

PLANNING COMMITTEE AGENDA

Tuesday, 13 February 2018 at 07:15 PM

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

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

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

Membership:-

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

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
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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 January 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications.

PART A

Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5a | Application No. 17 01769 OUT - Land East of Morleys Road, EARLS COLNE | 5 - 37 |
| 5b | Application No. 17 01799 FUL - Next, Unit 6, 1 Charter Way, BRAINTREE | 38 - 59 |
| 5c | Application No. 17 01812 OUT - Thistle Field, land at High Garrett, BRAINTREE | 60 - 83 |

PART B

Minor Planning Applications:-

There are no applications for consideration under Part B.

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.

PART A

APPLICATION NO: 17/01769/OUT
 DATE: 27.09.17
 VALID: 5a

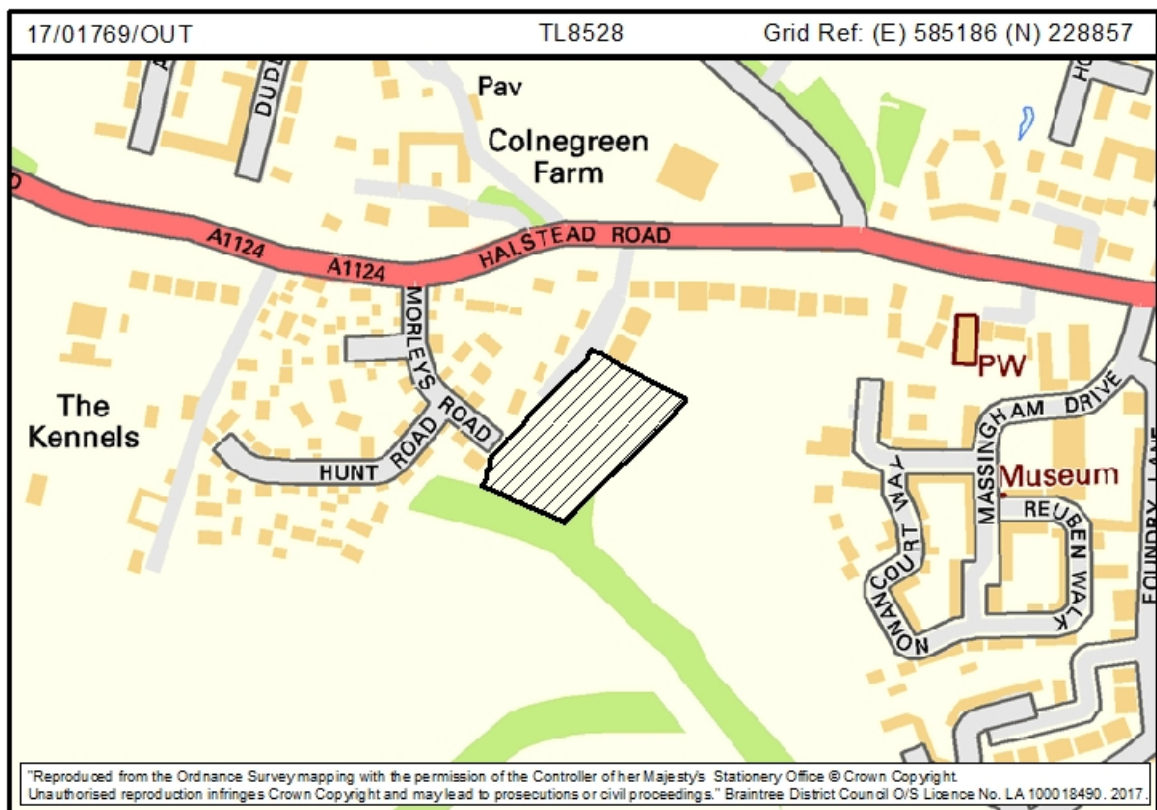
APPLICANT: Mr William Lee
 Greenhunt, 50 Jermyn Street, St James's, London, SW1Y 6LX

AGENT: Anna Bend
 Amec Foster Wheeler, Gables House, Kenilworth Road, Leamington Spa, CV32 6JX

DESCRIPTION: Outline planning application to include up to 20 dwellings (C3), vehicular access from Morleys Road, public open space, and associated landscaping, drainage, infrastructure and ancillary works. Detailed approval is sought for access arrangements from Morleys Road, with all other matters reserved.

LOCATION: Land East Of, Morleys Road, Earls Colne, Essex

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



SITE HISTORY

No planning history.

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.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
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
RLP95	Preservation and Enhancement of Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

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
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Other Material Considerations

Site Allocations and Development Management Plan

Supplementary Planning Documents/Guidance

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

Earls Colne Village Design Statement

Other Guidance

Landscape Character Assessment 2006
Braintree District Settlement Fringes – Evaluation of Landscape Analysis
(June 2015)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications.

NOTATION

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

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

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

SITE DESCRIPTION

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

It measures approximately 0.76 hectares and consists of a small, rectangular agricultural field with a number of established trees and hedges to the boundaries.

The site is bounded on two sides (to the north and west) by existing residential development which lies within the Village Envelope. To the east and south lies further agricultural land. There is also a substantial tree belt which sits adjacent to the site's southern boundary.

There is no formal vehicular access to the site. In terms of gradient, the site is relatively level with a modest fall of approximately 1.8m from north to south.

The Earls Colne Conservation Area is situated to the north and abuts part of the site's northern boundary.

PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except for access, for up to 20 dwellings with associated public open space, landscaping, drainage, infrastructure and ancillary works.

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

The scheme proposes a new vehicular access from Morleys Road, leading into the site from its western boundary. Besides access all other matters regarding the proposed development (appearance; landscaping; layout and scale) are Reserved Matters.

The applicant has, in addition to the site location plan submitted an illustrative Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed.

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

- Planning Statement
- Design and Access Statement
- Illustrative Masterplan
- Transport Assessment
- Outline Drainage Strategy
- Heritage Statement
- Utilities Statement
- Contaminated Land Assessment
- Ecology Report

CONSULTATIONS

ECC Education

No s106 education contributions required.

BDC Environmental Health

No objection subject to the applicant submitting, in accordance with the submitted Contaminated Land Assessment recommendations, a report detailing the results of additional soil gas sampling together with a remediation plan should the applicant identify any sources of contamination.

ECC Highways

No objection subject to conditions relating to the provision of a suitable access from Morley's Road, the upgrading of the two bus stops which would best

serve the development and the provision and implementation of a Residential Travel Information Pack.

ECC Archaeology

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

BDC Waste

Design of the access roads needs to accommodate turning movements for waste collection vehicles up to 26 tons and will need to be offered for adoption to ECC as public highway. If the access roads are to remain private then each household will need to present their waste bins at a suitable location no more than 20m) from the public highway.

BDC Ecology

No objection subject to conditions relating to the protection of badgers during construction; the undertaking of bat activity surveys as recommended in the applicant's ecology report; the submission of a lighting strategy for approval which is informed by the above bat activity surveys and the submission of a scheme for the ecological enhancement of the site.

BDC Landscape

The site is relatively well-screened along the south eastern boundary by scrub and woodland cover; the parcel is well contained and a residential development on this site would have limited landscape impact with the nearest PROW at some distance and not directly connected to the area.

There will need to be some loss of boundary vegetation to facilitate the access through from Morleys Road and there are a number of semi-mature oak trees along the boundary which it should be possible to retain.

Specific requirements:

- A suitable Tree Protection Plan will need to be approved and in place before development commences.
- Expectation that the landscape scheme for any approved development materially adds to the level of canopy cover using native trees on the boundary areas of public open space. If there is a loss of oak trees in creating the access then the expectation should be that they are replaced with three new oaks - for each tree lost - within the area set aside as public open space.
- Opportunities to create a substantive increase in the area of woodland through the landscape proposals for the public open space should be pursued for the benefits of the local amenity and improving the connectivity of the adjacent woodland belt as a wildlife corridor.

ECC Historic Buildings Advisor

No objection. The site abuts a modern development to the west and will infill an area to the south west of Earls Colne which is already experienced as part of this rearward development. As such there are not strong views into and out of the conservation area at this point and the land is not considered to physically or visibly make an important contribution to the character and appearance of the heritage asset.

Would expect to see the house designs at the Reserved Matters stage reflect and respond to the character and materials of the settlement.

Anglian Water

Foul drainage from this development is in the catchment of Earls Colne Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

The preferred method of surface water disposal would be to a SUDs system with connection to a sewer seen as the last option.

Surface water strategy/flood risk assessment submitted is unacceptable. Request that a drainage strategy covering the issues be agreed. Therefore recommend that if the Local Planning Authority is minded to grant permission a condition is attached requiring the submission and approval of a surface water management strategy.

Natural England

Do not wish to make any comment.

ECC Flood and Water Management

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

BDC Housing

In accordance with Policy CS2 of the adopted Core Strategy 40% affordable housing is required which equates to 8 homes for a development of 20 units. Details would be agreed at the Reserved Matters stage but the below indicative mix would be considered appropriate to meet housing need;

- 6 x 2 bedroom 4 person houses
- 2 x 3 bedroom 5 person houses

Other factors concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be delivered without reliance on public subsidy;
- Built to standards acceptable to the Homes and Communities Agency at the point of construction;
- All affordable dwellings that are accessed at ground floor level should be compliant with either Lifetime Homes or Building Regulations Part M Cat 2;
- Tenure mix required to be 70/30 affordable rent over shared ownership.

Earls Colne Parish Council

No objection.

REPRESENTATIONS

Objections were received from 5 residential addresses. These are summarised as follows:

- Parish Council supported the views of the Parishioners of Earls Colne and stated in the 2007 Village Design Statement that 'extension of the estate into the field at the end of Monks Road should, for the foreseeable future, be strongly resisted' and 'building on greenfield sites should be resisted within the village and on its outskirts'.
- Application submitted by 'out of towners' on behalf of local applicants. These 'out of towners' are motivated by money not local needs. Local Planning Policy is broken and unsustainable. Central Government Planning policy is being used as a way of carving up brown and greenfield sites and moving village and town envelopes throughout the country.
- Approving this development would raise serious questions regarding future applications for further greenfield development outside the village envelope with sites already being promoted.
- To state that Earls Colne has the capacity to take another 450 houses (figure derived from approved, pending and possible future developments) is ridiculous. The last census (2015) shows 3,898 households in the village. The primary school; doctor's surgery; shops and local infrastructure will not be able to cope with the increase. No Developers have made any concrete contributions to alleviate this problem.
- S106 monies are put into a central pot (used in Halstead for example). BDC should use CIL instead and ensure that monies are directed to the village itself.
- Loss of another beautiful space that is home to a great deal of wildlife. Disappointing that Ecology Survey was carried out after the area was mown as it normally hosts a wide variety of wildlife.
- Proposed footpath connecting the site to The Croft is unadopted and maintained by residents who don't have the resources to pay for it to be

properly surfaced. It is in a poor state of repair - who would be held responsible in the event of an accident?

- Parking at The Croft is very limited and the loss of even one space to make room for a footpath access would have a significant impact with no viable alternative parking.
- If the development goes ahead the Council should adopt the road and create additional parking with existing parking for permit holding residents only.
- I was told when I moved to The Croft 17 years ago that planning had been rejected on the adjacent field. Would like to know what the difference is now.
- To totally surround the 115 year old Croft Cottages with development (permission already granted on the other adjacent site) would be totally out of character.
- Concerned about Emergency Vehicles trying to access The Croft.
- Object to the use of The Croft as a 'pedestrian access' as it is a private road and we have just paid several thousand pounds to have it tarmaced. Pedestrian access can easily be turned into cycle or delivery driver access.
- Impact on the character and lifestyle of the village. Over 180 homes already granted planning permission. Application site is only land separating the two existing housing developments and the recently approved 80 house development. One huge estate will result.
- Impact on traffic on A1124 particularly with approved development in the village and also in Halstead.
- Impact on village infrastructure – insufficient parking; promised s106 for additional parking at the Doctor's Surgery has been reneged on. Waiting times for appointments already exceeds 4 – 5 weeks.

