
- whether the development sought would be sustainable having regard to the availability, capacity and accessibility of services to serve it;

- whether the development would be sustainable having regard to its direct impacts, which include impact on heritage assets, the landscape, on ecology and biodiversity, the potential archaeological interest of the site, the highway, including on nearby junctions, on public rights of way crossing the site - and whether satisfactory the levels of noise attenuation, both internal and external, are achievable.

Principle

a. Local Growth Strategy

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

“That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the North-West of Braintree - off Panfield Lane;
- Land to the West of the A131 at Great Notley (entirely employment-related);
- Land to the South-West of Witham - off Hatfield Road;
- Land to the North-East of Witham (in Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in-line with government policy as set-out in the NPPF.

b. 5 Year Housing Land Supply & NPPF Advice

The Council acknowledges that in terms of what the NPPF requires, it does not 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 view of officers as at 12th October 2016 is that its forecast supply for the period 2016 - 2021 is 4.28 years and for the period 2017 - 2022 4.29 years.

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

It is, therefore, necessary, in accordance with the requirements of the NPPF and notwithstanding the fact that the site has a draft allocation for housing in the Draft Local Plan, to assess the specific merits of the application site and to evaluate its potential to accommodate the proposed development in a sustainable manner.

c. Site-Specific Assessment

The site has been considered through the Local Plan process (ref BOCS140) and was accepted as being suitable for housing development by the Local Plan Sub-Committee on 9th May 2016 because the Sub-Committee considered this to be a sustainable location; more specifically, the land is:

- close to employment opportunities and services;
- has “medium landscape capacity” to accommodate new development under the classification that applies under the 2015 Landscape Capacity Assessment commissioned by the Council to inform the Draft Local Plan;
- is close to employment opportunities and other services; and
- public rights of way crossing the site would be retained.

This assessment was carried through into the Draft Local Plan and the site, therefore, has a draft allocation for housing in the Draft Local Plan (2016).

As to its location and physical context, the site adjoins the development boundary on the western edge of Braintree. The development would be seen very much as a logical and seamless extension of the existing built-up area that would be contained within clearly defined boundaries that are marked by

existing hedgerows, which would largely be retained and would be strengthened as necessary.

Development would strictly be contrary to the local policy context, as set-out in the statutory Development Plan for the District (in particular, Local Plan Review Policy RLP2 and Core Strategy Policy CS2), which presume against new development unrelated to rural uses in locations outside the town and village development boundaries. However, these policies in the Council's Development Plan are no longer up-to-date or in-line with government policy, as set out in the NPPF. The Draft Local Plan policies are more up-to-date, and can be accorded some weight, particularly as they have been the subject of public consultation. However, the weight afforded is limited due to the stage in the Local Plan process.

Paragraph 49 of the NPPF also makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year deliverable supply of land for housing.

Equally, however, development has to be shown to be sustainable, to not cause material harm and to not be in conflict with other NPPF policies.

The Local Planning Authority, therefore, needs to consider all the issues in terms of the "*planning balance*" - that is, it needs to assess whether the adverse impacts arising from the grant of planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or whether specific policies in the Framework indicate that development should be restricted.

Up to a point this assessment has already been undertaken in that potential housing sites put forward in the "Call for Sites" exercises, have been assessed and the application site has been determined as sustainable for the purposes of the Draft Local Plan, justifying its allocation for housing. However, the full range of impacts has not been considered in detail. Moreover, the site's allocation in the Draft Local Plan as a suitable and sustainable location for the provision of a new residential development is only a draft allocation at the present time and can only be given limited weight in the determination of the current application. The Local Planning Authority must, therefore, undertake a full assessment of the proposal against the requirements of the NPPF to determine the extent to which the proposal would be genuinely sustainable development.

Assessment of the proposal in terms of the key headings listed above is, therefore, necessary and is undertaken below.

Sustainability - General

a. Availability, Capacity & Accessibility to Local Services

The site is considered to be in a reasonably sustainable location because of its location on the western edge of Braintree. A wide range of town-centre facilities and services is available and accessible by walking, cycling and public transport. Much of the town-centre, including the railway station, is within a 15 to 20 minute walk of the site, which is also on a bus-route (the 133 University of Essex - Colchester - Braintree - Stansted Airport route, which provides regular hourly services in the main part of the day 7-days per week, and the 314 Great Dunmow - Stebbing - Great Saling - Felsted - Braintree route, which is a once daily service Monday to Saturday).

Critical in this regard is the implementation of a Travel Plan that will provide residents with a Residential Travel Information pack that will make them aware of the sustainable travel options open to them, and provide them with a pack of one-day travel vouchers that allow them to try out the available public transport. The purpose of a Travel Plan is to maximise the sustainability of a development. This will need to be secured by Section 106 agreement.

The site is also close to local employment opportunities typical of town-centres, in particular, the Springwood Drive Industrial Estate, which adjoins the site to the north-east and would be within easy walking distance.

b. Capacity of Local Schools

There is no requirement for a developer contribution towards Early Years & Childcare places, or for the secondary school places.

However, there is expected to be a deficit of 148 permanent primary places in the "Braintree town and surrounds" planning group, of which the application site is part, by the school year 2019/20. The demand generated by this development (30.4 places) would be additional to that deficit, which at £12,172 per place, generates a requirement for a developer contribution of £370,637, index linked to April 2015.

The applicant/developer is willing to fund this. This would need to be secured by Section 106 agreement.

c. Capacity of Local Health Services

NHS England has been consulted and has responded that local primary health-care services will need to be expanded to accommodate the additional demand created by the development; more specifically, the St Lawrence surgery will need to be provided with extra capacity at a cost of £51,405 (indexed to April 2016).

It may be that the St Lawrence Surgery will not be located where it is currently based by the time the developer contribution is available. Nonetheless, the improvement of primary care services across the town remains a priority and the requirement for a developer contribution in this regard remains legitimate.

The applicant/developer is willing to make this contribution. This would need to be secured by Section 106 agreement.

However, the Agreement needs to incorporate a degree of flexibility, to allow the monies to be spent on primary care improvements more generally in the town that may also be required as a result of the additional demands placed on them by the development. It may be that by the time the Section 106 Agreement is concluded it can be allocated to a specific project, which may be the St Lawrence Surgery, but may equally be some other primary health care project.

