

PLANNING COMMITTEE AGENDA

Tuesday, 10 September 2019 at 7:15pm

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

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

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

Membership:-

Councillor J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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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 30th July 2019 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|-----------|---|------------------|
| 5a | Application No. 19 00523 FUL (Deferred) - Land at Bury Lane, HATFIELD PEVEREL | 6 - 17 |
| 5b | Application No. 18 00920 FUL - Appletree Farm, Polecat Road, CRESSING | 18 - 63 |
| 5c | Application No. 18 02015 FUL - Former Broomhills Industrial Estate, Pods Brook Road, BRAINTREE | 64 - 99 |
| 5d | Application No. 19 00494 REM - Arla Dairy, Station Road, HATFIELD PEVEREL | 100 - 122 |
| 5e | Application No. 19 00972 FUL - 3 Castle Close, CASTLE HEDINGHAM | 123 - 140 |

PART B

Minor Planning Application

5f **Application No. 19 00548 FUL - Collingwood House, 8-10 Collingwood Road, WITHAM** **141 - 153**

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

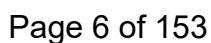
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8 **Urgent Business - Private Session**

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.

AGENDA ITEM NUMBER 5a

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POMFAGBF FNN00>

SITE HISTORY

15/00004/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential development of 48 dwellings	Screening/Scoping Opinion Adopted	26.03.15
15/00463/FUL	Erection of 46 no. dwellings with associated garages, parking areas, gardens, amenity areas, public open space, access road, driveways, footpaths and associated external works and landscaping	Withdrawn	11.11.15
17/00973/FUL	Erection of 50 no. dwellings with associated access, landscaping and public open space	Granted with S106 Agreement	13.11.18
19/00396/DAC	Application for approval of details reserved by condition nos. 14(a), 15, 23 and 24 of approval 17/00973/FUL	Pending Consideration	
19/00610/DAC	Application for the approval of details reserved by condition 21 of approved application 17/00973/FUL	Granted	12.06.19
19/00759/DAC	Application for approval of details reserved by conditions 11 and 12 of approved application 17/00973/FUL - Erection of 50no. dwellings with associated access, landscaping and public open space	Part Grant, Part Refused	25.06.19
19/01469/DAC	Application for approval of details reserved by conditions 7, 8 and 17 of approved application	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development
RLP161	Utilities Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP55	Layout and Design of Development
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Draft Hatfield Peverel Neighbourhood Development Plan 2015-2033

INTRODUCTION

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Hatfield Peverel Parish Council has objected to the proposal contrary to Officer recommendation.

This application was previously reported to Planning Committee on 19th July 2019, however Members deferred the determination of the application to allow for consultation to be undertaken with Essex County Fire Service and Network Rail. Consultation responses have now been received from the aforementioned, and this revised report has been amended to reflect this.

SITE DESCRIPTION

The application site pertains to a piece of land within a broader site which has previously been granted planning permission, under application reference 17/00973/FUL, for 50 dwellings. Specifically, the proposal relates to the south-east corner of the broader site, in close proximity to the access off of Bury Lane.

In terms of its context, the application site is located outside the Hatfield Peverel Village Envelope, as designated within the Adopted Local Plan.

The A12 is situated in close proximity to the south of the site and there is a main railway line further to the north. Residential properties, accessed via Bury Lane, are located in close proximity to the south and west of the site.

PROPOSAL

The applicant seeks planning permission for the installation of five underground Calor gas tanks including the associated engineering works, landscaping, and infrastructure, required to facilitate the dwellings approved under planning permission 17/00973/FUL.

CONSULTATIONS

BDC Environmental Health

No objections raised but conditions recommended in respect of site clearance, dust and mud control management, and lighting. These conditions have not been attached, due to the subject matter either not being applicable, or being covered by separate legislation.

Highway Authority

No objections raised.

Health & Safety Executive

The application does not meet the relevant criteria for consideration by HSE. A formal response will not therefore be provided.

Highways England

No objections raised.

Essex County Fire Service

No objections, consider access for fire service purposes to be satisfactory. Raised comments for the overall development regarding complying with building regulations, possible additional water supplies for firefighting, and encouraging the use of sprinkler systems.

Network Rail

No comments.

PARISH / TOWN COUNCIL

Hatfield Peverel Parish Council

Objects to the application for the following reasons:

- Safety of gas tanks underground
- Proximity of proposed tanks to Sorrells Cottages
- Location of tanks in close proximity to A12 slip road, where there is a risk of accidents occurring.

REPRESENTATIONS

Letters were sent to adjoining properties and a site notice was publicly displayed within close proximity to the application site.

Two letters of objection have been received. The main reasons of objection are summarised as follows:

- Gas tanks would be sited in close proximity to Nos. 1 & 2 Sorrells Cottage
- Commensurate to a Control of Major Accident Hazards (COMAH) site
- Implications under Party Wall Act
- Safety of nearby families would be compromised
- If gas ignites, and an explosion occurs, debris would likely reach A12
- It would deprive enjoyment of possessions, contrary to the Human Rights Act (BBQs and fireworks)
- Original planning application (reference 17/00973/FUL) referred to use of main gas line in Station Road
- Tanker deliveries would be required to the detriment of highway safety
- Site notice not displayed in a prominent location.

A further comment has been received since the application was previously considered at Planning Committee, which stated that no evidence has been given to justify limitations from extending existing mains gas supply, and drawing attention to the utilities statement from the original application to the site.

REPORT

Principle of Development

Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is located outside the Village Envelope of Hatfield Peverel and is therefore on land designated as countryside. However, the site is subject to an extant planning permission for 50 dwellings (application reference 17/00973/FUL), which is given significant weight as a material consideration in the determination of this application. This is because the gas tanks proposed would provide the necessary infrastructure to supply the permitted dwellings with gas. The provision of the storage tanks has been

proposed due to existing limitations within Hatfield Peverel relating to the supply of gas via the mains network.

The other main planning considerations therefore relate to design, appearance and layout, impact upon neighbouring amenity, and highway considerations.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development', as it creates better places in which to live and work, whilst helping to make development acceptable to communities.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping.

Policy CS9 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan reflect the NPPF by seeking the highest possible standards of design and layout in all new developments.

The proposal is to install five underground gas tanks with associated landscaping. These tanks would be situated towards the south-west corner of a broader site with extant planning permission for residential development.

In terms of design and appearance, the gas tanks would be submerged, with only a small proportion of their form protruding above grade level which would be grassed over. In effect the proposal would result in a low-level mound with only the surface covers being visible.

A low-level, native hedge is proposed around the perimeter of the gas tanks with a 1.2 metre gate for access. The landscaping proposed would reduce the already limited visual impact of the level changes associated with the gas tanks. Landscaping and boundary treatment would also provide a degree of security.

With regards to the layout of the development, the gas tanks would be situated adjacent to allocated visitor parking, in order to make refilling convenient and non-obstructive for future residents.

Overall, with regards to the layout, design and appearance, Officers are content that the proposed development would be acceptable. While the concerns within the representations received are noted, the local planning authority cannot insist on the extension of the existing mains gas supply and has to instead consider the application as submitted on its merits against the abovementioned policy criteria.

Impact on Neighbouring Amenities

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan, both emphasise the need to protect the amenity of nearby properties by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

As aforementioned, the proposal would result in a low-level grass covered mound, enclosed by a native hedge and a gate. There would subsequently be no harm to the amenity of existing or future occupants.

Highway Issues

Access would be provided by the access previously granted under extant permission 17/00973/FUL. No changes would be made to the access to facilitate the proposed development.

The gas tanks proposed for installation would cumulatively provide 8 weeks of fuel storage during the coldest period of the year. Refill deliveries would as such be infrequent, even during times of high demand. To ensure the efficiency of the deliveries, all of the tanks would be fitted with telemetry, which monitors the gas contents in the tanks and automatically generates an order for delivery, mitigating against the potential for excessive/under delivery.

The tankers used to refill the gas tanks would be commensurate in size to a bin lorry and therefore no layout changes would be required.

Parking for the tankers, during refills, would be provided through the allocated visitor parking immediately adjacent to the north and east of the tankers. Delivery refill would take approximately 30 minutes.

Highways England and Essex County Council Highways have both been consulted on the application and neither have raised objections.

To conclude there would be no unacceptable highways impact as a result of the proposed development.

OTHER MATTERS

Hazardous Substances

The proposal is install to five underground gas tanks within relatively close proximity to the boundary of No. 2 and No. 1 Sorrells Cottages. On that basis, a principal concern has been raised by local residents, in respect of the safety implications.

Liquified Petroleum Gas is a hazardous substance to which the Planning (Hazardous Substances) Act 1990 applies. This Act requires that a separate Hazardous Substances Consent be obtained from the local authority where over 25 tonnes is held on site. The practical effect of this measure is to limit the safety aspects of LPG gas storage as a concern of the mainstream planning system.

Moreover, the Control of Major Accident Hazards (COMAH) Regulations 2015 seeks to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any accidents which do occur, as overseen and enforced by the competent authority of HSE. These regulations do not, however, apply to LPG quantities below the lower tier threshold of 50 tonnes.

In light of the above, safety concerns raised are covered by separate legislation outside of the planning system, which in any event would not be applicable to the quantity of 20,000 litres proposed (approximately 10.2 tonnes).

HSE have been consulted in relation to the proposed development and have commented that no formal response will be provided. This is because the proposal does not meet the relevant criteria to be material for their consideration.

Similarly, BDC Environmental Health have also been consulted, returning no objections on safety grounds.

CONCLUSION & PLANNING BALANCE

Paragraph 8 of the NPPF defines sustainable development as having three overarching interdependent objectives as follows:

- a) an economic objective - to help build strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historical environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In conducting a planning balance it is necessary to weigh the benefits of the proposed development against the resulting harm.

Moreover, as set out under Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the proposed development pertains to the installation of five gas tanks, and the associated engineering works, infrastructure and landscaping, within a countryside location. Notwithstanding the application site's location outside of development boundaries, the broader site has an extant planning permission for the erection of 50 dwellings, under application reference 17/00973/FUL. Significant weight is given to the aforementioned planning permission and Officers therefore consider the principle of the proposal to be acceptable.

In terms of benefits, the proposed development would support the delivery of 50 new homes in the District, whilst also contributing towards the economic benefit through employment during construction.

No harms have been identified with regards to the proposed development.

When considering the planning balance, and having regards to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would constitute sustainable development and it is recommended that planning permission be 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

Location Plan	Plan Ref: 8424/01	
Access Details	Plan Ref: P893004	Version: A
Landscape Masterplan	Plan Ref: L-PL-001	Version: C3
Landscape Masterplan	Plan Ref: L_PL_001	Version: C6
Levels	Plan Ref: E3720/400/M	

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

Reason

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

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

Reason

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

- 3 The scheme of soft landscaping, indicated upon approved plan L_PL_001 Rev C6, and pertaining to the land included within the red line of drawing number 8424/01, shall be carried out during the first available planning season after the commencement of the hereby approved development. Any trees or plants which die, are removed, or become seriously damaged, or diseased, within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

- 4 Prior to the first use of the development hereby approved the enclosures as indicated on drawing number L_PL_001 Rev C6, and pertaining to the land included within the red line of drawing number 8424/01, shall be erected and permanently retained as such.

Reason

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

- 5 Notwithstanding what is shown on the hereby approved plans, this permission only relates to the installation of the underground gas tanks and associated works pertaining to the land included within the red line drawing number 8424/01, and does not give consent for the wider illustrated development.

Reason

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

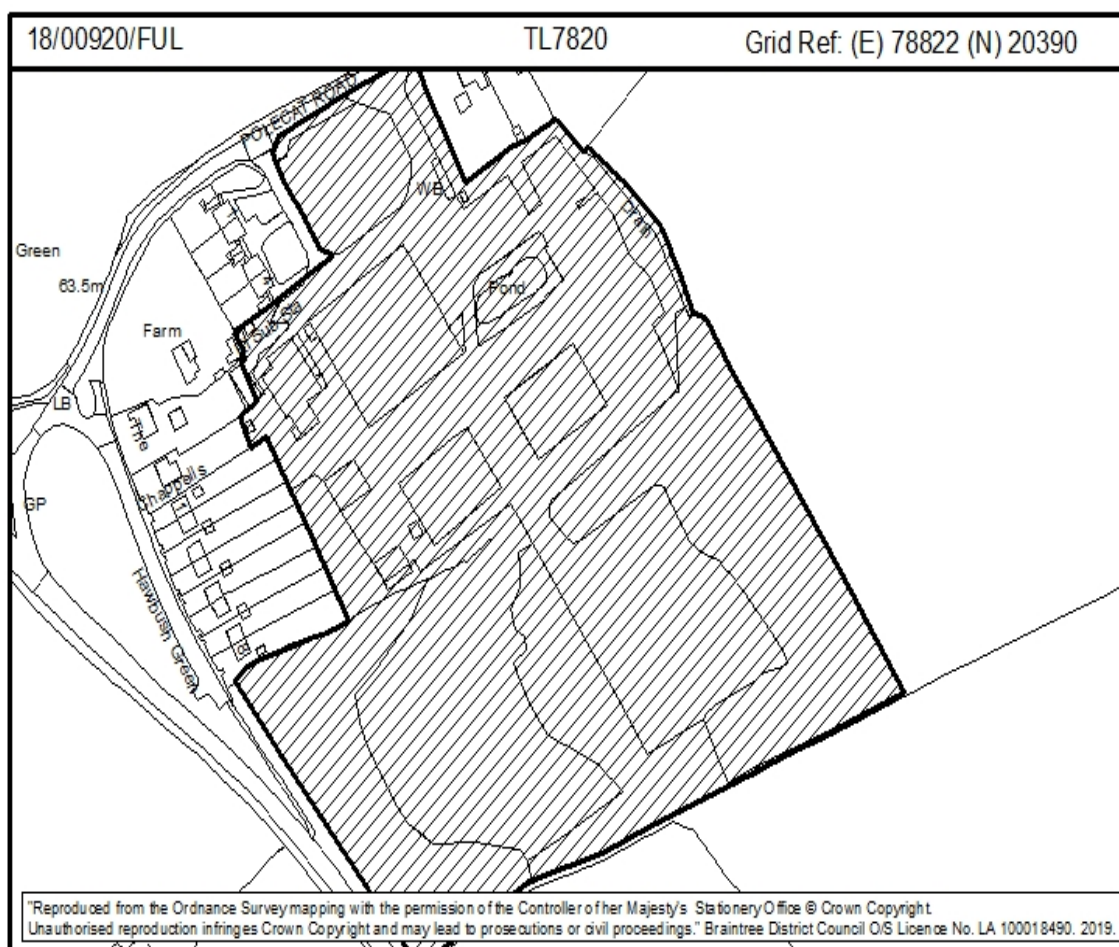
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 18/00920/FUL
DATE VALID: 21.05.18
APPLICANT: Inland Limited
Ben Johnson, C/o Agent
AGENT: Icen Projects
Ms Isobel McGeever, Flitc Rof House, 114-116 Charing Cross Road, London, WC2H 0JR
DESCRIPTION: Demolition of existing buildings on site and erection of 78 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works
LOCATION: Appletree Farm, Polecat Road, Cressing, Essex

For more information about this Application please contact:
Mathew Wilde on:- 01376 551414 Ext. 2512 or by e-mail to:
mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P989OJBF00A00>

SITE HISTORY

89/01045/P	Proposed New Weighbridge	Granted	28.06.89
13/01340/ELD	Application for a Lawful Development Certificate for an Existing Use - Creation of Hardstanding	Granted	14.03.14
14/01064/FUL	Change of use of office and land to construction training ground	Granted	28.11.14
14/01586/FUL	Change of use of B2 workshop to B8 storage unit	Granted	14.04.15
15/00169/FUL	Application for removal or variation of a condition no. 3 following grant of planning permission 14/01064/FUL - Change of use of office and land to construction training ground	Granted	19.01.16
15/00004/NMA	Application for a non-material amendment following grant of planning permission 14/01064/FUL - Change of use of office and land to construction training ground	Granted	05.01.16
18/00921/FUL	Demolition of existing buildings on site and erection of 65 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works	Pending Consideration	
14/00003/ENF	Appeal against	Appeal Dismissed	08.07.14
07/02562/ELD	Application for a Certificate of Lawfulness for an existing use - Use of the building for B2 use (general industry)	Granted	06.02.08
13/00654/FUL	Change of use of land to park empty trailers when not in use	Refused	30.07.13
13/01247/FUL	Change of use of yard to	Granted	28.01.14

13/01340/ELD	scaffold and storage area Application for a Lawful Development Certificate for an Existing Use - Creation of Hardstanding	Granted	14.03.14
14/00080/DAC	Application for approval of details reserved by condition no. 3 and 7 of approved application 13/01247/FUL	Granted	09.09.14
13/00054/REF	Change of use of land and office D1 Training Centre	Appeal Dismissed	28.01.14
14/00003/ENF	Appeal against	Appeal Dismissed	08.07.14
13/00463/FUL	Change of use of area to D1 - Carrying out construction industry training activities	Refused	19.06.13
13/00919/FUL	Change of use of land and office D1 Training Centre	Refused then dismissed on appeal	23.10.13
15/00041/COUPA	Prior approval for a proposed change of use of agricultural building to B8 storage use	Permission not Required	10.02.16
14/01586/FUL	Change of use of B2 workshop to B8 storage unit	Granted	14.04.15

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In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

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

Cressing Neighbourhood Plan

The Neighbourhood Plan (NP) is still with the Neighbourhood Plan Examiner for review following a public consultation. The NP policies reproduced for committee are regulation 16 versions which have not taken into account consultation responses, including objections submitted by BDC to the

examiner. The appropriate weight to be applied in decision making should therefore be limited.

Notwithstanding this, the following Policies from the Neighbourhood Plan are considered to be relevant:

- Policy 1: Protecting and Enhancing the Natural Environment
- Policy 2: Protection of Special and Sensitive Landscapes
- Policy 4: Protecting the Historic Environment
- Policy 5: Infrastructure, Services, and Utilities
- Policy 6: Protecting and Enhancing Community Facilities and Public Open Spaces
- Policy 7: Housing
- Policy 8: Design, Layout, Scale, Character, and Appearance of New Development
- Policy 9: Economy
- Policy 11: Developer Contributions

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

Village Design Statement

Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest. In addition, Cressing Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site measures 5.3 hectares in totality. The site currently comprises a multitude of industrial/commercial uses and pre-fabricated buildings of ranging sizes. Historically the site had been a potato and vegetable distribution and processing factory (until 2008). More recently it has been in operation as a haulage yard and business area.

The site has been split up into three different parcels by the developer; 'Parcel A' corresponds with the front part of the site, containing the industrial buildings and hard standing. Parcel A also backs onto the houses along Hawbush Green (including two listed buildings known as The Bakery and Appletree Farm Cottage) and those properties fronting Polecat Road and adjoins four properties on Appletree Close. The site also includes an existing area that

was formerly part of an orchard at the front of the site adjacent to Polecat Road. The site as existing takes vehicular and pedestrian access from Parcel A.

Parcel B is an area beyond Parcel A which has a lawful use as a construction training ground and is largely hard surfaced. It is understood from the Applicant that Parcel C had also historically been utilised for a similar purpose, however does not benefit from any lawful use. There are land bunds on both of these parcels. To the South of Parcel B and C runs Public Right of Way PROW 74_11 (The Essex Way).

The site is located adjacent to the countryside on three of four sides; however in its entirety the site is well screened due to existing trees, vegetation and existing residential development. In terms of wider context, the site is situated between the villages of Tye Green and Cressing and approx. 4-5km from the centre of Braintree.

The site also comprises a small existing informal recycling centre next to the existing site entrance.

PROPOSAL

The application in this case seeks full planning permission to remove all existing buildings and hardstanding at the site and erect 78 dwellings. This application seeks to develop Parcel A and Parcel B for a mixture of housing and open space, while Parcel C would remain as open space to be utilised by the proposed development and residents further afield.

Vehicular access would still be taken from Polecat Road however the siting of the access would move in a western direction to be more central to the site opposed to being directly adjacent to neighbouring property 'Farthings'. The application originally proposed 80 new dwellings which has since been reduced to 78 to overcome layout concerns raised by Officers.

The proposed layout would include a new internal spine road through the development site traversing right to the very bottom of Parcel B. Most of the proposed dwellings would however be accessed from subsidiary 6m shared surface roads off of this main spine road. The layout of the development attempts to positively respond to the existing character and pattern of development of Hawbush Green and also proposes to retain a large proportion of the orchard at the front of the site (which was originally to be removed as part of the 80 dwelling scheme). The development seeks also to create a good sense of place for future occupiers, with a large amount of plots facing directly onto an open space in the development or opposite other new development.

Furthermore, in accordance with Officer requests the developer also included an area of hard standing within the Orchard Area at the front of the site for the provision of a number of bottle bins, for the use of future residents of the development, but also for Cressing/Tye Green residents as a whole. A strip of

landscaping is proposed around this hardstanding to mitigate it in wider views, while a layby would be at the front for the unloading of the bottles. This would effectively be a re-provision in part of the existing informal recycling centre that would be lost.