REPORT

Principle of Development

5 Year Housing Land Supply

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

The Council is currently unable to demonstrate a 5 year housing land supply. The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any

undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan.

These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

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

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision-taking....."

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

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

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

Site Assessment

The Adopted Development Plan

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

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

It is therefore necessary to assess the planning balance, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole (the tilted balance); or specific policies in the NPPF indicate that development should be restricted (the un-tilted balance).

The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the emerging Local Plan although it sits adjacent to a larger site which is allocated and which has been granted planning permission for residential development for up to 80 dwellings (15/01580/OUT). The proposed development is therefore contrary to the emerging Local Plan, in particular to draft Policy LPP1 which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The emerging Local Plan is at a relatively advanced stage having been submitted for Examination with the Examination for Part 1 of the emerging Local Plan (the strategic policies) commencing on 16th January 2018. At the time of writing the Examination for Part 2 of the emerging Local Plan is due to take place in the summer of 2018. As such limited weight can be given to its policies.

Heritage

The application site sits adjacent to the Earls Colne Conservation Area. The NPPF identifies the impact of proposed development upon heritage assets as being a specific factor which triggers the need for the 'un-tilted planning balance' to be undertaken. Where the level of harm to a heritage asset would outweigh the public benefit of a proposal, planning permission should normally

be refused. Where it does not the Local Planning Authority should go on to undertake the general 'tilted planning balance' assessment.

The Council's Historic Buildings Advisor has been consulted and has no objection to the proposed development stating that the land is not considered to physically or visibly make an important contribution to the character and appearance of the heritage asset. Moreover, no specific harm to the Conservation Area is identified. It is not therefore considered that the application would cause harm to the identified heritage asset and the public benefits of the proposal, such as the provision of market and affordable housing to help meet the District's shortfall are clearly identifiable.

It is therefore necessary to proceed to undertake the general 'tilted' planning balance assessment.

Location and Access to Services and Facilities

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

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

The application site is located immediately adjacent to but outside the Village Envelope of Earls Colne as identified in the adopted Local Plan. The emerging Local Plan seeks to enlarge this Village Envelope so that it surrounds the application site on three sides. The physical location of the application site is therefore considered to be sustainable in terms of access to facilities and services, given that it is located immediately adjacent to land which the emerging Local Plan considers to be sustainably located and seeks to allocate for housing.

Earls Colne, as a Key Service Village provides a wide range of facilities and services which are accessible from the application site by foot or bicycle. These include for example a library; recreation club; Doctor's Surgery; Pharmacy; Primary School and Nursery; several pubs; a church; several shops, a co-op and takeaway/restaurants.

With regard to bus services, the nearest bus stop is located on the A1124, approximately 300m from the site with a number of other bus stops in the locality. Regular bus services provide links to the towns of Colchester and

Halstead as well as to a number of other smaller settlements both within and outside the District boundary. Future residents of the proposed development would therefore have access to a reasonable level of public transport provision to the wider geographical area.

Design, Appearance and Layout

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

The current application is an outline application with all matters reserved except access. The applicant has submitted, in addition to a site location plan an illustrative masterplan which demonstrates one way in which the application site could accommodate the proposed quantum of development.

The applicant seeks permission for the erection of up to 20 dwellings at a gross density of approximately 26 dwellings per hectare.

The illustrative masterplan shows the proposed access leading into the site from Morley's Road and running along the site's eastern boundary. SUDs features are located along the site's southern and eastern boundaries along with some limited areas of landscaping/structural open space. A potential pedestrian link is identified from the site into an area of woodland to the south and another to The Croft to the north. However, there is no existing formal public right of way through either of these areas and it is not considered that these links are likely to be achievable or that they are particularly appropriate in this context.

A third potential footpath link is identified on the site's eastern boundary, through to the adjoining land which has planning permission for residential development. This link is considered to be both important and achievable insofar as the applicant can be required to provide the link to the site boundary and the developer for the adjacent site can then be advised by Officers that they should provide a link to this at the Reserved Matters stage for this adjacent site. Officers consider that this link should be a cycle and pedestrian link between the two sites, in line with the Parish Council's request for a cycle friendly permeable route through this area.

In terms of the housing layout, the applicant revised the illustrative masterplan at the request of Officers as the originally submitted plan did not demonstrate that the site was capable of accommodating 20 dwellings. The revised plan provides a mix of detached, semi-detached and terraced dwellings in two parcels of development. On plot parking is provided and acceptable garden

sizes are achieved. In general back to back distances between dwellings comply with the Essex Design Guide, with the exception of the 'corner turning' detached dwelling which would not be supported in its current position by Officers, due to the degree of overlooking to the dwelling immediately to its north.

The layout also demonstrates that the proposed development would not have an unacceptable impact upon the amenity of the occupiers of existing dwellings in the locality.

Finally the illustrative layout for the adjacent site has also been included on the illustrative masterplan to demonstrate how the two sites could be compatible.

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

Landscape

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

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site as falling within a larger area of land (evaluated as Parcel 2f) which has medium-high capacity for development (sites being rated from low; medium-low; medium; medium-high and high in category).

The Council's Landscape Officer has assessed the application and has no objection on landscape grounds stating that *the site is relatively well-screened along the south eastern boundary by scrub and woodland cover; the parcel is well contained and a residential development on this site would have limited landscape impact with the nearest public right of way at some distance and not directly connected to the area.*

There will need to be some loss of boundary vegetation to facilitate the access through from Morley Road and there are a number of semi-mature oak trees along the boundary which it should be possible to retain.

The Landscape Officer has also highlighted the following:

- A suitable Tree Protection Plan which will need to be approved and in place before development commences.

- Expectation that the landscape scheme for any approved development materially adds to the level of canopy cover using native trees on the boundary areas of public open space. If there is a loss of oak trees in creating the access then the expectation should be that they are replaced with three new oaks - for each tree lost - within the area set aside as public open space.
- Opportunities to create a substantive increase in the area of woodland through the landscape proposals for the public open space should be pursued for the benefits of the local amenity and improving the connectivity of the adjacent woodland belt as a wildlife corridor.

With regard to trees, there are a number of established trees located along the site's southern boundary and an established hedge located along the eastern boundary. The illustrative masterplan demonstrates how both areas could be retained as undeveloped land. A detailed tree survey with tree protection measures would be required at the Reserved Matters stage following the submission of a detailed design and layout for the site.

Overall, Officers do not consider that there are any grounds to refuse the application on landscape impact.

Ecology

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

The site consists of a small agricultural field with an established hedge to the eastern boundary and an established tree belt to the southern boundary. Chalkney Woods, a SSSI is located approximately 2km to the south east of the site. There are also a number of local nature reserves such as Bourne Brook, Ash Bottom and Brickfield and Long Meadow, which are located within 700m of the site.

The applicant has submitted an Ecology Report with an Extended Phase 1 Habitat Survey in support of their application. No protected species were identified on site although bats are considered likely to use the site for foraging purposes. The report recommends a number of precautionary measures including a pre-construction badger survey; bat activity surveys and phased vegetation clearance to safeguard reptiles and nesting birds. Mitigation measures are also recommended such as enhancing the retained hedgerow; creating grassland habitat and incorporating bat roost features and bird boxes into the design of some of the new dwellings.

Natural England were consulted and advised that they have no comment to make on the application.

Braintree District Council's Ecology Officer has assessed the application and the submitted Ecology Report and Survey and has no objection to the proposed development, subject to a number of conditions. These relate to the completion of a pre-construction badger survey; a method statement to protect badgers and other mammals during construction; the completion of bat activity surveys to inform a lighting strategy and site layout; submission of a lighting strategy to ensure lighting is appropriately controlled in relation to foraging bats and a scheme for the ecological enhancement of the site.

Highways and Transport

The applicant seeks outline permission with all matters reserved except access for which full approval is sought. A Transport Assessment and detailed access drawing have been submitted in support of the application with the new access being taken from Morleys Road as a direct continuation into the application site.

The Transport Assessment states that based on an assessment of the national TRICS database it is predicted that in the AM peak (0800 – 0900) the development would generate 2 arrivals and 7 departures and in the PM peak (1700 – 1800) 6 arrivals and 3 departures. It is not considered that this would have any significant material impact on the existing highway network.

The nearest bus stops to the site are located on Halstead Road with two to the west and two to the east, at (walking) distances of approximately 300m and 390m respectively. These provide regular services to Colchester and Halstead.

Essex County Highways have no objection to the application subject to planning conditions requiring:

- The provision of the access as shown on the submitted access drawing;
- Upgrading the two bus stops which would best serve the application site to ECC specification;
- Provision and implementation of a Residential Travel Information Pack per dwelling.

The bus stop upgrades and Travel Packs have been included within the proposed s106 Agreement rather than required by way of condition.

Impact Upon Neighbour Amenity

There are existing dwellings which lie immediately adjacent to the site's northern and western boundaries. The illustrative masterplan demonstrates one way in which the site could be developed to ensure an acceptable relationship between the proposed and existing dwellings to ensure the safeguarding of residential amenity.

The land to the east also has planning permission for residential development. The illustrative masterplan also demonstrates how the two sites could be developed simultaneously in an acceptable manner.

Heritage

The heritage impact of the proposal has been assessed in the above report. No specific harm to the Conservation Area has been identified.

Other Matters

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application. They have identified that the site has a high potential for the survival of archaeological remains and planning conditions relating to the securing of a programme of historic building assessment and recording and archaeological evaluation are therefore required.

Construction Activity

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

Contamination

The applicant submitted a Contaminated Land Report which did not identify any specific sources of contamination on the site. The Council's Environmental Health Team have recommended that in accordance with the recommendations contained within the submitted report, a standard contamination condition is used requiring a report detailing the results of additional soil gas sampling together with a remediation plan should the applicant identify any sources of contamination.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted an Outline Drainage Strategy in support of their application and propose to utilise detention basins and or swales to hold surface water from the development with slow release to an existing ditch located adjacent to the south eastern corner of the site. A limited amount of underground storage (approximately 60m³) would also be required by way of cellular tanks.

Following the submission of further drainage strategy information, the Lead Local Flood Authority (Essex County Council) consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage and the County Council have specified a number of conditions which it is recommended are attached to any permission granted relating to the required content and management of this scheme.

Anglian Water stated that the originally submitted Drainage Strategy was unacceptable and requested a condition relating to a requirement for a detailed drainage strategy. This has however been superseded by the Lead Local Flood Authorities (ECC) which cover this requirement in more detail and are based on the applicant's updated Outline Drainage Strategy.

Agricultural Land

The application site consists of a small agricultural field. The Council's Agricultural Land Classification Maps show the land to be located on the boundary of an area consisting of Grade 2 (very good) and Grade 3 (good to moderate) agricultural land. The proposed development would therefore result in the loss of a small area of agricultural land, some of which would be classed as best and most versatile. However, given that the application site measures only 0.76ha, the loss of this land is considered to be negligible in the wider context of the District and is clearly outweighed by the public benefits of up to 20 new dwellings to help meet the District's identified housing shortfall.