Conclusion

Subject to the financial contributions required in relation primary education and primary health-care provision, along with the implementation of a Travel Plan, all of which would need to be secured through a Section 106 agreement, officers conclude that the site's development would, overall, be sustainable in terms of the basic measures that apply.

Sustainability - Direct Impacts

It is now necessary to consider the direct impacts that arise from the development and the bearing these have on the extent to which it can be regarded as sustainable development.

These include the following:

- the impact on heritage assets;
- the implications of the development for flood risk and how surface-water run-off is to be handled;
- landscaping and the landscape impact;
- the ecology and biodiversity impact;
- the potential archaeological interest of the site;
- the impact on the functioning of the highway, including on nearby junctions;
- the potential noise impacts;
- the impact on public rights of way crossing the site.

Each is taken in turn.

a. Heritage Impact

The only heritage asset affected is a Grade II listed building, Rayne Lodge, which adjoins the north-eastern boundary of the site. The building originates

from the 17th century, is a timber-framed and plastered 2 storey house, with later additions and alterations, and is set in its own well-treed curtilage.

Section 66(1) of the Town & Country Planning Listed Buildings & Conservation Areas Act 1990 imposes on the local authority a duty, in respect of listed buildings, to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Government policy for the preservation and conservation of heritage assets is set-out in paragraphs 126 to 141 of the NPPF.

The impact of the development on the setting of the listed building has been the subject of discussion and negotiation between officers, the applicant and the County Historic Buildings & Conservation Officer at pre-application stage and, as a result, the development now under consideration does not now encroach as close to the listed building as originally proposed in indicative layout.

Whilst *any* development on the site would clearly impact on the setting of the listed building, this is not now considered (following amendment of the layout) to be so great as to warrant rejection of the proposals on grounds of harm to its setting. In fact, the proposals as revised would, arguably, result in an improvement to the current setting in that the curtilage of the listed building has been enlarged and the degree of spaciousness around it improved. Moreover, there is some evidence that the original curtilage of the building has been curtailed in the past. The proposals would return to the building the land that has been lost and would give it the bigger garden it once had. This has the benefit of allowing the historic setting of the building to be better seen and understood and results in a degree of separation between the proposed development and the listed building, which is beneficial. The landscaping proposals for the site would also further enhance the setting of the listed building through the creation of a wildflower meadow along part of the new westerly boundary of the site.

The application is supported by a Heritage Statement that concludes that the proposals would preserve the positive aspects of the setting of the listed building and its heritage significance and, in turn, the proposals present no conflict in terms of the legislation, government policy as set-out in the NPPF and local policy, as set out in the Review Local Plan (RLP90) and the Core Strategy (CS9).

Officers, including the County Historic Buildings & Conservation Advisor, concur with that view and, accordingly, no concerns arise in terms of the impact on the setting of the listed building.

b. Flood-Risk & Surface Water Run-Off

The site lies in Flood-Zone 1, which has a low probability of flooding and is suitable for all types of development.

The applicant proposes to deal with surface-water run-off by means of Sustainable Urban drainage system (SUDs). The application states that investigation reveals that there is high clay content in the ground and, because the land has low permeability, infiltration techniques to control surface-water run-off are not viable.

All surface-water generated is proposed to be attenuated to a combined run-off rate of 9.7l/s. To achieve this, surface-water would be attenuated to a detention basin in the south-west corner of the site to accommodate a 1 in 100 year event, plus an allowance for 30% climate change. The attenuation basin has the potential to become an attractive feature of the development and to contribute positively to ecology and biodiversity.

The applicant is supported by a Flood Risk Assessment. Essex County Council is the Lead Local Flood Authority (LLFA) and raises no objections, subject to a number of standard conditions. In applying these conditions, it should be noted that the LLFA requires a run-off rate of 8.3 l/s to be achieved, rather than the 9.7 l/s proposed by the applicant.

c. Landscape Impact & Landscaping

The site is sensitively located on the boundary between the built-up area and the countryside to the west. Any development of the site needs to recognise this by proposing a spacious development that is set in generously landscaped surroundings.

Layout and landscaping do not fall to be considered specifically at this stage because they are reserved matters. Nonetheless, the applicant has provided an illustrative layout and landscaping details to show that the amount of development sought can be accommodated in a manner that has regard to its sensitive landscape context.

Officers consider the illustrative layout and landscaping details that have been tabled indicate a suitably spacious and landscaped development that shows that the amount of development sought can be accommodated satisfactorily. Existing hedgerows around the site, with the exception of that on the Rayne Road frontage, would be retained and strengthened as necessary and there would be a generous amount of landscaping throughout the development. Important trees would be retained. A particular feature to note is the landscaped corridor that would be created through the development, which would be generously landscaped and would contain attractive winding footpaths through it.

The application is supported by a Landscape & Visual Impact Assessment that seeks to justify the landscape impact and the landscaping proposals for the site.

As part of the evidence base to support the Draft Local Plan, the Council commissioned a Landscape Capacity Assessment (June 2015) - to update the

Landscape Capacity Analysis that it had commissioned in 2006 with a focus on town fringe areas and their capacity to accommodate development. This identifies the site as having “medium” capacity to accommodate new development. The study comments that this area of land (parcel B17), of which the application site is part, has relatively good containment from the wider landscape to the west, provided by tall hedgerows on the western boundary and vegetation surrounding the fishing lakes, which will provide mitigation to any development in this location. It goes on to recommend further mitigation measures, including the retention and reinforcement of hedges and tree belts to minimise the visual intrusion into land, providing separation between Rayne and the Braintree western fringe. It also recommends that development should be positioned to avoid intrusive impacts on cross-valley views from the Flitch Way and public footpaths crossing the site should be protected with the potential to enhance recreational green links with the edge of the settlement and the river Brain/Pods Brook corridor.

In summary, therefore, the Landscape Capacity Assessment in effect accepts the possibility of the site’s development, subject to its form, layout, design and landscaping being acceptable. The application is outline only, with all matters, including form, layout, design and landscaping reserved for subsequent approval.

Nonetheless, an illustrative layout has been submitted. The indicative proposals show development that would be no more than two storeys in height and would largely be seen against the slope of the land when viewed from the west. Visual intrusion would be slight. In addition, all the existing hedgerows around the perimeter of the site, with the exception of that on Rayne Road, would be retained and strengthened, which was identified within the Landscape Capacity Assessment as being important. Neither is there any reason to expect that existing trees, hedgerows and other vegetation beyond the western boundary of the site, mostly within the Rayne Fishery site, would be affected as they are outside the application site.