In terms of scale, the site would comprise a mixture of housing comprising two and four bedroom houses and one to two bedroom flats. The development would secure 40% of the houses as affordable housing (31 units). In terms of appearance, there are 18 house/apartment types, although some of these comprise slight alterations to base house types.

CONSULTATIONS

BDC Waste

No objection subject to:

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

Natural England

Initially wished to make no comments on the application, however following re-consultation request a RAMS contribution as the site falls within a zone of influence.

Environment Agency

Consider that is unlikely to pose a significant risk to the ground water environment. As such, no objection.

BDC Ecology

No objection subject to a number of conditions in relation to complying with reports set out including ecology appraisal, landscape management plan and lighting plan, HRA contribution, Construction Environmental Management Plan and a biodiversity enhancement strategy.

BDC Environmental Health

No objection to the development in respect of noise or contamination, however recommends a number of additional conditions in respect of; hours of work, no piling, no burning, further assessment of the contamination at the site, dust and mud management scheme.

Essex Police

No objection or concerns with the layout – offer to assist developer in achieving Class Q and secure by design award.

NHS England

Require total sum of £29,486 for 78 dwelling scheme to improve Silver End Surgery.

Anglian Water

No objection subject to a condition in relation to a foul water strategy.

Essex SUDS

Initially placed two holding objections on the development, however upon receipt of further information, Essex SUDS offered no objections subject to conditions in respect of surface water drainage scheme, scheme to minimise risk of offsite flooding, maintenance plan of SUDS features and yearly logs of maintenance.

ECC Education

A development of this size can be expected to generate the need for up to 6.3 Early Years and Childcare (EY&C) places, 21.1 primary school, and 14.1 secondary school places. As such, require financial contributions towards:

- Early years and child care: £110,543
- Primary education: £323,193
- Secondary education transport cost: £ 71,529.30

BDC Landscape Services

Raised no objection to the development but requested technical changes to planting schedules and hard landscaping such as bench locations. The Landscape Officer is satisfied that these details could be secured via condition.

Housing Enabling Officer

No objection to the revised layout which secures 31 affordable units in a near 70%-30% split with the following unit mix:

Type	No.	Rented	Shared Ownership
1 Bed 2 Person Flat	4	4	0
2 Bed 3 person flat	2	2	0
2 Bed 4 person flat	4	4	0
2 bed 4 person FOG	1	0	1
2 Bed 4 person house	9	7	2
3 Bed 5 person house	9	3	6
4 Bed 6 person house	2	2	0
Total	31	22	9

Highway Authority

Initially required further information about the Access and the intensification of the access. Following the submission of this information, and a speed survey, Essex Highways were satisfied that the proposed access could be provided with visibility splays to the standard required for the speed of vehicles in the vicinity

Essex Highways therefore had no objection to the application subject to conditions/legal agreement relating to:

- Construction Management Plan
- Provision of access
- Widening of existing footway on the opposite side of the road
- Upgrading of two bus stops
- Travel information packs

Historic Buildings Consultant

Raised no objection to the development.

ECC Archaeology

A DBA has been submitted with the application which provides evidence for previous disturbance on the site of the proposed development which is likely to have impacted on any archaeological remains. The Archaeological Officer therefore recommends no conditions for archaeological investigation and has no objection.

PARISH / TOWN COUNCIL

Cressing Parish Council

Provided four lots of objections on the application. The content of all objections is summarised below:

- Access onto Polecat Road and then onto the B1018 is inadequate- 40pmh speed limit too fast to safely enter/exit site
- Serious lack of services and amenities available
- School places restricted in area – need investment in early years, child care and school bus services extended
- Pedestrian access to schools is dangerous
- Measures required to protect users of the green space on the south west corner of the site from straying onto the B1018
- Removal of orchard remove green space (*now retained*) Developer should be responsible for provision of healthy trees 5 years after planting on site

- Large potential for pollution in Cressing from this development and waste incinerator
- Measures need to protect the Essex Way
- Removal of employment opportunities
- New A120 route could cause difficulties
- Where would new residents access local services
- Should be conditions flats are not above 2 storeys
- Significant contaminated land on the site – independent study needed
- Large increase in quantum comparatively to development considered at Local Plan stage
- Level of housing with other developments now proposed is unacceptable
- Prepared to support up-to 40 dwellings but not in addition to other development
- Landowners writing in to support application shouldn't be counted
- Pavements not wide enough to safely accommodate pedestrian traffic that would be generated by the development – not lit and few crossing points
- Delay of Local Plan – Council should not use this as case to allow speculative development
- No access should be taken to the site from Appletree Close
- Should be large developer contributions to improve area

Following the submission of additional highways information, the Parish Council raised further concerns:

- Surveys not completed in 'peak periods'
- Visibility splays should be enlarged to protect pedestrians
- If accident further up road network, traffic diverted near-to site
- Visibility splays stated open for interpretation
- Footpath too small as existing
- Not meet sustainable transport objectives

REPRESENTATIONS

The application has also been advertised as a departure from the Adopted Development Plan. As of the 21st of August 2019, the Council has received:

27 letters of objection from 10 residents addressed as follows:

- 1, 2, 3- Appletree Close
- 4 & Appletree Farm Cottage - Hawbush Green
- Pickpocket Cottage & Farthings, Polecat Road
- Monymusk, The Street
- 3 Bellfield Close, Witham
- Ward Councillor for Silver End and Cressing ward

Setting out the following summarised concerns:

- Unallocated site in current local plan
- Site not a logical extension to the village – previously considered this at Local Plan Sub-Committee, although allowed for a much smaller number of dwellings– area characterised by quite countryside location
- Inclusion of Parcel B & C would have unacceptable impact on Countryside
- Loss or partial loss of the orchard would have a negative impact on the character of the area– misleading by developer on initial public exhibitions – removes longstanding trees and local wildlife – not adequately mitigated
- If orchard is retained without some hedging new residents would cut through to Appletree Close to cross the road
- Houses out of character and scale with surrounding development
- Development would contribute to over provision of housing with other approved developments nearby in an area with limited local amenities (just a local pub and petrol station) – amenities elsewhere not taking on new patients
- Put undue pressure on existing infrastructure – not sufficient to cope (schools and GP) – and no safe walking routes – contributions secured to improve these would not help – NHS contribution small and no plans to extend building
- Property locations would be overly intrusive and overlook existing properties
- Site not bad neighbour – but has been times when poorly managed – most activities occur when residents at work or school – residential use likely to increase noise pollution outside of these times
- Transport statement inaccurate – residents would not travel to Braintree Freeport Station to London – more likely they will drive and park at Witham - local bus service very limited
- large increase in traffic - 160 vehicles using site a large intensification of its use – increase in pollution – proposed roundabout near Mill Lane site lead to tailbacks
- Access to site unsafe – poor visibility – visibility splays shown inaccurate
- Access difficult from Polecat Road to B1018 – blind spots and difficult crossing – additional traffic from development add to that already queuing back in the morning to get on the B1018 – history of accidents
- Traffic survey – completed in off-peak periods, not recorded in the most appropriate place
- No safe crossing which is requirement from ECC education – need holistic approach with other allowed development
- Minimal HGV movements as existing – although if incinerator allowed in Rivenhall then more likely to be using B1018
- No cycle route
- Heritage statement misleading

- No consideration given to impact of construction works on the Listed Building
- Loss of employment on site
- Possible contamination at the site – should be considered further
- Increased light pollution - LED lighting should not be used
- Disturbance to residents during construction – disrupt local businesses from home
- Large amount of support received not genuine – from landowners/associates
- Not all of site is brownfield
- Amount of development going ahead Braintree is achieving its 5 year supply
- Flood risk of developing the site

And;

28 letters of support from 18 residents addressed as follows:

- Caxton House, 32 Bocking End, Braintree
- 12 Guithavon Rise, Witham
- 12 Framlingham Way, Braintree
- 6 Wrights Avenue, Cressing
- 104 Lavenham Road, Ipswich
- 37 Porters Field, Braintree
- 42 Coleness Road, Ipswich
- 15 Meadowside, Braintree
- 8 Ashes Corner, Cressing
- 25 Broadoaks Crescent, Braintree
- 171 Rayne Road, Braintree
- 7 Dawson Way, Witham
- Cappello, Cressing
- The Old Church Hall, The Street, Cressing
- White Rails Farm, Headcorn Road, Ulcombe
- Derrygowna, Braintree Road, Braintree (+ annexe)
- 17 Friars Lane, Braintree
- 27 Harold Road, Braintree

Setting out the following summarised support comments:

- Historic potato merchant use – now haulage use – causes lots of disturbance to neighbouring residents – site is therefore more suited to residential use
- Including the land not allocated in the local plan (currently has permission for training for industrial plant and machinery) would be the best holistic approach for the site
- Provide affordable housing and market housing – meet need for future generations and current generations who cannot get housing locally
- Brownfield development – tired looking site
- Good location for bus services

- If site not developed for residential the commercial element would grow at even greater disturbance to residents
- Positives outweigh the negatives
- Plans to improve A120 – road capacity for this development

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will

affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks planning consent to erect 78 dwelling units on land outside of a village envelope which would be a departure from the Adopted Development Plan. However, the Draft Local Plan proposes to allocate Parcel A (the front part of the site) for residential development. The allocated parcel of land allocated for development (known as CRESS 201) follows a row of trees and hedging that distinguish the boundary between the commercial areas and the wider scrub land/hard standing at the rear of the site (referred to as parcels B & C).

As such, the proposed development would be contrary to the Adopted Local Plan but would accord (in part) with the Draft Local Plan, by reason of the residential allocation of Parcel A, but the non-allocation of parcels B & C.

The site is not allocated for development within the Cressing Neighbourhood Plan in any capacity. It is therefore directly in conflict with the Draft Local Plan, As such, due to this, and its emerging status, the Cressing Neighbourhood Plan can only be allocated limited weight.

5 Year Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year

supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

History

In terms of the site allocation history, this site was identified as "CRESS 201" in the Call for Sites process as part of the Draft Local Plan and was presented to the Council as 100 dwellings on 2.95ha including the loss of the landscape frontage. The request to allocate the site was initially rejected by Planning Policy Officers. In discounting this site for allocation, the Officer noted in his report to Local Plan Sub Committee of 9th May 2016 that:

"7.64 The Essex Way runs adjacent to the south eastern boundary. 2 listed buildings are adjacent to the site. The site has various permissions for employment related uses, and for construction training. The site is not adjacent to any development boundary, and is therefore within a countryside location. It would not be a logical extension for development at Cressing or Tye Green. Defining and development boundary and allocated this site would significantly change the character and appearance of Hawbush Green."

Although Officers recommended non-allocation for either residential or employment, Members overturned the recommendation and put forward the site for allocation. It is understood from the minutes of that meeting and Officers in attendance, that Members considered developing the site for residential provided an opportunity to redevelop a brownfield site and remove a 'problem neighbour' for local residents on a site with previous enforcement complaints. As a consequence, "CRESS 201" was included in the Draft Local Plan June 2016 as an allocation (Parcel A on the current application). Parcel B and Parcel C (as on the current application) were not however allocated for residential development.

Officers at the time considered that the omission of Parcels B and C could cause problems:

“The site is however in current employment use, separate from the existing villages, and arguably the most unneighbourly part of the sites which is the construction training centre, is not part of the allocation, but would be unlikely to be able to continue with residential development so close, as such there would be a question mark as to what would happen with this land.”

Following the initial draft allocation of the site, both the developers and the Parish Council subsequently made representations to the Draft Local Plan consultation. Notably Cressing Parish Council objected, citing that the majority of residents affected opposed the proposed allocation. This was reported to the Local Plan Sub-Committee Members on 15th December 2016 where it was concluded that:

“whether or not the site should continue to be allocated requires a number of competing objectives to be considered including, new homes versus the loss of an employment site, economic activity verses cleaning up a potentially unneighbourly use. Both options are clearly viable. On balance, officers consider the site should retain its allocation as a residential site.”

Parcel A of the site was therefore allocated for residential use in the Draft Local Plan. Despite officer concerns outlined above, Parcel B and Parcel C continued not to be included within the draft allocation.

This application proposes to develop Parcel A subject to the allocation in the Draft Local Plan, however proposes to also include Parcel B as part of the proposed residential development, with Parcel C proposed for Open Space. The significance of this will be explored within later sections of the report.

Location and Access to Services and Facilities

The site in this case is located within the Parish of Cressing, however it is in a more remote location in-between Cressing and Tye Green.

Cressing and Cressing Tye Green are both identified as ‘Other Villages’ in the Adopted Core Strategy which has limited access to services and facilities. These designations are carried forward in the Draft Local Plan as Cressing and Cressing Tye Green are labelled as ‘Third Tier Villages’, which are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required.

In terms of this site, it is located in close proximity to public transport with a regular bus service to Witham, Braintree and Halstead. It does not however benefit from many local services and facilities; the closest being a petrol garage with convenience shop some 600m away in terms of road distance. In terms of schools, there are 12 providers of early years and child care in the Cressing and Silver End Ward, while Cressing primary school is located 600m away from the site. The closest doctor’s surgery is in Silver End. As such, although some services and facilities do exist, the site is not in the most

accessible location in terms of access to a broad range services and facilities which weights against the proposal. The sites location will form part of the planning balance at the end of the report.

Landscape Character, Layout, Scale & Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Policy 8 of the Cressing Neighbourhood Plan broadly reflects the above policies stating that inter alia development proposals shall include high quality design which would contribute positively to the character and appearance of the surrounding area.

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy 2 of the Cressing Neighbourhood Plan states inter alia that development proposals within the Silver End Farmland Plateau Landscape

Character Areas will only be permitted where it can be demonstrated that the proposal will:

- i. Protect and enhance the special features and the overall character of the Landscape Character Area;
- ii. Protect and where possible improve access to open countryside within the Landscape Character Area for recreation; and
- iii. Protect and enhance the biodiversity of the natural environment within the Landscape Character Area.

Landscape Character

In terms of site characteristics, the site is surrounded by the countryside on three sides, and partially enclosed by existing residential development on one side. The application is supported by a Landscape and Visual Appraisal Report which attempts to assess the overall landscape impact of the development. The landscape report assesses views around the entirety of the site from public vantage points, including Main Roads (Witham and Braintree Road), Minor Roads (Polecat Road, Church Road, Mill Lane, Ashes Road, Station Road, Appletree Close and Hawbush Green) and the Public Right of Way at the bottom of the site.

Upon completing this assessment, the report considers that the landscape of the site in totality is of low susceptibility to the change proposed (whether the development could be accommodated without undue consequences comparatively to the existing site situation). The report goes on to conclude that the development would have limited effects upon visual amenity from the surrounding countryside to the east, south and south-west due to the retention of the existing woodland and boundary planting, which forms a strong landscape buffer containing development within the site, while considering the north-west and partially north views would be screened by existing residential development. The report also considers that the proposed planting in the Landscaping Plan would also strengthen gaps on the southern and eastern boundaries, while the utilisation of Parcel C as open space would better integrate it with the wider countryside.

From Officer site visits and close examination of the photomontages illustrated in the Landscape and Visual Appraisal Report, it is considered that the report accurately reflects the site characteristics and limited views into the site. Even in the winter months, the site is well screened in most area in the wider landscape by existing mature vegetation. The vegetation itself on the boundaries, certainly on the eastern aspect, will principally be either outside of the red line of the site, or located within the management company for the site. The gardens of Plot 57 and Plot 74 were reduced slightly during the application process to ensure that this was the case. As such, the boundary vegetation would be retained as part of the development, and enhanced by way of a landscape plan (albeit these details would be secured by condition).

As such, taking into account all of the above landscape character analysis, it is concluded that the development of the site by virtue of its self-contained

nature and location, could be achieved without causing a detrimental impact upon the landscape or the wider character of the countryside. The Landscape Officer also had no objection to the development.

Layout

The application originally sought to erect 80 dwellings on the site, however this has been reduced to 78 dwellings with a revised layout to address concerns raised by Officers.

The net developable area at the site is approximately 2.65ha, which with 78 dwellings provides a density of 29.4 dwellings per hectare. The remaining land would be a mixture of open space and boundary vegetation for the development. The density of development at this site would therefore be higher than those properties on Hawbush Green, however would not be untypical of new residential development across the district. This is because there is an onus on Local Government to secure the most efficient use of land in accordance with the NPPF, and at the time of the development at Hawbush Green it would not have been required to be erected to the same densities. As such, it is considered that the density of development in this case is acceptable.

The site is not an edge of settlement location and as such has very limited local built form context to respond to in the design and character of the development. As such, the proposed layout attempts to create its own character and identity to create a positive sense of place for future occupiers, while addressing the small areas of built development on Hawbush Green and those accessed from Polecat Road at the top of the site.

In terms of detailed layout particulars, 54 of the dwellings would be located within Parcel A of the development, while the remaining 24 would be concentrated within Parcel B. Parcel C would function as amenity open space. All dwellings would be accessed from Polecat Road. The existing site access would be re-sited to be more central to the front aspect of the site between Appletree Close and neighbouring property 'Farthings'. The proposed layout would include a new internal spine road through the development site traversing right to the very bottom of Parcel B. The re-siting of the access and spine road in this way enables the row of plots 41-45 to front onto the internal spine road, and facilitates the retention of part of the orchard area at the front of the site, and the re-provision in part of some of the informal recycling facilities currently offered. It also enables plots 1-4 to be visible in the wider street scene including vistas from Appletree Close and Polecat Road. It is understood that the proposed intention is not to hide the development away, instead allow it to have an open character so it can positively address the wider street scene.

The internal spine road would consist of a 5.5m wide carriageway with 2m pavements on either side until parcel B is reached, thereafter only a 2m pavement is included on the development side as the other side of the spine road would adjoin the open space of Parcel C. The designing of the spine

road in this way facilitates long vistas through the site. Most of the proposed dwellings would however be accessed from subsidiary 6m shared surface road. These shared surface roads would be looped to provide two possible access points from the main spine road. The roads would also comprise a number of raised tables in accordance with requirements from Essex Highways. These raised tables will act to slow traffic down through the development to provide a safer environment for pedestrians and occupants of the site.

As set out in the density section above, the development comprises a significant amount of high quality open space, which is far in excess of what usually can be secured. As such, it enables a large proportion of the proposed dwellings to have an outlook onto the open space; plots 63-46 and plots 5,6, 29-26 all encircle an area of high quality open space in a courtyard arrangement, plots 41-45 would look out onto the retained orchard area at the front of the site, and plots 20-25, 66-69 and 84-89 and plots 82-81 would all look out into the significant area of open space that is to remain at the site (Parcel C), but have a back-to-back or back-to-side relationship with other proposed development. The layout of the development also attempts to positively respond to the existing character and pattern of development of Hawbush Green by erecting plots 9-19 behind these existing dwellings also in a back-to-back relationship. All other plots would either look out onto vegetation or onto the proposed development itself to enable a positive sense of place to be created. As such, it is considered that the proposed layout including the large amount of open space would facilitate considerable sense of place and amenity benefits for future occupiers of the development.

The application would provide 31 affordable units. These units have been designed to be tenure blind with all parking either at the side of properties or within parking courts (for apartments). The affordable units have been divided up into three clusters; one cluster of 14 dwellings on the western tip of the site in parcel A, one cluster of 10 units within the middle/southern element of the site (Parcel A and B) and a final cluster of 7 apartments / Flat Over Garage (FOG) on the southern tip of the site in Parcel B. The split of units would be 70:30 affordable rent to shared ownership (or other forms of affordable home ownership) respectively in accordance with the Councils standards.

The scheme would provide car parking in compliance with the Adopted Parking Standards; a one bedroom dwelling comprises 1 parking space, a two bedroom dwelling comprises 2 parking spaces in tandem and for flats it's the same but parking is within small parking courts. Some units would provide three parking spaces instead of two and some units would benefit from garages in addition to the two parking spaces. The scheme also proposes 22 visitor parking spaces and these would be dispersed around the site. The development also comprises garden amenity in accordance with the Essex Design Guide; 50sq.m for 2 bedroom houses, 100sq.m for 3 or more bedroom houses and 25sq.m per flat.

The roads in the development would all be adopted, and thus refuse collection would occur at the front or near to each property, which would comply with the

Council's waste collection standards. Furthermore, an area of hardstanding has been put forward within the orchard area at the front of the site for the provision of three bottle bins. These bins would be able to be utilised by future occupiers of the development and also existing residents in Cressing/Tye Green. This would be a provision in part of the informal recycling bins that currently exist at the site and is a material benefit. The bins would be screened by hedges from Polecat Road/Appletree Close. A time limited layby will be placed in front of the hard standing to enable residents of Cressing/Tye Green to dispose of their bottles in a safe manner.

Taking into account all of the above, it is considered that the site would be able to accommodate 78 houses while securing a high quality layout and creating a high quality sense of place to future occupiers. The development would be tenure blind, provide sufficient parking and garden space, while providing ample open space. It is therefore considered that the development would be acceptable from a layout perspective.