Reserved Matters Timescales

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

Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Anglian Water raised a concern in relation to the originally submitted Drainage Strategy but this Strategy has been updated and the Lead Local Flood Authority (ECC) have no objection to the proposed development subject to specified conditions. Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

Section 106

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

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is not located in an urban area and the provision of 40% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 20 dwellings this would equate to 8 dwellings (5 affordable rented and 3 shared ownership).

The Council's Strategic Housing Team require a 70/30 tenure mix (rent over shared ownership) to be secured. The affordable dwellings are required to be delivered without reliance upon public subsidy and must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction. All affordable homes that are accessed at ground floor level should be compliant with either lifetime homes standards or Part M Cat 2 of Building Regulations.

Open Space

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size is required to make financial contribution towards the off-site provision of allotments; outdoor sports and equipped play space. Informal open space could either be provided on site or a financial contribution made in lieu.

In terms of off-site contributions, the Open Space SPD would require a financial contribution of approximately £39,000 toward the off-site provision of, or improvements to outdoor sports facilities; equipped children's play areas; informal open space and allotments based on a development of 20 dwellings. These contributions would be secured through the S106 Agreement and the

actual payment would be calculated on the number and size of the dwellings constructed.

Earls Colne Parish Council have worked with Officers to identify specific projects for these monies which are as follows:

Equipped Children's Playspace: Reuben Walk Playground – more play equipment required and landscape quality improved and/or Recreation Club Play Area - new and improved equipment, including replacement of safety matting.

Outdoor Sports: Recreation Club – contribution toward provision of an all-weather sports facility (MUGA) (provided that appropriate provision for public access can be put in place to the satisfaction of the Local Planning Authority. If this cannot be achieved then the contribution will instead have to be diverted to upgrade and improve facilities at Halstead Leisure Centre as the next most appropriate outdoor sports project which new residents of the development would be likely to utilise).

Allotments: general improvements to Queens Road and/or New House Road allotments.

Informal Open Space: Village Green North and/or South – improvements to the quality of the greens, including refurbishment of grass areas.

Transport

Prior to occupation of the development the two bus stops which would best serve the application site are to be upgraded with details and scope of works to be agreed with the Local Planning Authority.

Residential Travel Information Packs are also required for new occupiers of the development.

Footpath/Cycle link

Requirement for footpath and cycle link to be provided to eastern boundary of the site, to enable access between this site and village services through the housing development planned for the neighbouring site, avoiding use of the main road.

Conclusion

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework. Such an assessment must take account of the economic, social and environmental impact of the proposed

development and these matters must be considered in the overall planning balance.

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

The application site is located adjacent to but outside the Village Envelope of Earls Colne as identified in the adopted and the emerging Local Plan and is located in the countryside. The applicant’s proposal to develop the site in a residential capacity must therefore be considered as a departure from both the adopted and the emerging Development Plans. Although the relevant adopted Development Plan Policies must be considered out of date a limited degree of weight can still be given to the application’s conflict with them. The application’s conflict with the emerging Local Plan can also be given a limited degree of weight, given the relatively advanced stage of the emerging Local Plan’s preparation. The application’s departure from both Plans therefore weighs against the proposed development in the planning balance.

Other adverse impacts of the proposal are also limited and include the loss of a small amount of best and most versatile agricultural land, the loss of a greenfield site and a limited landscape impact although the site is capable of providing strategic landscaping.

However, there are a number of factors which clearly weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would bring demonstrable public benefits including up to 12 market homes and 8 affordable homes, making a material contribution toward the Council’s 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. Indeed the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application leading to earlier delivery.

Environmentally, the site is located in a sustainable position, being immediately adjacent to a Key Service Village with its associated services and facilities, the boundary of which is proposed to be extended so that it would encompass the application site on 3 sides under the emerging Local Plan.

Other benefits which weigh in favour of the development include financial contributions towards the off-site provision of children’s playspace; informal open space; allotments and outdoor sports facilities and the upgrading of two existing bus stops. It would also generate a number of construction jobs

during the build phase in addition to providing new residents to Earls Colne to provide further support for existing services and facilities.

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

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

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership) equating to 5 affordable rented and 3 shared ownership based on a scheme of 20 dwellings; delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.
- **Public Open Space** (financial contribution toward outdoor sports provision, equipped children's play space, allotments and informal open space to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Specific projects as identified in the above report. Trigger point for payment being prior to occupation of the first unit).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Upgrading of bus stops** (The upgrading of the two bus stops which would best serve the application site with details and scope of works to

be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit).

- **Footpath/Cycle link** (To be provided to the site's eastern boundary to allow a through route to be created to the adjacent land to the east).

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

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

APPROVED PLANS

Location Plan	Plan Ref: 39384-Lea01a
Access Details	Plan Ref: 39384-Lea12b

1 Details of the:-

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

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

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

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

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 20 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

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

Reason

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

- 4 Prior to the occupation of the development a suitable dropped kerb, shared access from Morley's Road to the application site, as shown in principle on the submitted access drawing 39384-Lea12b shall be constructed, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the access is constructed to an acceptable standard and to ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in the interests of highway safety.

- 5 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - 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;
 - Details of any piling operations to be carried out during the construction phase;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition, site clearance and construction working hours.

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

Reason

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

- 6 a) Prior to the commencement of development a limited soil gas and soil sampling survey shall be undertaken and a report detailing the results of the survey together with (if necessary) a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval. The survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's Summary Geo-environmental Phase 1 Desk Study completed by Amec Foster Wheeler and dated August 2017.
- b) Formulation and implementation of the remediation scheme (if it is required under a) above) shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.
- c) 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.
- d) The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of any remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

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

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological evaluation is required prior to the commencement of development to ensure that the evaluation is carried out before construction works start which could damage archaeology on the site.

- 8 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Infiltration and groundwater testing in line with BRE 365. If infiltration is demonstrated to be unviable, discharge rates should be limited to 1l/s from the site for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Provision in storage should also be made for the effect of urban creep and have a suitable half-drain time.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarizing the final strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that the development of the site is carried out in accordance with an approved drainage scheme.

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

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding are in place when works commence on the site.

- 10 No development shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that a system is installed which is properly maintained.

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

Reason

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

- 12 Development shall not be commenced until an Arboricultural Survey has been completed and submitted to the local planning authority for approval along with details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the

commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

- 13 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage and signs.

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

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

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

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

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 14 No above ground works shall commence until a schedule and samples of the materials to be used on the external finishes of the dwellings and where appropriate garages have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

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

details.

Reason

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

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

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

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

Reason

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

- 17 Prior to the commencement of development a pre-construction badger survey must be undertaken on the application site and where accessible on land within 30 metres from the site boundary. The Badger Survey must be submitted to the local planning authority for approval, alongside a Method Statement to safeguard Badgers during construction. The Development must be carried out in accordance with the approved method statement.

Reason

In order to safeguard any Badgers that could be present on or utilising the site when construction commences. The Survey and Method Statement are required prior to the commencement of development to ensure that safeguards are in place before work begins on site.

- 18 Prior to the commencement of development Bat Activity Surveys shall be undertaken as recommended in the applicant's submitted Ecology Report (completed by Amec Foster Wheeler and dated August 2017) and submitted to the local planning authority for approval alongside a detailed lighting scheme for the development which is based upon the findings of the Bat Surveys and shall:

- a) Demonstrate how and where the external lighting scheme will be installed so that the areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.

The development shall be installed in accordance with the approved lighting scheme and no additional external lighting shall be installed without prior written consent from the local planning authority.

Reason

To safeguard any Bats using the site, to minimise pollution of the environment and to safeguard the amenities of the locality. The survey and lighting scheme are required prior to the commencement of development to ensure that safeguarding measures are agreed before work begins which could disturb bats in the area.

- 19 Prior to the commencement of development a strategy for the Ecological Enhancement of the site shall be submitted to the local planning authority for approval. The strategy shall include details such as new habitat creation and habitat improvement.

Reason

In the interests of protecting and enhancing biodiversity.

INFORMATION TO APPLICANT

- 1 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority with details to be agreed before the commencement of work. You are advised to contact the Development Management team at development.management@essexhighways.org or SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester C04 9QQ.
- 3 You are reminded that all vegetation/scrub clearance should be carried out sensitively and with due care and consideration to reptiles. Should reptiles be found all works must stop immediately and a suitably qualified ecologist must be contacted for further advice.
- 4 You are reminded that under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Vegetation clearance should therefore take place outside of the nesting bird season or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified Ecologist. Any active nesting sites must be cordoned off and remain undisturbed until young birds have fledged.

- 5 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 6 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

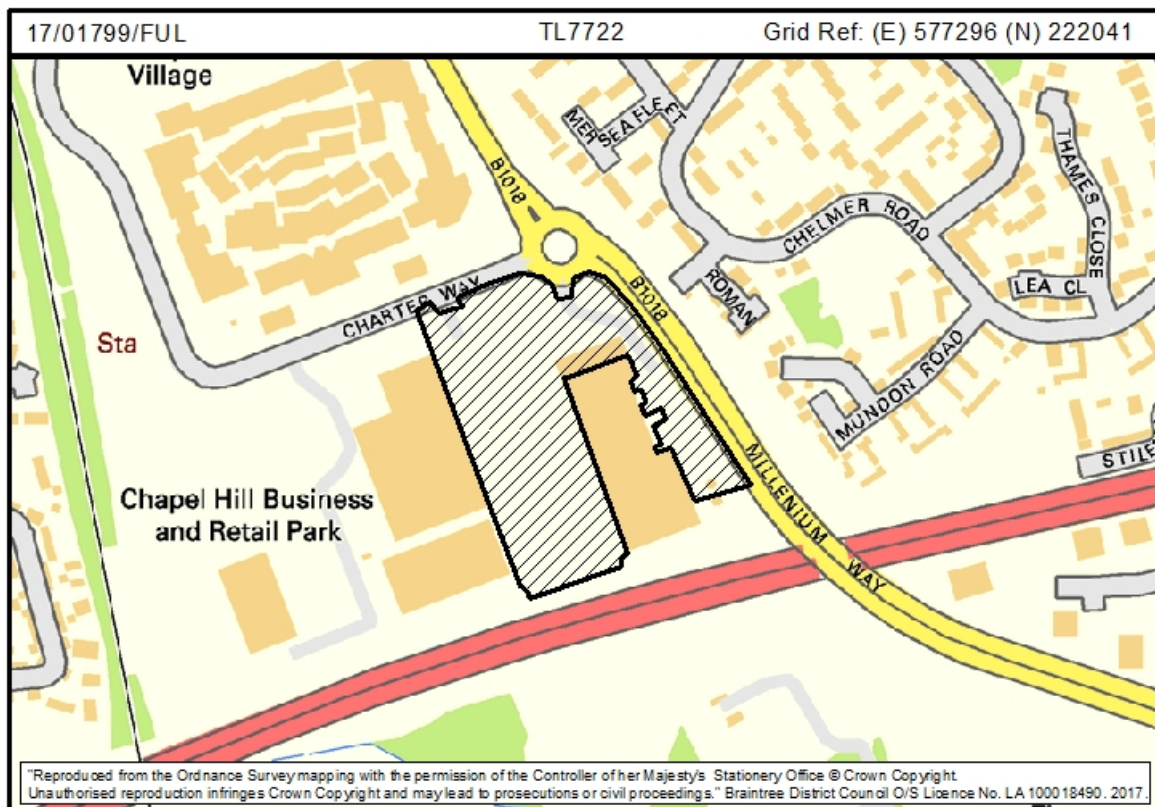
TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