Officers are, therefore, of the view that the wider landscape impact of the development would be fairly modest. The one area where officers have concern, however, is the proposals on the Rayne Road frontage of the site. The illustrative landscaping scheme shows the existing hedgerow on the Rayne frontage as being removed and the frontage being replanted in a mixture of well-spaced out standard trees and other planting. A significantly more open appearance would result, affording views both into and out of the site.

Although the existing hedgerow on the Rayne Road frontage is in poor condition, it does nonetheless contain at least two important trees that would be lost. It also has value in other respects. As the Arboricultural Report submitted with the application notes, this hedgerow “...provides a dense low level screen which is not readily replaceable.” It is also a significant feature in the Rayne Road street-scene, which in this section is long and straight,

reflecting its likely Roman origins, and the existence of this hedge emphasises this historical connection.

The view of officers, including the Council's Landscape Officer, is that the applicant's landscaping proposals for this sensitive frontage are not appropriate; they are too informal and out-of-keeping for this boundary in providing a sense of arrival and identity. Neither do they pay proper regard to the character of this side of Rayne Road, which is largely derived from the existence of the hedge.

Whilst landscaping does not strictly fall to be considered as part of the application, it is appropriate to consider the illustrative proposals that have been submitted. Any planning permission would need to be subject to an appropriate landscaping condition but it would also be appropriate to apply an informative that states that the landscaping proposals shown for the Rayne Road frontage are not considered to be acceptable and a scheme that is more imposing and pays more regard to the existing character of what will be sought.

It is also considered that the manner in which the area around the two attenuation basins in the south-western part of the site are proposed to be landscaped could be improved. This area has the potential to offer an attractive location for informal recreation on the site and could be improved by the inclusion of more opportunities for natural play. There should also be more tree planting around the perimeter of the two attenuation basins, which will become ponds when they fill with water. This should be achievable without reducing the capacity of the basins to any significant degree. The applicant's attention to this concern could also be covered in the Informative suggested above.

Overall, however, the applicant's plan to provide a development in a relatively spacious, landscaped setting, leaving about 30% of the site area undeveloped, and to provide extensive areas of landscaping through the site, is to be welcomed. With improved landscaping for the two areas identified, the landscaping of the site should give no cause for concern and has much to commend it.

d. Ecology/Biodiversity

The application is supported by an Ecology Report. This concludes that the site has some wildlife value, though not significantly so.

The grasslands are not diverse in grasses or wildflowers. None of the trees on the site support features suitable for roosting and/or hibernating bats, and there is no evidence of breeding birds, particularly in the form of old or in-use nests. There are no signs of otters or water voles. The site is unsuitable for amphibians. There is some limited potential habitat for reptiles but there is no evidence of their presence. Since the majority of the site consists of poor semi-improved grassland and tall ruderal vegetation, with limited species diversity, it is concluded that there is low potential for significant or notable

invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

The main points to note in terms of ecology are:

- the existence of a badger sett close to (but outside) the northern boundary of the site;
- there is some evidence of foraging bats in the vicinity of the north and north-western boundaries of the site, particularly in the area of the fishing ponds .

Regarding the badgers, these are a protected species under the Protection of Badgers Act 1992 and, although their sett does not lie within the site, it does lie sufficiently close to it to require that any planning permission is subject to a condition that requires the applicant/developer to submit for the Local Planning Authority's approval, a written strategy for the management of open-trenches and excavations on the site, to ensure these are not a hazard to the badgers after dark, the development to then be undertaken strictly in accordance with the approved strategy. This would also have the effect of protecting any other wildlife on the site. Development that has the potential to cause disturbance to badgers within 20 metres of a sett, as would be the case here, may only be undertaken in accordance with the terms in a licence that has been previously sought and granted by Natural England. An informative that advises the applicant/developer of this requirement is, accordingly, recommended too.

Erosion of the attractiveness of any habitat for foraging bats also needs to be secured. The main impact would be from any street-lighting installed in the north/north-western part of the site. Of relevance here is the Lighting Assessment that has been submitted with the application. This carefully considers the impact of the lighting of the development on ecology, in particular, foraging bats. It concludes that:

- the development should be lit by the use of low or high pressure sodium lamps, instead of mercury or metal halide lamps, where glass is preferred due to its ultra-violet filtration characteristics;
- lighting to be directed where it is needed and light spillage avoided;
- the height of the lighting columns to be as short as possible, as light at a low level reduced the ecological impact;
- all lighting should be as low intensity and brightness as guidelines permit. Unnecessary lighting should be avoided;
- the lighting should be switched off to provide some dark periods.

Detail of the lighting to be installed should, therefore, be required by condition to be submitted and agreed in writing by the Local Planning Authority to limit the visual impact in the countryside and the potential impact on wildlife, in particular on any foraging bats. An informative that advises the applicant/developer that the Local Planning Authority will be expecting any lighting proposals to demonstrate that the impact on any foraging bats in the identified location has been minimised would also be appropriate.

It should also be noted that extensive areas of new landscaping will be undertaken throughout the development. This has the potential to enhance the site's ecological/biodiversity interest.

Subject to the conditions and informatives outlined above, the proposals raise no concerns in terms of the site's ecological/biodiversity interest.

e. Archaeology

The applicant has undertaken a preliminary archaeological evaluation of the site by trial trenching and geoarchaeological investigation, in consultation with the County Archaeological Service. This has established that there are no significant Pleistocene remains that will be affected by the development and a low density of surviving archaeological features across the site. In addition, a small portion of the development area shows some isolated prehistoric features and concentration of surviving archaeological features of medieval date that will require further investigation should they be impacted by the development.

The County Archaeological Service has also mentioned that, should significant groundworks be required for the access into the site, then formation and installation of the access may need to be monitored to establish the potential for survival of any historic routes that may lie below the current route of Rayne Road, which is thought to lie on the alignment of the Roman road.

It has, therefore, recommended that any planning permission be granted with a condition that requires the implementation of a scheme of archaeological investigation, submitted to and agreed in writing by the Local Planning Authority, before any development or preliminary groundworks of any kind take place.

Subject to such a condition, no concerns arise in terms of the potential archaeological interest of the site.

f. Highway-Related Matters

The application is supported by a Transport Assessment (TA) (latest revised version dated 22 June 20216).