Scale

In terms of scale, the site in totality would comprise a mixture of scale of housing; 4 one bedroom flats, 23 two bedroom houses/flats, 36 three bedroom houses and 15 four bedroom houses. The site would therefore contain a large proportion of smaller to medium houses. This would accord to a large extent with the Strategic Housing Market Assessment (SHMA) identified housing size need in the District. The total number of market houses would be 47. The 40% affordable housing specifically would comprise 4 one bed flats, 7 two bed flats, 9 two bed houses, 9 three bedroom houses and 2 four bedroom houses in a 70:30 split of affordable rented to shared ownership respectively. This mix has been agreed with the Council's Housing Enabling Officer.

In terms of storey heights, all dwellings would be two storey with only house type (13) being 2 ½ storey. The apartment buildings would comprise a higher ridge height than the other development however this would not look out of character and instead help enable the buildings to stand out against the remainder of the development.

In terms of internal amenity, all private and affordable housing would comply with the Nationally Described Space Standards (NDSS). As such, all occupiers of the development would benefit from a good quality of internal amenity. Full compliance with the NDSS is another indicator which demonstrates that the development is high quality. It is considered that this is a positive benefit which weighs in favour of the application in the planning balance.

Taking into account all of the above, it is considered that the development would be acceptable from a scale perspective.

Appearance

In terms of appearance, there are 18 house/apartment types, although some of these comprise slight alterations to base house types. The development aims to create its own character and as such the house types are generally spread across the development. Some house types are however specific to one area, such as house type 13 which encircles approximately 50% of the amenity space in the middle of the site to enable it to have a distinct character within the development. The development also attempts to respond to local context, one example is at the entrance to the site, plot 41 is a bespoke house type and has been designed to mimic the shallow roof pitches of neighbouring properties Farthings and Pickpocket Cottage, while also comprising a dual frontage of Polecat Road and the site entrance. This is so that the development would better integrate with the existing street scene and proposed development.

The overall design and appearance of the development is that of a simple but traditional style; comprising a mixture of terraced (link semi-detached), semi-detached and detached dwellings. Some dwellings would be gable fronted, while others would be traditionally fronted, some with interlinking car ports/garages. There would also be a mixture of palette of materials; a predominance of brick and render with some weatherboarding on the flats and FOG unit, with a mixture of a darker / plain tile. A large number of plots also comprise integrated chimneys, brick plinths, headers & cills and exposed rafter feet. Furthermore, the affordable units are similar in design to the market units and there is some cross over in terms of house types between market and affordable to provide a tenure blind scheme. The only dwelling type which would be markedly different in terms of character is the two apartment blocks and FOG unit. These units would comprise a higher ridge than the standard house type on the development, but critically would positively address the street frontage and the large area of open space within Parcel C.

Taking into account all of above, it is considered that the development would provide well designed houses and flats that would successfully create its own character while also responding to local context. It is considered the house types are therefore acceptable in this regard.

Hard Landscaping & Boundary Treatments

Details of hard landscaping and boundary treatments have been included as part of the development. However, there are some details including bench locations which need to be revised in order to provide the most appropriate development possible. As such, while a hard landscaping plan has been provided, it is considered that the final details need to be reserved at condition stage.

However, broadly commenting on the hard landscaping plans, the main route through the site would be tarmac, while Sett Paving would be utilised for secondary shared surface roads. Driveways would be constructed in Tegula

block paving. Visitor parking spaces would utilise the same Tegula block paving but be different in colour. Footpaths around the site would be tarmac apart from those within the Orchard Space at the front of the site. A soldier course delineation would exist between driveways/parking spaces to indicate ownership/land split. The plans also include some bins in the areas of open space and some wooden bollards within the orchard space to restrict vehicles driving over it.

In terms of boundary treatments, these details will be finalised via condition. However in terms of the indicative details proposed, the application includes 1.8m brick walls to all prominent exposed garden boundaries in the street scene. 1.8m Close boarded fencing would be included at the rear of properties to delineate plot boundaries. To site boundaries with existing residential properties it is proposed that there is a 1.8m high close boarded fence with 0.6m of trellis on top to provide additional privacy protection to existing residents. For plot boundaries that back onto open countryside, a standard 1.8m close boarded fence would be included. The small area of open space to Parcel B would not include any boundary treatment. A small 1.2m brick wall would also be included on land adjacent to plot 9 and existing dwelling 4 Appletree Close. Finally, there would be a 0.9m high knee rail fence around the orchard space at the front of the site.

Taking into account all of the above, it is considered that the indicative hard landscaping and boundary treatments would be high quality, appropriate for the rural context and enhance the layout of the development. It is considered that these details could be reasonably finalised by condition.

Heritage & Archaeology

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Policy RLP105 of the Adopted Local Plan states that where important archaeological deposits are thought to be at risk from a proposed development the developer will be required to arrange for an archaeological evaluation to be undertaken prior to the planning decision being made. The evaluation will assess the character, importance and extent of the

archaeological deposits and will allow an informed and reasonable decision to be made on the planning application.

Policy 4 of the Cressing Neighbourhood Plan states inter alia that any proposals which would cause detrimental harm to heritage assets should be resisted.

The site is not located within a Conservation Area but is located within reasonable proximity to “Appletree Farmhouse”, a Grade II Listed Building to the northwest boundary of the site. The site is also located in reasonable proximity to “The Bakery”, which is also a Grade II Listed Building which is just south of Appletree Farmhouse. The proposed dwellings closest to these Listed Buildings; more specifically plots 9, 10 and 11, have been designed as sensitively as possible to mitigate any possible harm to the setting of the Listed Buildings.

The Historic Buildings Consultant at pre-application stage considered that the existing employment use at the site did not positively contribute to the setting or significance of the Listed Buildings. The removal of the employment (and unsightly former agricultural buildings) was set out to be a heritage benefit at pre-application stage. Taking this into account, the Historic Buildings Consultant considered that the current application to remove the employment use favourable and did not object to the proposed residential scheme on heritage grounds. As such, it is considered that from a heritage perspective, the development would not have a detrimental impact on the setting or significance of Appletree Farmhouse or The Bakery.

In respect of Archaeological matters, a Desk Based Assessment has been submitted with the application which provides evidence for previous disturbance on the site of the proposed development which is likely to have impacted on any archaeological remains. The Archaeological Officer therefore recommended no conditions for archaeological investigation and has no objection. As such, it is considered the proposal is acceptable in this regard.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that 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. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable from neighbouring impact perspective.

Due to the sites remote location there are a limited number of neighbouring properties which will be affected by the development. Concerns however have

been raised by neighbouring residents about the possible negative effect of the development on their properties.

The largest cluster of neighbouring dwellings which share a rear boundary with the site are accessed from Hawbush Green. However, the average separation distance between the rear elevation of these properties and the site is approximately 40m due to long rear gardens. The only neighbouring dwelling in this cluster which is closer than 40m to the rear boundary of the site is Appletree Farm Cottage, which is located approx. 18m away. It should be noted that part of the rear boundary of Appletree Farm Cottage is also shared with existing properties No.3 and No.4 Appletree Close.

The proposed development of plots 9-19 would all back onto the properties on Hawbush Green to create a back-to-back relationship. The proposed dwellings would however comprise a minimum plot depth of 16m from the rear elevation to the rear boundary. As such, taking into account the aforementioned separation distances, the proposed development would be a minimum of 34m from the rear boundary of Appletree Farm Cottage and over 65m to other properties accessed from Hawbush Green. These separation distances would be in excess of the minimum stated back-to-back distances in the Essex Design Guide. Furthermore, plots 9-19 would all be two storey. As such, taking the above into account, it is considered that the development would not have a detrimental impact upon the amenity of properties located on Hawbush Green.

The other cluster of dwellings affected by the development would be No. 1-4 Appletree Close. These dwellings front onto the area of orchard at the front of the site which is to be retained, while they would side onto the proposed development of plot 9 in a similar position. In addition, plot 9 would not comprise any windows at the first floor in the side elevation. As such, it is considered plot 9 as proposed would not have a detrimental impact on the amenity of No.4 Appletree Close. Furthermore, Plot 1 as proposed would overlook the front gardens of properties on Appletree Close, but would be located approx. 16m from the site boundary. Although there would be some overlooking of this space, it is not private amenity space and is already within the public realm. As such, taking the above into account, it is considered that the amenity of No.1-4 Appletree Close would not be detrimentally affected by the proposal.

The final neighbouring dwelling directly affected by the development would be Farthings. Farthings comprises a large rectangular plot measuring approx. 46m in length and 26m in width. The house is positioned in very close proximity to Pickpocket Cottage and as such is some distance from the boundary of the site. It also comprises a garage at the rear of the property, and a strong boundary hedge alongside all boundaries of the development site.

In terms of the proposed development, plots 41-45 would all back onto the side boundary of Farthings, while plots 48-50 would back onto the rear boundary of Farthings. However, plots 41-45 would all comprise a back

garden separation distance of a minimum of 13m, while it is a further 15m distance to the core of Farthings at the closest point from the neighbouring boundary. As such, although the proposed plot depth is slightly shorter than 15m, there would still be a large separation between the back of the proposed dwellings and the side of neighbouring dwelling Farthings. Furthermore, the existing garage at Farthings due to its siting would protect the most sensitive rear areas from overlooking of any plots that side onto the development. In addition, the plots that back onto Farthings are located some 44m away from the rear boundary. As such, taking all of the above into account, while there would be some impact of the proposed development on the neighbouring amenity of Farthings, it is considered that this impact would not be detrimental.

A number of concerns were raised in respect of construction activities at the site. Construction activity however is a temporary disturbance that is associated with any development. The Local Planning Authority cannot reasonably refuse an application because construction works may temporarily disturb neighbouring properties/commercial premises. A condition would however be imposed to ensure that construction works would not occur outside of unreasonable hours. Any damage caused by construction vehicles would be a civil matter and not something that the Local Planning Authority can control by way of condition. Any necessary road closures will be dealt with in an appropriate way by the Highways Authority.

Ecology & Trees

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

Policy 1 of the Neighbourhood Plan states inter alia that Development proposals must protect, and where possible, enhance the natural environment.

The application in this case is supported by an Ecological Appraisal, Landscape Management Plan, Lighting Strategy and Construction Environmental Management Plan relating to the likely impacts of development on protected & priority species, and identifying any mitigation measure(s) that would be appropriate to offset any impact. This includes bat, badger, great

crested newts, reptiles, breeding birds, dormouse, otter, water vole, crayfish and invertebrates surveys and results. The Ecology Officer considered the submitted surveys and considered that with appropriate mitigation, the development would be acceptable from an ecological perspective. The Ecology Officer therefore recommended four conditions in relation to complying with reports set out including ecology appraisal, landscape management plan and lighting plan, HRA contribution, Construction Environmental Management Plan and a biodiversity enhancement strategy.

In terms of impact upon existing trees at the site, the Landscape Officer is satisfied that the works would be acceptable. The landscape Officer required some amendments to the landscaping plans so these details will be required by condition. These matters related to technical specifications including mixed native hedges, bench locations, tree species and route through existing woodland.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

Highways

The proposed access in this would be re-sited further along Polecat Road in a westerly direction towards Appletree Close. It would therefore be located more or less centrally between the proposed dwellings on the east and the retained orchard to the west.

Initially Essex Highways required further information in respect to visibility splays, speed surveys and the overall intensification of the access (comparatively between the commercial and residential uses). This information was subsequently provided.

Taking into account the existing level of use of the existing access from the site, the proposal represents a small increase in vehicle numbers. However it also removes a significant number of HGV's from using the access. The proposed changes to the existing access provides an improvement in the current level of visibility to oncoming traffic to the East from the current splay of 100m to 120m.

An additional speed survey was undertaken to the West within the visibility splay from the proposed access which recorded an 85th percentile speed of 31mph and when adjusted for wet weather, a design speed of 30mph is acceptable. The visibility splay provided at 70m is in excess of that required for the recorded speed of vehicles.

As such, taking account of the above, Essex Highways considered that the proposal would not be detrimental to highway safety or efficiency.

Furthermore, Essex Highways asked for revisions to the spine/access roads to include raised tables at numerous points of the development. It is understood this is to reduce vehicle speeds within the development. The access has also been widened to 2m to provide a footpath either side.

Essex Highways also requested that the existing footpath on the opposite side of Polecat Road should be widened to up-to 2m all the way around to approximately Lilac Cottage, which would join up with the footpath improvements agreed as part of another approved development in Cressing. The aim is to improve connectivity into the village. Officers required a plan up front to demonstrate that this widening was achievable. The plan revealed that the majority of the footpath could be widened at least to some extent. As such, these details will be secured as an approved plan, and by way of the S106 for the development. It is considered this would also be a material benefit of the development.

SUDS, Sewerage and Drainage

Policy RLP69 of the Adopted Local Plan and Policy LPP78 of the Draft Local Plan states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Government Policy as set out in Para.163 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

The site is located in Flood Zone 1 and is not at risk from other flooding sources such as surface water flows (pluvial), groundwater, tidal and artificial. The application was supported by a flood risk and surface water drainage strategy document. The document shows that the surface water generated at the site would be directed to an attenuation feature within Parcel C. The Foul Sewage system would be controlled by a pumping station (with a location to be agreed with Anglian Water) but would connect to the main manhole and public sewer on Witham Road.

Essex Sustainable Urban Drainage team have considered the submitted flood risk and surface water assessment and have no objections to the development, subject to a number of conditions. In addition, Anglian Water also have no objection to the development. It is considered that the proposed attenuation basin and sewage connection is therefore acceptable.

Noise & Contamination

Policy RLP64 of the Adopted Local Plan states that a development on or near a site where contamination may exist, should provide a thorough investigation, so as to establish the nature and extent of the contamination, and then identify works to mitigate any contamination found where appropriate.

The site is brownfield and therefore has a higher chance of contamination than a greenfield site. The application was consequently supported by a Contaminated Land Assessment which sampled soil across the site and found some contaminants present, with a need to move forward with appropriate remediation. The Councils Environmental Health Officer therefore requested a condition requiring further sampling and mitigation measures to be provided prior to the commencement of development.

The Environmental Health Officer also considered the submitted Noise report and had no objection as internal and external noise levels could be achieved.

Lighting

Policy RLP65 of the Adopted Local Plan states that proposals for external lighting which require planning permission will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties and no danger to

pedestrians and road users and there is no unacceptable harm to natural ecosystems.

An initial lighting strategy had been submitted for the development for the erection of 80 dwellings. This document has not been revised with the new layout for consideration for 78 dwellings. The agent has confirmed that revised details can be secured via condition. As such, subject to an appropriate lighting scheme being secured via condition, there would not be a detrimental impact on the area by any future proposed lighting on the scheme. Lighting controls would also extend to protecting biodiversity in the area.

PLANNING OBLIGATIONS

Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 and CS11 of the Adopted Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

Emerging Policy 6 of the Cressing Neighbourhood Plan states that where appropriate, development proposals will be required to contribute towards the provision of public open space, community facilities, projects and initiatives within the Parish which specifically address the needs and aspirations of local residents, in accordance with CPNP. Policy 11 and the requirements of the CIL Regulations (36). Developer contributions will be sought towards a range of specific projects which address local needs, including inter alia:

- i. The provision of a new community hall;

Open Space

Open Space in Braintree District is calculated in accordance with the standards set out in the Open Spaces SPD and the Core Strategy. Open space will be provided on site in numerous areas and play equipment will also be provided, to a minimum value of £49,351.67 and a specification to be agreed. Due to the scale of this development, there would not be a requirement for provision for formal sports or allotments on the site, but instead these aspects could be secured via financial contribution to identified schemes in Cressing/Tye Green. As Cressing does not benefit from any Allotments, it is considered unreasonable to ask for this contribution.

Payment of the contribution(s) will be secured through the S106 legal agreement.

In terms of the required contributions:

- **Sport:** £73,204.90

As such, £73,204.90 will be secured for projects relating to Outdoor sport provision. In consultation with the Parish Council, it has been agreed that this contribution will be used for the *“provision of outdoor facilities within the parish of Cressing”*. A formal scheme will be identified at a later date.

Furthermore, it is proposed that the maintenance of the amenity greenspace areas in the site along with other areas of the public realm would be maintained by a management company. This would also be secured through a Section 106 Agreement.

Highways

The S106 Agreement would also include works to widen and improve the footpath on the opposite side of Polecat Road towards Tye Green with works carried out at the cost of the developer, in accordance with the proposed improvement plan.

Waste Bins

The S106 Agreement would also include provision of the hardstanding (7m width, 2.5m depth) for the erection of three bottle bins as shown on the proposed Site Plan, and the transference of this land to the Council for future management.

Community Building

The S106 Agreement would also include a financial contribution of £36,060.96 towards the provision of a new community building at the Jeffreys Road Recreation Ground Cressing or the extension, reconfiguration or improvement to existing Community facilities within the Parish of Cressing.

Education

The S106 Agreement would require financial contributions to the provision of additional Early Years and Child Care places, Primary Education places and a Secondary School Transport contribution. These figures would be:

- Early years and child care: £110,543
- Primary education: £323,193
- Secondary education transport cost: £71,529.30

NHS

The NHS have also requested a financial contribution of £29,486 to improve Silver End Surgery.

Affordable Housing

40% Affordable Housing would also be secured in accordance with the following specification:

Type	No.	Rented	S/O
1 Bed 2 person flat	4	4	0
2 Bed 3 person flat	2	2	0
2 Bed 4 person flat	4	4	0
2 bed 4 person FOG	1	0	1
2 Bed 4 person house	9	7	2
3 Bed 5 person house	9	3	6
4 Bed 6 person house	2	2	0
Total	31	22	9
		31	

PLANNING BALANCE & CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development (in part) in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan. The residential development of the site would also be contrary to the provisions of the Crossing Neighbourhood Plan, albeit this only has limited weight in decision making at this time.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation (in part) within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of the economic and social objectives, the development of the site for 78 units would contribute towards the Districts 5 year housing supply, while also providing 31 affordable units. Developing the site would also accord (in part) with the Draft Local Plan site allocation for residential development. Furthermore, all details have been put forward for agreement up front (as part of a FULL application) which will lead to an earlier delivery of the site, with only conditions remaining to be discharged/agreed. There would also be jobs provided during the construction stage and once occupied, future occupiers would contribute to the vitality of both Cressing and Tye Green. The development of the site would also secure financial contributions to assist in mitigating the impact upon services and open space within the area including providing an upgraded footpath link. These particulars would be secured though a Section 106 agreement. There would also be the re-provision in part of the recycling centre within the site. A financial contribution would also be secured towards the provision of a new community building at the Jeffreys

Road Recreation Ground Crossing or the extension, reconfiguration or improvement to existing Community facilities.

As such, it is considered there are numerous economic and social benefits that would arise from the development that can be afforded moderate to significant weight.

The development would however result in the loss of employment in the district and this would result in some economic and social harm of the loss of the employment uses.

In terms of the environmental objective, while the site (in part) benefits from a draft residential allocation, it is a remote location with limited access to services and facilities. The development of Parcel A of the site would re-develop a brownfield site and remove a problem neighbour for existing residents, however the proposed inclusion of Parcel B and C for residential development would conflict with the Draft Local Plan and Adopted Local Plan. The inclusion of Parcel B would however remove an existing lawful construction training ground use which has the potential to be a problem neighbour for future residents of the development if approved, while the inclusion of Parcel C enables the creation of a high quality open space for future and existing residents to enjoy. The majority of the developable area of the site would constitute previously developed land and classify as brownfield. As such, while Parcels B and C were not included in the draft allocation, there are benefits to their inclusion within the scheme which can be afforded moderate weight against the conflict with the Draft Local Plan.

In terms of other aspects, the development would provide 78 dwellings in a high quality layout that would create a good sense of place, create an appropriate character and include finer elevational detailing, comply with the standards for internal and external amenity, and comply with the parking standards. The site could also reasonably be developed without detriment to neighbouring properties, heritage assets, highways and without detriment to the wider landscape, countryside or any existing trees worthwhile retaining at the site.

As such, it is considered overall that there would be limited overall environmental harm connected with the development, other than the more remote location of the development.

Taking into account all of the above, there are a number of economic, social and environmental factors weighing heavily in favour of the development, while there are also some economic, social and environmental harm would also arise from the development. When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal would outweigh the harm of the loss of an employment site and the partial conflict with the Development Plan. The proposed development would constitute sustainable development and it is therefore recommended that planning permission is granted.

RECOMMENDATION

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

- **Affordable Housing:** 31 units comprising tenure of 22 x Affordable Rent & 9 Shared Ownership.
- **Public Open Space:** On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space. On site provision of play equipment to a minimum value of £49,351.67. Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
 - Sports - £73,204.90 to the provision of Outdoor Sports facilities within Cressing Parish.
- **Highways:** Works to widen footpath on opposite side of Polecat Road in accordance with drawing No.173096/A/02.2A. In addition, the upgrading of two bus stops closest to the site. Provision of residential travel information packs.
- **Waste:** Provision of area of hardstanding measuring 7m by 2.5m as shown on drawing No. 02-002 P4 to be gifted to the Council for the provision of a minimum of three bottle bins.
- **Community Facility:** Financial contribution of £36,060.96 to the provision of a new community building at the Jeffreys Road Recreation Ground Cressing or the extension, reconfiguration or improvement to existing Community facilities within the Parish of Cressing.
- **Education:** Financial contributions for Early years and child care: £110,543, Primary education - £323,193, Secondary education transport cost- £71,529.30
- **NHS** - £29,486 - improvements at Silver End Surgery currently at Broadway, Silver End, Braintree, Essex, CM8 3RQ.