5b

APPLICATION NO: 17/01799/FUL
 DATE: 09.10.17
 VALID:
 APPLICANT: Braintree Properties LLP
 C/O Agent
 AGENT: Mr Rawdon Gascoigne Emery Planning
 Emery Planning Partnership Ltd, Units 2 - 4 South Park
 Court, Hobson Street, Macclesfield, SK11 8BS, United
 Kingdom
 DESCRIPTION: Extension to existing Next store (A1) and re-configuration of
 car park
 LOCATION: Next, Unit 6, 1 Charter Way, Braintree, Essex, CM77 8YH

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



SITE HISTORY

89/00123/P	Retail Park with Associated Car Parking and Servicing	Granted subject to S106 Agreement	18.05.89
88/00005/P	Use Of Land For Business, Retail Warehousing And Transport Related Uses	Granted	09.03.88
89/01000/P	Construction Of Highway Access To Proposed Business/Retail Park	Granted	29.06.89
93/00032/OUT	Partial redevelopment of existing Retail and Business Park; erection of a retail food store with associated car parking, landscaping, petrol filling station and highway works including the completion of the Chapel Hill Link Road	Withdrawn	20.03.02
93/00344/OUT	Partial redevelopment of Retail and Business Park; erection of a retail food store within Class A1 with associated car parking, landscaping, petrol filling station, highway works including the completion of the Chapel Hill Link Road		25.05.93
93/00414/OUT	Partial redevelopment of Retail and Business Park; erection of a retail food store within Class A1 with associated car parking, landscaping, petrol filling station, highway works including the completion of the Chapel Hill Link Road	Withdrawn	11.08.93
99/00394/FUL	Proposed addition of service entry and emergency exit doors to north elevation	Granted	18.05.99
05/00920/FUL	Variation of condition relating to planning applications P/5/88, 123/89, 1279/89, 2423/88, 1000/89 to allow up to 836sqm of floorspace for the unrestricted sale of non-	Refused	05.07.05

08/50984/FUL	food goods Application to vary Section 52 Agreement dated 28 November 1989 - To enable the retailing of clothing and food from two existing retail units within the block addressed as Unit nos. 1-6 Charter Way	Granted with S106 Agreement	16.09.09
10/00829/FUL	Construction of mezzanine floors within units 3 to 6 of Unit B2	Granted	05.10.10
10/01416/FUL	External alterations, including new shopfront and new signage for Next store	Granted	07.12.10
10/01417/ADV	External alterations, including new shopfront and new signage for Next store	Granted	07.12.10
11/00156/FUL	Canopy over existing 'goods in doors' and plant compound grid to side elevation	Granted	10.03.11
14/00346/ELD	Application for an Existing Lawful Development Certificate - Works to provide a mezzanine floor in former Comet Store are a lawful commencement of permission 10/00829/FUL which is therefore capable of completion.	Granted	02.05.14

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.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP66	Flood Risk in Developed and Urban Areas
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas
RLP118	Retail Warehouse Development

Braintree District Local Development Framework Core Strategy 2011

CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP15	Retail Warehouse Development
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
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
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

External Lighting Supplementary Planning Document
Essex Parking Standards Design and Good Practice 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application site measures approximately 2.76ha and consists of an existing Next retail unit at Braintree Retail Park and its curtilage, the service road which provides access to the rear of all the units in this group and the wider car park.

The site sits to the south of Freeport Shopping Village. Immediately to the west lies another terrace of commercial units, some of which are served by the application site car park. Others are dual fronted and contain two units, with the western facade being served by a separate car park located further to the west.

The A120 runs close to the site's southern boundary and the B1018 runs parallel to its eastern boundary. To the north Charter Way provides access from the B1018 into the application site car park and to the other commercial units in the wider locality.

PROPOSAL

The applicant seeks planning permission for the erection of a large extension to the existing unit (occupied by Next) and the reconfiguration of the car park both to provide additional parking spaces and to make the car park safer and more user friendly. As part of the proposals the service road running to the rear of the terrace of units would also need a degree of reconfiguration.

The extension would provide an additional gross internal area of approximately 2,359sqm, with a net sales increase of approximately 1,457sqm of retail sales floorspace. Of this the majority (1,330sqm) would consist of Next's homeware products. An ancillary café of approximately 182sqm would also be created at first floor level and a storage area created at second floor level.

The applicant's advise that the proposal would generate 14 additional full time jobs and 44 additional part time jobs.

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

- Design and Access Statement;
- Planning and Retail Statement (including Sequential Assessment and Retail Impact Assessment);
- A full set of drawings;
- Transport Assessment;

- Phase 1 Contaminated Land Report;
- Flood Risk Assessment.

CONSULTATIONS

An initial consultation was completed following validation of the application. During the course of the application the proposal was amended with minor changes to the parking layout and some revisions to the design of the extension such as the addition of extra glazing and the reorientation of the flat roofed element. ECC SUDs and ECC Highways were re-consulted following these changes as the amendments to the car park were relevant to their comments/area of expertise. No further comments were received.

BDC Environmental Health

No objection subject to conditions relating to hours of work and no burning of waste materials during construction.

Applicant amended plans to make provision for public toilets in connection with the proposed ancillary café as requested. The applicant is reminded to register the food business with the BDC Food Health and Safety Licensing Team.

Highways England

No objection.

ECC Highways

No objection and no comment.

ECC SUDs

No objection following the submission of further drainage information. Standard SUDs conditions required.

ECC Archaeology

No comments received.

BDC Landscape

The current shrub areas have suffered badly from trampling and desire routes in what is a very busy area. If any level of soft landscaping is going to be successful in these 'hostile' environments then it needs to be sensitive to the way people will use the spaces.

The largest possible spaces should be given to the proposed trees so that they are not challenged in the establishment years by a confined planting space.

The planting areas can then have a proper specification so each tree establishes properly and makes a real contribution to the amenity. Condition required relating to the submission of a detailed landscape scheme for approval.

Representations

No representations were received.

REPORT

Principle of Development

The application site is located within an area allocated for Retail Warehousing in the adopted Local Plan. Adopted Policy RLP118 (Retail Warehouse Development) is therefore applicable and states that retail warehousing will be permitted within, or immediately adjoining town centres. Clearly retail warehousing would be acceptable in an area allocated for retail warehousing. If no such sites are available the sequential tests must be applied.

In addition, the following criteria must be assessed:

- The cumulative effect of the proposed development and other recent/proposed large scale development in the locality on the vitality and viability of any nearby shopping centre as a whole (the Retail Impact Assessment);
- Development should be confined to the sale of non-food retail products of a weighty/bulky nature;
- The road network must be able to accommodate traffic generated by the proposal;
- Sufficient vehicle parking and service arrangements must be provided;
- The impact upon the amenity of the area must be acceptable.

Given that the proposed extension and reconfigurations to the car park are located within an area identified by adopted Policy RLP118 as being allocated for retail warehousing the general principle of retail warehouse development is considered to be acceptable, subject to the above criteria being satisfactorily addressed.

Following an assessment of the emerging Local Plan each of the above adopted Local Plan criteria are addressed in turn in the remainder of this report.

The Emerging Local Plan

In terms of emerging policy, the existing terrace of retail units is proposed for allocation for retail warehouse use. The area of land where the extension to Next would be constructed is 'white land' with no specific use proposed and the car park is to be formerly allocated as car parking.

Emerging Policy LPP10 requires a Sequential Test and Retail Impact Assessment to be undertaken for town centre uses which are proposed in 'out of town' locations. It also identifies the floor space requirements for comparison and convenience retail provision. Emerging Policy LPP15 addresses Retail Warehouse Development and requires a Sequential Assessment and Retail Impact Assessment. In addition it restricts goods to non-food retail products of a weighty or bulky nature and associated ancillary goods. A Traffic Impact Assessment is also required.

Emerging Policy LPP16 identifies specific sites for town centre retailing and states that new out of centre retail provision will be provided at strategic locations, new garden communities and site allocations at land north of Freeport and land off Millennium Way, Braintree. As part of the evidence base for the emerging Local Plan the Council commissioned a Retail Study Update in 2015. The study identifies scope for 14,088sqm additional comparison floorspace between 2015 – 2033 in Braintree and Freeport/Braintree Retail Park comprising 7,030sqm in Braintree and 7,058sqm in Freeport/Braintree Retail Park. The proposed extension to the Next store would therefore provide additional floorspace to that allocated in the emerging Local Plan.

There are however outstanding objections to these emerging policies and the weight which can be given to them is limited. The outcome of the Sequential Test and Retail Impact Assessment are discussed below.

Assessment of the Criteria contained within Adopted Policy RLP118

The Sequential Test

The applicant submitted a Sequential Test in support of their application which Officers consider satisfactorily demonstrates that there are no suitable town centre sites for the proposal. The area of search was focussed on Braintree as the applicant considers that it is the largest settlement and retail centre within the District and is the only centre appropriate for retail development of this scale. In addition it already benefits from the facilities at Braintree Retail Park and Freeport Shopping Village. A sequential search of both Witham and Halstead was also however carried out for completeness at Officer's request.

No alternative sites that are suitable, viable and available were found in Braintree, Witham or Halstead, either in terms of existing vacant units or development opportunities. Officers have reviewed the Sequential Test and consider that the applicant has demonstrated that the Sequential Test has been applied correctly and passed.

Retail Impact Assessment

Adopted Policy RLP118 requires consideration to be given to the cumulative effect of the proposed development and other recent/proposed large scale developments in the locality on the vitality and viability of any nearby shopping centre as a whole. The NPPF also contains this requirement in addition to

requiring applicants to assess the impact of a proposal on existing, committed and planned public and private investment in (town) centre(s) in the locality.

The applicant submitted a Retail Impact Assessment in support of their application. In relation to the latter above requirement, no specific investments were identified. With regard to the impact of the proposal on nearby shopping centres, no significant adverse impact was found to be likely with regard to the vitality or viability of either Braintree, Witham or Halstead town centres and the proposal is considered to have a positive impact upon consumer choice.

Officers have assessed the applicant's Retail Impact Assessment and are in general agreement with its findings. It is therefore considered that the cumulative impact of the proposal is acceptable.

The alterations to the car park layout would not change its use and are not objectionable in general terms. Subject to the remaining 3 criteria of adopted Policy RLP118 being met the general principle of the proposed development is therefore considered to be acceptable.

These criteria are summarised below and subsequently addressed in more detail:

- The road network must be able to accommodate traffic generated by the proposal;
- Sufficient vehicle parking and service arrangements must be provided;
- The impact upon the amenity of the area must be acceptable.

Use

Adopted Policy RLP118 also states that *development should be confined to the sale of non-food retail products of a weighty/bulky nature*. The applicant proposes a large extension which would provide approximately 1,457sqm of retail sales floorspace. The majority of this (1,330sqm) would consist of Next's homeware products such as furniture; fitted kitchens, bathrooms, carpets, soft furnishings and floor coverings. The remainder would provide further clothing retail floorspace. The latter does not accord with adopted Policy RLP118 but would not exceed the specific allowance for the sale of clothing which is permitted within the terrace of units within which the existing Next store is located. This matter is covered in more detail under the S106 heading of the below report.

An ancillary café of approximately 182sqm would also be created at first floor level and a storage area created at second floor level.

Design, Layout and Landscaping

Policy RLP90 of the adopted Local Plan and draft Policy LPP55 of the emerging local plan require a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level,

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

Adopted Policy RLP81 and draft Policy LPP69 encourages landowners to retain, maintain and plant native trees and hedges.