The Highway Authority (HA) raises no objections to the proposals as revised, subject to a number of conditions being applied, as detailed above, including the carrying-out of highway improvements at the Rayne Road/Aetheric Road//Pierrefitte Way junction, improvements to two bus-stops in the vicinity of the site and the widening to 2m of the public footway across the Rayne Road frontage of the site

Turning, firstly, to the impact of the development on nearby junctions, objection has been raised by local people and Rayne Parish Council on grounds that the development will generate additional traffic, particularly at the

Springwood Drive roundabout, making the congestion that already occurs there worse.

The TA supporting the application has, therefore, considered the impact of the development on the operation of 3 key junctions nearby - that is (A) the Rayne Road/B1256 Pod's Brook Road/Springwood Drive roundabout junction, (B) the B1256 Pod's Brook Road/A120/A131 junction and (C) the Rayne Road/Aetheric Road/Pierrefitte Way. It shows that there would be no significant adverse impact on the operation of (A) and (B) but there would be some slight adverse impact on the Rayne Road/Aetheric Road/Pierrefitte Way junction. The Highway Authority (HA) is, therefore, requiring a package of mitigatory improvements at this junction. This will consist of realignment of the traffic island at the traffic lights in Pierrefitte Way and the carrying-out of new road markings in all four roads that meet at the junction. These proposals have been drawn-up in consultation with the HA to their specification and are acceptable. Their purpose is to increase the overall capacity of the Rayne Road/Aetheric Road/Pierrefitte junction and, in turn, reduce queuing and delay, particularly at peak hours. There is considered to be sufficient capacity at the Springwood Drive/Rayne Road/Pods Brook Road junction to satisfactorily accommodate the additional demand.

The applicant has agreed to undertake these improvements as part of the development. There will be a requirement for the improvements to have been undertaken satisfactorily prior to first occupation of any of the dwellings on the development.

Regarding the improvements to the bus-stops, these would consist of the following:

- the relocation of the bus-stop on the Braintree-bound carriageway east of the site to a position further to the west within the boundary of the application site, served by a new wooden bus-shelter, an electronic timetable display, new flag and new paper timetable information, the works to also include the removal of old raised kerbs and their replacement with standard kerbs;
- replacement of the existing flag affixed to a lamp column that is the equivalent bus-stop on the Rayne-bound side of the carriageway just east of Nayling Road with a new independent pole, flag and timetable frame, to be positioned at the back of the footway at the departure side of the stop.

As with the junction improvements required, the bus-stop improvements will need to be secured by condition.

Accordingly, subject to conditions, no highway concerns arise.

g. Noise Attenuation

The application is supported by a Noise Impact Assessment. This identifies two main noise sources that could impact on the development: road traffic noise from Rayne Road; and noise from the operation of the commercial/industrial premises on the Springwood Industrial Estate and from the farm, both of which adjoin the site to the east and north-east.

The Assessment recommends a number of potential mitigatory measures as being required to attenuate the impact from the identified noise sources:

- the location of noise-sensitive habitable rooms away from noise sources so far as possible;
- where this is not possible, through-frame trickle-ventilators should be installed in certain of the glazing units, combined with a system that can provide a fresh air-flow into habitable rooms without the need to open a window - for example, a Passive Extract Ventilation (PEV) system, which extracts air from the habitable room;
- regarding noise levels in gardens, this is likely to require mitigatory measures to be undertaken in certain instances in the form of the installation of acoustic fencing, the precise massing and height to vary according to the degree of exposure to excessive noise levels.

These recommendations are, however, based on the illustrative layout plan that has been submitted to show that the amount of development sought is achievable satisfactorily; this may, however, change significantly at reserved matters stage. Neither are the internal layouts of individual dwellings available, so the disposition of windows and the extent to which mitigation is required is difficult to assess now too. Likewise, the achievement of satisfactory external noise levels in gardens cannot be properly assessed now.

Any outline planning permission granted now should, therefore, require the submission of an updated Noise Assessment at the stage of reserved matters to demonstrate that satisfactory internal and external noise levels are achievable, having regard to the layout and design of dwellings sought then, and, where this is not achievable, proposes appropriate mitigation to achieve this; the development then to be undertaken strictly as agreed in writing by the Local Planning Authority.

Subject to such a condition, there are, therefore, at this stage, no reasons for concern in regard to the noise impacts likely to be experienced.

h. Rights of Way

Two public rights of way cross the site. Footpath 6 runs roughly south-west to north-east and crosses the southern part of the site, to exit the site on its

north-eastern boundary slightly east of Rayne Lodge, whilst footpath 91, which also runs roughly south-west to north-east, crosses the north-western part of the site to emerge into the fishery car-park slightly west of Rayne Lodge. The development would safeguard both rights of way based on the illustrative layout that has been submitted.

i. *Section 106 Agreement*

In accordance with adopted policy and to make the development acceptable in planning terms, various matters need to be secured by a Section 106 Agreement. These have been referred to at appropriate points through the report but, for ease of reference, they are summarised here:

- *Affordable Housing* - in the mix required by Braintree District Council Strategic Housing Service at the time of the completion of the Agreement, including the provision of wheelchair accessible housing as required at the time. The affordable units to be dispersed through the development in two or three locations to be agreed at reserved matters. The trigger points for the delivery of the affordable housing to be not more than 50% of the market housing to be occupied until 50% of the affordable units have been provided, then 80% of the market housing not to be occupied until 100% of the affordable units have been provided. The general purpose affordable units to comply with the Lifetime Homes standard or Part M Category 2 of the Building Regulations. All the affordable units to comply with the standards applied by the Homes & Communities Agency (HCA) and to achieve Secure by Design certification. The wheelchair accessible affordable housing to comply with Part M Category 3 of the Building Regulations. 70:30 affordable rent/shared ownership tenure mix. All the affordable units to be deliverable without public subsidy;
- *Off-site Open Space Financial Contribution* in accordance with the Council's Open-Space SPD and the prevailing scale of charges in effect at the time of the commencement of the development. It is difficult to be precise at this stage about the exact amount payable because this would be determined by the mix of units.
- *Allotments* - in accordance with the Council's Open Space SPD and the prevailing scale of charges at the time of the commencement of the development. Again it is difficult to be precise at this stage about the exact amount payable.
- *Open Space within the Development* also needs to be secured. The Delivery, Management & Maintenance of Open Space and Play Areas within the development will need to be in accordance with an agreed specification and schedule to be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. The quantum of open space within the development to be not less than as set out in the Planning Statement - that is, not less than 30% of the site area, equating to 22,600 square metres - and in general terms as

shown on plan no PL100 (g). Regarding equipped playgrounds and casual or informal space, provision and spend will need to accord with the Open Space SPD.

- *Primary Education* financial contribution of (£370,637, indexed to April 2015, to be paid prior to first occupation of any unit within the development);
- *Primary Health Care* financial contribution (£51,405, indexed to April 2016).

The various off-site highway improvements required to be undertaken at the Pierrefitte Way/Rayne Road/Aetheric Road junction and the other highway/sustainability-related requirements of the Highway Authority (improvement of bus-stops, widening of the public footway across the site frontage to Rayne Road) will not be part of the Section 106 Agreement as they can be secured through the planning conditions set-out below.

Summary/Conclusion

The site is allocated for residential development in the Draft Local Plan. This allocation is, however, only a draft allocation, which means that, in considering the current application, the proposal has to be carefully assessed in terms of the extent to which it can be regarded as genuinely sustainable development.

It is the extent to which the site is genuinely sustainable and whether its impacts are considered acceptable that largely determines its acceptability for housing. It is necessary to reach a considered view on where the balance of public advantage lies, having regard to government advice in the NPPF and its impacts. The fact that the Council does not currently have a 5 year supply of land for housing and also that the land has a draft allocation for housing in the Draft Local Plan are also a material considerations. However, these are not overriding considerations in themselves. Development still has to be shown to be sustainable in terms of the tests that apply under the NPPF.

Officers have carefully considered all the issues and impacts and the extent to which development would be sustainable. They have reached the conclusion that development for housing would, indeed, meet all the relevant tests of sustainability that apply and the impacts would be within acceptable tolerances.

It is, accordingly, recommended that outline planning permission be granted, subject to a S106 Agreement and subject to the conditions and informatives set-out below.

RECOMMENDATION

It is 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 matters outlined earlier in this report, the

Development Manager be authorised to GRANT 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: EX001 (A)
Highway Plan	Plan Ref: TA 06 Dated June 2016
Supporting Documents	Flood Risk Assessment by JPP Consulting January 2016

1 Details of the:-

- (a) scale,
- (b) appearance,
- (c) layout of the building(s); and the
- (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 [3] 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 matters pursuant to this outline planning permission shall together provide for no more than 136 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and shall demonstrate in general terms compliance with the approved plans listed above, which are illustrative only in all respects, save for the access proposed into the site, which is permitted under this outline permission. In particular, the applicant should also note that the landscaping proposals for the Rayne Road frontage of the site are not considered acceptable and shall be redesigned as part of any future application for approval of reserved matters.

Reason

For the avoidance of doubt and to secure an acceptable form of development.

- 3 No application for reserved matters application shall be submitted until site-wide strategies for the matters listed below have been submitted to and agreed in writing by the Local Planning Authority:
- Details of the parking to be provided across the development demonstrating full compliance with the Council's adopted parking standards, as set-out in "Essex Parking Standards: Design and Good Practice" (2009);
 - Details of a lighting strategy for the development that provides full technical details of the lighting to be installed, and how it will be managed to minimise the impact on wildlife and how it will maximise the sustainable attributes of the development , including proposals for switching off the lighting at an appropriate time;
 - Details of a waste management strategy for the development, including the (A) provision to be made for the storage of recyclable and non-recyclable waste materials awaiting collection and (B) the proposals for recycling waste materials generated during the carrying-out of the development,
 - Details of how open-space and play-areas within the development will be delivered and managed, this to be addressed by means of the Delivery, Management and Maintenance of Open-Space Plan.

Any reserved matters application relating to the scale and layout of the development shall be supported by plans that provide full details of all finished ground floor levels of all buildings, expressed relative to existing ground levels and Ordnance Datum levels.

Reason

In view of the sensitive location of the site on the edge of open countryside and to ensure that any development is in character with the locality.

- 4 Car-parking across the development shall be provided in accordance with the minimum standards set-out in the "Essex Parking Standards: Design and Good Practice" (2009), which are adopted by the Local Planning Authority for the assessment of planning applications. The adopted standards require Use Class C3 (Dwellinghouses) to be provided with parking at the following rates:
- a minimum of 1 car-parking space per 1 bedroom dwelling;
 - a minimum of 2 car-parking spaces per dwelling with 2 or more bedrooms;
 - a minimum of 0.25 visitor car-parking spaces per dwelling (unallocated and rounded up to the nearest whole number);
 - a minimum of 4 blue-badge disabled persons space, plus 4% of the total capacity; and

- the standards exclude garages if these are less than 7 metres x 3 metres internal dimensions, which they should be.

Reason

To ensure that a sufficient number of off-street parking spaces is provided, for the convenience of residents and their visitors and in the interests of visual amenity and highway safety.

- 5 The access into the site from Rayne Road, including its provision with a suitable wearing surface, shall be provided to the satisfaction of the Local Planning Authority, according to the specification required by the Highway Authority, before first occupation of any of the dwellings erected on the site.

Reason

To ensure that the road is constructed to an acceptable standard before residents first take-up occupation and in the interests of highway safety.

- 6 Prior to the first occupation of any dwellings permitted to be constructed on the site, the proposed highway improvements at the junction of Pierrefitte Way, Rayne Road and Aetheric Road, as shown on drawing no TA06 dated June 2016 (based upon Essex County Council drawing no 43TP005/06/001 Rev B dated April 2016) shall have been implemented. These improvements shall include but shall not be limited to road markings/lining within either the existing carriageway or, in the southern part of the scheme, shown on Essex County Council drawing no 43TP005/06/001 Rev B, alterations to the physical island and carriageway, together with any associated replacement of traffic signal equipment and timing alterations.

Reason

To increase capacity at the junction, having regard to the additional traffic likely to be generated by the development permitted.

- 7 Prior to first occupation of any dwellings permitted to be constructed on the site, the access into the site at the centre-line shall be provided with visibility splays with dimensions of 2.4 metres by 120 metres to both the east and west, as measured from along the nearside edge of the carriageway. The area within each splay shall at all times be kept clear of any obstruction exceeding 600mm in height.

Reason

To provide adequate inter-visibility between users of the access and of Rayne Road, in the interests of highway safety.

- 8 No building erected in the site shall exceed two storeys in height.

Reason

In the interests of visual amenity, given the sensitive location of the site on the edge of the open countryside, to ensure the development will be

compatible with neighbouring residential development and to protect the setting of the neighbouring Grade II listed building known as Rayne Lodge.

- 9 Any application for reserved matters shall be supported by an updated Noise Assessment that demonstrates that noise levels within noise sensitive habitable rooms, having regard to the particular layout and design of the development proposed, will comply with Table 4 of BS 8233 "Guidance on Sound Insulation and Noise Reduction for Buildings (2014)" and that the upper guidance noise level of 55Db(a) will be achieved for all outdoor amenity areas, such as gardens, patios and shared outdoor amenity areas.

Reason

To ensure a satisfactory level of amenity is provided for potential occupiers, given the sensitive location of the site on a busy road in close proximity to the Springwood Industrial Estate.

- 10 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, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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

To ensure the achievement of a satisfactory appearance and setting for the development, in view of the site's sensitive location on the boundary with the countryside.

- 11 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site 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.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

The existing trees and hedgerows on the site are an important landscape feature that will provide essential screening of the development and, where they are required to be retained by the Local Planning Authority as part of the detailed landscaping of the site required to be submitted to and agreed by the Local Planning Authority under condition 10 of this outline planning permission, it is important that they will be protected when the development is undertaken.

- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: [delete or add items as necessary]

- 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 and construction working hours.

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

Reason

To protect the level of amenity enjoyed by the occupiers of nearby residential properties and the amenity of the area during construction.

- 13 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by JPP Consulting dated January 2016 re R-FRA-T7686PM-01-B and the following mitigation measures detailed within the FRA:
- limiting run-off to an overall rate of 8.3l/sec into the River Brain;
 - provide attenuation storage (including locations on the illustrative layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to first occupation of any of the dwellings permitted to be constructed on the site in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason

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

- 14 No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface-water run-off and groundwater during construction works has been submitted and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that Local Planning Authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow 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/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 15 No works shall take place until a SUDS Maintenance Plan detailing the maintenance arrangements, including who is responsible for different

elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority.

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.

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

Reason

To ensure the SUDS are maintained for the life-time of the development as outlined in any approved SUDS Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 17 Details of all external lighting proposed for each phase of the development of the site shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation, which shall be in accordance with the lighting strategy that has previously been agreed by the Local Planning Authority and required to be submitted prior to the submission of any application for approval of reserved matters, in accordance with the requirements of condition 3 of this planning permission. The details shall include a Layout Plan showing beaming orientation and a schedule of the equipment to be installed (luminaire type, mounting height, angles of direction, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details, including the times agreed for it being switched on and off. There shall be no other sources of external illumination of the development.

Reason

To minimise pollution of the environment by light, to safeguard the visual amenity of the locality and the appearance of the development and to minimise the impact on local wildlife in a sensitive location on the edge of the open countryside.

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

To protect the level of amenity enjoyed by occupiers of nearby residential properties.

- 19 There shall be no vehicular movements related to site clearance, demolition, or construction work to, from, or within the premises outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

To protect the level of amenity enjoyed by occupiers of nearby residential properties.

- 20 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified, or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building

hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that the development may be undertaken and occupied safely to minimise any risk of contamination of the environment.

- 21 No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

A professional archaeological contractor should undertake any fieldwork. An archaeological brief detailing the requirements for investigation can be provided by the Essex County Council Archaeological Service (Department of Place Services, e-mail teresa.oconnor@essex.gov.uk, telephone 03330 136852).

Reason

The site may be of archaeological interest.

- 22 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure the achievement of an appropriate appearance having regard to the site's sensitive location on the edge of the rural area and to protecting the setting of the adjacent Grade II listed building known as Rayne Lodge.

- 23 No development shall commence until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the approved foul drainage works have been carried-out in accordance with the Foul Water Strategy approved, unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent environmental and amenity problems arising from flooding. These details are required prior to the commencement of development as they may have implications for the ways in which the site can be developed.

- 24 Before works of any kind take place on the site, the applicant/developer shall submit to the Local Planning Authority a written strategy for the Management of Open-Trenches and Excavations on the site. The development shall then be undertaken strictly in accordance with the strategy approved pursuant to this condition.

Reason

To ensure that any trenches and other excavations on the development site are not a hazard to badgers (and any other wildlife). These details are required prior to the commencement of development because the measures need to be in place at the point of commencement.

- 25 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

- 26 All electrical and telephone services to the development shall be run underground.

Reason

In the interests of visual amenity.

- 27 All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 29 No above ground works shall commence in the relevant phase of the development until details of the location and design of the storage facilities for waste and recycling materials have been submitted to and agreed in writing by the Local Planning Authority, the submitted details to be in accordance with the Waste Management Strategy required to be

submitted to and agreed in writing by the Local Planning Authority prior to the submission of any application for approval of reserved matters.

Reason

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

- 30 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (Match to August) unless a best nesting survey has been submitted to and agreed in writing by the Local Planning Authority to establish whether the site is utilised by nesting birds. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas being used for nesting ensuring the period specified above.

Reason

To ensure nesting birds are not disturbed during the carrying-out of the development.

- 31 Prior to the commencement of any development on the site, including its preparation and clearance for development, a further survey of the site shall be undertaken to establish the presence or not of roosting bats and other protected species shall be undertaken. Details of the methodology, findings and conclusions of the survey shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the completion of the survey.

Should the results of the survey indicate that protected species are present anywhere within the application site, then details of the following shall be submitted to the Planning Authority prior to the commencement of the development:

- a scheme of mitigation/compensatory works, including a method statement, to minimise the adverse effects of the development on protected species and a programme of timings for these works.

Reason

In order to ensure that the development minimises impacts upon the site's biodiversity. These details are required prior to the commencement of the development as measures may need to be in place at the point of commencement.

INFORMATION TO APPLICANT

- 1 The applicant is advised that badgers are a protected species under the Protection of Badgers Act 1992. Any disturbance of badgers within a distance of 20 metres of a sett is required to be the subject of a licence granted by Natural England. The development shall then be undertaken in accordance with the conditions laid down in any licence granted by

Natural England. The applicant is advised to contact Natural England for advice at the earliest possible opportunity prior to the first commencement of development.