The Planning 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 Planning Development Manager may use his delegated authority to refuse the application.

APPROVED PLANS

Location Plan	Plan Ref: 02-001	
Garden Study	Plan Ref: 02-003	Version: P4
Site Plan	Plan Ref: 02-002	Version: P4
Housing Mix Plan	Plan Ref: 02-004	Version: P3
Tenure Plan	Plan Ref: 32584	
Highway Plan	Plan Ref: 173096/A/02.2	Version: A
Drainage Plan	Plan Ref: S18-236-501 A	
House Types	Plan Ref: 02-100	Version: P1
House Types	Plan Ref: 05-001	Version: P1
House Types	Plan Ref: 05-002	Version: P1
House Types	Plan Ref: 05-003	Version: P1
House Types	Plan Ref: 05-004	Version: P1
House Types	Plan Ref: 05-005	Version: P1
House Types	Plan Ref: 05-006	Version: P1
House Types	Plan Ref: 05-007	Version: P1
House Types	Plan Ref: 05-008	Version: P1
House Types	Plan Ref: 05-009	Version: P1
House Types	Plan Ref: 05-010	Version: P1
House Types	Plan Ref: 05-011	Version: P1
House Types	Plan Ref: 05-012	Version: P1
House Types	Plan Ref: 05-013	Version: P1
House Types	Plan Ref: 05-014	Version: P1
House Types	Plan Ref: 05-015	Version: P1
House Types	Plan Ref: 05-016	Version: P1
House Types	Plan Ref: 05-017	Version: P1
House Types	Plan Ref: 05-018	Version: P1
Proposed Plans	Plan Ref: 05-020	Version: P1
Carport / Cartlodge Details	Plan Ref: 05-021	Version: P1
Street elevation	Plan Ref: 05-030	Version: P1
Street elevation	Plan Ref: 05-031	Version: P1
Floor Plan	Plan Ref: 03-017	Version: P1
Floor Plan	Plan Ref: 03-018	Version: P1
Drainage Plan	Plan Ref: WHS1452_001	Version: B
Access Details	Plan Ref: 173096/SK/05	
Highway Plan	Plan Ref: 173096/A/01	Version: C

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

Reason

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

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

Reason

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

- 3 No above ground development shall commence unless and 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 only be implemented in accordance with the approved details.

Reason

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

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

Monday to Friday 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

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

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

Reason

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

- 6 Where the preliminary contaminated land risk assessment determines that further assessment is required than 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'. 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 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 protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 7 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

- 8 No development shall commence unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;

- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- A method statement for badger/small mammal protection during construction.

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

Reason

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

- 9 No development shall commence unless and until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Demonstrate that storage features such as the attenuation basin have suitable half drain times. Storage should half empty within 24 hours wherever possible.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme, this includes cross sections of each component.
 - A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

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

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 11 No development shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

- 13 All measures and/or works shall be carried out in accordance with the

approved details contained in the Ecological Appraisal (The Environmental Dimension Partnership Ltd, April 2018), Landscape Management Plan (The Environmental Dimension Partnership Ltd, May 2018), as submitted with the planning application and agreed with the Local Planning Authority.

Reason

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

- 14 No development shall take place unless and until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

Reason

To conserve and enhance Protected and Priority species/habitats and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 15 The development shall not be occupied unless and until a Biodiversity Enhancement Strategy for Protected and Priority species, following the details contained within the Ecological Appraisal (The Environmental Dimension Partnership Ltd, April 2018) is submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

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

- 16 No above ground development shall commence unless and until the following (including an implementation timetable) has been submitted to and approved in writing by the Local Planning Authority:

(a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(b) details of any proposed external lighting to the site including a strategy to protect bats

The development shall be constructed in accordance with the approved details/specification and thereafter so retained.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 17 Prior to the first occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including 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 where appropriate.

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

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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 minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 18 No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- Earthworks showing existing and proposed finished levels or contours;
- Means of enclosure and retaining structures;
- Boundary treatment[s];
- Other vehicle and pedestrian access and circulation areas;
- Colour and type of material for all hard surface areas and method of laying;
- Minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, external letter boxes etc.];
- Proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
- Renewable energy installations where relevant;
- Lighting, floodlighting
- An implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

All areas of hardstanding which do not form part of the adoptable highway shall be constructed using porous materials laid on a permeable base.

The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance which shall be submitted and approved in writing by the local planning authority prior to first occupation of the development.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy. These details are required prior to commencement of development as hard landscaping is something that is installed before the building of houses commences.

CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

For more information about this Application please contact:
Lisa Page on:- 01376 551414 Ext.
or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PI35WOBFL7A00>

SITE HISTORY

03/01053/FUL	Proposed external improvements	Granted	11.08.03
17/00784/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 1-18 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
14/00023/REF	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1), with ancillary customer restaurant and automatic teller machines, goods online service, surface level car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private	Appeal Dismissed	26.06.15
17/00053/NONDET	Demolition of all existing buildings on site and the erection of 107 residential dwellings comprising 67 houses, four maisonettes and 36 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.	Appeal Dismissed	10.05.18
11/60219/PAM	Regeneration of the site through the development of a new foodstore, together with the re-provision of a number of separate units to accommodate the existing B Uses on the site.		27.10.11

11/00009/SCR	Environmental Impact Assessment - Screening Opinion		07.12.11
12/01000/FUL	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1), with ancillary customer restaurant and automatic teller machines, goods online service, surface level car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private	Refused then dismissed on appeal	27.11.13
17/00018/FUL	Demolition of all existing buildings on site and the erection of 107 residential dwellings comprising 67 houses, four maisonettes and 36 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.		06.10.17
17/00782/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 35-38 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/00783/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 19-34 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/00784/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 1-18 and associated hardstanding within the	Permission not Required	30.05.17

17/01402/FUL	Broomhills Industrial Estate Erection of 161 residential dwellings comprising 77 houses and 84 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.	Withdrawn	07.12.18
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband

LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP64	Educational Establishments
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application site comprises the former Broomhills Industrial estate, located to the western side of Braintree and to the western side of Pod's Brook Road. The site is currently vacant, previously having been occupied for employment purposes. The site has been vacant for some time and a number of the units have been demolished and cleared. The site is bound to the north, south and west by existing residential development. There is an existing vehicular access off Pod's Brook Road which serves the application site and the residential development of Guernsey Way, Jersey Way and Fresian Close.

The topography of the site is such that it falls away from east to west and also from north to south; such that the site is at a lower level in comparison to Pod's Brook Road, but the depth of this varies along the frontage of the site. In relation to surrounding development the site is at a lower level than Graynes Close to the north, but at a much higher level than the development on Nayling Road. Beyond the site to the south the land rises up to the closest residential properties and then falls away.

The site is subject to a Tree Preservation Order (TPO) which protects specifically four groups of trees and 2 single trees. The four groups consist of the trees along the rear/western boundary and three groups along the front/eastern boundary. The two single trees are a Norway Maple to the rear of No.2 Guernsey Way to the south of the site and an Ash adjacent to No. 293 Rayne Road to the north of the site.

There is a footbridge (public right of way) which provides pedestrian access across Pod's Brook Road to Clare Road. Access to this footbridge is possible just south of the application site. Pedestrian access is also possible to the Flitch Way which is approximately 200m south of the application site.

PROPOSAL

The application seeks full planning permission for the demolition of all existing buildings on site and the erection of 81 residential dwellings, (comprising 59 houses and 22 flats) with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure. The development would be served via the existing vehicular access off Pods Brook Road.

As outlined within the Site History, there have been a number of applications for re-development at the site. Most recently was the appeal against non-determination for the erection of 107 residential dwellings (reference number 17/00018/FUL / 17/00053/NONDET). This was dismissed on the following grounds:

- Harm to the character and appearance of the area resulting from the three storey building on the Rayne Road frontage and the lack of properly integrated informal open space within the layout;
- Harmful effect on TPO trees, in particular those that would be in Plots 1-7 and the removal of Ash (T1 in the submitted assessment) on the Rayne Road frontage;
- Unacceptable living conditions for future occupiers, with particular regard to privacy, outlook and the provision of garden space;
- Harmful effect on the living conditions of neighbouring occupiers in Graynes Close Road, with particular regard to outlook.

CONSULTATIONS

ECC Education

No objections subject to financial contributions towards the provision of early years and childcare and primary school places to mitigate against the impact of development on provision. Comment that there is sufficient capacity at secondary schools in Braintree to accommodate additional pupils from a development of this size. Further, having reviewed the proximity of the site to the nearest primary and secondary schools, do not seek a school transport contribution.

Natural England

The site falls within the 'Zone of Influence' (ZOI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Environment Agency

No objections subject to conditions for contaminated land and surface water drainage.

NHS

The proposed development is likely to have an impact on the services of 3 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. Request a financial contribution of £30,754 towards the one off development costs of a new Primary Care Hub, in order to mitigate the impacts of the development.

BDC Waste

Comment that the plans allow access to the waste vehicles, to allow the waste crews access to collect residents waste. Note that the developer has made assurances by means of a wayleave agreement, that BDC will not be held accountable to repairing the road surface, of the private access roads, following waste collections.

ECC Lead Local Flood Authority

No objections subject to conditions for a detailed surface water drainage scheme, management scheme and maintenance log.

BDC Landscape Services

Comment that the open spaces are not effectively integrated within the development and query the responsibility for landscape maintenance areas. Highlight the need for units 1-4 on the western boundary to be sited and orientated to retain trees and prevent future pressures for removal. Note that a number of trees are proposed for removal to allow development, including trees covered by TPO (namely: T4 to T6 Common Ash, T17 and T18 Swedish Whitebeam and G35 Hawthorn). Tree protection measures will be required to ensure the successful retention of existing trees on site. It is recommended that an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) is produced to outline these measures and any special construction techniques required. No major concerns in respect to the landscaping plans – some amendments can be secured via condition.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures – to be provided by securing conditions for; a copy of the EPS Licence for bats; a wildlife sensitive lighting design scheme; protection of breeding birds during construction; ecological enhancement plan; and an ecological management plan.

Highway Authority

No objections subject to conditions in relation to a construction traffic management plan; improvement to the Eastern site access from Guernsey Way and closure of the Western site access from Guernsey Way; dedication as highway of land immediately adjacent Rayne Road (as shown shaded pink on submitted drawing SK007) to help facilitate any future improvement of the Rayne Road/Springwood Drive/Pod's Brook Road roundabout (details shall be agreed with the Local Planning Authority prior to commencement of the development); upgrade of those bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development); conversion of the pedestrian island to a traffic island at the Guernsey Way/Pod's Brook Road junction and removal of sections of footway to the north and south of the junction; tactile paving at the dropped kerb crossing point between the northern and southern footway in Guernsey Way to the east of the main proposal site access road; tactile paving at all cycle/pedestrian crossing points at the Rayne Road/Springwood Drive/Pod's Brook Road roundabout; and Residential Travel Information Packs.

Essex Police

Comment with no concerns with the layout.

Cadent Gas

Comment that there is apparatus identified in the vicinity being of 'Low or Medium pressure (below 2 bar) gas pipes and associated equipment'. Note that the applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. If any construction traffic is likely to cross a Cadent pipeline then the applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

Anglian Water

Comment that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary. In regards to waste water treatment, comment that the foul drainage from this

development is in the catchment of Braintree Water Recycling Centre that will have available capacity for these flows. In regards to used water network and surface water drainage, comment that a condition requiring an on-site drainage strategy should be imposed.

REPRESENTATIONS

The application was advertised by way of site notice, newspaper notification and neighbour notification.

4 letters of support have been received raising the following comments:

- The developer has taken into account many of the objections raised to previous applications;
- The site as existing is a blot on the landscape with vandalism and trespassing;
- The proposal can only be of benefit for the site neighbours;
- It has failed in its previous use as retail/light industrial;
- Pleased that the protected trees are to be retained;
- Improvements on Pods Brook Road and the associated roundabout might be achieved in part via developer contribution as this remains a poor arterial route into town;
- Value added with the utilisation of brown field sites with associated socio-economic benefits of providing housing towards meeting the targets and the potential increased trade brought to the town;
- Support the development but note concerns of existing trees impacting neighbours amenity and impact from noise and disturbance during demolition and construction, and question hedgerow in terms of wildlife.

3 letters of objection have been received raising the following comments:

- Would have liked shops to be provided for the dwellings (nearest supermarket is nearly always so busy with no parking spaces available);
- Area is allocated for employment;
- The area does not even have a Public House or restaurants and nearest are inaccessible for pedestrians;
- The amount of traffic in Pods Brook Road is increasing. The junction of Rayne Road and Pods Book Road is a severely congested junction – the proposed development will make this matter worse;
- Inadequate parking provision;
- Flats at 3 storey would be higher than existing and result in overlooking;
- Added pressure on schools, dentist, doctors and similar;
- Will create noise, light and air pollution to nearby residents;
- The number of units on the site is an over development.

2 other letters neither objecting nor in support have been received raising the following comments:

- Welcome any development that will remove the current site, affects pedestrian routes due to the site being fenced off (From Nayling Road);

- Is impossible to turn right out of Guernsey and is a safety issue – development will make situation worse. The development needs traffic light controls or minimally a roundabout;
- Did not receive the ‘Resident newsletter’ (stated to be submitted beforehand to local residents);
- Impact on wall to 2 Fresian Close.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

The NPPF underlines the Government’s objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against (in the case of Braintree District) our ‘local housing need’ plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable

development, an important material consideration in this case is the Council's 5 Year Housing Land Supply position.

The Development Plan

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

The application site is located within a designated town development boundary, wherein the general principle of development is supported by Policy RLP2 of the Adopted Local Plan. Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is also allocated for employment use in the Adopted Plan. Local Plan Policy RLP33 states that only B1 (Business); B2 (General Industry) and B8 (Storage and Distribution) uses will be permitted. However, this allocation is not proposed to be taken forward into the new Local Plan and the site has a draft allocation for residential development. The application to re-develop the site in a residential capacity is therefore a departure from the adopted Development Plan although it would be in accordance with the draft allocation in the emerging Draft Local Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply.

Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village Envelopes'. Policy CS7 of the Adopted Core Strategy supports this and states that 'future development will be provided in accessible locations to reduce the need to travel'.

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

The development will undoubtedly bring economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities within the town and locality. These factors weigh in favour of the proposal in the planning balance.

Socially, the site does provide a mix of housing types but the site provides no affordable housing. The provision of no affordable housing is a matter which weighs against the social sustainability of the site.

In terms of environmental sustainability, given the former use and current condition of the site, it can be considered to be previously developed land. The NPPF encourages the effective use of previously developed land. In this regard the redevelopment would facilitate the removal of an unsightly and non-conforming use to the existing residential units which lie to the north, south and west. Redevelopment would enable improvements to the visual amenity of the area and further environmental benefits of the proposal relate to improved surface water drainage systems and retention of protected trees and additional landscaping.

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

The site lies within the settlement boundary of Braintree and is well connected to a range of services, facilities, leisure and employment opportunities within the town centre; whilst also being in a location that would benefit from proximity to other closer shopping and employment opportunities. The site

would also be accessible to other means of public transport. This weighs in favour of the proposal in the overall planning balance.

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Further, Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.

The site layout has evolved taking on board the previous Planning Inspectors comments. Furthermore, the developers have actively incorporated changes requested by Officers in relation to the detailed design of dwellings, and the layout and design of the 2 flat buildings, in order to improve the layout and design of the development and in the interests of protected trees. The application proposes 81 dwellings at a density of approximately 30 dwellings per hectare which relates well to the layout and density of surrounding development in accordance with Policy RLP10 of the Adopted Local Plan.

In regards to layout, the existing site vehicle entrance dictates the proposed internal road network and layout. The site has been designed with character areas to include; 'mews courts / courtyards', with defined sub-urban edges with smaller front gardens and closer proximity between the fronts of buildings; 'Landscaped Avenues', which form the principal movement corridors in a sub-urban character with shared surfaces and dwellings being set back to allow for soft landscaping to front gardens; 'Landscaped Public Open Space / Green Edges', with the public open space having natural surveillance from the adjacent dwellings. Dwellings in this area are mainly detached and have larger front gardens to accentuate the feeling of openness.

The layout further places an emphasis on pedestrian movement and reinforcing connections with Rayne Road to the north and Guernsey Way to the south. All access roads are to be shared surface, with parking and garages mainly set back from the carriageway to increase safety and enhance the visual amenity and character of the area.

The layout of this scheme retains the vast majority of TPO trees on the site, particularly in regards to the group of mature trees along its western boundary which are to be retained (and remain in the public realm and as part of the flat block amenity space) and enhanced to form natural landscape buffers.

The application proposes the following mix of market housing:

- 20 x 2 bed dwelling (11 x 2B-3P and 9 x 2B-4P)

- 26 x 3 bed dwelling (3B-5P)
- 13 x 4 bed dwelling (4B-6P)
- 11 x 1 bed apartments (1B-2P)
- 11 x 2 bed apartments (2B-4P)

The proposal provides an appropriate mix of housing types to support a balanced and mixed community.

Turning to the architectural design of the dwellings, these are of a 2 storey scale and are generally designed in a traditional style, being well proportioned and detailed. The façades are broken up with projecting gables and bay windows, and further interest is added with the introduction of chimneys and architectural detailing, to include brick string courses, windows detailed with gauged brick headers and complimentary cast stone cills. In terms of materials, the dwellings would be facing red or yellow brick, with tile hanging or weather-boarding with brick plinths and tiled roofs. Overall, the dwellings would appear of a high quality and would enhance the character and appearance of the locality.

The flats comprise a 3 storey scale building to the south-eastern corner of the site and as such would be a prominent building in the approach into Braintree. Although this does have a large mass in comparison to the domestic scale of the dwellings to the rest of the site, it has been successfully designed to break up the scale of the building. The use of a varied and broken ridge with full height gable features to introduce a vertical element assists in reducing the bulk. The detailed design of window size, siting and design together with materials (facing red brick with vertical and horizontal boarding features) further assist in the building assimilating into the site. Although the design and scale differs to the rest of the site, it has an appropriate relationship to the locality, and shares a uniform approach to materials at the site. It is further noted that the building is the same as was proposed on the earlier application (application reference 17/00018/FUL). Although that application was dismissed at appeal, the Inspector raised no adverse comments in terms of this element of the scheme.

Impact on Neighbour and Future Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of future occupiers, all dwellings would benefit from a private landscaped garden being a minimum of 10.5 metres in length. The 2 bed dwellings have a minimum of 50sq.m private garden area, whilst all 3 and 4 bed dwellings would have a minimum of 100sq.m. The proposed flats would have shared amenity space, at a minimum of 25sq.m per 2 bed unit, the layout of which would provide for an acceptable level of private space. This would be laid out and landscaped such that it would not be readily overlooked

from the public realm. All the dwellings would therefore meet with the standards as set out within the Essex Design Guide.

In regards to neighbour's amenity, the layout has been designed to minimise overlooking to adjoining residential dwellings on Rayne Road, Nayling Road and Guernsey Way. All the houses on the western boundary would meet with the 25m back to back distance advocated by the Essex Design Guide. Further, extensive planting is also proposed along the western boundary to provide a visual buffer and ensure that amenity is maintained for neighbouring and future occupiers. The TPO trees at the south western corner of the site and north of the site have also been retained to ensure visual and landscape amenity for adjoining neighbours is maintained. Throughout the site, the 25m back to back distance outlined in the Essex Design Guide is generally met and the layout is sufficient to ensure that privacy is not compromised.

Highway Matters, Access and Parking

Policy RLP53 of the Adopted Local Plan advises that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where, i) direct public transport services exist or there is the potential for the development to be well served by public transport, ii) the layout of development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site. Policy RLP54 of the Adopted Local Plan requires all major development proposals to be accompanied by a Transport Assessment. Policy CS7 of the Adopted Core Strategy seeks to improve accessibility to reduce congestion and encourages sustainable travel.

The application is supported by a Transport Assessment and Officers are content that the development would not adversely impact the highway in terms of highway capacity, safety or impact on the transport network.

The proposed development will utilise the existing access into the site. The internal road network which provides a shared space, has been designed in accordance with the Essex Design Guide.

The Highways Authority have been consulted on the application and raise no objections to the proposal but recommend that a number of items be secured on any grant of consent. These include the provision of a construction management plan and a series of highway works to be undertaken which consist of:

- a) Improvement to the Eastern site access from Guernsey Way and closure of the Western site access from Guernsey Way;
- b) Dedication as highway of land immediately adjacent Rayne Road (as shown shaded pink on submitted drawing SK007) to help facilitate any future improvement of the Rayne Road/Springwood Drive/Pod's Brook Road roundabout (details shall be agreed with the Local Planning Authority prior to commencement of the development);

- c) Upgrade of those bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- d) Conversion of the pedestrian island to a traffic island at the Guernsey Way/Pod's Brook Road junction and removal of sections of footway to the north and south of the junction;
- e) Tactile paving at the dropped kerb crossing point between the northern and southern footway in Guernsey Way to the east of the main proposal site access road;
- f) Tactile paving at all cycle/pedestrian crossing points at the Rayne Road/Springwood Drive/Pod's Brook Road roundabout;
- g) Residential Travel Information Packs.