The applicant proposes to erect a large part two, part three storey side extension to the existing Next retail unit. The extension would be situated in a prominent location and would be clearly visible from both the surrounding road network and the wider retail park itself. The extension would measure approximately 2360sqm against the existing Next store of 1,433sqm.

The applicant worked closely with BDC Officers over a prolonged period of time, including a number of design workshops to reach a design which was viewed as a positive addition to the existing terrace of units, whilst meeting the commercial needs of Next. The proposed extension is intended to act partly as the catalyst to stimulate the revamping of the remainder of the retail park and has been designed to allow the frontage of other units to tie in with it in due course.

The extension itself will allow the expansion of the existing Next unit with further retail space (primarily for homeware and bulky goods) and an ancillary café and storage area. The frontage is well proportioned with expansive areas of glazing interspersed with brick columns. The side elevation, which will be clearly visible from the adjacent road network also contains large areas of glazing and would present an active frontage rather than a bland expanse of brickwork. To the rear, there is again a substantial glazed area which represent a significant improvement to the existing rear façade of this retail terrace which is currently an uninspiring service area.

The extension is a flat roofed structure and the upper element has been reduced in size and set back from the front elevation to reduce its visual impact. It was also reduced in width to ensure that it does not cut into the adjacent existing pitched roof thereby allowing it to be read as a freestanding structure. In terms of height it would measure approximately 9.6m to the eaves and 11.6m to the upper eaves, being overall marginally lower than the existing building.

Overall Officers consider that the proposed extension would constitute a modern, visually interesting addition to what is currently quite a bland, dated retail terrace and is of an appropriate design quality to be situated in this gateway location.

The applicant also proposes to re-design the layout of the Retail Park car park as part of the current application. The existing car park is poorly laid out and is difficult for both motorists and pedestrians to use. In addition it contains a

large amount of landscaping which is poorly positioned, of limited amenity value and reduces permeability for pedestrians trying to cross the car park.

The applicant's intention is to create an improved, rationalised car park which provides an increased number of parking spaces, greater and safer pedestrian permeability and a reduced but higher quality landscaping scheme. Again, the final scheme has been designed with direct input from BDC Officers.

The proposed car park would provide a total of 655 spaces, an increase of 69 spaces over the existing car park. Three main pedestrian routes have been created across the car park from west to east to link to the two retail terraces which sit on either side of it. Again this represents a significant improvement over the current single pedestrian link. Two of the new links would be pedestrian only routes and the third a shared surface route. A pedestrian link would also be created from the footpath leading into the northern end of the car park from Freeport Shopping Village allowing pedestrians to have direct access to one of the west to east routes crossing the car park.

In terms of landscaping, the focus would be on quality rather than quantity and a tree lined avenue would be created along the main access road into the car park. In addition, there would be a further line of trees planted adjacent to the frontage of the retail terrace to provide some visual relief to this area of the car park. The existing area to the north of the Next unit would also be enclosed by a brick wall with a pedestrian link running alongside it and landscape planting to its front. New trees would also be planted in several locations at the northern end of the site.

Overall Officers consider the proposed car park layout to represent a significant improvement to the existing layout both in terms of the number of spaces provided and the usability of the layout to pedestrians. The reduction in the current landscaping is considered to represent an appropriate trade off, particularly considering the applicant's intention to provide a reduced but higher quality landscape scheme with a well maintained tree lined avenue as the central focus.

Highways

Adopted Policy RLP118 requires sufficient vehicle parking and service arrangements to be provided and that the road network must be able to accommodate traffic generated by the proposal.

As part of the proposal the applicant's intention is to carry out alterations to the existing service road to the rear of the retail terrace in which Next is situated. The service road would be re-aligned and moved closer to the B1018.

The applicant has submitted a Transport Assessment which identifies that the proposed extension is not likely to result in any significant increase in traffic movements, with for example 24 additional trips into the Retail Park and 31

additional trips out of the Retail Park in the PM (weekday) Peak. During the Saturday peak (1400 – 1500hrs) 14 inbound trips and 15 outbound are expected.

Essex County Council Highways have been consulted and have no objection to the proposal. No planning conditions have been requested. Highways England were also consulted and have no objection to the proposal.

The proposed highway works are therefore considered to be acceptable.

In terms of parking provision, the proposal would provide 69 new spaces. The Essex Parking Standards (2009) states that parking standards for large, standalone developments such as shopping centres should be considered on a case by case basis. For standard A1 uses parking is required at a maximum of 1 space per 20sqm and for A3 uses 1 space per 5sqm giving a maximum requirement of 163 spaces for the proposed extension. For cash and carry and retail warehouse clubs provision is required at 1 space per 30sqm giving a maximum requirement of 121 spaces for the proposal. These standards provide useful reference points in relation to the applicant's scheme however the development is located on a large, stand-alone shopping development and as such should be considered on a case by case basis.

The proposal is for an extension to an existing store rather than the erection of a new store. The applicant's Transport Assessment addresses parking demand and finds that with other existing and committed development and the applicant's proposal the highest peak demand would occur on a Saturday AM and would exceed the capacity of the Retail Park Car Park, but that this demand could still be accommodated across the 3 car parks contained within the Retail Park, Leisure Facility Complex and Freeport Village sites.

The applicant also carried out a car park beat survey (i.e. survey carried out on the ground) and pedestrian interview surveys which found that on a Saturday approximately 36% of vehicles using the Retail Park car park were not in fact visiting the Retail Park but were visiting Freeport Village or the leisure facilities to the north of the Retail Park. The fact that the Retail Park Car Park is the first car park motorists pass and therefore the most conveniently located is also noted and provides some explanation for this.

Overall, in this context it is considered that the proposed parking provision is acceptable and is appropriate for the proposed extension to this existing unit.

Amenity

Adopted Policy RLP118 also requires that the impact of the proposal on the amenity of the area must be acceptable. In this case the proposal is for an extension to an existing retail unit on a well-established retail park. There are no residential properties adjacent to the site and the proposed development is in accordance with the established use of the site. It is not therefore considered that the proposal would have a detrimental impact upon the amenity of the area.

Other Matters

Contamination

The applicant submitted a Phase 1 Contaminated Land Assessment in support of their application. The Council's Environmental Health Team have no objection to the proposal subject to a standard precautionary contaminated land condition.

Archaeology

The Essex County Council Archaeologist was consulted and has not made any comment on the application.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding. The applicant submitted a Flood Risk Assessment and Outline Drainage Strategy which proposes a modular storage tank to be located underneath a small area of the car park to deal with surface water runoff.

Essex County Council were consulted as the Lead Local Flood Authority and following the submission of additional drainage information have no objection to the proposal, subject to standard surface water drainage conditions.

S106 Agreement

The original planning permission for Braintree Retail Park was granted in 1989 and was accompanied by a Section 52 Agreement (the previous equivalent of a s106 Agreement).

This Agreement covered a significantly larger area of land than the current application site and placed a number of restrictions on the land. These included preventing the sale of clothing unless it's ancillary to the main trade of a premises and food unless it's for immediate consumption on or off the premises.

This Agreement was varied in 2008 specifically (and only) in respect of the terrace of retail units within which the existing Next store sits. This variation allows the sale of clothing, footwear and sportswear from these units provided that the units are not aggregated to create less than 4 units or sub-divided to create more than 7 units. The variation also states a limit of a maximum of 40,000sqft gross ground floorspace can be used for the sale of clothing, sportswear and footwear (measured externally and excluding any mezzanine floors within the units and any ancillary clothing, footwear or sportswear; with ancillary defined as less than 10% of the gross ground floor space of any unit).

The Deed of Variation is accompanied by a plan which clearly identifies that the variation relates only to the existing terrace of units. With the proposed extension in place, the deed of variation would effectively relate to only part of the Next unit with the original s52 Agreement applying to the remainder of the unit. This presents difficulties in terms of practicality. The majority of the new floorspace in the Next extension would provide retail space for bulky goods (Next's homeware range) and the café would provide food for immediate consumption on the premises both of which would comply with the original s52 Agreement. However, some of the new floorspace would be used for the sale of clothing and it would be difficult to apply both the original s52 Agreement and the 2008 variation accurately when different parts of a single unit are covered by one or other. It is therefore recommended that the applicant be required to further amend the 2008 variation so that it applies to the proposed extension (i.e. the extended terrace of units). It is accepted that the proposed additional floorspace and its mix of uses would not breach the floorspace restrictions of the 2008 Deed of variation.

Conclusion

In conclusion, the applicant proposes to erect a large extension to an established retail unit located on Braintree Retail Park. The site is in an area allocated for retail warehouse development in the adopted Plan. The proposed extension would sit on unallocated 'white land' in the emerging Local Plan and would be in addition to allocated retail floorspace already identified, however there are unresolved objections to the emerging Local Plan which can be given only limited weight.

The applicant has completed a Sequential Test and a Retail Impact Assessment which demonstrate to Officer's satisfaction that there are no alternative town centre or edge of town sites which could accommodate the proposed development and that the development will not have a detrimental impact upon the vitality and viability of the District's existing town centres. The extension would primarily facilitate the sale of bulky goods and would be incorporated within a further amendment to an existing variation to a s52 Agreement which controls the level of clothing, footwear and sportswear which can be sold from the whole retail unit terrace.

The Design of the proposed extension is supported at Officer level as is the reconfiguration of the car park with its associated benefits. The road network is capable of accommodating the likely traffic flow from the proposed extension, which in itself is not considered to be significant and the proposed parking provision is considered to be acceptable.

Overall the proposal is considered to represent a sustainable development which will have the ability to act as a catalyst to the further regeneration of Braintree Retail Park.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- The further variation of the s52 Agreement/2008 Variation to this Agreement so that the 2008 Variation is extended to cover the proposed extension, with the Variation details to reflect the development as proposed in the current planning application and details to be agreed with Officers.

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

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

APPROVED PLANS

Location Plan	Plan Ref: 16070-0300	Version: C
Existing Site Plan	Plan Ref: 16070-0301	Version: D
Existing Floor Plan	Plan Ref: 16070-0302	Version: 0
Existing Floor Plan	Plan Ref: 16070-0303	Version: A
Existing Elevations	Plan Ref: 16070-0304	Version: 0
Existing Elevations	Plan Ref: 16070-0305	Version: 0
Proposed Site Plan	Plan Ref: 16070-0310	Version: H
Proposed Floor Plan	Plan Ref: 16070-0311	Version: F
Proposed Floor Plan	Plan Ref: 16070-0313	Version: G
Proposed Elevations	Plan Ref: 16070-0314	Version: G
Proposed Elevations	Plan Ref: 16070-0315	Version: G
Section	Plan Ref: 16070-0316	Version: B
Landscaping	Plan Ref: 16070-0317	Version: B
Landscaping	Plan Ref: W2186 SK01	Version: D
Proposed Plans	Plan Ref: 16070-0318	Version: B
Proposed Floor Plan	Plan Ref: 16070-0312	Version: G

- 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 Above ground works shall not be commenced until samples of the materials to be used on the external finishes of the proposed development 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 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 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.

- 5 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change from the extension area; and
 - From the wider car parking area; limiting discharge rates to the existing rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change from the whole development.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SUDs Manual C753
 - Detailed engineering drawings of each component of the drainage scheme

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features
- A written report 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 and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 6 No drainage installation shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and approved by the Local Planning Authority.

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

Reason

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

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

Reason

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

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

Reason

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

- 9 Development shall not be commenced until an Arboricultural Survey of the trees to be retained on the site as shown on approved Landscape Drawing SKO1 REV B has been completed and submitted to the local planning authority for approval along with details of the means of their protection from damage during the carrying out of the development. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of the trees which are to be retained; no machinery of any kind shall be used or operated within the extent of the spread of the trees and no works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of the trees unless the express consent in writing of the local planning authority has previously been obtained.

The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

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

- 10 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, colour and type of material for all hard surface areas and method of laying where appropriate.

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

- 11 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the satisfaction of the Local planning Authority, and where remediation is necessary a remediation scheme must be prepared and submitted for approval by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for approval to the Local Planning Authority.

Reason

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

- 13 Prior to the occupation of the development the details of the number, location and design of additional cycle parking provision shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to occupation and retained at all times.

Reason

To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 14 The extension hereby permitted shall not be occupied until the proposed car parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 15 The extension to the existing Unit 6 (1 Charter Way) shall only be occupied as an extension to the existing unit and shall not be occupied in a separate capacity as a separate unit(s) or subdivided to create a separate unit(s).

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 16 Prior to the erection of any new external plant and/or machinery details of the plant and/or machinery and associated screening shall be submitted to the Local Planning Authority for approval.

Reason

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

INFORMATION TO APPLICANT

- 1 You are advised by Essex County Council Highways that the implementation of any planning permission is subject to a successful removal of highway rights application.
- 2 You are reminded to register the ancillary food business with Braintree District Council's Environmental Health Team at least 28 days before the proposed opening date.
- 3 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SUVs which may form part of the future register, a copy of the SUVs assets in a GIS layer should be sent to suds@essex.gov.uk
- 4 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- 5 It is the applicant's responsibility to check that they are complying with common law if the applicant's scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

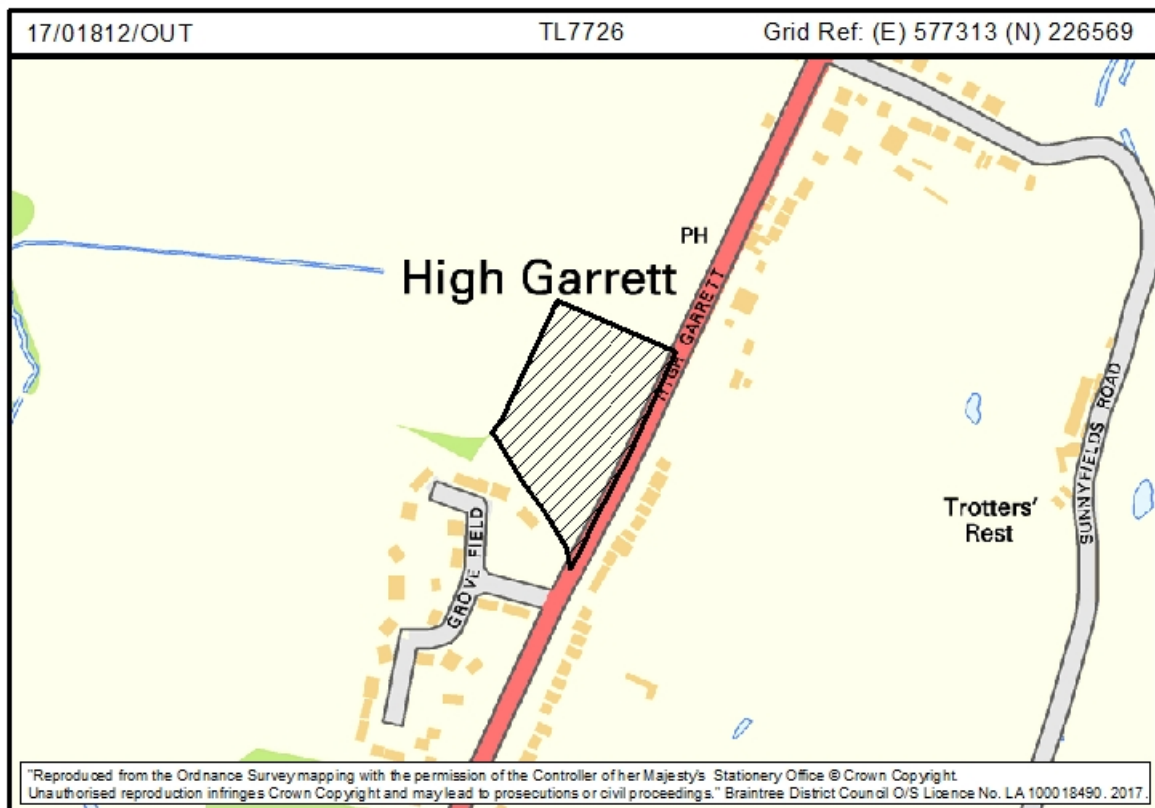
TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

5c

APPLICATION NO: 17/01812/OUT DATE: 05.10.17
 VALID:
 APPLICANT: Mr Arran Gordon
 Gordon Homes Ltd, 19 Juliette Way, Purfleet Industrial Park, South Ockenden, RM15 4YD
 AGENT: Mr Stewart Rowe
 The Planning And Design Bureau Ltd, 45 Hart Road, Thundersley, Benfleet, SS7 3PB
 DESCRIPTION: Application for Outline Planning Permission with some matters reserved - Erection of 40no. two storey detached, semi detached and terraced dwellings and garages, lay out of parking spaces and gardens, formation of estate roads, lay out of public open space, children's play area and estate landscaping
 LOCATION: Thistle Field, Land At, High Garrett, Braintree, Essex

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

There is no planning history relating to this site.

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.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

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
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP45	Parking Provision

LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the development is considered to be of significant public interest and represents a departure from the development plan and is therefore an application which has significant policy implications.

SITE DESCRIPTION

The application site is located to the western side of the A131 High Garrett, just north of the existing development in Grove Field. The site comprises some 1.65ha of agricultural land. The site has been left as grassland as it is not actively farmed at the current time. The applicant states it is presently 'set aside'. The site falls gently but evenly from east to west.

To the east the site is bounded by the A131 and a ribbon of existing residential properties, to the south by existing residential development in Grove Field. To the north and west the site is bounded by fields.

Some distance to the north of the site and separated from it by a further field, is 105 High Garrett a grade II listed building. Beyond no. 105 to the north are several other grade II listed properties. Opposite the site to the east are 4no. locally listed buildings of 'Arts and Crafts' character.

PROPOSAL

The application seeks outline planning permission for up to 40no. residential units. Access and layout are to be considered at the outline stage and appearance, scale and landscaping are to remain reserved matters. Access is proposed to be taken from the A131 at a fairly central point along its frontage and a 2m wide footway provided along the frontage of the site to the southern side of the access.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before a detailed proposal is put forward.

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

- Flood Risk Assessment
- Acoustic Survey
- Tree Survey
- Preliminary Ecological Appraisal
- Transport Statement
- Planning Statement
- Landscape and Visual Appraisal
- Design and Access Statement
- Masterplan

CONSULTATIONS

BDC Environmental Health – No objections, subject to a condition which requires the recommendations of the report in regards to the construction of the properties are incorporated to ensure good acoustic design.

BDC Housing Research and Development – The development would be required to provide up to 30% affordable housing, which would be 12 affordable homes for a development of 40 residential dwellings.

BDC Waste – The access roads need to accommodate turning movements for waste collection vehicles. If the access roads are to remain private each household will need to present their waste bins at a suitable location near or on the public highway.

ECC Archaeology – The development lies along a Roman road. There is also cropmark evidence which depicts an earlier, possibly medieval field system. There is the potential for Roman and Medieval to Post medieval archaeology to be disturbed or destroyed by the proposed development. A condition is recommended requiring a programme of archaeological trial trenching and excavation to be undertaken.

ECC Highways – Raise no objections. The Highway Authority has considered the application against its route hierarchy policies and given the A131 at the proposal site is a strategic route, could raise an objection. However given the Highway Authority is satisfied with all other aspects of the proposal and how much weight its route hierarchy policies have been afforded at appeal to date, it does not consider an objection on this route hierarchy policy basis would be defensible, were planning permission refused. The Highway Authority agrees with the Transport Statement summary and conclusions and is content that the proposal would not be detrimental to highway safety and capacity.

ECC Flood and Water Management – No objections subject to a series of conditions requiring a detailed surface water drainage scheme for the site.

ECC Education – Request a financial contribution to mitigate its impact on local primary provision.

BDC Ecology – The Preliminary Ecological Assessment indicates that a further bat survey needs to be undertaken. Such a survey does not support the application. Recommend that permission is withheld until the survey has been provided.

Heritage Consultant – The proposed development would contribute towards the coalescence of Bocking and High Garrett which historically have been independent settlements separated by farmland. Whilst this does not arise to direct harm to individual heritage assets, it would harm the wider historic landscape by altering how the pattern of historic settlements and the heritage assets within them are experienced. The development would cause less than substantial harm.

REPRESENTATIONS

179 letters of objection have been received in response to the public consultation. Listed below is a summary of the main material planning objections:

- Loss of agricultural land
- Highway safety implications
- Increase in traffic
- A131 is already over capacity
- A new access should exacerbate congestion
- A new access would conflict with Policy DM1 and DM2 of the Highway Authority's policies
- No safe cycle route
- There have been major/fatal accidents along this part of the A131
- Inadequate footpath links
- Increase in air and noise pollution
- A pedestrian island or pelican crossing is required opposite the bus stop at Grove Field
- Two laybys on the opposite side of the road should be required
- The road is used by HGV's
- Commuter housing should be built on the outskirts of London not in Braintree
- Public transport is poor
- Water is in low supply
- Poor internet speeds
- Infrastructure (roads, schools GP's etc.) cannot cope with additional dwellings
- Impact on ecology
- Development is too high density
- Outside of the settlement boundary
- The layout does not reflect the scale of housing in the neighbouring area
- Impact on the countryside and rural setting

- The application should not be viewed in isolation but with other planned developments in the District
- Site forms a function between Bocking and High Garrett
- Impact on residential amenity
- There are no local services within walking distance

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the village envelope for High Garrett and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on 5th June 2017 for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in early 2018.

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

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of

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

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

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the 'decision taking' section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Sustainable Development

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 both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

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

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

Policy RLP53 of the Local Plan Review states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- Direct public transport services exist, or there is potential for the development to be well served by public transport
- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

The site is located within the countryside, although it abuts the settlement boundary of High Garrett. Notwithstanding this it is necessary to consider the amenities/facilities that are available within close proximity to the site. High Garrett has a public house, a car servicing business and a retail shop selling home furnishings. There is no local convenience store, primary school, GP surgery or such like within High Garrett, nor within reasonable walking distance. Therefore future residents would be reliant on travelling to larger centres for daily needs.

There is a footway along the eastern side of the A131, however this is narrow in places such it would not be possible for two pedestrians to pass one another. The site is within a 40mph zone. Officers have visited the site on several occasions at different times of the day and the constant volume of traffic along the A131 makes for an uncomfortable pedestrian environment. In order to reach the public house or bus services heading towards Braintree from the application site, it would be necessary to cross the A131. In Officers' opinion, having experienced the pedestrian environment, this is unlikely to be attempted by residents or if it is, not without some difficulty. In addition there

are no dedicated cycle lanes within the vicinity of the site and in Officer's opinion the busy nature of the A131 is unlikely to be considered as a favourable cycling environment.