- 2 The Public Rights of Way network is protected by the Highways Act 1980. Any unauthorised interference of any route noted on the Definitive Map of Public Rights of Way is considered to be a breach of the legislation. The public's rights and ease of passage over public footpaths nos. 6 and 91 (Braintree) that cross the site shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive rights of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway user safety this may involve the applicant/developer requesting a temporary closure of the definitive routes using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant/developer and any damage caused to the route shall be rectified by the applicant/developer within the timescale of the closure.

Steps should be undertaken to ensure that the developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site, together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the Public Rights of Way.

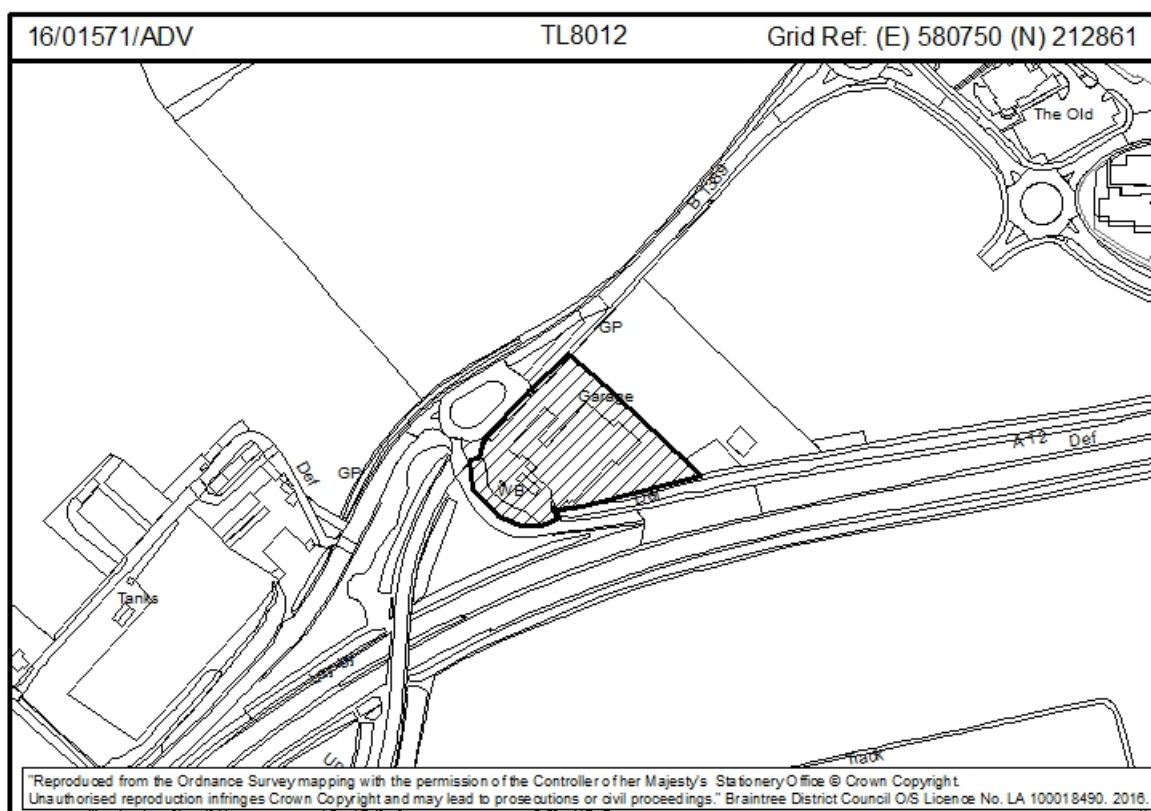
- 3 All work within or affecting the highway is to be laid and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority, with details to be agreed prior to the commencement of works.
- 4 The applicant is advised that the details provided of external lighting should demonstrate that their impact on any foraging bats in the identified location has been carefully considered.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01571/ADV DATE: 13.09.16
 VALID:
 APPLICANT: Food Programme Delivery Orchid Group
 Co-op, 1 Angel Square, Manchester, M60 0AG
 AGENT: Futurama
 Mr Damian Hofman, Olympia House, Lockwood Court,
 Middleton Grove, Leeds, LS11 5TY
 DESCRIPTION: Installation of 20 illuminated and non-illuminated signs
 LOCATION: Filling Station, Hatfield Road, Witham, Essex, CM8 1ED

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



SITE HISTORY

97/00023/NONDET	Erection of Drive Thru' fast food restaurant	Appeal Withdrawn	14.08.97
00/00995/FUL	Erection of single storey infill extension to provide ATM store and office	Granted	27.07.00
00/00996/ADV	Display of internally illuminated ATM sign	Granted	27.07.00
02/00749/FUL	Proposed alterations to shopfront and Autogas store installation	Granted	05.06.02
02/01879/ADV	Display of illuminated 1 no. gantry sign, 5 no. fascias and 2 no. entrance towers	Granted	14.11.02
04/00087/FUL	Proposed raising of existing forecourt canopy	Granted	09.03.04
A/95/00963/P	Various signage.	Granted	21.11.95
94/00811/P	Proposed construction of 4 No pump islands with new canopy and 120000 L underground tank farm, all to replace existing.	Granted	23.08.94
A/88/01401/P	Display of 2 no. canopy fascia signs and 2 no. identification signs.	Granted	23.08.88
76/00312/	Proposed demolition of dwelling and proposed erection of two storey addition on service station	Granted	08.06.76
76/01088/	Proposed 4 no. additional workshop bays and repositioning of a two storey extension	Granted	12.10.76
78/00042/A	Erection of 2 illuminated pole signs	Granted	05.09.78
78/00650/	Demolition of house, erection of additional workshops, showrooms, stores, vehicle testing shop, spray shop and ancillary structures	Granted	11.09.78
78/00879/	Erection of two dwelling units on a commercial garage complex for security purposes	Refused	26.09.78
79/00011/A	Erection and display of 2 internally illuminated pole mounted box signs	Granted	05.06.79

82/01135/	Proposed additions to existing garage complex, including new spray shop/ workshops, offices, new and second hand car sales areas, and alterations to stores and retail counters	Granted	11.01.83
83/01025/	Installation of an additional underground 12,000 gallon petrol tank and went pipe to serve the existing petrol forecourt	Granted	27.10.83
84/00443/	Proposed additional vehicular access situated towards the eastern end of the site frontage	Granted	01.11.84
85/00998/	Proposed extension of existing shop and enclosure of existing car sales area to form part of the showroom	Granted	12.09.85
87/02205/	Proposed restaurant	Refused	12.05.88
88/01042/P	Alterations To Car Showrooms	Granted	24.06.88
94/01049/ADV	Display of illuminated shop/canopy signs	Granted	14.10.94
97/00186/FUL	Erection of Drive Thru' fast food restaurant		09.07.97
97/00342/ADV	Display of BP petrol signs	Granted	24.07.97
98/00847/FUL	Erection of boundary fencing	Granted	28.08.98
99/01882/ADV	Display of a seven metre part illuminated petrol filling station gantry sign	Granted	22.03.00
05/02368/FUL	Erection of additional fencing and additional floodlighting to existing open vehicle sales area	Refused	18.01.06
05/02443/ADV	Display of new signage to replace existing and also new totem sign, fascia sign and flags	Granted	24.01.06
09/01370/ADV	Erection of externally illuminated fascia and totem signage	Granted	24.11.09
10/01660/ADV	Installation of replacement signage	Granted	12.01.11
16/00755/FUL	External alterations including construction of new enclosed canopy, replacement plant and A.C	Granted	21.06.16

units, shop-front changes
and new handrails

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.

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 Draft Local Plan 2016.

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 Development Framework Core Strategy

LPP46 Layout and Design of Development

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

INTRODUCTION

This application is brought before the Planning Committee due to Witham Town Council objecting to the application contrary to officer recommendation.

SITE DESCRIPTION

The site is located on Hatfield Road adjacent to the A12. It is in a prominent position on the exit route from Witham heading towards the A12. The petrol filling station is within the town development boundary for Witham

PROPOSAL

The petrol filling station is currently a Texaco filling station, which is to be taken over by the 'Co-op'. Therefore the proposed signage reflects the change in company. The application seeks permission to replace existing signage and install new signage on the filling station building and around the forecourt.

It is proposed to install:-

- 3 x illuminated fascias logo only signs A, B C
- 3 x externally illuminated fascias with internally illuminated logos, signs D, E, F
- 2 x externally illuminated fascias, signs P1, P2
- 2 x non-illuminated post mounted aluminium panels, signs L, M
- 3 x non-illuminated post mounted double sided aluminium panels, signs O, Q1, & Q2, R1 & R2
- 1 x internally illuminated totem, Sign H

The signs would be made from aluminium, steel and acrylic materials in the corporate colours of the 'Co-op' which are currently, blue, white and silver.

CONSULTATIONS

Essex County Council Highways Officer – No objection to the proposal, but would recommend conditions are added to the approval, to ensure that users of the highway, are not affected by dazzle and/or glare from the lighting.

Witham Town Council – Objection

The Witham Town Council recommends refusal of the application on the grounds that the signage is wrongly labelled as London Road as opposed to Hatfield Road and that the sign R1 needs to be re-sited so that the sight lines are not obscured as the traffic emerges from the garage.

Highways England raised no objection to the proposal subject to standard lighting conditions.

BDC Environmental Health raised no adverse comments to the proposal.

REPRESENTATIONS

A site notice was displayed at the front of the site. No letters of representation have been received in response to this site notice.

REPORT

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

Amenity

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 of Advertising Regulations 2007.

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 RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District 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.”

The NPPF provides a policy context as to how advertisements should be determined, recognising that “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment”. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In addition, Braintree District Local Plan

Review policy RLP107 allows for advertisements, where they are “in close proximity to the activities they are advertising”, where the area of display of an advertisement is visually subordinate to the host building’s main features and include an appropriate level and type of luminance (if required). Issues of public safety, including traffic safety will be accorded a high priority in decision making.

In this case it is considered that the proposed illuminated and non-illuminated signs are appropriately located on the building and within the forecourt of the filling station. The proposal is to replace the existing signage with new signage, and although the proposal is to increase the number of signs around the building, it is considered that the proposal would not have a detrimental impact upon visual amenity.

Highways Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. Policy RLP107 also states that public safety, including traffic safety, will be accorded in a high priority in decision making.

Essex County Council and Highways England were consulted on the application and no objections were raised regarding the proposal subject to conditions being included in the decision notice.

In this case, and subject to the conditions recommended, it is considered that the proposed advertisements would not obstruct visibility splays or vehicle movement or have a detrimental impact upon highway safety. While the comments received in connection with this application are noted, in the absence of an objection on highway safety grounds from either Highways England or Essex County Council Highways, it is not considered that a reason for refusal could be substantiated.

CONCLUSION

It is considered that the proposal would not have a detrimental impact upon visual amenity or highway safety. It is therefore recommended that Advertisement Consent is granted.

RECOMMENDATION

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

APPROVED PLANS

Proposed Site Plan	Plan Ref: ELEVATION 1
Proposed Elevations	Plan Ref: ELEVATION 2
Elevations	Plan Ref: ELEVATION 2

Proposed Plans	Plan Ref: FORECOURT CANOPY
Signage Details	Plan Ref: SIGN H
Signage Details	Plan Ref: CAR WASH SIGNAGE
Signage Details	Plan Ref: COLLECTIONS
Signage Details	Plan Ref: COLLECTIONS
Section	
Section	

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 The maximum luminance of the sign "A" shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 300 Candelas per square metre (300cd/m²).

Reason

To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM1 of the Highway Authority's Development Management Policies February 2011.

- 4 The maximum luminance of the signs "B. C & H" shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5 which in this case is 600 Candelas per square metre (600 cd/m²).

Reason

To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM1 of the Highways Authority's Development Management Policies February 2011.

- 5 The proposed light sources for the externally illuminated signage (D, E, F and P1 and P2) shall be so positioned and shielded in perpetuity as to direct light towards the advertisement sign.

Reason

To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM1 of the Highway Authority's Development Management Policies February 2011.

INFORMATION TO APPLICANT

- 1 Prior to commencement of works please contact the Development Management Team by email at development.management@essexhighways.org. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
- 2 Except when it is otherwise directed by the local planning authority when granting consent, or where renewal of consent is applied for and refused, advertisements displayed with express consent granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 may, on the expiry of the term thereof, continue to be displayed, subject to the power of the local planning authority to require the discontinuance of the display under Regulation 8.
- 3 Your attention is drawn to the Council's powers as local planning authority, under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 to prosecute for the continued display of unauthorised signs. In this connection it is pointed out that the existing signs are now unauthorised and should be removed within 21 days of the date of the attached decision notice.
- 4 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:
 - (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour, or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not

- impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

TESSA LAMBERT
DEVELOPMENT MANAGER