These are proposed to be secured via conditions and the Section 106 agreement.

In regards to car parking, the Council's adopted standards require all one bedroomed properties to be served with one off street car parking space and all properties with 2 or more bedrooms to be served with 2 off street car parking spaces to dimensions of 2.9m x. 5.5m. If garages are to be used to contribute to the allocated car parking these must have internal dimensions of 3m x 7m. Visitor car parking must be provided at 0.25 spaces per dwelling.

For the proposed development, all dwellings have two allocated car parking spaces provided as a garage and tandem on-plot parking and all garages meet with the required size standard. The two-bedroom flats also have two allocated car parking spaces. The one-bedroom flats have one parking space each, provided in the parking court. A further 20 visitor spaces are provided in addition to the allocated spaces, and meets with the standard required. Throughout the development all car parking spaces meet with the minimum standard in terms of dimensions, with parallel spaces a minimum of 6m x 2.9m.

The planning statement alludes to a proposed car club; however no details of how this is proposed to work are given and it appears that there is no space for car club parking shown on the proposed layout. Although car clubs can be beneficial and Policy CS7 of the Adopted Core Strategy encourages them, as the site provides adequate parking provision and is located in a sustainable location to encourage means of travel other than by the private vehicle, such a car club is not considered necessary in planning terms to secure.

The flats have shared enclosed and secure cycle parking provision and the development overall provides improved pedestrian and cycle facilities into and through the site for the new residents and the wider community.

Trees

The NPPF requires the planning system to contribute to and enhance the natural and local environment. Policy RLP81 of the Adopted Local Plan

encourages landowners to retain, maintain and plant native trees, hedges and woodlands.

The layout of the scheme has been designed to retain the best quality existing trees on-site, particularly those protected by TPOs, and the application is accompanied by an Arboricultural report. A total of 6 low-quality trees are proposed to be removed to facilitate the proposed development. Whilst some of these are TPO trees, the planting scheme proposed will aim to replace the lost trees with a number of suitable urban, native trees and in doing so will fully mitigate the loss and provide an overall enhancement to the amenity value of the site.

The group of TPO trees at the south-western corner of the site are proposed to be retained and remain in the public realm and as part of the flat block amenity space. Give the orientation of the site and the internal dual aspect layout of the flat building (units 1-4), these trees will not unacceptably overshadow the proposed flats.

To the south of the site, new trees, native hedgerow and wildflower planting is proposed along the southern and western boundaries. These will extend out from and strengthen the existing landscape feature and provide further screening and a green buffer between the development site and nearby residential area. Landscaping and tree species would be secured via condition.

Ecology

The NPPF requires planning to conserve and enhance biodiversity. Policy RLP80 of the Adopted Local Plan requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area and Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact upon protected species.

The application has been submitted with a Preliminary Ecological Appraisal and Bat Roost Survey Update. The Councils Ecology Officer has reviewed these documents and is content that there is sufficient ecological information available for determination. The documents provide certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. Biodiversity mitigation and enhancement measures can be secured by conditions. Recommended conditions include:

- a copy of the eps licence for bats;
- a lighting design scheme;
- protection of breeding birds during construction;
- ecological enhancement plan;
- ecological management plan

The above conditions are reasonable in order to properly provide for the protection and enhancement of species and habitats.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment (FRA) which demonstrates that the proposed development would be safe from flooding and that it would not increase flood risk elsewhere.

The FRA also outlines the drainage strategy proposed for the development. Whilst, the site has 'up to a high risk of surface water flooding', the majority of the site has a very low risk of flooding from surface water and, therefore, with the adoption of the drainage strategy, it is considered unlikely that surface water flooding would adversely affect the site. Further to this, the risk of groundwater flooding is considered to be low. The drainage strategy includes

the use of soakaways to discharge surface water to the ground for the southern part of the site.

Essex County Council as Lead Local Flood Authority has been consulted on the application and raise no objections, subject to conditions being placed on any grant of consent. The proposal is therefore considered to accord with the NPPF (para. 99 -103) and CS8 of the Core Strategy in so far as it relates to the matters of flooding and surface water drainage.

Air Quality

The NPPF requires the planning system to *'prevent both new and existing developments from contributing to or being put at unacceptable risk or being adversely affected by unacceptable levels of air pollution'*.

The application is supported by an Air Quality Assessment which discusses the potential impacts associated with the proposed development on local air quality. The Report concludes that during the construction phase releases of dust and PM10 are likely to occur during site activities, but with the use of good site practice and the implementation of suitable mitigation measures, the impact of dust and PM10 releases may be effectively mitigated and the resultant impacts are considered to be negligible.

The Report further details that modelling has been undertaken to determine the impact of traffic generated by the proposed development on local air quality. The predicted increase in NO2 and PM10 concentrations is of negligible significance at worst-case receptor locations along the local road network.

Overall, based on the above information, it is considered that air quality does not pose a constraint to redevelopment of the site as proposed.

Land Contamination

The Land Contamination Assessment submitted with the application notes that due to the various industrial uses on and off site, as well as the historical gravel pits on and off site, an intrusive ground investigation including ground gas monitoring should be undertaken, to ensure the land is suitable for residential development. This can adequately be dealt with via condition.

PLANNING OBLIGATIONS

Open Space

Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or

surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 and CS11 of the Adopted Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

Open Space in Braintree District is calculated in accordance with the standards set out in the Open Spaces SPD and the Core Strategy. Open space will be provided on site in numerous areas. Further, due to the scale of this development, there would not be a requirement for provision for formal sports or allotments on the site, but instead these aspects could be secured via financial contribution to identified schemes in Braintree.

The required contributions for open space is £116,140.33. The applicant's position is an offer of £75,000 (£50,000 for upgrades to the Clare Road play space and £25,000 for maintenance of the Clare Road play space). Given the scale of development and the play space within immediate proximity to the site (Clare Road and Acorn Avenue), the financial contribution would go towards the existing children's play area opposite the site on Clare Road rather than an area of equipped play being provided on site.

Education and Healthcare

The development would generate a financial contribution of £101,135 for Early Years and Childcare and £295,687 for primary education. There is no requirement for secondary education provision. The applicants have confirmed to meet with the full Early Years and Childcare contribution, (which is over and above the assessed viability position).

The NHS contribution equates to £30,754, towards the one off development costs of a new Primary Care Hub, in order to mitigate the impacts of the development. The applicants have confirmed a commitment to meet with this (which is over and above the assessed viability position).

Transport and Highways

The Highways Authority raise no objections to the proposal but recommend that a number of items be secured on any grant of consent. Matters which are to be secured via the S106 include;

- a) the dedication as highway of land immediately adjacent Rayne Road (as shown shaded pink on submitted drawing SK007) to help facilitate any future improvement of the Rayne Road/Springwood Drive/Pod's Brook Road roundabout (details shall be agreed with the Local Planning Authority prior to commencement of the development);

- b) The upgrade of those bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- c) Conversion of the pedestrian island to a traffic island at the Guernsey Way/Pod's Brook Road junction and removal of sections of footway to the north and south of the junction;
- d) Tactile paving at the dropped kerb crossing point between the northern and southern footway in Guernsey Way to the east of the main proposal site access road;
- e) Tactile paving at all cycle/pedestrian crossing points at the Rayne Road/Springwood Drive/Pod's Brook Road roundabout;
- f) Residential Travel Information Packs.

The applicant has agreed to enter an agreement between the Highway Authority (S278 works). Further, there is an agreement for a Wayleave Agreement, which will allow BDC waste crews to access residents waste with the assurance that BDC will not be held accountable to repairing the road surface, of the private access roads, following waste collections.

Development Viability

Policy CS2 of the Adopted Core Strategy states that on sites such as this in urban areas developers are required to provide a minimum of 30% affordable housing where more than 15 dwellings are proposed. Policy CS2 of the Adopted Core Strategy goes on to say that the Local Planning Authority will take economic viability into account where it is proved to be necessary to do so. Where developers are proposing less than a policy compliant scheme, the application should be accompanied by a financial viability appraisal. The financial viability appraisal should identify the maximum level of affordable housing that can be sustained and justify any proposed departures from planning policy requirements.

In accordance with the above this application has been accompanied by a viability appraisal, which was reviewed by independent consultants on behalf of the Local Planning Authority. The consultant, advising on behalf of the Local Planning Authority, has confirmed that the provision of 30% affordable housing would exceed the maximum reasonable proportion that the scheme can support.

The viability appraisal concludes that the scheme as proposed without any affordable housing, but including £543k of other S106 financial obligation payments, would equate to a developer profit of 12.4% on GDV. Therefore, the Scheme currently does not deliver a market return to a typical developer and landowner. It would result in a deficit of £1.58m and is not deemed to be viable.

Notwithstanding the above, in light of the above and in accordance with former commitments the developer has offered to meet £75k of Open Space contributions to upgrade existing play equipment in the locality. Prior to finalising this Committee Report, the developer has also committed to meet

the financial contributions of £101,135 towards Early Years and Childcare and £30,754 towards the NHS.

Based on the conclusions of the viability appraisal it would not be justified to withhold planning permission for not providing affordable housing and for not meeting in full, the other S106 obligations in conflict with Policies CS2 and CS11 of the Adopted Core Strategy.

CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary but is also allocated for employment use within the Adopted Local Plan and is therefore currently contrary to the provisions of the Adopted Development Plan. The application site is however, proposed for allocation for residential development in the Draft Local Plan.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong,

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

As outlined within this report, the development will undoubtedly bring economic benefits during the construction stage and thereafter with spending powers from additional residents supporting the services and facilities within the town and wider locality. These factors weigh in favour of the proposal in the planning balance. Socially, whilst the site does provide an appropriate mix of housing types, the site provides no affordable housing which reduces the weight that can be assigned to social sustainability. In terms of environmental sustainability, the redevelopment would facilitate the removal of an unsightly and non-conforming brownfield site, together with improvements to the visual amenity of the area together with improved surface water drainage and strengthening of landscaping.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, it is concluded that the proposed development would result in the efficient redevelopment of this brownfield site with a high quality residential development and it is recommended that planning permission be granted.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the recommendation as set out above would not differ.

RECOMMENDATION

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

- **Public Open Space:** On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space. Financial contribution of £75,000 (£50,000 for upgrades to the Clare Road play space and £25,000 for maintenance of the Clare Road play space).

- **Highways:** The dedication as highway of land immediately adjacent Rayne Road to help facilitate any future improvement of the Rayne Road/Springwood Drive/Pod's Brook Road roundabout; the upgrade of those bus stops which would best serve the proposal site; conversion of the pedestrian island to a traffic island at the Guernsey Way/Pod's Brook Road junction and removal of sections of footway to the north and south of the junction; tactile paving at the dropped kerb crossing point between the northern and southern footway in Guernsey Way to the east of the main proposal site access road; tactile paving at all cycle/pedestrian crossing points at the Rayne Road/Springwood Drive/Pod's Brook Road roundabout; and Residential Travel Information Packs.
- **Education:** Financial contributions of £101,135 for Early Years and Childcare.
- **NHS:** Financial contributions of £30,754 towards the costs of a new Primary Care Hub.
- **Wayleave Agreement:** To allow BDC waste crews to access residents waste with the assurance that BDC will not be held accountable to repairing the road surface of the private access roads, following waste collections.

The Planning 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 Planning Development Manager may use his delegated authority to refuse the application.

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

Highway Plan	Plan Ref: SK007	
House Types	Plan Ref: 23726A/44	
Garage Details	Plan Ref: 23726A/53	
Proposed Site Plan	Plan Ref: 23726A/105	
Location Plan	Plan Ref: 23726A/01	
Existing Sections	Plan Ref: 23726A/04	
Proposed Site Plan	Plan Ref: 22835A/10	Version: B
Proposed Site Plan	Plan Ref: 23726A/11	Version: B
Proposed Site Plan	Plan Ref: 23726A/12	Version: B

Boundary Treatment	Plan Ref: 23726A/13	Version: D
Parking Strategy	Plan Ref: 23726A/14	Version: B
Proposed Site Plan	Plan Ref: 23726A/15	Version: D
Fire Strategy Plan	Plan Ref: 23726A/16	Version: B
Public Open Space Details	Plan Ref: 23726A/17	Version: B
Proposed Site Plan	Plan Ref: 23726A/100	Version: B
Proposed Site Plan	Plan Ref: 23726A/101	Version: B
Proposed Site Plan	Plan Ref: 23726A/102	Version: B
Proposed Site Plan	Plan Ref: 23726A/103	Version: B
Proposed Site Plan	Plan Ref: 23726A/104	Version: B
House Types	Plan Ref: 23726A/30	Version: B
House Types	Plan Ref: 23726A/31	Version: A
House Types	Plan Ref: 23726A/32	Version: A
House Types	Plan Ref: 23726A/33	Version: A
House Types	Plan Ref: 23726A/34	Version: A
House Types	Plan Ref: 23726A/35	Version: A
House Types	Plan Ref: 23726A/36	Version: A
House Types	Plan Ref: 23726A/37	Version: A
House Types	Plan Ref: 23726A/38	Version: A
House Types	Plan Ref: 23726A/39	Version: A
House Types	Plan Ref: 23726A/40	Version: A
House Types	Plan Ref: 23726A/41	Version: A
House Types	Plan Ref: 23726A/42	Version: A
House Types	Plan Ref: 23726A/43	Version: A
House Types	Plan Ref: 23726A/44	Version: A
House Types	Plan Ref: 23726A/45	Version: A
House Types	Plan Ref: 23726A/46	Version: A
House Types	Plan Ref: 23726A/47	
House Types	Plan Ref: 23726A/48	
House Types	Plan Ref: 23726A/49	
House Types	Plan Ref: 23726A/50	Version: B
House Types	Plan Ref: 23726A/51	Version: B
House Types	Plan Ref: 23726A/52	Version: B
Second Floor Plan	Plan Ref: 23726/106	Version: A
House Types	Plan Ref: 23726A/56	

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

Reason

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

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

Reason

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

- 3 No above ground development shall commence, unless and until samples

of the materials to be used in the external finishes of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such.

Reason

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

- 4 Prior to first occupation of the development hereby approved all means of enclosure shall be undertaken in accordance with Plan 23726A/13D.

Reason

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

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of any of the dwelling-houses, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions in the interests of residential and/or visual amenity.

- 6 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of a dwelling-house consisting of an alteration to its roof, as permitted by Class B of Part 1 of Schedule 2 of that Order shall be carried out on Plots 5 to 15 inclusive and Plots 17 and 18, without first obtaining planning permission from the Local Planning Authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future roof extensions in the interests of residential and/or visual amenity.

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no provision of any building or enclosure within the curtilage of the dwelling-house, as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out on Plots 5 and 6 without first obtaining planning permission from the Local Planning Authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future outbuildings in the interests of protected trees.

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

Reason

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

- 9 The garages hereby permitted shall only be used for the parking of vehicles.

Reason

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

- 10 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details and installed prior to the first occupation of the relevant building.

Reason

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

- 11 No demolition of any buildings with known bat roosts shall be undertaken, unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 12 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 13 No removal of hedgerows, trees or shrubs, or works to buildings, including demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before any works are undertaken and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 No development shall take place until details of the proposed ecological enhancement of the site are submitted to and provided in writing to the Local Planning Authority. It must detail the proposed habitat improvement and retention on the site particularly new native planting, new pond/basins creation and planting of this for wildlife; and the design, type and location of bird nesting and bat roosting boxes, (which where appropriate should be integrated into the building design and should include provision for swifts); and the provision of hedgehog friendly fencing.

Reason

In the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 15 An Ecological Management Plan (EMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to any occupation of the development. The content of the EMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason

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

- 16 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
 - Detailed engineering drawings of each component of the drainage scheme;
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

- 17 Prior to the commencement of development, a scheme to minimise the

risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason

To ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site - If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction, there needs to be satisfactory storage of/disposal of surface water and groundwater, which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site.

- 18 Prior to the commencement of development, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 19 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- 1) A site investigation scheme, based on the preliminary risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in the site investigation scheme (1) and, based on these, an

options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements.

- 20 Prior to the first occupation of any part of the development hereby permitted, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management.

- 21 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing

by the Local Planning Authority.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements.

- 22 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements.

- 23 Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate:-
- A detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment and implementation timetables;
 - Colour and type of material for all hard surface areas and method of laying where appropriate.

The soft planting shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development. 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. 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.

Reason

In the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 24 The development shall be carried out in accordance with the approved Tree Survey and Arboricultural Impact Assessment, by Greengage dated

October 2018. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development

- 25 Prior to the first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason

To ensure adequate maintenance of open space and in the interests of amenity of the development.

- 26 Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved traffic construction management plan.

Reason

To protect highway efficiency of movement and safety.

- 27 Prior to the first occupation of the development, improvement to the Eastern site access from Guernsey Way and closure of the Western site access from Guernsey Way as shown in principle on the planning application drawing 23726A/11A shall be undertaken.

Reason

To protect highway efficiency of movement and safety.

SUBMITTED PLANS

Landscape Masterplan	Plan Ref: CSA/3058/109
Landscape Masterplan	Plan Ref: CSA/3058/110
Landscape Masterplan	Plan Ref: CSA/3058/111
Existing Site Plan	Plan Ref: 23726A/02
Existing Sections	Plan Ref: 23726A/05

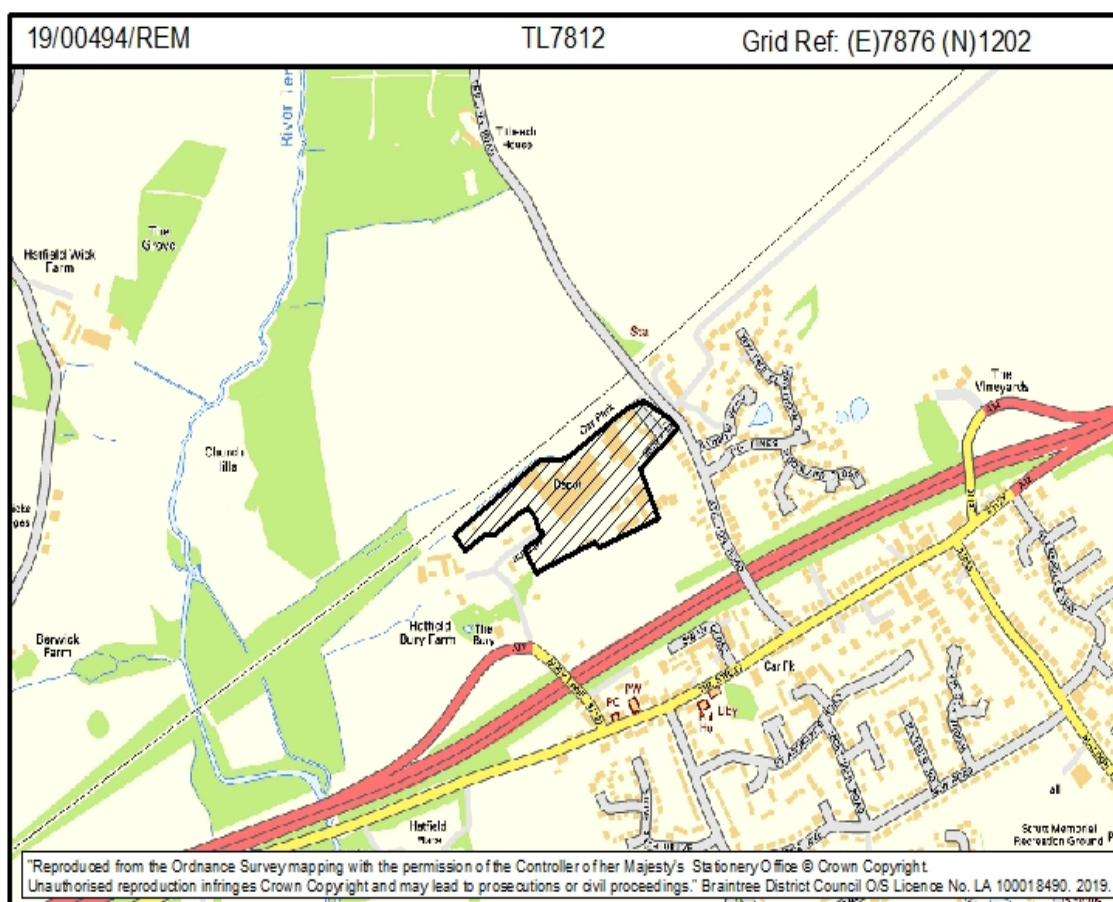
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/00494/REM
 DATE: 14.03.19
 VALID:
 APPLICANT: c/o Agent
 AGENT: Ms Jennifer Carroll
 Coval Hall, Chelmsford, CM1 2QF
 DESCRIPTION: Application for reserved matters comprising the layout, scale, appearance and landscaping following the grant of outline planning permission for residential development for up to 145 dwellings (Use Class C3) with public open space, vehicular access and associated infrastructure ref 18/01650/VAR.
 LOCATION: Arla Dairy, Station Road, Hatfield Peverel, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POD39CBFFK900>