The closest bus stops to the site are located on the A131. The application proposes the introduction of a 2m footway along the frontage of the site between the proposed access and the south eastern corner of the site, which would allow pedestrian access to the bus stop on the western side of the A131. The A131 at this point is served by the no. 38 and 38A which provides a twice hourly service Monday to Saturday between Braintree and Great Yeldham. The no. 89 provides an hourly service between Braintree and Great Yeldham. The no. 352 provides a twice daily service Monday to Saturday between Chelmsford and Halstead. A Sunday service of (6 buses) is also available. There is therefore scope for residents to access fairly regular bus services in to Braintree and other locations. Notwithstanding this, although future residents of the development would be able to access bus services travelling north along the A131, in order to access bus services travelling towards the larger centres of Braintree, Witham and Chelmsford, it would be necessary to cross the road. Given the heavy traffic along the A131 and no safe crossing point, it is considered that this would deter residents from utilising the bus services available.

As a consequence of the limited accessibility to other forms of transport to the private motor car and the limited services available within High Garrett, future residents are unlikely to be encouraged to utilise sustainable modes of transport and will largely rely on travel by private motor car. In Officer's opinion development in this location would undoubtedly place reliance on travel by car which conflicts with policy CS7 of the Core Strategy, Policy RLP53 of the Local Plan Review and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised. This weighs against the proposal in the overall planning balance.

The planning balance is concluded below.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 of the NPPF states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP 10 of the Local Plan Review considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Local Plan

Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

The application, although in outline form requests that layout is considered at this stage. A layout containing 40no. units supports the application. It is considered that the site is capable of accommodating 40no. units, however Officers are concerned with a number of aspects of the proposed layout.

The most notable issue with the proposed layout is the approach to the affordable housing units. These are distinguishable even from a layout, as they are terraced dwellings and all have car parking provided in a continuous linear form directly in front of the dwellings. The development is not therefore tenure blind and fails to promote a good standard of design and layout in this regard. Amendments to these plots as required would impact upon the type and size of housing for the market units and thus may directly impact upon how many units can be accommodated on site.

Car parking throughout the scheme is dominant, positioned forward of the building line in most cases adding to its prominence. An inadequate level of visitor car parking is provided and thus the proposed does not meet with the adopted car parking standard in this respect.

In respect of the footway outside plots 25, 26 and 27 and plots 28, 30 and 31 it is likely given the location of the driveways that car parking will block the footways. It is considered that the layout could be amended to overcome this.

The turning heads throughout the layout dominate the scheme, particularly at plots 1-4. The termination of the street at this point is of poor townscape and visually awkward.

The Local Area of Play (LAP) is poorly considered and tucked in to a corner of the site. It appears not to have been designed in to the scheme but rather placed as an afterthought once the dwellings had been positioned. It also has little natural surveillance.

Overall the scheme is considered suburban in its appearance and fails to reflect the rural nature of the site and its surroundings on the western side of the A131. Although the number of units can be accommodated on site, the layout as proposed does not present a good standard of design which would meet with the requirements of the above mentioned policies. This weighs against the proposal in the overall planning balance.

Landscape and Visual Impact

One of the core principles set out in the National Planning Policy Framework is that 'planning should recognise the intrinsic character and beauty of the countryside. Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside'. Paragraph

109 of the NPPF refers specifically to protecting and enhancing valued landscapes.

Core strategy policy CS8 (Natural Environment and Biodiversity) states that ; *'Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'*

Local Plan Review Policy RLP80 states that new development should not be detrimental to the distinctive landscape features and development that would not successfully integrate in to the local landscape will not be permitted.

The site is within the area of the High Garrett/Marks Hall Wooded farmland as defined and described in the 2006 Braintree Landscape Character Assessment. The key characteristics of this area are a flat to gently undulating landform, strong pattern of large and small woods, regular medium to large arable fields bounded by low well-trimmed thick hedgerows and some mature hedgerow trees, open to enclosed character depending on density of woodland, many small farmsteads and occasional village.

The site and surroundings are typical of this character description with the exception of the well-trimmed hedges, as many of the hedges in the vicinity and the hedges on the site have been allowed to grow on to mature trees and shrub boundaries.

The Council's Evaluation of Landscape Capacity Study for the settlement fringes of Braintree was commissioned in 2015. This analysis, commissioned to provide an evidence base and assist in the landscape evaluation of applications, made a fine-grained study of settlement fringes and categorised parcels of land in terms of their capacity to absorb new development. This document forms part of the evidence base for the emerging Local Plan and the analysis within it has been used as part of the assessment of sites being considered for allocation within the Local Plan. A number of sites along the western side of the A131 from the Broad Road roundabout northwards, including the land immediately to the north of the application site were put forward to be considered for residential development as part of the new Local Plan. All of these sites were discounted for residential development, the main reason being the impact development would have upon the countryside given the undeveloped nature of the western side of the highway.

The site forms Part of parcel 13b of the Landscape Capacity Study, which is identified in the study as having medium capacity for accommodating development. Parcels with medium, medium high or high capacity are defined in the study as those 'most likely to be suitable as a location for development'.

The 2015 landscape capacity report identified the following guidelines for development and mitigation measures for parcel 13b:

- Reinforce vegetation on the western boundary to provide screening to development in cross valley views and to maintain separation between High Garrett and the adjoining open countryside
- The setting of Mill Lodge would need to be considered
- Development should reflect the settlement patterns, scale and vernacular features of the neighbouring development in High Garrett.

The applicants have submitted a Masterplan which shows that the proposed residential development is confined within the southern part of parcel 13b.

The applicants have submitted a Landscape and Visual Impact Assessment to support the application. The LVIA has been carried out using methodology from the Guidelines for Landscape and Visual Impact Assessment which are used by Landscape Architects to evaluate the impact of a proposed development on both character and visual amenity. The report and study have been evaluated by an independent Landscape Architect, appointed by the Council and the conclusion is that the methodology and content are appropriate for a development of this scale.

In terms of visual impact, the LVIA concludes that:

‘People travelling along the A131 would notice the greatest amount of change, particularly when immediately adjacent to the site. From here the development itself would be visible, as would the new access. However, despite this, it is considered that the proposals fit with the existing pattern of development along the A131 and would not be seen as an intrusive new element but as a logical extension to the High Garrett settlement. Proposed tree and hedgerow planting would help to soften and screen the proposals’

‘In the wider outlying countryside to the west, the development would have quite limited visual presence and where visible it would be a minor component of the view and would be seen alongside and as part of the High Garrett settlement area’ (paras 12.3 12.4 of the applicant’s LVIA).

The importance of the landscape value assessment has become heightened since the publication of the NPPF where in paragraph 109 it states that ‘the planning system should contribute to and enhance the natural and local environment by: ‘protecting and enhancing valued landscapes, geological conservation interests and soils’. The presence of ‘valued’ landscape characteristics can be given more weight when assessing if an application can be refused on landscape grounds, given that it can form a “footnote 9” reason to indicate the development should be restricted. The judgement as to whether a landscape can be considered a ‘valued landscape’ is often a key factor in deciding appeals where applications have been refused on landscape grounds.

The assessment of whether a site is a ‘valued landscape’ is typically based on one of the methods set down in the ‘Guidelines for Landscape and Visual Impact Assessment’ published by the Landscape Institute and Institute of Environmental Management and Assessment. A range of factors (landscape

condition and quality, scenic quality, rarity, representativeness, conservation interests, recreation value, perceptual aspects and associations with cultural or historical events/figures) are assessed to determine the 'landscape value'.

Although representative of the character of the area, in Officer opinion the application site is not a particularly rare landscape type. There is currently no public access and it has no specific designations and has been assessed in the landscape capacity study as associating more closely with the settlement than the wider countryside. There are no apparent factors which would raise it to the status of a 'valued landscape' in the context of the NPPF.

However, notwithstanding any judgement reached on the value of the landscape, Officer's must also consider any specific function that the site serves in landscape terms and also the impact that development will have upon landscape character and the character of any neighbouring settlement. The NPPF states as a core principle that planning must take account of the different roles and character of different areas, recognising the intrinsic character and a beauty of the countryside. The site may not be a 'valued landscape' within the meaning of the NPPF, however it performs a specific role, providing an undeveloped break in what is otherwise a long, largely unbroken ribbon of development along the eastern side of the A131 as you leave Braintree town and travel north.

It is clear that the western side of the A131 within High Garrett has a very different character to the eastern side. The western side remaining largely undeveloped other than from the development at Grove Field and few detached houses immediately adjacent, whereas the eastern side presents a more or less continuous line of development from the Broad Road/A131 roundabout to the south and the traffic light junction of the A131 with the A1017 to the north. The Council has applied this argument in justifying the consolidation of the ribbon development on the eastern side of the road, by allowing a scheme of 8no. dwellings. Whilst that scheme was not considered to result in harm that warranted refusal, the development within this application would result in a very different impact given the character of the western side of the A131.

Although the site may not have an intrinsic value of its own in landscape terms, it forms a piece of the jigsaw of the wider landscape which plays a critical function in ensuring the settlements of Bocking and High Garrett remain separate and do not coalesce and preventing further urban sprawl. Although lesser weight can be given to Policy CS5 in light of the housing land supply position, settlement boundaries should not be ignored in their entirety and weight can still be given to the requirement of Policy CS5 to protect the countryside from, for example, urban sprawl and ribbon development. It is generally accepted that one of the founding principles of the planning system has been to prevent urban sprawl and avoid unplanned coalescence between settlements and this is one of the principles that underpins Policy CS5 of the Core Strategy.

The site and the other undeveloped areas along the western side of the A131 provide a particular setting to the area, presenting a softer edge to the busy highway and allowing views through in to the countryside beyond the site and behind Grove Field. The open and undeveloped western side of the A131 plays an important function in understanding the distinction between the settlement boundary and countryside beyond and how the approach in to the town is experienced. Currently the undeveloped western side provides a softer edge to the town and a gradual transition from the countryside to the town. The proposed development would compromise this distinction, creating an unwelcome and unexpected sense of enclosure at this point along the A131 to the detriment of the role the countryside performs in this context. In addition the creation of the 2m footway would result in the loss of soft landscaping along the site's frontage, further eroding the existing soft edge. The ribbon development opposite the site does not provide justification for the development of this site which would result in harm to the amenity and character of the countryside and would open up the opportunity for further development along the western side of the A131. In addition as will be discussed below the site also provides a setting in which heritage assets are experienced and interpreted.

In Officer opinion the proposal fails to appreciate the intrinsic value of the countryside and the function it plays in this particular location and would result in a detrimental impact upon the character and amenity of the countryside contrary to the NPPF and Policies CS5 and CS8 of the Core Strategy and Policy RLP80 of the Local Plan Review.

Impact upon the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their setting or any features of special architectural or historic interest which they possess.

A core principle of the NPPF is the conservation of the historic environment. Para. 132 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 assets' conservation. The more important the asset the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy RLP100 of the Local Plan Review seeks to conserve the local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Core Strategy also seeks to protect and enhance the historic environment.

The site is located within close proximity to 105 High Garrett a grade II listed building. Beyond no. 105 to the north are several other grade II listed properties. Opposite the site are 4 no. locally listed buildings.

The Council's Heritage Consultant comments that the development of the site would contribute towards the coalescence of Bocking with High Garrett, which have historically been independent settlements separated by farmland. It is not considered that the development would give rise to direct harm to individual heritage assets; however it would harm the wider historic landscape by altering how the pattern of historic settlements and the heritage assets within are experienced and interpreted. A degree of harm would be caused in this respect, but this would be less than substantial and must be weighed against the public benefits of the scheme. This balancing exercise will be undertaken later in this report.

Impact on Neighbour Amenities

One of the Core Principles set out in the NPPF is to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity.

Existing properties along High Garrett and within Grove Field are those which would be closest to the development. Whilst their outlook would change as a result of the development, private views are not protected.

The proposed masterplan shows that a layout could come forward without unacceptable loss of amenity to neighbouring residential properties. The proposed dwellings would be some distance from those existing in Grove Field and no unacceptable impact would result to the neighbouring properties directly opposite.

There is the potential for the development to affect the amenity of residents of nearby properties during the construction period. If the Council were minded to approve the development, conditions could be attached to any grant of consent to control construction activity in order to minimise the impact on those properties.

Highway Issues

Para. 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The application proposes that access is considered at the outline stage. It is proposed the development be served by a single point of access off the A131. The application is supported by a Transport Statement which considers the existing local highway network, the proposed access and the impact of the development on the highway network. The Highway Authority has considered

the Transport Statement and considers it acceptable for the scale of development proposed.

The Transport Statement includes the results of traffic surveys undertaken in July 2017. This concluded that on average traffic was travelling at 39.1mph southbound and 40.9mph northbound. Peak hours were found to be between 07:00 and 08:00 and 17:00 and 18:00. The majority of the traffic flows were in a northbound direction, although only marginally. The Transport Statement provides projected trip rates for the proposed development and anticipates 28 additional vehicle movements in the AM peak hour and 29 additional vehicle movements in the PM peak period, resulting in an increase of 1.5% on average.

The proposed access can achieve the visibility required by the Highway Authority at 2.4m x 120m in each direction. A footway is proposed from the access south along the site frontage to connect to the existing footway.

The Highway Authority has considered the application and raise no objection, agreeing with the conclusions drawn within the Transport Statement. The Highway Authority consider that the proposal would not be detrimental to highway safety or capacity. The Highway Authority note that they have considered the application against its route hierarchy policies and given that the A131 at this point is a Strategic Route, it could raise an objection in principle. Notwithstanding this the Highway Authority explain that they are satisfied with the proposal in all other respects and given how much weight has been afforded to route hierarchy policies at recent appeals, they do not consider that an objection in this case would be sustainable should planning permission be refused on highway grounds.

Having visited the site and experienced the volume of vehicular traffic, Officers appreciate local residents' concerns with regards to the proposed access off the A131 and can understand why it is felt that conflict would arise with the existing junctions. Officers have considered the submitted Transport Statement and the comments made by the Highway Authority and would advise Members that withholding planning permission on highway grounds, without any evidence of a 'severe' highway impact in the terms of the NPPF and, notably, without support for this position from the Highway Authority, would prove difficult to justify and challenging to defend.

The Highway Authority suggests a number of conditions which could be applied to any grant of consent.

OTHER MATTERS

Archaeology

Essex County Council recommends that a condition is placed on any grant of consent which requires a programme of archaeological trial trenching and excavation to be undertaken, given that there is the potential for Roman and Medieval to Post Medieval archaeology to be disturbed or destroyed by the

proposed development. Such a condition could reasonably be placed on any grant of consent.

Ecology

Policy RLP84 of the Local Plan Review 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. 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. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

A Preliminary Ecological Assessment (PEA) and a Reptile Survey has been submitted with the application.

The PEA identifies that further bat survey work is required, but this has not been provided with the application. A further bat survey is required in order to identify roost sites and activity surveys are necessary to identify how bats are utilising the site for commuting and foraging and whether the proposed development will affect this. The survey will also determine whether a European Protected Species Licence is required and will inform appropriate mitigation.

The further survey work should be provided to support the application in order for an informed decision to be made, in accordance with British Standard BS:42020:2013. The absence of a further bat survey forms a reason to withhold planning permission.

Drainage and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site to be within Flood Zone 1 (low risk).

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas. The FRA states that it can be demonstrated that surface water can be managed, such that flood risk to and from the site following development will not increase as a result of the development.

Essex County Council as Lead Local Flood Authority has considered that FRA and raise no objection, subject to a series of conditions being attached to any grant of permission. These conditions would require a detailed surface water drainage scheme to be provided, details of measures to be put in place to minimise the risk to offsite flooding and appropriate arrangements to be put in place for the maintenance of the drainage system.

Noise Impact

The application is supported by an acoustic report which considers the impact of environmental noise on the proposed development. The report concludes that road noise is dominant; however this can be adequately mitigated against with appropriate glazing and consideration of how rooms can be ventilated should windows be required to remain closed. This could adequately be controlled by a planning condition.

The Council's Environmental Health Officer has considered the acoustic report and raises no objections, subject to the mitigation measures proposed within the report being secured on site.

Loss of Agricultural Land

The NPPF requires planning to protect and enhance valued soils.

The Agricultural Land Classification maps show the site to be grade 2 (very good). It is grades 1-3a that are considered to be best and most versatile agricultural land.

The site is a small area of agricultural land within the District and wider South Eastern region and its loss would not have a significant impact on farming operations. It is inevitable that some development of such land will be necessary to meet the housing requirements. The NPPF requires Local Planning Authorities to take in to account the economic and other benefits of the best and most versatile agricultural land.

Section 106

Paragraph 204 of the Framework sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council

would seek to secure through a planning obligation, if it were to grant it permission.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size affordable housing will be directly provided on site with a target of 30%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought. The applicant has submitted a Draft Heads of Terms which includes affordable housing.

Education – Essex County Council has advised that there is insufficient capacity within local Primary Schools in order to meet demand from this proposal. Based on the outline details financial contributions would be requested to a sum of £152,808 to mitigate its impact on local primary provision. The Contributions would be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2017.

Essex County Council advises that given other planned developments in the area and restrictions on pooling contributions, no contribution is sought in respect of secondary education.

Essex County Council has not sought a contribution for secondary school transport, however the site is some distance (in excess of 3 miles) from the nearest secondary school and not with a reasonable or safe walking or cycle route. Officers have questioned this with Essex County Council and are currently awaiting a response. An update will be reported to Members at the Committee.

Open Space - Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for on-site amenity green space.

A financial contribution would be sought for outdoor sport, allotments, informal open space and equipped play. The provision/contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. The Draft Heads of Terms includes public open space.

Subject to the above matters being incorporated in to a legal agreement to ensure their provision, the development would be made acceptable in these respects. However whilst the applicant has indicated that they would be prepared to enter in to an agreement to provide the appropriate infrastructure mitigation, no such agreement is in place at the present time. The development therefore fails to satisfactorily mitigate the impacts of the

development on local infrastructure and is contrary to Core Strategy Policies CS2, CS10 and CS11, Policy RLP138 of the Local Plan Review and Policy LPP82 of the Publication Draft Local Plan.

CONCLUSION

As set out above the development of new housing will always bring benefits, but those benefits do not always outweigh all other considerations. Para. 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole; or ii) specific policies of the Framework indicate development should be restricted.

In this particular case, despite having identified an adverse impact to heritage assets it is not considered in this case that this impact alone indicates that development at this site should be restricted. Paragraph 134 of the NPPF advises that where a development will lead to less than substantial harm this should be weighed against the public benefits. The proposed development would deliver public benefits (i.e. the contribution to the housing supply shortfall; the provision of affordable housing, short term construction related employment) and in this case it is not considered that the harm identified to heritage assets, which would be less than substantial, would outweigh these benefits. The identified harm to heritage assets will still, however factor, in the tilted planning balance. It is concluded that specific policies of the Framework (e.g. designated heritage assets, flood risk) do not indicate that development at this site should be restricted.

In such circumstances the Local Planning Authority must undertake the “tilted balance” to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole.

It is acknowledged that the provision of housing, including affordable housing would bring social and economic benefits, and would contribute towards the District’s 5 year housing supply and deliver affordable housing and this should be given significant weight. In addition the development will bring about other economic benefits including the creation of construction jobs and increased demand for local services.

Nonetheless it is considered that as a consequence of the limited accessibility to sustainable modes of transport and the limited services available within High Garrett future residents are unlikely to be encouraged to utilise sustainable modes of transport and will largely rely on travel by private motor

car. In Officers' opinion development in this location would undoubtedly place reliance on travel by car which conflicts with Policy CS7 of the Core Strategy, Policy RLP53 of the Local Plan Review and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised.

The development would result in the intrusion of development into the countryside and fails to appreciate the intrinsic value of the site in terms of the function it plays in this particular location, by way of the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach in to the town. Moreover development would harm the wider historic landscape by altering how the pattern of historic settlements and the heritage assets within are experienced and interpreted. The proposed development would result in a detrimental impact upon the character and amenity of the countryside and cause a degree of harm to the historic environment, contrary to the NPPF, Policy CS5, CS8 and CS9 of the Core Strategy and Policies RLP80 and RLP100 of the Local Plan Review.

Furthermore the proposed layout fails to reflect the rural nature of the site and its surroundings on the western side of the A131. As discussed above the proposed layout does not present a good standard of design which would meet with the requirements of the NPPF, Policy RLP90 of the Local Plan Review and Policy CS9 of the Core Strategy.

In addition the application is not supported by a necessary bat survey in order to inform how these species should influence the layout of the proposed development or vice versa. The proposal fails to comply with Policy RLP84 of the Local Plan Review for this reason.

In this case it is considered that the adverse impacts significantly and demonstrably outweigh the benefits and accordingly the proposal fails to achieve sustainable development and planning permission should be refused.

In addition a S106 Agreement has not been secured to ensure the provision of on-site affordable housing or financial contributions towards public open space, primary school provision and secondary school transport in order to mitigate the impacts of the development in these respects.

RECOMMENDATION

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

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal introduces 40no. dwellings in the countryside where facilities and amenities are beyond reasonable and safe walking distance of the site and alternative modes of transport are problematic to access. As a consequence development in this location would undoubtedly place

reliance upon travel by private motor car, conflicting with the aims of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised.

The proposal would result in the intrusion of development into the countryside and fails to appreciate the intrinsic value of the site in terms of the function it plays in this particular location, by way of the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach in to the town. Moreover the development would harm the wider historic landscape by altering the way in which the pattern of historic settlements and the heritage assets within are experienced and interpreted. The proposed development would result in a detrimental impact upon the character and amenity of the countryside and cause a degree of harm to the historic environment.

Furthermore the proposal by way of the design and layout results in a development which is suburban in character, unrelated to its context and generally failing to secure a high standard of design or good level of amenity for future occupiers. The loss of frontage hedgerow associated with the need to provide clear visibility splays for the access would only exacerbate the detriment to the rural character of the site and its wider setting. In addition the application is not supported by a necessary bat survey in order to inform how these species may affect or be affected the proposed development.

Cumulatively the adverse impacts of the development are considered to outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, policy CS5, CS7, CS8 and CS9 of the Core Strategy and policies RLP2, RLP9, RLP10, RLP53 RLP80, RLP84, RLP90 and RLP100 of the Local Plan Review.

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

- A financial contribution towards public open space
- On site affordable housing
- A financial contribution towards Primary School Provision
- A financial contribution towards Secondary School transport

This requirement would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been prepared or completed. In the absence of such a planning obligation the proposal is contrary to policies CS2, CS10 and CS11 of the Core Strategy (2011), policy RLP138 of the Local Plan

Review (2005) and the Open Space Supplementary Planning Document (2009).

SUBMITTED PLANS

Location Plan	Plan Ref: PDB/17/766/01
Existing Site Plan	Plan Ref: 1453/SJP/1
General	Plan Ref: 17.343-P-202
Site Masterplan	Plan Ref: 17.343-P-200

TESSA LAMBERT
DEVELOPMENT MANAGER