SITE HISTORY

16/02096/OUT	Outline planning application for residential development for up to 145 dwellings (Use Class C3) with public open space, vehicular access and associated infrastructure	Granted with S106 Agreement	20.12.17
18/01650/VAR	Application for a variation of Conditions 5 (Prior to first occupation implementation of primary access) 6 (Prior to occupation - visibility displays) 9 (External and internal noise levels) of planning permission 16/02096/OUT - for full details refer to covering letter submitted.	Granted with S106 Agreement	20.12.18
18/02243/DAC	Application for approval of details reserved by conditions 3 of approval 16/02096/OUT -outline planning application for residential development for up to 145 dwellings.	Granted	31.01.19
19/00304/DAC	Application for approval of details reserved by condition 7 of approval 18/01650/VAR - Application for a variation of Conditions 5 (Prior to first occupation implementation of primary access) 6 (prior to occupation - visibility displays) 9 (External and internal noise levels) of planning permission 16/02096/OUT.	Granted	18.04.19
19/00642/DAC	Application for approval of details reserved by condition 8, 10, 11, 12, 14, 19, 24, 29 and 30 of approval 18/01650/VAR - Application for a variation of	Pending Consideration	

	Conditions 5 (Prior to first occupation implementation of primary access) 6 (Prior to occupation - visibility displays) 9 (External and internal noise levels) of planning permission 16/02096/OUT) for full details refer to covering letter submitted.		
19/00678/ADV	Retention of signage for a temporary period, involving: <ul style="list-style-type: none"> - 1 x non-illuminated freestanding sign with 2 x flags either side facing Station Road, - Non-illuminated hoarding along Station Road with graphics, and - 5 x flags running behind the hoarding line. 	Granted	07.06.19

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP33	Employment Policy Areas
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP31	Comprehensive Redevelopment Area - Land between A12 and GEML, Hatfield Peverel
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Publication Draft Hatfield Peverel Neighbourhood Plan 2015 – 2033

ECN3	Broadband and Mobile Connectivity
ECN5	Public Realm
HPE2	Natural Environment & Biodiversity
HPE5	Sport and Recreation Provision
HPE6	Protection of Landscape Setting
HPE7	Flooding & SUDs
FI1	Transport and Access
FI2	Parking
FI5	Developer Contribution
HO1	Design of New Developments
HO3	Affordable Housing
HO4	Minimum Garden Sizes
HO5	Creating Safe Communities
HO6	Allocation of the former Arla Site

Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards Design and Good Practice 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application site is located within the Village Envelope of Hatfield Peverel. It measures approximately 4.85 hectares and consists of the former Arla Dairy site which ceased operation in July 2016. The site is bounded to the north by the mainline railway and associated car park beyond which lies the countryside. To the south and east are existing dwellings located within the village. To the west are further dwellings located outside the village envelope in addition to areas of undeveloped countryside. Bury Farm, a former farm complex now occupied by a small number of businesses is also positioned to the west. Station Road, from which the site's primary vehicular access is currently taken is located to the east.

Until relatively recently the site contained the commercial dairy buildings and associated plant which have now been demolished. These consisted of a very large main building with a substantial number of smaller ancillary buildings, tanks and structures. The buildings and silos were of a significant scale, height and bulk and presented a formidable massing which was clearly visible from the surrounding countryside.

The site is of a relatively level topography with a modest fall of approximately 8.5 metres from east to west.

PROPOSAL

Outline planning permission (application reference 16/02096/OUT) was granted on 20th December 2017 for the residential re-development of the site for up to 145 dwellings with public open space, vehicular access and associated infrastructure.

All matters except access were reserved, meaning that the detailed appearance; landscaping; layout and scale of the proposed development must be considered at the Reserved Matters stage.

A subsequent variation (application reference 18/01650/VAR) of this permission was issued on 20 December 2018 to facilitate slight amendments to the previously approved access drawing and to clarify maximum permitted noise levels.

The current Reserved Matters application seeks permission for all the matters reserved at the outline permission stage. The proposed development would consist of 145 dwellings with vehicular access being taken from Station Road in accordance with the approved outline consent.

An area of public open space would be located at the western end of the site with another small open area at the front of the site, adjacent to Station Road. The proposed dwellings would be a mixture of detached, semi-detached; terraced and flatted units.

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

- Planning Statement
- Ecology Assessment
- Noise Impact Assessment
- Surface Water Drainage Strategy
- Design and Access Statement
- Full set of drawings

CONSULTATIONS

Two consultations were carried out, the second following receipt of revised drawings which were submitted to address various design and layout concerns raised by Officers.

Consultation responses received during the course of the planning application are summarised below.

Sport England

The proposed development does not fall within our statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response in this case.

In general terms if the proposal is for additional housing then it will generate additional demand for sport. New and/or improved sports facilities should be secured in accordance with local policy. Consideration should also be given to how any new development will provide opportunities for people to lead healthy lifestyles and create healthy communities.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures. There is sufficient ecological information available to determine the application.

Noted that a Habitat Regulations Assessment with associated mitigation was secured at the outline stage.

Also noted that Japanese Knotweed has been identified off-site to the north-east of the site boundary and the Construction Environmental Management Plan should include a precautionary protocol for this. An informative relating to this is also required.

Conditions relating to the implementation of the ecological enhancement measures set out in the applicant's ecology report and the installation of bat and bird boxes are required.

ECC SUDs

No objection to the proposed detailed drainage strategy following the submission of additional drainage strategy information.

Natural England

Natural England have previously commented on this proposal at the outline stage and our comments (in relation to Habitat Regulations mitigation) remain relevant to the reserved matters application. Natural England note the Habitat Regulations mitigation which was secured under the outline consent and has no further comments to make.

ECC Archaeology

No objection and no conditions required.

Essex Police

No concerns with the proposed layout. Would require finer details such as access/visitor control and mail delivery to the apartments, proposed lighting, boundary treatments and physical security measures to comment further.

We would welcome the opportunity to assist the developer to achieve a Secured By Design award.

BDC Waste

Access to proposed properties is acceptable. Bin stores will need to be large enough to accommodate 2 x 1100 refuse bins and 2x 770 recycling bins.

BDC Environmental Health

Following an initial request for further information relating to noise and cooling and the subsequent submission of an overheating assessment the following condition is required:

Prior to the commencement of above ground works the applicant shall submit the following for approval by the Local Planning Authority to demonstrate that internal temperatures of completed dwellings will be acceptable and that internal noise levels for dwellings will also be acceptable:

- 1) An updated Overheating Assessment*
- 2) An associated Noise Report*
- 3) Details of any mechanical ventilation and/or cooling systems which may be required*

The development shall be carried out only in accordance with the approved details and shall be permanently retained thereafter.

The Council's Environmental Health Officer also advised the following:

The applicant has presented a report to consider overheating and the closed window and ventilation scenario.

The overheating criteria may not be achieved if the windows remain closed to achieve the required noise levels even with mechanical ventilation as suggested in the RSK noise report. Therefore for this scenario the only option to prevent overheating is to provide mechanical cooling. Mechanical cooling is not promoted by the author of the overheating report as it is not sustainable and therefore the preferred option within the overheating report is to open the windows for some part of the day in addition to boosted mechanical ventilation to achieve the overheating criteria.

This scenario needs to be reviewed by the applicant's noise consultant to confirm the impact on noise levels and ability to achieve noise level criteria in Table 4 of BS8223 which is referred to in the consent condition.

If there is a decision to grant consent with the knowledge that the noise level conditions can be achieved through a combination of building envelope sound insulation, mechanical cooling and ventilation (full details to be confirmed) then the above condition is recommended.

BDC Housing Enabling Officer

No objection. Affordable housing provision mix is acceptable to meet local housing need.

Environment Agency

No objection. The site appears to be the subject of past industrial activity which poses a medium, risk to controlled waters. Recommend that guidance is sought from the Council's Environmental Health team with regard to contaminated land. Where planning controls are considered necessary we recommend that the environmental protection of controlled waters is considered and that the SUDs scheme is constructed in line with good practice and guidance documents.

Highways England

No objection. No conditions required.

ECC Highways

No objection. Prior to commencement of development the planning drawings shall be amended to show a) forward visibility adjacent to Plot 41 and 49 and b) the pedestrian cycle link joining the site to the Sorrells Field site to the south shall be 3.5 wide and shall directly meet the proposed link from Sorrells Field.

PARISH / TOWN COUNCIL

Hatfield Peverel Parish Council

- Welcomes the opportunity to provide comments.
- Apparent through extensive engagement with the community in 2015 and subsequent Site Assessment that the Arla site, being brownfield, would be suitable for allocation in the emerging Neighbourhood Development Plan (NDP) for development.
- During the outline planning process, Arla worked with the Parish Council and the NDP team, and BDC to encourage a mixed use development rather than just residential. Site provided an opportunity to encourage a commercial element for the village, and to increase/improve the parking for the railway station including the unsafe, substandard access. Therefore

the proposals are in conflict with Policy LPP 31 of the new Draft Plan, and also Policies ECN1 and HO6 of the emerging NDP.

- Welcome the mix of affordable/private housing for the site. Noted that there is only one bungalow - emerging NDP supports bungalows as well as retirement housing and affordable housing. Disappointing that bungalows/retirement housing are not proposed in the layout. The emerging NDP identifies a need for this type of housing within the community. Parish Council would refer you to Policy HO2 Retirement Housing and Policy HO6.
- This site, being allocated in both the BDC Local Plan and the Hatfield Peverel Neighbourhood Plan, affords a unique opportunity to cater as fully as possible for local and district needs over the plan period in line with NPPF (para 61).
- No proposals for electric charging points in the visitor/communal parking areas or within residential dwellings. Please see Policy FI2 Parking.
- Pedestrian and cycle access across the site through to Bury Lane linking up with The Street is encouraged and complies with the Policy HO6.
- Concerns over safe access and egress both on foot and by vehicle from and to the site, and the adjoining station car park where it meets Station Road by the hump backed bridge. The angles of visibility for motorists and pedestrians are restricted and quite dangerous.
- Concerned with the appearance of the three storey block of apartments approaching the village from Terling and also from the railway. The apartment block would not appear to be in harmony with the character of the surrounding area and Parish. The external elevations should be finished to provide a more aesthetically pleasing view from outside and within the development.
- Neighbourhood Development Plan Team and Parish Councillors met with Strutt & Parker and Bellway Homes on 3rd June to discuss their proposals, and to highlight the Parish Council's concerns in relation to the design of the apartment block, access and egress to the development from Station Road, the station car park, and the need for bungalows. It was a positive meeting, and trust that both Bellway Homes and Braintree District Council will consider comments above.

REPRESENTATIONS

Overall, in response to both public consultations 1 letter of comment and 20 letters of objection were received with some residents responding to both consultations. The main material and non-material points raised are summarised below:

- Parking restrictions will be required in Bury Lane and on the A12 bridge as the development will worsen nuisance parking in these areas caused by people using the station
- Loss of privacy to adjacent existing residents due to overlooking and lowering of shared boundary fence
- Loss of sunlight/daylight to existing residents
- Higher shared boundary fence requested
- Proposed design not in keeping with the village

- Existing trees/vegetation on shared boundary lines should be retained and new planting should be put in
- Development is too dense
- Station Road cannot sustain current traffic levels. How will it accommodate further traffic from this development?
- Access to the site should be opened up from Bury Lane to relieve Station Road
- Concerned about safety of highway access
- Footway crossing over the bridge to the railway station is dangerous. Development will increase the use of this and highway/pedestrian safety should be improved here
- Design and scale of flatted block is poor and not in keeping with the village. Local Essex vernacular should be used
- Design contrary to emerging Neighbourhood Plan Policy HO1
- Insufficient capacity at the Doctors Surgery and School
- Central green park has been removed from the development leaving children/teenagers nowhere to play
- Consider the affordable dwellings should be located away from the view of Station Road
- Proposal will be a detriment to the area encouraging crime and violence
- Proposal must leave room for future commercial or industrial uses for new business within the village envelope
- Substation should be inside the main development not isolated outside it where it is vulnerable
- Station car park access must transfer to the unused road currently blocked off by site hoarding. Deconflicting vehicle movements from the development and the station car park is essential
- Must decide who will maintain the narrow strip of ground occupied by the present access road to station car park
- New residents parking will be blocked by commuters using the rail station
- Development will cause noise and pollution
- Scale of development is in excess of local housing need
- Local infrastructure cannot cope
- Revised scheme contains only minor changes
- Revised flatted block remains too tall and out of keeping with the village in design terms
- Unacceptable noise impact to future residents from railway line
- Insufficient parking provision made
- Site should include commercial uses as it is the only site in the village which can provide this for existing businesses to expand into

REPORT

Principle of development

The principle of the residential development of the site has been established under the original outline consent (application reference 16/02096/OUT) which was issued on 20th December 2017. The current application seeks approval only for the reserved matters pursuant to the outline consent.

In terms of the historical background to the outline consent, the site is allocated as an Employment Policy Area in the Adopted Local Plan. This employment designation is not being carried forward into the Publication Draft Local Plan where the site has a draft allocation for a residential-led mixed used development as part of a wider comprehensive redevelopment area.

The emerging Hatfield Peverel Neighbourhood Plan also contained a draft allocation for the mixed use redevelopment of the site. The outline application was for residential development only, however given the limited weight which could be given to the draft allocation for the site in the Draft Local Plan and the Draft Neighbourhood Plan and the limited evidence base behind the requirement for a commercial element to the allocation there were no grounds to refuse outline planning permission for a residential only scheme. The relevant Policy (HO6 has since been removed from the Neighbourhood Plan by the examiner).

With the principle of development already being established the current Reserved Matters application seeks approval only for the following detailed matters:

Appearance;
Landscaping;
Layout; and
Scale.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires *'the highest possible standards of design and layout in all new development'*.

The (post examination) Neighbourhood Plan requires new developments to make a positive contribution and be of a high quality design. Policy HO1 seeks among other criteria a mix of house types; appropriate density and layout, design and height being in harmony with the immediate and surrounding area.

At the national level, the NPPF is also clear in its assertion (para 56) that *'good design is a key aspect of sustainable development'* and that (para 58) developments should *'function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping'*.

In accordance with the outline planning permission the applicant proposes a 145 unit scheme. The design and layout has been revised during the course of the application to respond to Officer concerns, including to the design and layout of the flatted block.

The proposed scheme consists of the following dwelling mix with 87 market dwellings and 58 affordable dwellings:

Market Mix

19no. 2 bed
45no. 3 bed
23no. 4 bed

Affordable Mix

9no. 1 bed
48no. 2 bed
1no. 3 bed

The dwelling mix covers a range of sizes and the Council's Housing Enabling Officer has confirmed agreement with the proposed affordable mix in terms of meeting identified need. Notably the applicant proposes 9no. 1 bed affordable houses (affordable rented tenure) which is unusual and is supported at Officer level. 1 bed houses offer an alternative affordable solution to flats with the benefit of a private rear garden and are a beneficial addition to the affordable dwelling mix for the scheme.

Vehicular access would be taken from Station Road, in accordance with the approved outline consent. An internal estate road would then serve a series of development parcels, with a pedestrian and cycleway only link through to both Bury Lane to the west and the adjacent development site (Sorrells Field) to the south. The scheme includes a small area of open space at its frontage with Station Road and then a larger, more functional area on its western side, adjacent to Bury Lane.

A large flatted block would be positioned on the eastern side of the development, closest to the railway station. This would contain affordable rented dwellings and shared ownership dwellings and would benefit from a large, well landscaped internal courtyard garden which would be shielded from noise and would provide a well presented and usable private amenity space for occupants of this building.

The development is compliant with the Essex Design Guide in terms of garden sizes for the proposed houses with a number of dwellings exceeding the required minimum sizes. Essex Design Guide back to back distances between new dwellings are also complied with.

The overall design of the proposed houses would be traditional in form and 2 stories in height with a mix of terraced, semi-detached and detached properties. Garages and car ports would either be detached in some cases or attached in others.

The palate of materials would include a mixture of facing brick and weatherboarding with rendered elements and concrete roof tiles.

The proposed flatted block would be a 3 storey brick built structure. The elevational design and materials have been amended following concerns raised by Officers regarding its design quality. Stone quoining has now been incorporated in a light sand colour along with a better quality strong red brick and fibre cement roof tiles which will have the appearance of slate. The main entrance points have also been visually strengthened and additional window detailing added. The layout has also been amended with a large turning head being removed from the courtyard and parking spaces being re-orientated to provide a substantially larger and much higher quality private amenity space for future residents of the block.

Officers note objections received from local residents in relation to the design of the flatted block. However, Hatfield Peverel contains an eclectic mix of dwelling types with a variety of designs across the village. Officers do not consider that there are any grounds to try to impose a particular architectural style and do not recommend the application is refused on design grounds. The applicant has made improvements to the flatted block which in its own right is considered to be of an acceptable design quality.

In terms of its size and massing, a 3 storey flatted block is not considered inappropriate for a brownfield development immediately adjacent to a mainline rail station with direct links into London. This type of location is highly sustainable in this regard and Officers consider that positioning higher density development in such locations directly accords with the NPPF's aim of promoting the use of public transport and sustainable transport solutions. It is also noted that this is the only 3 storey building proposed on the site and when viewed from the north, looking back towards the Village edge, the majority of the building line will be set at two storeys.

The Nationally Described Space Standards (NDSS) set out the required internal space standards for new dwellings of all tenures and although not yet adopted by BDC are utilised for new developments and given weight in the decision making process. Of the 18 dwelling types proposed, all except one meet or exceed the NDSS. Officers consider that this is acceptable given that the NDSS are not formally adopted by the Council.

Overall the design, appearance and layout are considered to be acceptable.

Landscaping

The applicant proposes a hard and soft landscaping scheme across the site which has been reviewed by the Council's landscape team and is considered to be acceptable. Limited tree planting would take place across the site and a small open, landscape area would be created at the site frontage with Station Road.

On the western side of the site a larger pocket park would be created, adjacent to the proposed cycle links to the neighbouring development sites to the west and south.

Precise species and planting densities are covered by a condition attached to the outline planning consent and would be dealt with under a future discharge of condition application.

Ecology

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

The principle of development is already established on this site and the outline planning application was accompanied by the necessary Ecology Reports. However, the applicant submitted an updated Ecology Report in support of the current Reserved Matters application.

The Report found a single tree on the site's southern boundary which has the potential for roosting bats and will be retained with mitigation measures to protect it from lighting employed. The outline planning consent already has a condition in place requiring a detailed lighting scheme to be submitted for approval. Features will also be provided to enhance the site for roosting bats and nesting birds and again the outline consent has a condition requiring the installation of bat and bird boxes on the site.

In terms of the Habitat Regulations, a financial contribution was secured under the s106 Agreement for the outline planning application towards off site visitor management measures at the Blackwater Estuary.

Highways and Transport

The applicant proposes a single vehicular access point from Station Road in accordance with the outline planning permission. Pedestrian and cycle access is provided from Station Road and also from Bury Lane to the west and Sorrells Field to the south to ensure future residents from both of these adjacent development sites will be able to achieve quick and direct access through the current application site on foot or by bicycle to the railway station.

Essex County Highways have been consulted and have no objection to the proposal. They required the layout plan to be amended to show forward visibility adjacent to Plot 41 and 49 and the pedestrian cycle link joining the site to the Sorrells Field site to the south to be 3.5 wide and directly meet the proposed link from Sorrells Field. The applicant's drawing has been amended to show the above.

Highways England have also been consulted and have no objection to the proposed development.

Importantly, in order to achieve the proposed footpath and cycle link to the Sorrells Field development site to the south, the following need to be undertaken:

a) The applicant needs to make a Section 73 (Variation of Condition) application to the original outline planning permission for Arla Dairy to allow the removal of a single Category C tree. Without this the cycle link cannot meet the 3.5m width required by Essex County Highways. The applicant has already prepared this application and intends to submit it for consideration shortly.

b) The developer for the adjacent site (Countryside) need to vary their Section 106 Agreement to allow the cycleway link to move position slightly to meet up with the link position proposed on the Arla site. Countryside have agreed to this variation and are in a position to submit this imminently.

The Officer recommendation is therefore subject to both a) and b) above being completed prior to the Arla Reserved Matters permission being granted. The benefits of the proposed pedestrian and cycle link are substantial and it is Officers initial opinion that the proposed Section 73 Variation would be likely to be supported at Officer level. However, this variation application would be subject to the normal application procedure and would be given full consideration with appropriate consultation being completed prior to any formal recommendation being made.

Subject to the above being acceptable, Officers are confident that both a) and b) above could be achieved promptly and in advance of any Reserved Matters approval being issued.

Parking for each dwelling would be provided in accordance with the Essex Parking Standards (2009) at a rate of 1 space per 1 bed unit and 2 spaces per 2 or more bed units. Parking would primarily be located on plot with several small parking courts or linear spacing groups also being utilised.

There would be a minor shortfall in visitor parking with 25 rather than 37 spaces being provided. This is considered to be acceptable given the proximity of the site to the mainline railway station and the need to ensure that best use is made of this brownfield site in terms of development density. This was also noted at the outline planning stage where Officers identified that a minor degree of shortfall in visitor parking could be acceptable in this location for the above reason.

In terms of electric vehicle charging points, the applicant has confirmed that each garage and car port would contain a socket capable of charging the occupants vehicle which would make notable provision for charging on the site. The Neighbourhood Plan also requires provision for a communal charging point to be made in shared parking areas, however the outline planning permission was granted in 2017 before significant weight could be

given to this requirement and it is not a requirement of the outline planning consent.

Impact Upon Residential Amenity

In terms of neighbouring amenity, the application site is bounded to the east, south and west by existing residential dwellings. Sufficient distance is maintained from shared boundaries to ensure that no unacceptable loss of privacy, sunlight or daylight would occur and the new dwellings would not appear overbearing upon existing adjacent residents. A condition is recommended to remove permitted development rights for select dwellings to ensure that roof extensions/conversions and two storey rear extension cannot be built where they could impact upon existing adjacent residents.

The site's proximity to the mainline railway and the A12 is also an important consideration with regard to the amenity of future occupiers of the proposed development. The applicant submitted a Noise Report in support of their application and following a request for additional information from the Council's Environmental Health Officer an Overheating Assessment.

It is noted that in order to avoid overheating during the hottest periods of the year windows in some dwellings will need to be opened at certain times to purge heat, particularly in some bedrooms for example between 6pm and 11pm. There is a degree of conflict between minimising noise from the mainline railway and accepting that residents will need/want to open windows at such times with associated noise implications.

A condition is therefore required to request further details of cooling measures which may need to include, for some dwellings, mechanical ventilation or potentially very limited mechanical cooling to ensure that residents can, if they choose keep windows closed for the majority of the time even during exceptionally hot summer spells with acceptable cooling ventilation still being achieved.

The number of dwellings with bedrooms facing the railway is however limited and the Overheating Report identifies the apartments located on the western arm of the apartment block as being most at risk due to their orientation. However, the majority of the bedrooms in these apartments face away from the railway and into the sheltered courtyard. Where the closest dwellings on the site (houses) have bedrooms facing toward the railway the bedrooms are north facing and will not therefore be subject to extensive direct sunlight.

Overall, Officers do not consider that there are any grounds to refuse the application on noise or overheating grounds subject to the imposition of the above condition to ensure that the most effective and most sustainable option for each dwelling is achieved.

Flooding and Drainage Strategy

The applicant proposes to utilise a sustainable urban drainage system with a piped system and an attenuation tank, the latter being located under the larger area of public open space.

Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal.

Contamination

The site was previously occupied in a commercial capacity. A contamination report was submitted in support of the outline application and the site was found suitable for residential development subject to appropriate conditions relating to investigation and remediation.

The Environmental Agency have no objection to the proposal subject to the Council's Environmental Health Team having no objection. This was addressed at the outline application stage and the contamination conditions attached to the outline permission still stand.

Conclusion

The principle of the residential re-development of the site is established under the existing outline consent. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

There are no objections from the relevant statutory technical consultees (subject to the noise/overheating condition required by BDC Environmental Health Department) and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.

The scheme represents the re-development of a brownfield site in a sustainable location adjacent to the mainline railway station in one of the District's Key Service Villages.

Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following being completed prior to the issuing of the Arla Reserved Matters decision:

a) The applicant making a Section 73 (Variation of Condition) application to the original outline planning permission for Arla Dairy to obtain permission to remove a single Category C tree to allow the proposed pedestrian and cycle link to the adjacent Sorrels Field development site.

b) The developer for the adjacent site (Countryside) varying their s106 to allow the cycleway link to move position slightly to meet up with the link position proposed on the Arla site.

and subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Tree Plan	Plan Ref: Tree Pit Plan	Version: PR141-02
Location Plan	Plan Ref: BW203 PL-01	Version: 00
Proposed Elevations and Floor Plans	Plan Ref: BW203-GR-01	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-GR-02	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-GR-03	Version: 00
Proposed Phasing Plan	Plan Ref: BW203-PL-04	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-HA-02-01	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-HA-02-02	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-HA-03-01	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HA-04-01	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-01-01	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-01-02	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-02-01	Version: C
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-02-02	Version: B
Floor Plan	Plan Ref: BW203-AP-01	Version: I
Floor Plan	Plan Ref: BW203-AP-02	Version: I
Floor Plan	Plan Ref: BW203-AP-03	Version: I
Roof Plan	Plan Ref: BW203-AP-04	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-AP-05	Version: F
Proposed Elevations and Floor Plans	Plan Ref: BW203-AP-05	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-AP-05	Version: B
Proposed Plans	Plan Ref: BW203-AP-06	Version: F
Proposed Floor Plan	Plan Ref: BW203-AP-07	Version: B
Proposed Bin Collection Plan	Plan Ref: BW203-AP-11	Version: 00
Levels	Plan Ref: 18-070-002	Version: B
Landscape Masterplan	Plan Ref: PR141-01	Version: N
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-03-01	Version: C
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-03-02	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-04-01	Version: D
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-05-01	Version: C
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-06-01	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-07-01	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-07-02	Version: A
Planning Layout	Plan Ref: BW203-OP7-CP-02	Version: Q
Tenure Plan	Plan Ref: BW203-PL-12	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-08-02	Version: A

Parking Strategy	Plan Ref: BW203-PL-06	Version: G
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-09-01	Version: A
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-10-01	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-11-01	Version: D
Elevations	Plan Ref: BW203-SUB	Version: 00
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-12-01	Version: A
Floor Plan	Plan Ref: BW203-HT-12-02	Version: 00
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-13-01	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-13-02	Version: B
Proposed Elevations and Floor Plans	Plan Ref: BW203-HT-14-01	Version: A
Boundary Treatment	Plan Ref: BW203 PL 05	Version: I
Amenity Space Details	Plan Ref: BW203 PL	Version: G
Materials Details	Plan Ref: BW203 PL	Version: N
Affordable Housing Plan	Plan Ref: BW203 PL 09	Version: G
Refuse Information	Plan Ref: BW203 PL 10	Version: G
Public Open Space Details	Plan Ref: BW203 PL	Version: G
Street elevation	Plan Ref: BW203 ST-ARLA-01	Version: B
Street elevation	Plan Ref: BW203 ST-ARLA-02	Version: D
Proposed Elevations and Floor Plans	Plan Ref: BW203-CP-01	Version: 00
Proposed Elevations and Floor Plans	Plan Ref: BW203-CP-02	Version: 00

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

Reason

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

- 2 Prior to the commencement of above ground works the applicant shall submit the following for approval by the Local Planning Authority to demonstrate that internal temperatures of completed dwellings will be acceptable and that internal noise levels for dwellings will also be acceptable:

- 1) An updated Overheating Assessment
- 2) An associated Noise Report
- 3) Details of any mechanical ventilation and/or cooling systems which may be required

The development shall be carried out only in accordance with the approved details and shall be permanently retained thereafter.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

- 3 Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no alterations to the roofs of and no rear extensions to the dwellinghouses

located on Plots 1; 13 to 15 inclusive; 45 to 47 inclusive and 51 to 65 inclusive shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of existing dwellings adjacent to the site.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Southern Ecological Solution Ltd., January 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason

To conserve and enhance Protected and Priority species/habitats and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to comply with the Japanese Knotweed Protocol Document dated 18/07/2019 and completed by IWC in support of the planning application.

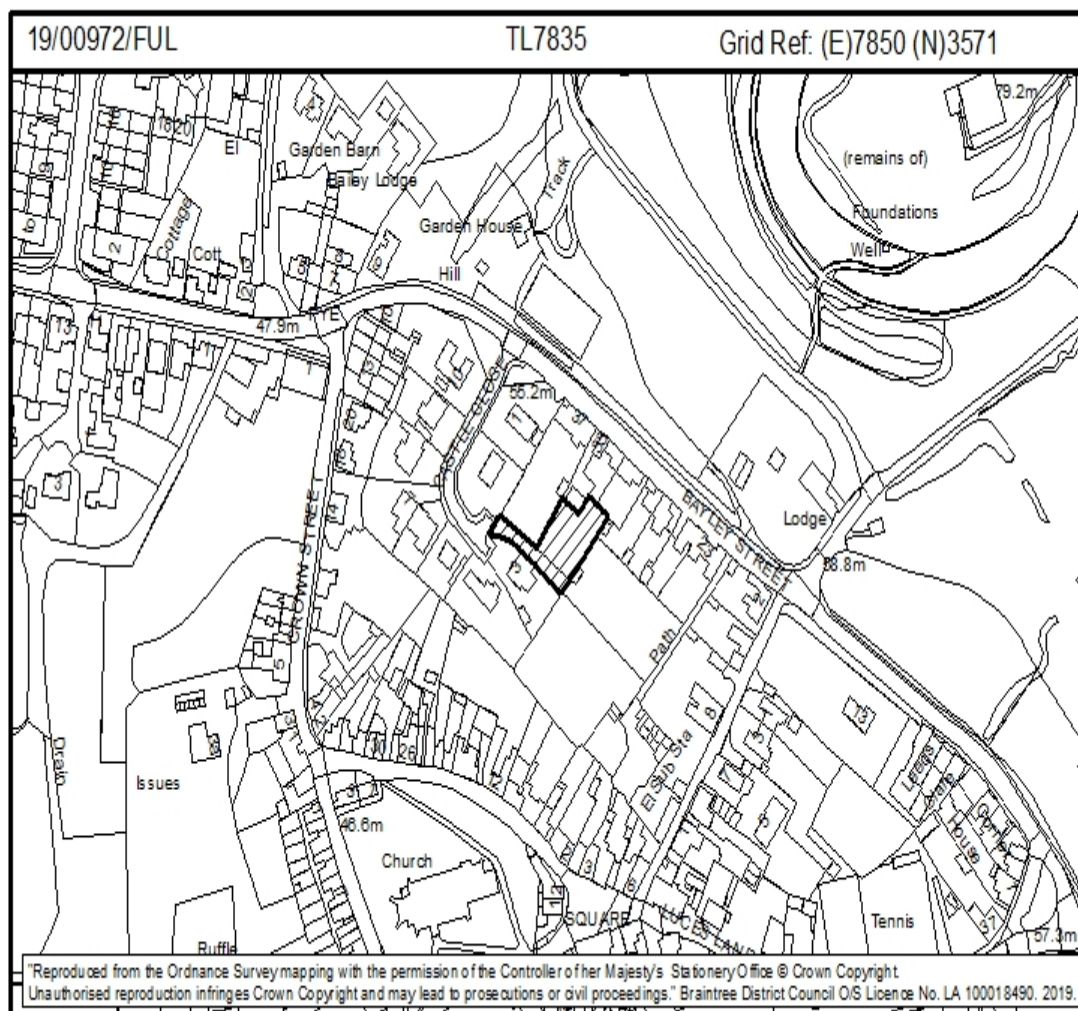
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/00972/FUL DATE: 30.05.19
 VALID:
 APPLICANT: Mr Kevin Mortier
 Hillbank House, Hedingham Road, Halstead, CO9 2DA
 AGENT: Lee Frere
 29A High Street, Clare, C010 8NY
 DESCRIPTION: Proposed 3-Bedroom Dwelling
 LOCATION: 3 Castle Close, Castle Hedingham, Essex, CO9 3DH

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSBLR1BFGRI00>

SITE HISTORY

18/00058/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Cut down Fir tree and face back Leylandii hedge	Granted	06.04.18
19/00369/HH	Removal of single storey front & rear extensions. Erection of new, single storey, front & rear extensions. Conversion of roof space to create two bedrooms. Insertion of three dormer windows into west facing roof slope	Granted	08.05.19

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

Castle Hedingham Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Castle Hedingham Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is situated to the north east of Castle Hedingham in a cul de sac off Bayley Street. The site currently forms part of the garden to No.3 Castle Close and comprises a site area of 0.07ha. There is a slope to the site with the land rising up from No.3 to the north east, towards Bayley Street. As such the properties in Bayley Street are elevated in relation to the application site.

There are 10 dwellings within Castle Close comprising of a mixture of detached bungalows and two storey dwellings. No.3 Castle Close is a detached bungalow which benefits from planning permission for single storey front and rear extensions, conversion of the roof space and inclusion of 3no. dormers, which is realised on the submitted plans.

The application site is situated within the village envelope for Castle Hedingham and within the designated Conservation Area.

PROPOSAL

The application proposes to subdivide the site and introduce a 3no. bedroomed detached bungalow with the creation of a new access, associated parking and amenity space.

The proposed dwelling takes an 'L Shaped' plan form, mimicking that of No.3 Castle Close with its approved extensions. The overall width of the proposed dwelling is 12.8m with a depth of 7.4m. The dwelling is proposed to be 1.5 storeys abutting the northern boundary of the site. The approximate height to the ridge is 6.6m and to the eaves is 2.6m. Hipped gabled roofs are proposed on the east and west elevations. On the rear elevation roof lights are proposed. A single dormer and two roof lights are proposed on the southern elevation of the dwelling.

A single storey wing protrudes from the southern (front) elevation with a hipped gable roof. The wing protrudes approximately 6.6m from the front elevation. The approximate height to the ridge is 5.5m and to the eaves is 2.6m. The southern flank wall of the wing is blank with windows proposed on the west elevation and doors on the east elevation. This wing abuts the proposed car parking for the site.

The amenity space is provided by way of 2no. terraces and a garden area. A new access is created off Castle Close, with a driveway leading to the

proposed dwelling. 2no. off street car parking spaces are provided adjacent to the proposed dwelling, with space to turn and exit the site in a forward gear.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to demolition, site clearance and construction to ensure works are controlled to minimise disturbance to nearby residents.

BDC Landscape Services

The proposal will result in the loss of a mature fruit tree within the garden ground. A condition relating to a landscaping scheme could provide suitable replacement planting.

Highway Authority

No comments to make.

ECC Archaeology Consultant

The development site lies on or around the line of the castle bailey and may contain archaeological deposits pertinent to the development of the castle and town. Any such deposits are fragile and likely to be disturbed/destroyed in the course of development on site. A condition is recommended relating to archaeological trial trenching.

Historic Buildings Consultant

The main consideration, from a heritage perspective, should be preserving the openness of outward views from the listed buildings to the north-east, including views of the Grade I listed church of St Nicholas. No objection to permission being granted. Conditions relating to materials and details are recommended.

PARISH/TOWN COUNCIL

Castle Hedingham Parish Council

Objection. In summary the following comments were made:

- Inappropriate setting and would create a precedent for other back land development in the Parish.
- The impact of the development on listed buildings in the Conservation Area.
- There is limited parking availability at the properties. This will cause a problem at the area for turning vehicles and emergency vehicles in this cul de sac.

- Castle Close is a narrow road maintained by property owners. There is insufficient width for two cars to pass each other.
- Planning permission had been granted to enlarge 3 Castle Close. The Parish Council did not object to that application. Concern that the garden size for the two properties will be severely limited.
- Castle Close was a carefully planned development in the Conservation Area of Castle Hedingham. The detrimental effect to the context of Castle Close by the additional of a dwelling of significant size should not be underestimated.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter.

5 representations objecting to the proposal have been received. In summary the following comments have been made:

Highway Issues

- Castle Close is a narrow private road. It is an unadopted road.
- Cars cannot pass each other
- There is no car parking in the road visitors often park in the hammerhead or mount the kerb. Additional dwelling would exacerbate the problems.
- Condition of planning consent should include developer resurfaces the road and repairs damaged kerbs.
- There are no pavements.
- Construction traffic causing damage to road.
- Turn around adjacent to site would be reduced in size to accommodate new driveway access. This area is used by emergency services.

Heritage Issues

- Proposal will be detrimental to the status and integrity of Conservation Area and set a precedent.
- Proposal will abut the boundaries of 5 listed buildings.

Other Issues

- Previous application on site 19/00369/HH was refused.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development within Town Development Boundaries and Village Envelopes will be acceptable in principle, subject to detailed design considerations.

The proposed development is therefore considered to be in compliance with the Development Plan and the Draft Local Plan and is acceptable in principle.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village Envelopes'. Policy CS7 of the Adopted Core Strategy supports this and states that future development will be provided in accessible locations to reduce the need to travel'.

Further in regards to sustainability, is the strategy set out in the Draft Local Plan. This seeks 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.

Although Castle Hedingham is identified as a 'third tier' village within the Draft Local Plan and therefore lacks most of the facilities required to meet day to day needs, taking into account the scale of development proposed in this case for a single dwelling and given that the application site is located within the Castle Hedingham development boundary where the principle of new development is considered to be acceptable, the application is considered to be acceptable in this regard.

Design, Appearance and Layout

Policy RLP3 of the Adopted Local Plan permits development within development boundaries where it satisfies amenity, design, environmental and highway criteria. It seeks to ensure that the scale, design and intensity of

new buildings is in harmony with surrounding development and respects neighbouring amenities in infill plots.

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LLP50 of the Draft Local Plan all seek a high standard of design and layout.

Paragraph 124 of the NPPF states, *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.

The application proposes to subdivide the plot at 3 Castle Close and erect a detached 3no. bedroomed dwelling. The plot is 'L' shaped and the rear garden of No.37 Bayley Street extends to meet with Castle Close, such the siting of the proposed dwelling is discreet and would not be readily visible from the street scene of Castle Close.

A new access is proposed into the site from the north west of 3 Castle Close a spur off the cul de sac. This area currently forms part of the front garden for 3 Castle Close. In order to facilitate this access some loss of existing planting would result, however this is not considered to be of detriment to the appearance of the street.

The proposed dwelling consumes a large proportion of the site, extending almost across its width, although the plans indicate that at least 2m circulation space between the proposed dwelling and the boundaries to the east and west would be achieved. The character of the cul de sac is predominately detached dwellings set back within the plot, with car parking on driveways. Although the site is smaller than others in Castle Close and the development does appear slightly tight, the site can accommodate the dwelling together with sufficient amenity space and off street car parking, without compromising the character of the street.

The Essex Design Guide 2005 refers to a minimum provision of 100sq.m amenity space for 3 or more bedroom dwellings and creating as far as possible useable rectangular garden shapes. The proposed amenity space is split into 3 parcels with the garden, terrace and a further terrace to the south east of the proposed dwelling. Due to the levels within the site a retaining wall is proposed with the garden slightly elevated from the house. A total of 215sq.m of amenity space is provided, satisfying the guidance as set out within the Essex Design Guide.

In order for the development to be realised the garden area for No.3 Castle Close would be significantly reduced. Nonetheless sufficient amenity space would be retained for the existing dwelling to satisfy the Essex Design Guide.

The submitted plan indicates that the bin presentation would be at the entrance to the site where the new access meets with Castle Close. This location is accessible to refuse collectors.

In order to facilitate the development, it is proposed to remove an existing fruit tree located close to the northern boundary of the site. The proposed plan suggests mitigating against this loss by way of new tree planting. It is considered reasonable to attach condition to any grant of consent requiring a landscaping scheme for the site to be submitted.

The application form submitted with the application proposes the use of cladding above a brick plinth, clay pan tiles and painted softwood windows. Notwithstanding this it is considered reasonable, given the Conservation Area location and the proximity to listed buildings, that a condition is placed on any grant of consent requiring details of materials to be submitted and approved.

It is considered that the proposed development, in the site layout and the design of the dwelling is compatible and in harmony with the surrounding development and would not have a detrimental impact on the character and appearance of the site or the wider street scene.

It is considered reasonable to remove permitted development rights for extensions and roof additions/alterations, given the arrangement of the amenity space and to ensure the amenity of neighbouring properties is protected given the site level differences.

The proposal satisfies Policies RLP3, RLP9 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP37, LPP50 and LPP55 of the Draft Local Plan.

Heritage

The NPPF places great weight on the conservation of heritage assets.

Policy RLP95 of the Adopted Local Plan seeks to preserve and enhance the character and appearance of the designated Conservation Areas. Policy RLP100 of the Adopted Local Plan seeks to protect listed buildings and their settings. Policy CS9 of the Adopted Core Strategy seeks to protect and enhance the historic environment. Policies LPP50 and LPP56 of the Draft Local Plan seeks to protect and enhance the historic environment.

Due to the discreet siting of the proposed dwelling it is not considered that the proposal would detract from the character, appearance and essential features of the Conservation Area.

The northern boundary of the site abuts No.33 and No.29 Bayley Street (Grade II listed buildings) which are elevated from the site. Views/glimpses from Bayley Street across Castle Hedingham capturing rooftop views, including St Nicolas Church (Grade I) which is situated within the designated Conservation Area are possible.

Due to the difference in levels between the site and Bayley Street, together with the proposed 1.5 storey height of the dwelling it is considered that the openness of outward views from the Bayley Street to the north-east of the site would be preserved.

The Historic Buildings Consultant has considered the proposal has raises no objections, subject to conditions in respect of materials and design details.

The proposal accords with Policies RLP95 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP50 and LPP56 of the Draft Local Plan.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land or buildings. Policy RLP90 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties and this is echoed in Policy LPP55 of the Draft Local Plan.

The submitted plans propose a new retaining wall and fence providing separation between No.3 Castle Close and the proposed dwelling. The proposed dwelling is slightly elevated from No.3 Castle Close, however, due to the separation distance and the single storey blank flank wall on the southern elevation of the proposed dwelling, it is not considered that the proposal would have a detrimental impact on the residential amenity of the occupiers of No.3 Castle Close.

There is a distance of approximately 27m providing separation between the rear elevation of the proposed dwelling and the rear elevation wall of No.29 and No. 33 Bayley Street, which are on elevated land in comparison to the application site. The Essex Design Guide advises a 25m back to back distance to ensure residential amenity is protected. Although in this case there are land level differences, given the separation distance of 27m and the design of the property including only roof lights at first floor on the rear elevation, it is not considered that the proposed dwelling would be overbearing nor would unreasonable overlooking result. Views from No.29 and No.33 Bayley Street towards the application site would be possible, however the proposed tree planting would ensure an acceptable level of privacy for future occupiers.

The proposed development would not cause undue or unacceptable impacts on the amenities of neighbouring properties and complies with Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Highway Issues

The Adopted Vehicle Parking Standards requires dwelling with 2 or more bedrooms to have a minimum of two off street parking spaces and those to be to dimensions of 2.9m x 5.5m.

The submitted plans provide 2 car parking spaces for the proposed dwelling and 2 car parking spaces for the existing dwelling at No.3 Castle Close, to dimensions of 2.9m x 5.5m. The proposal accords with the Adopted Vehicle Parking Standards.

A new access is proposed off Castle Close to the north of the existing access for No.3 Castle Close. The proposed access driveway measures 3 metres in width.

The Highway Authority have been consulted on the application and raise no objections.

Archaeology

Policy RLP104 of the Adopted Local Plan seeks to impose conditions to ensure there is observation, recording, excavation or other appropriate means of retaining knowledge of the archaeological interest of the site. Policy LPP63 of the Draft Local Plan seeks to protect important archaeological remains.

The Historic Environment Officer at Essex County Council advises that the site lies within an area of archaeological potential within the medieval village of Castle Hedingham and close to the castle itself which is a scheduled monument. The site lies on or around the line of the castle bailey and may contain archaeological deposits pertinent to the development of the castle and town.

On this basis a condition relating to archaeological trial trenching is considered reasonable.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a development boundary where the principle of development is acceptable.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found

sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In the case of this application, the proposal represents a new dwelling within the development boundary in a location which would have good access to facilities and services within Castle Hedingham. The proposal would have economic and social benefits, in terms of employment generated from the construction period and the provision of a new dwelling which would contribute to the supply of housing. Such benefits would be consistent with the social and economic objectives of sustainable development; however they would be limited in weight due to the scale of the development.

The proposed dwelling is of an appropriate design, scale and form within the street scene and within the designated Conservation Area and has regard to the setting of nearby listed buildings. The proposal would not result in unacceptable impacts on the residential amenities of neighbouring properties. Furthermore, both the existing and new dwelling would be provided with an appropriate number of parking spaces in accordance with the Adopted Vehicle Parking Standards and sufficient amenity space to accord with the Essex

Design Guide. Whilst the application proposes the loss of a fruit tree, this is proposed to be mitigated with landscaping and additional planting.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the harms, and therefore consider the proposed development would constitute sustainable development and recommend that planning permission 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

Existing Elevations and Floor Plans	Plan Ref: 18040-01 Version: E
Location / Block Plan	Plan Ref: 18040-08 Version: A
Proposed Elevations and Floor Plans	Plan Ref: 18040-07 Version: A

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

Reason

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

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

Reason

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

- 3 No above ground development shall commence unless and until a schedule of the materials to be used in 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 use of appropriate materials having regard to the Conservation Area location, the nearby listed buildings and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local

planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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.

Reason

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

- 5 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching and paleoenvironmental investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits or paleoenvironmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

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

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

Reason

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

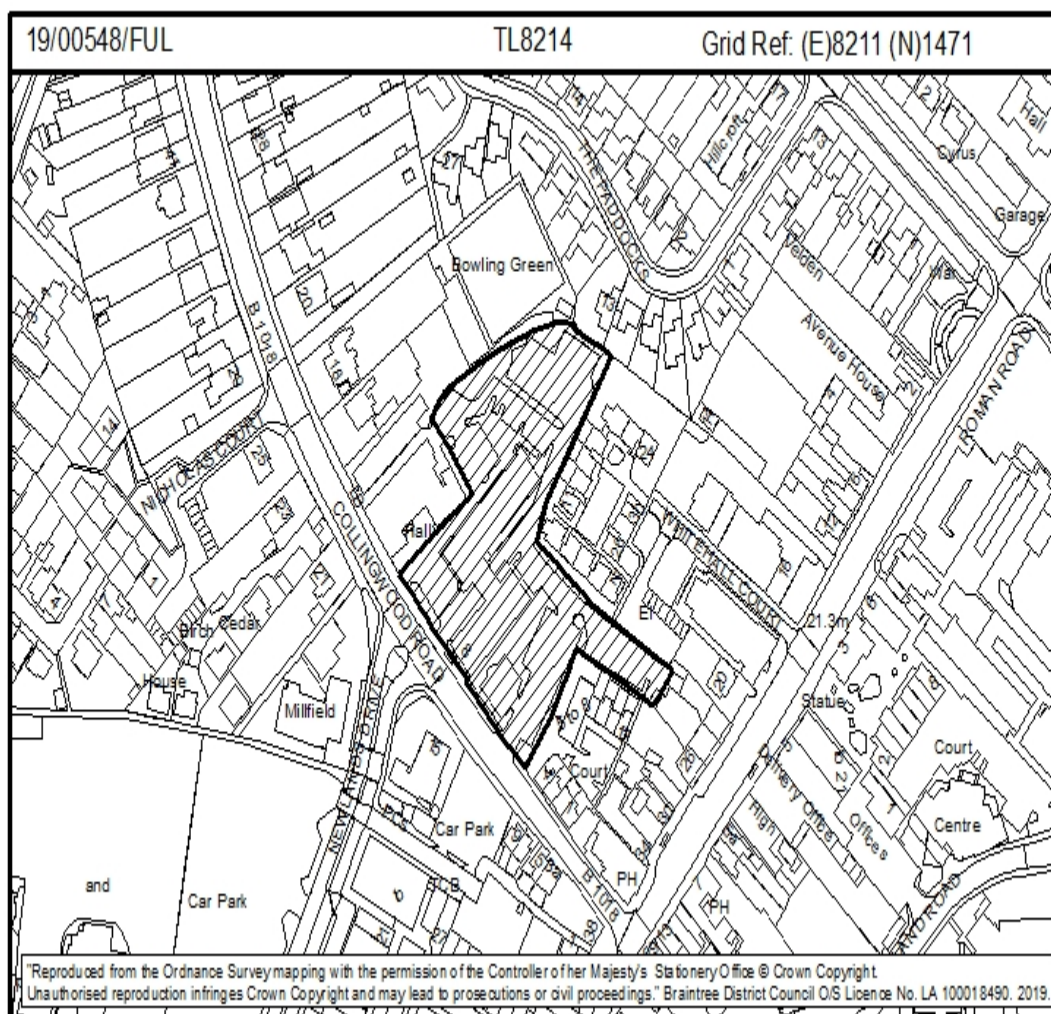
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/00548/FUL
DATE: 24.04.19
VALID:
APPLICANT: Mr N Kerridge
c/o Agent
AGENT: Miss Alexandra Webster
16 Old Town, Clapham, London, SW4 0JY
DESCRIPTION: Erection of bin store, bike store, substation enclosure and boundary railings/wall
LOCATION: Collingwood House, 8 - 10 Collingwood Road, Witham, Essex, CM8 2TT

For more information about this Application please contact:
Ellen Cooney on:- 01376 551414 Ext. 2501
or by e-mail to: Ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POX84SBFFQ100>

SITE HISTORY

96/00915/FUL	Proposed installation of 5 No new windows	Granted	19.09.96
05/01553/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 9/75 - Reduction to height and crown, lifting of dropping branches	Granted	15.09.05
05/01752/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 9/75 - carry out works to trees	Granted	05.10.05
05/02151/TPO	Notice of intent to carry out works to trees protected by tree preservation order no: 9/75 - carry out works to 9 trees	Granted	24.11.05
05/02579/FUL	Installation of roof guardrails/ladders and air conditioning units	Refused	21.02.06
06/01291/FUL	Installation of roof guardrails/ladders and air conditioning units	Refused	12.09.06
06/02027/FUL	Revised car parking layout to existing parking area	Granted	23.11.06
07/00010/FUL	Installation of roof guardrails/ladders and air conditioning units	Refused then dismissed on appeal	06.03.07
07/00221/FUL	Provision of a ramped access facility to the front elevation of the existing building	Granted	22.03.07
07/02508/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 9/75 - Carry out works to TPO trees as specified in RBS Tree Report	Granted	14.01.08
10/01161/FUL	Retention of car park lighting and external lighting mounted on building	Granted	04.11.10

12/01287/FUL	Removal of existing aluminium window and brickwork panel, installation of new aluminium deliveries entrance	Granted	13.11.12
12/01521/ADV	Erection of one non-illuminated sign and three non-illuminated flags on flagpoles	Refused then dismissed on appeal	10.01.13
13/00132/ADV	Erection of one non-illuminated sign and removal of existing signs	Granted	08.04.13
13/00257/FUL	Removal of existing aluminium pivot windows and entrance doors including all column pressings and cill sections. Replacement with new double glazed powder coated aluminium top hung windows including entrance doors column pressings and cill sections	Granted	21.05.13
16/00124/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 9/75 - Carry out works to trees as detailed in the schedule and plan attached with the application	Part Grant, Part Refused	31.05.16
16/01611/COUPA	Prior approval for the change of use of an office building to 61 residential units	Withdrawn	14.11.16
16/02198/COUPA	Prior approval for the change of use of offices (Class B1) to 61 residential units (Class C3)	Prior Approval Required and Given	20.02.17
07/00036/REF	Installation of roof guardrails/ladders and air conditioning units	Appeal Dismissed	02.04.08
07/00042/ENF	Appeal against Enforcement	Appeal Allowed	02.04.08
75/00127/P	Erection of offices	Granted	17.03.75
75/00866/P	Erection of offices	Granted	03.09.75
75/01091/P	Erection of offices	Granted	06.11.75
04/01733/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 9/75 - Carry out works	Granted	11.10.04

96/00915/FUL	to 1 horse chestnut Proposed installation of 5 No new windows	Granted	19.09.96
05/02097/FUL	Installation of roof guardrails/ladders and air conditioning units - APPLICATION NOT PROCEEDED WITH	Application Returned	
05/02579/FUL	Installation of roof guardrails/ladders and air conditioning units	Refused	21.02.06
06/01291/FUL	Installation of roof guardrails/ladders and air conditioning units	Refused	12.09.06
07/00010/FUL	Installation of roof guardrails/ladders and air conditioning units	Refused then dismissed on appeal	06.03.07
07/00221/FUL	Provision of a ramped access facility to the front elevation of the existing building	Granted	22.03.07
10/00562/FUL	Upgrade of car park lighting	Withdrawn	09.06.10
10/00129/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 9/75 - Carry out various works to trees as detailed on tree specification	Part Grant, Part Refused	20.07.10
10/01161/FUL	Retention of car park lighting and external lighting mounted on building	Granted	04.11.10
12/01287/FUL	Removal of existing aluminium window and brickwork panel, installation of new aluminium deliveries entrance	Granted	13.11.12
13/00017/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 9/75 - Reduce 1 Norway Maple by approx 3 metres, shape to clear interference of radio mast and Reduce 1 limb by 1/2 metre from 1 Lime tree without effecting the balance of the tree	Granted	12.03.13
13/00257/FUL	Removal of existing aluminium pivot windows and entrance doors	Granted	21.05.13

	including all column pressings and cill sections. Replacement with new double glazed powder coated aluminium top hung windows including entrance doors column pressings and cill sections		
13/00331/FUL	Installation of new generator with timber fencing	Granted	22.05.13
13/00152/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 9/75 - Reduction of lower limb to rear of Lime tree to be shortened by 3.5m and trim outer ends of branches hanging into the road limited to 300/400mm and remove self seeded Elder	Granted	27.08.13
16/01611/COUPA	Prior approval for the change of use of an office building to 61 residential units	Withdrawn	14.11.16
16/00366/TPO	Notice of intent to carry out works to tree protected by Tree Preservation Order 9/75 - Remove Cedar tree to ground level, and remove stump	Granted	18.01.17
16/02198/COUPA	Prior approval for the change of use of offices (Class B1) to 61 residential units (Class C3)	Prior Approval Required and Given	20.02.17
17/02315/COUPA	Notification for prior approval for a proposed change of use of a building from office use (Class B1(a)) to dwelling house (Class C3) - Office to Dwellings	Prior Approval Required and Given	16.02.18
18/00523/FUL	External alterations to elevations, fenestration, installation of new entrance lobby to north east elevation and erection of boundary treatments.	Granted	21.09.18
19/00266/DAC	Application for approval of details reserved by conditions 3 and 5 of approval 18/00523/FUL -	Granted	03.07.19

External alterations to
elevations, fenestration,
installation of new entrance
lobby to north east elevation
and erection of boundary
treatments.

POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the

Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes

RLP52	Public Transport
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

Collingwood House is located within the Witham development boundary and the Newland Street Conservation Area. The site was previously a vacant office block which has been converted into 98 residential units and renamed 'Lime Tree Place' under a prior approval application, (application reference 17/02315/COUPA). The site comprises parking areas to the front and rear and adjoins the Public Hall to the West and residential development in all other aspects.

PROPOSAL

The application proposes the erection of a new bin store, bicycle store, sub-station enclosure and boundary railings.

CONSULTATIONS

Highway Authority

No objection.

BDC Environmental Health

Location of bin store should be reviewed to ensure neighbouring amenity is maintained. Raised a query concerning the substation, however it should be noted that this permission is for the fencing enclosure/screening only.

Historic Buildings Consultant

No objection.

PARISH / TOWN COUNCIL

Witham Town Council have objected to the location of the bin store as it would have a detrimental impact upon neighbouring amenity.

REPRESENTATIONS

16 objection comments have been received in response to the application, these are summarised below:

- The bin store is located within close proximity to Ben Sainty Court.
- This will result in odours, insects and rodents impacting upon the residents
- The bin store would provide unsightly views.
- Management and access has not been considered.
- Not enough room for service vehicles to access the bin store in this position.
- The bin store should be located over car parking bays 1-6.
- Impossible to maintain the proposed hedging and this will not help to reduce smells but will encourage rodent activity.
- Impossible to clean behind the bin store if the hedge is planted.
- No contractual obligation for the site owner to maintain the hedge.

The hedging that was originally proposed to be planted behind the bin stores has been now been removed from the plans.

REPORT

Principle of Development

Paragraph 91 of the NPPF states that planning applications should create places that are; healthy, inclusive and safe. Developments should be created which are safe and accessible; where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion. It should promote health and well-being, with a high standard of amenity for existing and future users; and enable and support healthy lifestyles through the provision of accessible and green infrastructure, including layouts which promote walking and cycling.

Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development shall be confined within town development boundaries. The proposal of the erection of a bin and cycle store, substation enclosure and boundary railings is acceptable in principle, in accordance with these policies.

The site also benefits from the previous permission 17/02315/COUPA, for the conversion of the office block to residential units as allowed under national permitted development rights via the prior approval procedure. It is expected that this type of development would require ancillary operations and supporting infrastructure as proposed by way of this application.

Design and Appearance

Paragraph 127 of the NPPF states that planning applications should ensure that developments will function well, are visually attractive, are sympathetic to the local character and optimise the potential of the site and create places that are safe, inclusive and accessible.

In addition, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

The proposed erection of the bin store has been negotiated on and redesigned several times to produce an acceptable solution which minimises neighbouring impacts while achieving the best possible design. The key changes which have led to the final design can be summarised as follows:

- The bin store has been set away from the boundary by 1.5 metres;
- The height of the bin store has been reduced to 2 metres at the rear and 2.6 metres at the front with a mono-pitched roof sloping away from the boundary fence;

- The size of the store has been reduced in depth by approximately 1.5 metres;
- The doors have been relocated from either end of the store to the front elevation to face the development and away from Ben Sainty Court;
- The rear wall, roof and side of the store will be close boarded to help prevent any potential odours towards the gardens of Ben Sainty Court;
- The proposed hedging has been removed from behind the bin store;
- Other locations were considered for the bin store, however any suitable location would exceed the 20 metre pull distance that the refuse collectors must abide by;
- The initial concrete slab poured to support the proposed structure has been amended with 1.4m of slab being removed.

The bin store would measure 5.9 metres in depth and 15.1 metres in width. It would measure 2 metres in height at the rear eaves and would be located 1.5 metres from the boundary with Ben Sainty Court. It would be constructed from close boarded timber, matching the proposed cycle store along the north-western boundary of the site. The proposed cycle parking store would measure 4.3 metres in depth and 9.9 metres in width allowing a total of 56 bicycle stands. A 1.2 metre wide path would be added from the car park to the cycle parking store to safely allow residents to manoeuvre the bicycles to and from the store.

New metal gates are proposed at the main access of the site from Collingwood Road. These would be set back from the road by 8.5 metres at its furthest point to allow cars to pull off the highway and wait for the gates to open safely. They would attach to brick plinths measuring 2.6 metres in height and 0.6 metres in width. The gates would be supported by wheels on a metal track with the opening measuring 7 metres. A brick wall would attach to the brick plinths and would slope from 1.9 metres to 1.2 metres in height towards the highway. An existing wall would be demolished to accommodate the new proposed brick wall. Approximately 7 metres of wall would be rebuilt adjacent to the highway on either side of the site entrance. To the right of the site entrance, the substation would be enclosed with 1.8 metre high 'hit-and-miss' timber fencing.

A suitable condition is recommended to secure material samples to ensure these are appropriate for the site.

While there has been opposition to the location of the bin store from Environmental Health, it is considered that due to the configuration of the site, the chosen location would have the least impact upon the Conservation Area and is accessible for refuse lorries. The Essex Design Guide (2005) states that refuse collection must be made within 25 metres of an adopted highway. Therefore, this location is considered to be the most viable option to reduce the appearance of the store within the Conservation Area and comply with the Essex Design Guide's recommended 'pulling' distance.

Planting hedging behind the bin store was originally proposed to reduce any potential smell and reduce the visibility of the store from Ben Sainty Court,

however this was met with strong opposition from residents and it was considered that it should be removed and the gap retained between the store and the boundary fence. The scale and massing of the store has been significantly reduced to address concerns and it is considered that the extensive design amendments make the proposal acceptable and compliant with the abovementioned policies.

Heritage Impact

Paragraph 200 of the NPPF states that development within Conservation Areas should be encouraged, however proposals will only be looked upon favourably if they make a positive contribution to the Conservation Area.

Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan state that development will only be allowed in Conservation Areas where they do not detract from its character and appearance and development must be sympathetic in terms of its size, scale and proportions with its surroundings.

It is not considered that the siting of the bin store, bicycle store or the substation enclosure would have a detrimental impact upon the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

There have been strong objections to the siting of the bin store from the residents of Ben Sainty Court. The scale and massing of the structure has been reduced and it has been moved away from the boundary to reduce its prominence. Therefore only a small portion of the bin store would be visible to the residents. The objections received also raised concerns regarding the potential smell of the bin store. The change of design to the close boarded construction of the store and moving the doors to the front elevation was undertaken to minimise any odours as well as removing the hedging from behind the store and moving the structure away from the boundary to allow the space around the bin store to be kept clean. It is considered that the impact on neighbouring amenity has been mitigated to its furthest extent.

The bicycle store would be located to the rear of the site, adjacent to Witham Bowls Club and would therefore not have a detrimental impact upon residential amenity. By virtue of its nature, the substation fence, new brick wall and gates are not deemed to have a detrimental impact upon neighbouring amenity.

Highway Issues

Parking provision has been accepted for the residential scheme under application reference 17/01325/COUPA. The Highways Authority was consulted on this application and raised no objection to the cycle parking provision or the new boundary treatments.

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

Elevations	Plan Ref: COLLWD-IW-XX-XX-DR-A-3904 Version: C2
Section	Plan Ref: COLLWD-IW-XX-XX-DR-A-3905 Version: C1
Site Plan	Plan Ref: 54081-A(10)00-010 Version: PA1
Elevations	Plan Ref: COLLWD-IW-XX-XX-DR-A-3908 Version: C7

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

Reason

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

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

Reason

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

- 3 Development shall not be commenced until samples of the materials to be used as a means of enclosure, bin store, cycle store and details of the proposed gates have been submitted to and approved in writing by the local planning authority. The proposed wall and brick plinths shall be constructed in accordance with the approved samples. The development shall be implemented in accordance with the approved details.

Reason

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

CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER