

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 03 December 2019 at 7:15pm**

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

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

---

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

**Membership:-**

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

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

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

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

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

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

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

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

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

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://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](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

## **Page**

### **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 19th November 2019 (copy previously circulated).

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

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

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

#### **PART A**

#### **Planning Applications**

- |           |  |                 |
|-----------|--|-----------------|
| <b>5a</b> | <b>Application No. 18 00549 OUT - Land between Long Green and Braintree Road, Long Green, CRESSING</b> | <b>6 - 53</b>   |
| <b>5b</b> | <b>Application No. 19 00679 REM - Land West of Kelvedon Station, Station Road, KELVEDON</b>            | <b>54 - 75</b>  |
| <b>5c</b> | <b>Application No. 19 01004 FUL - Land adjacent to 1 Bulmer Tye, BULMER</b>                            | <b>76 - 89</b>  |
| <b>5d</b> | <b>Application No. 19 01589 FUL - The Cottages, Bures Road, LAMARSH</b>                                | <b>90 - 107</b> |

#### **PART B**

#### **Minor Planning Application**

- |           |  |                  |
|-----------|--|------------------|
| <b>5e</b> | <b>Application No. 19 01616 FUL - Land West of A131, London Road, GREAT NOTLEY</b> | <b>108 - 132</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**

**Page**

**8 Urgent Business - Private Session**

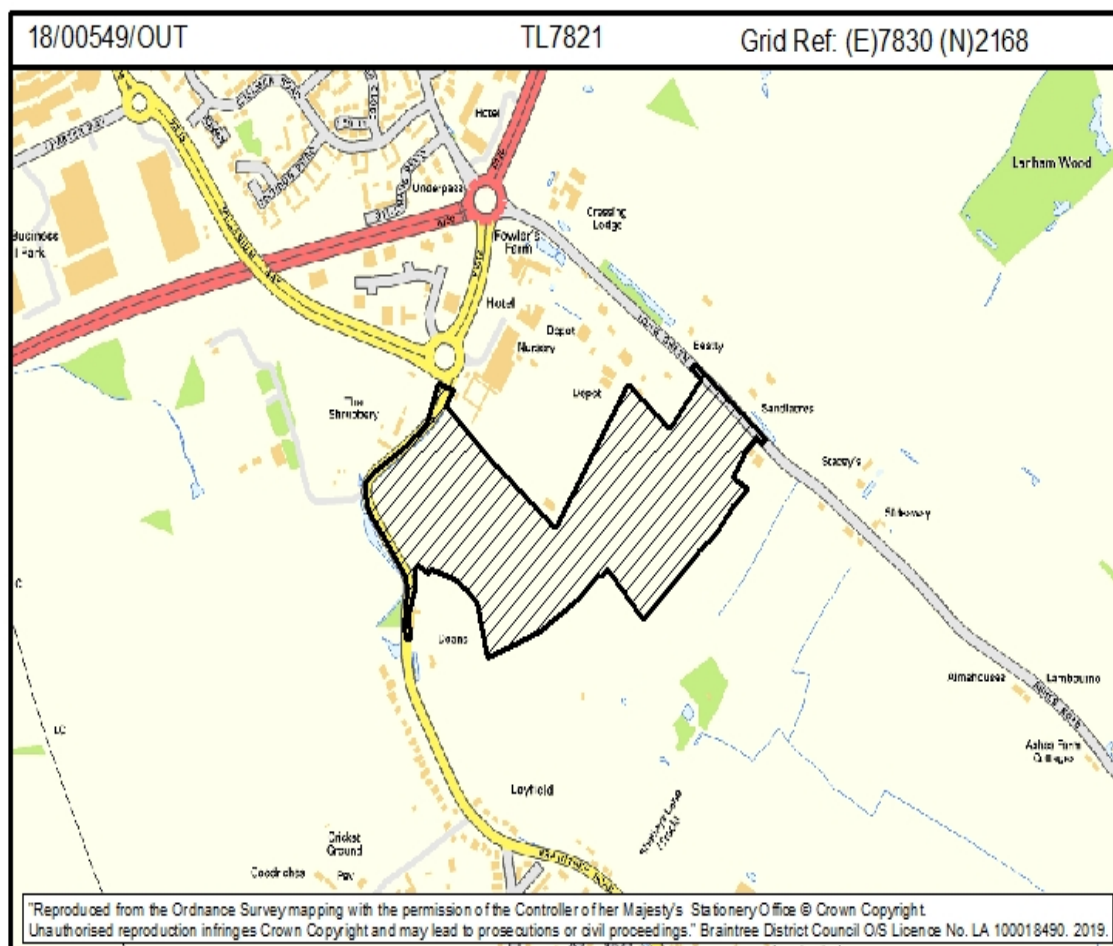
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/00549/OUT DATE: 01.05.18  
 VALID:  
 APPLICANT: Begin Braintree Ltd  
 C/O Agent  
 AGENT: Emery Planning Partnership Ltd  
 Mr Rawdon Gascoigne, Units 2 - 4 South Park Court,  
 Hobson Street, Macclesfield, SK11 8BS  
 DESCRIPTION: Outline application with some matters reserved, for  
 residential development of up to 250 dwellings with access  
 considered  
 LOCATION: Land Between Long Green And Braintree Road, Long  
 Green, Crossing, Essex

For more information about this Application please contact:  
 Mr Timothy Havers on:- 01376 551414 Ext. 2526  
 or by e-mail to: [timothy.havers@braintree.gov.uk](mailto:timothy.havers@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P61A9YBFHP100>

## SITE HISTORY

17/00007/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - The development of the 12.8 ha site to create in the region of 250 high quality residential dwellings together with significant areas of public open space, landscaping, appropriate levels of car parking and a green corridor the southern boundary. This corridor would also act as a buffer between the built form and the countryside beyond ensuring the development sits comfortably within the receiving landscape context.	Screening/ Scoping Opinion Adopted	20.12.17
--------------	---	------------------------------------	----------

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

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

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

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

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

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

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

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

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

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

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



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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP58	Galleys Corner Special Policy Area
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats

RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

#### Braintree District Local Development Framework Core Strategy 2011

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

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
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

#### Crossing Neighbourhood Plan (Regulation 18 Draft – Now Post Examination)

Policy 1	Protecting and Enhancing the Natural Environment
Policy 2	Protection of Special and Sensitive Landscapes
Policy 3	Maintaining the Character and Integrity of the Parish
Policy 4	Protecting the Historic Environment
Policy 5	Infrastructure, Services and Utilities
Policy 6	Protecting and Enhancing Community Facilities and Public Open Spaces
Policy 7	Housing
Policy 8	Design, Layout, Scale, Character and Appearance of New Development
Policy 9	Economy
Policy 10	Improvements to Highway Safety, Connectivity and Sustainable Transport
Policy 11	Developer Contributions

#### Other Material Considerations

Landscape Character Assessment 2006  
 Braintree District Settlement Fringes – Evaluation of Landscape Analysis (June 2015)  
 Site Allocations and Development Management Plan  
 Affordable Housing Supplementary Planning Document  
 Essex Design Guide  
 External Lighting Supplementary Planning Document  
 Open Spaces Supplementary Planning Document  
 Open Spaces Action Plan  
 Essex Parking Standards Design and Good Practice 2009

#### 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 adopted Development Plan. It is therefore an application which has significant policy implications.

## NOTATION

The application site is located in the countryside as designated in the Braintree District Local Plan Review 2005.

The application site is not proposed for allocation for residential development in the Braintree District Publication Draft Local Plan 2017.

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

## SITE DESCRIPTION

The application site is located in the countryside and sits in-between Braintree and Tye Green. In broad terms it is bounded to the north by existing commercial development at Cordons Farm and to the south by further countryside. The eastern periphery of the site is formed by a section of Long Green Road and the western periphery by a section of Braintree Road (B1018), both of which are included within the red line boundary.

In terms of the wider context, there is a further pocket of commercial development to the north beyond which lies the A120 which forms the outer boundary to Braintree and a clear delineation between the edge of the settlement and the surrounding countryside. To the west, south and east of the application site lies further countryside. The village of Tye Green is also positioned to the south.

The site itself consist of 3 agricultural fields with associated boundary trees and hedgerows and an area of scrubland.

There is no formal vehicular access to the majority of the site although there are agricultural access points with one currently being taken from the B1018 on the site's boundary.

In terms of topography, the site falls slightly towards its centre with a levels difference of approximately 7 metres.

## PROPOSAL

The applicant seeks outline planning permission with all matters reserved except access for the erection of up to 250 dwellings. The proposal would in general terms include market and affordable housing and significant associated highway and infrastructure works, open space and strategic landscaping.

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 stage.

The scheme proposes vehicular access points from both Braintree Road and Long Green Road. Appearance; landscaping; layout and scale remain as Reserved Matters.

The applicant has, in addition to the Site Location Plan submitted proposed highway works plans, a Parameter Plan, illustrative Masterplan and illustrative Landscape Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed.

Some of the drawings were revised during the course of the application as the applicant sought to respond to highway concerns and concerns relating to noise and odour from adjacent existing uses.

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

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Utilities Report
- Flood Risk Assessment and Drainage Report
- Noise Report
- Lighting Impact Assessment
- Air Quality Assessment
- Statement of Community Involvement
- Archaeology Assessment
- Ecology Reports
- Odour Impact Report
- Landscape and Visual Impact Assessment
- Contaminated Land Assessment

## CONSULTATIONS

Two consultations were carried out, the second following the submission of additional information to address various concerns raised by consultees including ecology matters and odour.

A summary of the consultation responses received is set out below.

### ECC Highways

Objection. The Transport Assessment which accompanies the planning application does not contain sufficient information to enable the Highway Authority to establish the likely impact of the proposal on highway capacity and safety.

The applicant should be asked to provide additional information, the scope of which should be agreed with the Highway Authority as soon as possible. Upon receipt of the agreed additional information, the Highway Authority would be able to progress its review of the planning application.

### Anglian Water

The foul drainage from this development would be in the catchment of White Notley Water Recycling Centre which currently does not have capacity to treat these flows. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that sufficient capacity is available.

Also request a condition requiring the submission and approval of a foul water drainage strategy.

The proposed method of surface water management does not relate to Anglian Water assets.

### Highways England

No objection. The proposed development is unlikely to have a severe impact upon the Strategic Road Network.

### Natural England

The site falls within the zone of influence of one or more European Designated Sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is therefore anticipated that without mitigation new residential development in this location is likely to have a significant effect on such sites through increased recreational pressure.

We therefore advise that you undertake a Habitat Regulations Appropriate Assessment and that you should not grant planning permission until such an assessment has been carried out and the conclusions confirmed in accordance with our guidance.

### BDC Ecology

Satisfied that the applicant has demonstrated certainty to the LPA regarding the impact of the proposal upon European Protected Species subject to planning conditions to secure the mitigation measures identified in the applicant's Ecology Reports.

A holding objection was originally submitted due to insufficient information being provided to allow a Habitat Regulations Appropriate Assessment to be completed. The developer was required to provide information to agree to the following to allow the Habitat Regulations Appropriate Assessment to be completed by BDC:

Provision of Suitable Accessible Natural Green Space (SANGS), in line of Natural England's guidance for the Thames Basin Heaths; and/or

- high-quality, informal, semi-natural areas;

- circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (provided via a map of the existing PROW);
- dedicated 'dogs-off-lead' areas.
- The developer should also agree in principle that they are happy to provide the following:
- Signage/information leaflets to householders to promote these areas for recreation;
- dog waste bins;
- a commitment to the long term maintenance and management of these provisions;
- a proportionate financial contribution in line with the Essex Coast RAMS Strategy (£122.30 per dwelling) for delivery prior to occupation, secured by legal agreement.

This information was subsequently submitted and at the time of writing an Appropriate Assessment is being completed by BDC.

#### ECC Flood and Water Management

No objection. 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.

#### ECC Minerals and Waste Planning Authority (MPWA)

The application site is located adjacent to the waste management activities taking place at Cordons Farm. Waste development may create impacts on its immediate surroundings and local communities through, for example, odour or noise emissions and vehicle movements.

Paragraph 182 of the NPPF is an important consideration when assessing the inter-relationship between existing development and that which is newly proposed. This paragraph states that "existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

The MWPA requested that evidence was submitted which 'demonstrate that the non-waste development would not adversely impact upon the operation of the existing/permitted waste development (at Cordons Farm) e.g. as a result of noise, dust, odour, traffic, light etc... Where there is potential for adverse impact upon the waste development the new non-waste development should propose mitigation to address these adverse impacts'. It was further requested that evidence be submitted which addresses 'the ability of waste

vehicle traffic to access, operate within and vacate the waste development in line with extant planning permission’.

It appears that the relevant additional information submitted relates solely to issues relating to odour.

It is noted in the Odour Impact Assessment (OIA) that the proposed development would result in the introduction of sensitive receptors, in this case residential dwellings, closer to the Cordons Farm Waste Transfer Station (WTS) than currently exists. It is concluded that some of the new properties may experience significant to moderate adverse impacts as a result of existing waste operations at Cordons Farm if they were located as proposed. The OIA recommends that a buffer is maintained between the proposed new development and the proximate waste activities to reduce the potential for adverse impacts on the new properties. The applicant has responded to these findings, noting that the current application is an outline application, and the layout other than access is purely for indicative purposes. As such, the location of housing within the development site can be updated following approval of the outline application. This could take into account the need for any buffer as a consequence of any current or proposed future modification to current waste practices.

It is noted that the Noise Assessment 2018 concludes that waste operations create no greater noise impact on the proposed development site than existing background levels. The Lighting Impact Assessment appears to be written on the basis of assessing the impact of light on surrounding development as a result of the proposed new development rather than assessing the potential for light pollution on the new development as a result of lighting associated with the Waste Transfer Station. No conclusion can therefore be drawn with regard to any potential light impacts from the WTS on the new development. The Transport Assessment concludes that the development is acceptable from a transport perspective and so it is assumed that traffic related to the operation of the WTS could co-exist with that from the development. The Air Quality Assessment notes that the proposed site is within the vicinity of a number of waste transfer sites which have the potential to generate dust but the risk of dust causing a loss of amenity is considered to be relatively low.

Following this review of background evidence, the Minerals and Waste Planning Authority has no further comment to make in respect of this outline application. This is however limited to the principle of allocating the site for its proposed use. The MWPA requests that it remains a consultee should further details be submitted subsequent to this outline application. The final proposed site layout would need to conform with the recommendations of the OIA.

#### Ramblers Association

The submitted proposed highway improvements plan does not show Public Right of Way Crossing 4. It is not therefore clear how this PROW will pass through the site nor any proposals for its improvements. The cycleway



proposed in the BDC Publication Draft Local Plan along part of the busy B1018 (Braintree Road) is also not shown on the plans nor is it shown how the applicant's proposal would connect to or integrate with this. It is therefore considered that insufficient information is provided to consider access in full.

Also difficult to see how a decision can be made on this planning application with the uncertainty regarding the new A120-A12 route, an option for which would run just to the north of the site.

#### ECC Economic Growth and Development (Education)

**Early Years and Childcare:** the proposed development is located within the Silver End and Cressing Ward. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient provision to meet demand from this proposal. It is thereby clear that an additional provision would be needed within the ward. An additional 22.5 places would be provided at an estimated total cost of £391,995 at April 2018 prices. This equates to £17,422 per place and so, based on demand generated by this proposal set out above, a developer contribution of £391,995 index linked to April 2018, is sought to mitigate its impact on local EY&C provision.

**Primary Education:** the site is located within the priority admissions area of Cressing Primary School. The School has recently been expanded to take 30 rather than 20 pupils each year and there are already 29 children in this year's Reception class. The School's current forecast number on roll would leave 49 unfilled places in total, by September 2021, before any new housing in the area is taken into account. Taking into account the additional houses within the area (in the region of 300), there are an estimated further 90 pupils to demand. In response, land and financial contributions are being negotiated to allow the School to expand further if required.

This development would add further to the local demand for school places and, therefore, it is appropriate to seek a developer contribution towards expanding Cressing Primary School. An additional 75 places would be provided at an estimated total cost of £1,146,075 at April 2018 prices. This equates to £15,281 per place and so, based on demand generated by this proposal set out above, a developer contribution of £1,146,075 index linked to April 2018, is sought to mitigate its impact on local primary provision.

**Secondary Education:** The data collected by Essex County Council suggests that there will be sufficient secondary school places to accommodate a development of the size proposed here. A developer contribution is not therefore requested for this age range.

There will be a requirement for secondary transport contributions. There is a section of the route to the nearest secondary school which is considered an unavailable/unsafe walking route. Therefore a contribution would need to be

requested. The cost for secondary transport based on 50 primary pupils is calculated as follows, 50 x £3.65, cost per pupil per day x 190 days (academic year) x 5 years, total would be £173,375 index linked to April 2018.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on EY&C, Primary Education, and secondary transport. Standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council is minded to turn down the application, I would be grateful if the lack of surplus EY&C, Primary education provision, and secondary transport in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

#### National Grid

No objection.

#### BDC Environmental Health

Objection on amenity grounds relating to noise and odour.

The introduction of residential property in close proximity to the waste site (to be bordered on two sides by the development) will significantly affect the ability to operate without the waste operators needing to consider the increased potential nuisance impact given the close proximity of the proposed nearby properties.

The County waste site on the adjacent Cordons Farm site has permission to work at weekends and from early morning until 1900. The District Council waste site has permission for 220 vehicle movements per day and 100 movements on a Saturday from 0700 to 1800 weekdays and 1400 Saturdays for the storing and sorting of waste. There are also depollution of vehicle activities, auto salvage activities, waste skip company and use as a goods operators' site for overnight storage of vehicles.

The site noise levels including noise from transport uses indicate that a significant window insulation is required to insulate to BS8233 internal levels. There is a requirement to consider ventilation in the event of overheating when the windows must still stay closed to achieve the internal noise levels. This is not considered.

It is noted that the external amenity standards are not achieved. The Noise Report states that the 55dB(A) level cannot be achieved for all garden amenity.

Loss of amenity, or disamenity, does not equate to nuisance and significant loss of amenity can occur at lower levels of emission than would constitute a statutory nuisance which means that no regulatory control is possible even where loss of amenity occurs.

In relation to odour, Environmental Health raises an objection to the application for reason of the potential for odour likely to affect nearby residential properties proposed by this application and again the restrictions that may then be imposed on existing industrial activities to prevent cause for complaint from the proposed residential occupiers.

The general conclusion of the odour report submitted with the application is that a 70m buffer as a minimum is necessary from the waste sites (ECC and BDC) to the proposed residential properties to prevent significant adverse effect on proposed residential occupiers. The buffer area will be open public space and therefore the solution means that members of the public will still be exposed to odour at the public space location which is arguably part of the amenity space. Therefore it is highly likely that odours will be reported requiring investigation by regulators and placing added burden on existing businesses to try to contain odour to the boundary of their sites which will not be practicable given the significant odour levels predicted by the applicant's consultant beyond the boundary of the site.

There is a requirement for an intrusive survey (contaminated land investigation) and this would need to be required by way of planning condition.

### ECC Archaeology

No objection subject to the standard archaeology investigation conditions.

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological potential.

Cropmarks recorded within the development area predate the historic maps and may be medieval or earlier in date. A DBA has been submitted with the application, which indicates that the field pattern in this area may date back to the Iron Age. Medieval fieldnames are recorded in the fields adjacent to the development site and a number of medieval farms are recorded in the vicinity of the site, including the Grade II listed late 14th/early 15th century Fowlers Farm which lies c. 300m to the north-west.

Historic mapping shows that part of the development site lay within the land belonging to the Farm. Finds of medieval pottery and tile have been recovered from the nearby fields suggesting a former medieval hall house along Long Green/Ashes Road.

Aerial photos were consulted as part of the DBA which identifies possible remains of ridge and furrow and relict field boundaries. These deposits may be disturbed or destroyed by the proposed development.

### Historic Buildings Consultant

The applicant seeks outline permission to erect up to 250 houses on land between Long Green and Braintree Road, which falls between Braintree and Cressing. To the north of the site is Fowlers Farmhouse, a grade II listed former farmhouse of fifteenth century construction which is now in use as a public house.

The current configuration of built form on the site, and more particularly the extent of the intervening built form associated with the garden centre, means that there is no visual or physical interrelationship between the application site and the listed building. As such the development of this site is not considered to alter the environment in which the listed building is experienced and I therefore would conclude that this outline application would not have an impact on the significance of this heritage asset.

I therefore have no objection to the application from a conservation perspective, and I would not require any conditions to be attached to an approval.

*A second consultation was carried out following the identification of Deans Farm as a non-designated heritage asset in the Cressing Neighbourhood Plan:*

The residential dwelling known as Deans Farm was built in the twentieth century and is not considered of to be of significance. To the north is a typical timber famed and weather-boarded Essex Barn which map progression indicates was built in the nineteenth century, potentially earlier. It is assumed that it is this structure which the Cressing Parish Neighbourhood Plan is referring to.

Whilst the barns immediate farmyard context has been degraded by the loss of contemporary structures and more recent alterations to those which survive, its wider agrarian context is less altered and contributes positively to its setting and thereby also how we are able to experience and interpret its heritage values. The barn can be considered of historic value as a legible surviving element of Deans Farm which contributes to our understanding of the wider agrarian landscape which was historically peppered with farms of a similar scale. Despite the renewal of weatherboarding and insertion of a metal sheet roof, the barn retains a strong aesthetic identity as a typical Essex Barn. As I have not inspected the interior of the barn I am unable to comment upon the quality of the timber frame.

For the purposes of planning I believe that the aforementioned barn can be considered a non-designated heritage asset with regards to the National Planning Policy Framework (2019).

The proposed scheme would see built development encroaching much closer to the barn together with a new road. Whilst the development would be

screened from view by planting there would remain a perception of the development visually, most notably in winter months and as a result of light pollution. There would likely also be an increase in background noise from the new road.

The proposed development would not, in my opinion, have a significant impact upon the heritage value of the barn. The impact could be reduced by a carefully considered landscaping plan.

Given the proposal would have a detrimental impact upon the significance of a non-designated heritage asset, the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset (Para.197 NPPF 2019)

Were permission to be granted, I request that a condition relating to further detailing of landscaping and external lighting is imposed.

#### National Grid

National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.

#### Cadent Gas

No objection

#### NHS England

The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The existing GP Practice in the area does not have resource capacity to accommodate additional growth. The impacts of the development on healthcare provision in the area would, if unmitigated be unsustainable.

A developer contribution of £94,628 towards the costs of a new Primary Care Hub at Manor Street, Braintree. The NHS requests that this sum be secured through a planning obligation. Assuming that this is secured then the NHS do not wish to raise an objection to the proposed development.

#### Sport England

Sport England is unable to support this application due to the lack of any sports provision (on or off site) or planning contributions to meet the needs of the new population in accordance with the Councils evidence base or local plan policy.

The additional population will generate additional demand for sports facilities and no provision either on or off site appears to have been made for outdoor or indoor sport. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in

facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. The proposal should therefore make contributions towards outdoor and indoor sports provision.

#### BDC External Landscape Consultant – Wynne-Williams Associates

BDC commissioned an independent report on the landscape impact of the proposed development by an external expert Landscape Consultant. The Consultant's full report was published on the Council's website and their conclusion is summarised as follows:

'It is my opinion that there would be a limited impact of the development on the local landscape. The visual impact of the development could be addressed by a sensitive layout, by retaining existing vegetation and providing a landscape buffer to the surrounding fields.

The development would have an impact on the character of the site itself, changing it from fields to residential properties but there would be a very limited effect on the character of land outside of the site boundaries.

This site has been categorised in the most fine grained study of local character and capacity, The Evaluation of Landscape Analysis Study of Braintree and Environs, commissioned by the Council as having a medium-low capacity for development. This assessment notes that the parcels in this category contribute to preventing coalescence and are likely to be visible from private and public viewpoints and in their current undeveloped state contribute to the rural setting of Braintree. Any development on the site would need to address the coalescence issue and proposals would need to ensure that a sufficient buffer to the countryside maintained the visual separation with Tye Green.

Subject to the above it is my opinion that the impact of the development in this location could be mitigated'.

#### BDC Landscape

Landscape Services agree with the position as set out in the Report on Landscape Impact prepared by Gill Wynne-Williams, CMLI, on the Council's behalf. While the site may not have a large impact on the countryside, the importance of the prevention of coalescence between Braintree and Cressing Tye Green should not be understated.

The Tree Crowns Plan, Theoretical Shading Plan, and Root Protection Areas Plan do not show the potential locations of infrastructure or dwellings, meaning that the impact of the development on the trees across the site cannot be accurately assessed from the provided information. The only certainty is the loss of the Category B woodland W5.

### Police Architectural Liaison Officer

BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.

Improving the road access will increase the areas vulnerability to burglary, evidence supports offenders travel to an area to offend, and ease of access and potential escape, not previously available, are factors they consider. The benefit of SBD accreditation on all subsequent development is clearly made.

We strongly recommend that the developer consults with us to assist with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

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

### Open Space Society

Public Footpath Crossing 4 crosses site and the proposed main distributor road crosses the route of this path. Can provision be made for a pedestrian crossing of the distributor road in the line of the present route of this footpath?

The route of this footpath through the proposed development should be kept on the present route if possible.

Could a 5m width (preferably grassed) be provided for this footpath through the residential parts of the development? This is to enhance the aesthetic qualities of the finished residential area and in the interests of encouraging walking for good health of the residents and wider public.

### BDC Housing Officer

In accordance with Policy CS2 of the Adopted Core Strategy, 40% of the dwellings should be provided as affordable homes. The proposal for construction of up to 250 residential dwellings therefore requires up to 100 dwellings to be provided as affordable dwellings. It is acknowledged that details concerning the type of dwellings will form part of a reserved matters application. However, as an indicative layout drawing has been provided, based on evidence of housing need the affordable unit mix below would be considered appropriate to match housing need.

- 10 x 1 bed 2 person flats
- 6 x 2 bed 4 person flats
- 48 x 2 bedroom 4 person houses

- 6 x 2 bed 4 person bungalows (compliant with Part M(3b) of Building Regulations)
- 2 x 3 bedroom 5 person bungalows (compliant with Part M(3b) of Building Regulations)
- 20 x 3 bed 5 person houses
- 8 x 3 bedroom 6 person houses

Additional requirements for affordable housing that should be considered:

- Affordable homes should be clustered in a minimum of four areas of the site
- Affordable dwellings (except bungalows) accessed at ground level required to be compliant with Building Regulations Part M(2)
- Affordable units should meet Nationally Described Space Standards
- 70 /30 tenure mix of affordable rent over intermediate tenure

#### Town/Parish Council

Strongly object to the application.

Pressure on local services is already causing concern and the development will result in an unreasonable burden on those services and is in addition to the current developments agreed of 225 and 118 properties with potentially in excess of 800 residents. Local services cannot sustain this level of additional users.

There are no medical or other healthcare facilities in the area. The nearest GP surgery is at Silver End and is over-subscribed. A fully equipped medical centre should be provided and funded for a period of at least 5 years by developers. The same should apply in respect of dental health provision.

Roads are inadequate and congested, air quality will be seriously impaired and there are no local employment opportunities for the numbers being put forward. Neither Braintree nor Cressing station have the parking provision available for this increased volume.

This is unacceptable when the BDC Local Plan is still being considered along with three garden communities. All future development proposals should be put on hold until the outcome of the Local Plan and the route (and its timeline) of the A120 are known.

The road network does not provide for safe cycle journeys, therefore cannot contribute towards BDC aims.

This proposed development is adjacent to a waste site which will add to the poor environmental quality of this area. It is known that there have been previous complaints about this site in respect of noise, vermin and air quality (dust and odours).



New developments should include the provision of allotment ground, this site could be contaminated by the vicinity to the waste site as mentioned above.

The Junior School in Cressing is full and whilst there is a small amount of space available to increase its size, this would not be sufficient to provide for the potential influx of children from this and the other two developments mentioned above.

There is no secondary school provision in Cressing. Children having to attend schools in the Braintree area would need to travel by public transport or be driven - again increasing air pollution and putting pressure on the existing road system. All journeys are likely to require travel through Galleys Corner.

Anyone wishing to walk to the Junior School, Freeport, village shop, sports field or playing field, would need to use the B1018. This road is used extensively by vehicles, including buses and HGVs. The lack of footpaths prevents pedestrian journeys and the ability to cross the road safely would be both difficult and extremely dangerous.

This development does not provide for a safe and secure environment.

## REPRESENTATIONS

In total 7 objections were received. These are summarised below:

- The applicant went to the extraordinary step of seeking Counsels Opinion for their planning application. Recommend that BDC also consider taking legal advice.
- Council should be able to demonstrate a housing land supply if all recent unscheduled development is taken into account.
- Opportunistic application predicated on BDC's assumed lack of a 5 year supply and historic unwillingness to risk the cost of fighting appeals.
- There would be no ecology improvement as stated by the applicant.
- Insufficient infrastructure in the area including schools; doctors surgeries.
- Impact of recent cumulative development means infrastructure already struggling.
- Development would seriously erode the buffer between Braintree and the Parish of Cressing.
- Highways infrastructure concerns – existing congestion would be worsened; insufficient capacity.
- Proposed housing would be next door to a recycling plant. Complaints have already been made regarding odour, noise, dust and vermin from this plant.
- BDC are pursuing a garden community agenda not the development of large housing estates attached to villages and hamlets which have no infrastructure or services in place.
- Loss of prime agricultural land.

- Anglian Water have indicated there is no capacity for this development and are concerned about flooding downstream.
- There are high voltage cables crossing the site.
- Application is premature as the route of the A120 has yet to be determined.
- Detrimental impact upon 3 nearby listed buildings Fowlers Farmhouse; Cressing Park; Frogs Cottage.
- Loss of historic hedgerows and possible ridge and furrow field systems
- Should not fill fields with houses just to meet tick box government targets.
- Straightening of the bends on the B1018 may increase traffic speed through Tye Green with no traffic calming measures to address this. Pedestrian safety is already poor.
- Development makes no effort to link proposed estate with existing community for pedestrians or cyclist.
- Potential light and noise pollution.
- Need to maintain rural environment of Cressing/Tye Green.
- The chance to resolve the issue of the bends was missed by BDC under a previous application for a DIY store.
- Cressing is low down the settlement hierarchy being classed as an 'other village'. Permission has already been granted for 433 new houses. This development would take that to 683 houses being added to an existing parish of 715 houses.
- Proposed layout is very poor and the spine road would be a built in rat run.
- Overdevelopment with insufficient parking provision.
- Economic benefits are limited with temporary construction employment. Most future residents will commute outside the district.
- Socially the rate of growth in the parish would cause the existing community to have to start again from scratch.
- Environmentally it is hard to imagine a less attractive location for new housing. Galleys Corner is clearly the most traffic polluted area in the county.
- Development makes no planned contribution to social infrastructure.

## REPORT

### Principle of Development

#### National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

### The Development Plan

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy.

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

landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy and Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The principle of the proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

### 5 Year Housing Land Supply

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

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

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

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

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead

Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

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

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

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

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

## **SITE ASSESSMENT**

### **The Application Site and the Emerging Local Plan**

The application site is not proposed for allocation in the emerging (Publication Draft) Local Plan. The site was put forward for consideration for allocation for residential development through the Local Plan consultation process and was considered at the Local Plan Sub Committee of 9<sup>th</sup> May 2016 along with neighbouring sites which together proposed a substantial urban extension to Braintree. None of the sites were allocated and concerns relating to landscape character, coalescence and the ability of the proposed urban extension to deliver all the infrastructure improvements proposed were identified by

Officers. The uncertainty over the A120 improvement scheme was also identified as problematic.

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

The Draft Local Plan is at a relatively advanced stage having been submitted for Examination with the Examination for Part 1 of the Draft Local Plan (the strategic policies) having commenced on 16<sup>th</sup> January 2018. At the time of writing the Examination is due to continue in early 2020. As such limited weight can be given to its policies.

### Cressing Neighbourhood Plan

Cressing's Neighbourhood Plan is at a very advanced stage with the examination having taken place and the Examiners final report being issued in September 2018 stating that it can proceed to a referendum.

A BDC Cabinet meeting on 2<sup>nd</sup> December will confirm that the referendum can proceed and the referendum is predicted to take place in January/February 2020 with formal adoption of the Neighbourhood Plan shortly afterwards, subject to the outcome of the referendum.

The Neighbourhood Planning Act (2017), makes it clear that once the examiner's report is received, more weight can be given to a Neighbourhood Plan prior to adoption. Given that only minor modifications were proposed by the Examiner, Officers consider that a significant degree of weight can therefore be given to the policies contained within the Neighbourhood Plan in the decision making process for this application. The assessment as below has been carried out with these minor modifications in mind.

The proposed development would be directly contrary to the draft Neighbourhood Plan in a number of ways. For clarity, these contradictions are set out below and addressed in turn.

Policy 7 'Housing' allocates two sites for residential development, CRESS192 (Land East of Mill Lane) for 118 dwellings and CRESS 193 (Land between Braintree Road and Mill Lane) for 225 dwellings. The policy goes on to state that other than small-scale self-build or custom build schemes, residential development outside of the settlement boundaries within the Parish will not be permitted.

The applicant's proposal is clearly contrary to this policy and proposes a major residential scheme in the countryside.

Policy 3 'Maintaining the Character and Integrity of the Parish' identifies an 'Open Countryside Buffer Area' which provides an important role in maintaining the rural character and appearance of Cressing Parish and the

villages of Tye Green and Cressing. The buffer is identified as providing a physical gap in development between the urban fringe of Braintree and settlements within the Parish.

Policy 3 goes on to state that new development will not be supported in the buffer unless a number of criteria are (all) met which include notably;

- Enhancing the rural character and appearance of Cressing Parish;
- Maintain and enhance the physical gap in development between the urban fringe of Braintree and settlements within Cressing Parish;
- Are of a scale, massing and visual appearance which will not detrimentally impact upon the rural character and appearance of the Parish, including these setting of Tye Green and Cressing Village;
- Are associated with new strategic infrastructure which provides significant benefits to the wider area and seeks to mitigate any detrimental impacts on the character and appearance of the Open Countryside Buffer Area;
- Meet the requirements of Policy 7 'Housing' in relation to residential development.

The applicant proposes a 250 dwelling scheme which would be located within the identified buffer area and would occupy the majority of the middle section of this buffer to the point where it would undermine it completely.

Policy 2 'Protection of Special and Sensitive Landscapes' states that development proposals located within the Silver End Farmland Plateau Landscape Character Area will only be permitted where it can be demonstrated that the proposal will fulfil (all) of a number of criteria. The application site sits within the Farmland Plateau area as identified in Figure 5 of the Neighbourhood Plan and Policy 2 is therefore applicable.

The relevant criteria which must be complied with consist of:

- Protect and enhance the special features and overall character of the landscape character area;
- Protect and where possible improve access to open countryside within the landscape area; and
- Protect and enhance the biodiversity of the natural environment within the landscape character area.

The proposal for a major residential development in the Landscape Character Area is at odds with the overall aim of the policy. However the individual assessment of the applicant's proposal against this policy is more complex. Biodiversity is addressed in the ecology section of the below report and it is identified that opportunities to enhance the biodiversity of the application site do exist. Improving access to open countryside can be interpreted in several ways. Clearly building houses on such countryside will not improve access to it. However, the applicant's proposal includes areas of open space which are currently private land but would become accessible to the public, albeit not as 'countryside' but as amenity land.

With regard to the need to protect and enhance the special features and overall character of the Landscape Character Area, the Council commissioned an independent landscape review of the proposed development which considers the landscape impact of the scheme. This is again discussed in detail under the landscape section of the below report. Overall, Officers consider that there is a degree of conflict with Policy 2 but that it is not as clear cut as the conflict with Policies 3 and 7 of the Neighbourhood Plan.

### Spatial Relationship of the Site in Relation to Existing Settlements

The National Design Guide (2019) includes a specific section on context and states at paragraph 42 that *'well designed new development is integrated into its wider surroundings, physically, socially and visually'*.

The NPPF reinforces this stating at paragraph 127 that planning decisions should ensure that developments *'are sympathetic to local character and history including the surrounding built environment and landscape setting...establish or maintain a strong sense of place....create places that are safe, inclusive and accessible'*; at paragraph 91 that planning decisions should *'aim to achieve healthy, inclusive and safe places which.. promote social interaction'* and at paragraph 92 that *'to provide the social, recreational and cultural facilities and services the community needs, planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'*.

The application site is located in the countryside and is positioned in-between Braintree and Tye Green, abutting neither of the settlement boundaries. To the north, the outer boundary of the entire eastern edge and a large part of the southern edge of Braintree is formed by the A120. This provides a very clearly delineated edge to the town and marks an abrupt transition from the edge of the town to the countryside. Along this clearly delineated boundary, to the north and the west of the application site, there is no encroachment of the town beyond the A120.

There is a pocket of commercial development which does sit on the southern side of the A120, known as Galleys Corner. This is contained within a triangular area of land bounded on all sides by dual carriageway without further scope to expand. This is not included within the town's development boundary and acts as a freestanding, well contained area of commercial development on an area of land unsuited to other purposes.

Beyond this, is a second area of commercial development bounded by dual carriageway (B1018) to the west and Long Green Road to the north. This area contains a mixture of commercial uses including a pub/restaurant; hotel; garden centre and drainage company. Towards the outer edge of this area of development is a Travellers site, the only residential use present. Adjacent to this, and to the applicant's site is a large auto salvage company abutted by a Waste Transfer Station known as 'Cordon's Farm'.



Taken as a whole, Galleys Corner and the above pocket of commercial development represents the sole notable encroachment of development beyond the A120 boundary to Braintree Town. This encroachment is, as described above separated into two distinct areas, both of which are clearly commercial in their nature and neither of which are integrated into or form part of Braintree town.

The application site would create a large freestanding residential development which would directly abut this commercial area. It would be physically segregated from Braintree town by both of the above commercial areas and furthermore by the A120 beyond this. It could in no way be considered to be a part of the town or to have any direct correlation to it.

To the south of the application site the nearest settlement is the village of Tye Green. Tye Green is broadly triangular in shape with a more linear projection at its northern end. This projection runs closer to the application site boundary and would be positioned approximately 125m from the closest new dwellings. However, it is linear in nature and entirely positioned on the western side of the B1018. The village envelope of Tye Green does not project beyond the eastern side of the B1018 at all, meaning that the nearest proposed housing would be located approximately 320m from the formal village envelope.

There is however some existing housing located on the eastern side of the B1018 which would be located closer to the development site, at a distance of approximately 270m. There would however remain a single large agricultural field between this housing and the application site, preventing the new dwellings from actually being read as part of Tye Green. This situation worsens to the north-east as the distance increases and there are between two and three agricultural fields located between the application site and the village. These fields, although smaller in size are interspersed with boundary features and an area of woodland.

Overall, the proposed development could not be read as an integrated part of Tye Green Village, nor could it be read as an integrated part of Braintree town. Furthermore, it would not directly relate to either of these existing settlements and would be physically segregated from both of them. It would instead form a freestanding, large scale pocket of residential development which would effectively be tacked on to an existing area of commercial development, which in itself is not part of Braintree town. At the same time it would also destroy the majority of the green buffer between Braintree and Tye Green which is identified in the Neighbourhood Plan and this is addressed in more detail in the landscape section of the report below.

Officers do not consider that creating such a parcel of freestanding residential development in the countryside is in any way appropriate in spatial planning terms, nor that it could be considered to represent good planning generally. It would also constitute the only notable incursion of residential development beyond the A120 boundary to the town of Braintree into the countryside which is not contained within a defined village envelope and would represent a significant step change in this regard in a manner which Officers do not

consider is appropriate. It would result in urban sprawl with an uncontained residential development projecting into the countryside and would be completely unrelated to the existing settlement pattern in the area.

Overall, the applicant's proposal would not create a development which could in any way be said to be integrated into or have the potential to integrate into an existing settlement or an existing community. Nor could it be said to relate well to its surroundings in terms of being an appropriate location to site a major residential development.

### Access to Services and Facilities

The site sits in the countryside and is located in-between Braintree (located to the north-west) and Tye Green (located to the south). It does not abut the settlement boundary of either with Braintree Town Development Boundary being located approximately 280m away and Tye Green 126m away respectively. Crossing is located approximately 1km to the south-east. Given that the proposed development would not form part of any of these existing settlements it is appropriate to evaluate all 3 in terms of their provision of services and facilities and their accessibility to the site.

To the south, Tye Green is identified in the Adopted Local Plan settlement hierarchy as an 'other village'. These are the lowest category of settlement in the hierarchy with Main Towns and Key Service Villages (defined as villages with a good level of services, frequent public transport to higher order settlements and easy access by public transport to secondary schools) sitting above them. Crossing also sits in this category.

In the Publication Draft Local Plan Tye Green has been omitted, in error, from the proposed settlement hierarchy table. The new hierarchy is more finely defined with Towns, Key Service Villages, Second Tier and Third Tier Villages. Crossing is defined as a Third Tier Village and Officers consider that Tye Green should have been defined as a Second Tier Village given that it has a primary school and better public transport links. A modification to this effect will be put to the examination Inspector in due course.

In both the Adopted and the Publication Draft Local Plan Braintree sits at the top of the settlement hierarchy as the main settlement within the District with an associated level of services and facilities.

There is no definitive planning document which provides guidance on acceptable walking distances, however a distance of 400m to a bus stop and 800m to a railway station is a commonly accepted standard which has been identified by the Institute for Highways and Transportation. A generic distance of 800m within which a range of facilities should be located is set out in the CLG Department for Transport 'Manual for Streets' Document and also commonly accepted as defining a 'walkable neighbourhood'. The Adopted Core Strategy defines accessible locations as those within 30 minutes walking or cycling distance of a retail centre, primary school, secondary school and GP Surgery.

Of the above settlements Tye Green is the closest. It contains limited facilities with a primary school, sports and social club, small village shop/post office and a petrol station with another small associated convenience shop. The applicant proposes to link into the existing footway along Braintree Road (B1018) to provide direct pedestrian access into Tye Green.

The walking distance to these facilities from the closest area of proposed new housing are approximately 1.1km to Primary School and 1km to the Petrol Station, 800m to the Village Shop/Post Office and 1.1km to the Sports and Social Club. These distances increase by approximately 279m when measured from proposed housing located in the centre of the site and by approximately 580m when measured from housing located on the eastern side of the site. For residents of the latter this equates to walking distances of approximately 1.6km to the Primary School, 1.5km to the Petrol Station, 1.3km to the Village Shop/Post Office and 1.6km to the Sports and Social Club. Overall the distances from the site to the services within Tye Green are significant and it is not considered that these are within close walking distance for the majority of residents of the proposed development.

Cressing, which contains almost no facilities or services (other than a Church and a restaurant) is located a minimum of 1km away from the closest part of the site and is reached via Ashes Road which does not have a pedestrian footway and is unilluminated.

To the north, the southern section of Galleys Corner with a number of associated restaurants is located approximately 350m from the closest point of the site although this increases to over 700m from the housing proposed on the south-eastern part of the site. Footpath links would be available to these restaurants. The northern section of Galleys Corner which contains a co-op is located 500m from the closest part of the site and 900m from the furthest area of proposed housing.

Beyond this, the main entrance to Braintree Retail Park/Braintree (shopping) Village is located approximately 750m away from the closest part of the application site increasing to 1.2km to the housing proposed on the far side of the site. Braintree Town Centre is located approximately 2.6km from the closest part of the application site and Braintree (Freeport) railway station 1.1km.

Overall, in terms of walking and cycling distances to facilities and services Officers consider that the site gives a mixed performance. Braintree Town Centre and the railway station are certainly within cycling distance but not within walking distance. Braintree Retail Park/Braintree Village are likely to be within walking distance for some residents with a distance of 750m to 1.2km and the same applies to the co-op at Galleys Corner which varies between 500 to 900m distance. However, only some of these distances are within an 800m distance and a number are significantly outside it. The Primary School and Sports and Social Club at Tye Green are located approximately 1.6km away. This is not considered to be easily walkable, particularly for a primary

school. Therefore, whilst the site is not considered to be in an 'unsustainable' location per se, equally it is not particularly well positioned for realistic and sustainable pedestrian access to a decent range of everyday services and facilities.

In terms of public transport, Braintree (Freeport) Railway Station is located approximately 1.1km from the closest part of the site with direct links into London. The closest bus stops are positioned to the north on Millennium Way and on the B1018, both approximately 140m from the closest part of the site although this increases to over 650m from the first housing proposed. A further bus stop is positioned approximately 500m to the south of the main entrance to the application site in Tye Green although this distance increase to 1km from the far side of the site.

The identified bus stops provide access to the S8/38A which provides a twice hourly service (no service on Sundays) between Halstead and Witham, travelling though Braintree. Again, Officers consider that access to public transport from the site is mixed. The bus service is reasonably regular and provides links to the District's main settlements but the eastern half of the proposed development sits outside the recognised 400m walking distance. The railway station is within easy cycling distance but sits outside the accepted 800m walking distance (at 1.3km) with reasonably regular services into Chelmsford and London.

Overall, Officers do not consider that the site should be classed as an 'unsustainable' location in terms of public transport however it is not a proposed development which would in its entirety have an acceptable level of access to bus services and the railway station is also some distance away.

### Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall quality of the area...establish or maintain a strong sense of place....are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'.

The current application is an outline application with all matters reserved except access. The applicant has submitted, in addition to a Site Location Plan a Feasibility Layout Plan and an Indicative Landscape Masterplan. A Parameter Plan was also submitted showing developable areas, areas of public open space and landscape buffers. The application was revised during the determination process in order to present a different highway layout. The Feasibility Layout Plan and Landscape Masterplan were updated however no updated Parameter Plan was submitted.

The applicant seeks permission for the erection of up to 250 dwellings. The site area on the application form states 13.5ha but this includes areas of public highway. The Design and Access Statement, states that the site covers 11.99ha and it is assumed that this excludes the highway land, giving a gross density of approximately 21 dwellings per hectare. No net density is provided but the feasibility study shows a density which is considerably higher than the above.

The applicant proposes two vehicular access points. One would be taken from Long Green and consists of a roundabout. The other would be taken from the B1018 and consists of a roundabout and a new section of highway which is discussed in more detail in the highway section of the report below. These access points would be linked by a central spine road around which the remainder of the development's layout has been designed. To the south of the spine road the feasibility plan shows a number of development parcels and an area of public open space. To the north of the spine road there are two further development parcels in the north-eastern portion of the site with two further areas of public open space designed to act as buffers to the established commercial uses beyond.

The north-western portion of the site contains two small, isolated development parcels one of which in particular is segregated from the remainder of the site by the re-routed B1018. Another area of public open space is also located in the north-western area of the site.

Whilst the detailed layout would be a consideration for the Reserved Matters stage, the purpose of the submitted plans is to demonstrate how the site could accommodate the proposed quantum of development. The layout is, in broad terms compliant with the Essex Design Guide in terms of back to back distances and parking provision.

The isolated pocket of development located in the north-western portion of the site does not relate well to the remainder of the development and could not be considered to be properly integrated into it.

There are also six flatted blocks located across the site, none of which have private amenity space located to the rear. Again, this represents poor design and layout and the Essex Design Guide states that private sitting out areas should be incorporated as part of the garden requirement for flats. For 2 bed flats or 1 bed flats (unless located in core/town centre areas and with access to public open space) 25m<sup>2</sup> of space is required per flat and should be screened by above eye level walls or hedges. Unusable strips of space between car parks and roads or buildings will not be counted. Balconies can assist with such provision where appropriate.

The feasibility layout does not meet the above requirements and in this respect does not demonstrate that the proposed development is deliverable. The applicant proposes a total of 69 no. 1 bed flats in these blocks and this represents a significant portion of the development. However, Officers acknowledge that this is an indicative layout; with some significant

amendments and also some changes to the dwelling mix it is likely that most of these concerns could be addressed. This is particularly given that the proposal is for 'up to' to 250 dwellings which gives scope for a limited reduction in numbers.

Overall, the illustrative layout is one which is clearly centred around a significant highway works scheme designed to alleviate the existing problematic bend on the B1018 and also providing a direct link between the B108 and Long Green Road to reduce pressure on Galleys Corner.

This would result in a poor quality sense of place and has meant that the layout has been driven by the highway works with two isolated development parcels and the spine road creating a rat run between the B108 and Long Green Road. This would consistently channel a high volume of traffic straight through the heart of the development. This is of particular significance given that the eastern side of the site contains a good number of dwellings showing direct frontage onto this road in the applicant's drawings.

It is also clear that the layout is not able to relate to either Braintree to the north or Tye Green to the south because of the proposed developments position between the two settlements. This is particularly apparent from the Landscape Masterplan which clearly shows the development as a freestanding pocket of housing.

#### Impact upon Neighbour Amenity

There are a small number of existing dwellings in the locality of the site. Two houses sit to the north of the application site on the opposite side of the B1018. It is not considered that the development would be likely to have a detrimental impact upon the amenity of the occupiers of these dwellings subject to the usual detailed design and layout consideration at the Reserved Matters stage. These houses would also benefit from a hugely reduced traffic flow as the B1018 which currently passes them would become a cul-de-sac.

The closest dwellings to the south-west would be located some distance away and would remain unaffected by the proposal.

On the eastern side of the site, it is not considered that the occupants of the dwellings located on the adjacent Travellers site would suffer a detrimental impact to the amenity, again subject to the usual detailed assessment at the Reserved Matters stage. Two further dwellings to the east are located far enough from the site boundary to remain unaffected.

#### Impact upon Future Resident's Amenity

The Adopted Local Plan contains a number of policies which relate to noise and air pollution and impact upon residential amenity. Adopted Policy RLP62 states that planning permission will not be granted for development which will or could potentially give rise to polluting emissions to land, air and water or harm to nearby residents including from noise, smell and fumes. Adopted

Policy RLP11 states that permission will not be given for employment or other new uses which by reason of the noise, fumes, smell and traffic they would generate will harm the character of a residential area and make it a less pleasant area to live. Adopted Policy RLP34 requires buffer areas between Industry and Housing and adopted Policy RLP36 prohibits new development which would have an unacceptable impact on the surrounding area as a result of noise, smells, contamination to air, land or water or traffic generation.

Whilst these policies are angled at preventing new employment use adjacent to residential areas they demonstrate the Councils clear intention to safeguard against incompatible employment and residential uses being co-located with associated detrimental impacts upon residential amenity. Draft Local Plan Policy LPP73 states that *'Proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution'*.

At the national level the NPPF is clear at paragraph 180 that *'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment'*. The PPG reinforces this stating under its air quality guidance section that *'odour and dust can also be a planning concern, for example because of the effect on local amenity'*.

The application site is located immediately adjacent to a waste transfer station which clearly is not an ideal scenario for a proposed residential scheme. The two key amenity issues to be considered are noise and odour.

The Council's Environmental Health Officer has been consulted as has the Minerals and Waste Planning Authority (MWPA). The latter have provided detailed comment, including the following:

*The waste transfer station may create impacts on its immediate surroundings through odour or noise emissions and vehicle movements.*

*Paragraph 182 of the NPPF states that "existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

*The MWPA requested that evidence was submitted which 'demonstrate that the non-waste development would not adversely impact upon the operation of the existing/permitted waste development (at Cordons Farm) eg as a result of noise, dust, odour, traffic, light etc.*

*It is noted in the Odour Impact Assessment (OIA) that the proposed development would result in the introduction of sensitive receptors, in this case residential dwellings, closer to the Cordons Farm Waste Transfer Station*

*(WTS) than currently exists. It is concluded that some of the new properties may experience significant to moderate adverse impacts as a result of existing waste operations at Cordons Farm if they were located as proposed. The OIA recommends that a buffer is maintained between the proposed new development and the proximate waste activities to reduce the potential for adverse impacts on the new properties.*

*The applicant has responded to these findings, noting that the current application is an outline application, and the layout other than access is purely for indicative purposes. As such, the location of housing within the development site can be updated following approval of the Outline application. This could take into account the need for any buffer as a consequence of any current or proposed future modification to current waste practices.*

Therefore, the MWPA's position is that the current illustrative layout is unacceptable and that it would need to be amended to comply with the requirements of the Odour Impact Assessment.

The Council's Environmental Health Officer has provided detailed technical comment reading odour and maintains an objection on these grounds. Key points include:

- Objection due to the potential for odour likely to affect the proposed dwellings and the restrictions that may the need to be imposed on existing industrial activities to prevent cause for complaint from future residents
- Applicant's odour report concludes that a minimum 70m buffer is required to prevent significant adverse effect on new residents
- This buffer area is shown illustratively as public open space including a play area meaning residents will still be exposed to odour leading to likely complaints and added burden on businesses to try and contain odour levels which is not practicable
- Consultant's Report states that there would be a highly effective pathway of odour flux to future receptors on the application site hence the need for the buffer zone
- Buffer zone does not secure against the dismissed other sources of odour
- The Odour Report was undertaken in February when BDC do not collect green waste and odours are less likely to occur
- Consultant's Report notes that green waste is likely to increase by 50% at the BDC waste site and external waste storage will be increasing
- The Odour Report dismisses odour from sources other than the two adjacent waste sites operated by BDC and ECC as short lived but persistent during the Consultant's site visit. The Consultant describes these other odours as 'a very strong offensive odour'. These other odours may be difficult to model but are a product of the Industrial uses on the adjacent site and should not be ignored completely
- BDC EHO has confirmed with the EA that the septic tank waste transfer which occurs on the adjacent industrial land is exempt from permitting – this again illustrates the variety of operations on the adjacent land



In light of the above, Officers therefore consider that there are grounds to recommend planning permission is refused due to the potential likely odour impact upon future residents and the fact that the applicant has not been able to demonstrate to the satisfaction of the Local Planning Authority that this could be properly mitigated.

In relation to noise, the MWPA state the following:

*'It is noted that the Noise Assessment 2018 concludes that waste operations create no greater noise impact on the proposed development site than existing background levels'.*

However, the Council's EHO provided two detailed objection responses on noise grounds which included the following:

- Since the first planning application consultation BDC have received a noise complaint regarding a humming noise and glass tipping which is a daily activity at the industrial site adjacent to the application site
- Loss of amenity does not equate to nuisance and significant loss of amenity can occur at lower levels of emission than would constitute a statutory nuisance meaning that no regulatory control is possible
- The County Waste site has permission to work at weekends and from early mornings until 1900 hours. The BDC site has permission for 220 vehicle movements per day (0700 – 1800 weekdays) with 100 movements on Saturdays until 1400
- Other adjacent uses include depollution of vehicle activities; auto salvage; a waste skip company and a goods operator's site for overnight vehicle storage on the adjacent Industrial land
- The applicant's Noise Report finds that significant window insulation is required and recognises that windows may need to be closed to meet the required standards. However, no assessment of overheating has been carried out
- External amenity levels are not achieved and the Report states that 55Db(A) cannot be achieved for all garden amenity

Overall, Officers therefore consider that the applicant has not demonstrated that the development could provide a sufficient level of amenity for residents in terms of safeguarding against noise from the adjacent existing industrial and commercial land uses.

### Landscape

Policy CS8 of the Adopted Core Strategy 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'*. Policy LPP71 of the Draft Local Plan also states that development must be suitable for its landscape context and should be informed by and sympathetic to the character of the landscape as identified in the Council's Landscape Character Assessment.

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site, as part of a larger area of land identified as Parcel B3. Parcel B3 is identified as having a low-medium landscape capacity for development (parcels being rated from low; low-medium; medium; medium-high and high in category).

The applicant submitted a Landscape and Visual Impact Assessment (LVIA) in support of their planning application. As part of the detailed assessment of the current planning application the Council employed an external professional landscape consultant to undertake an independent review of the potential landscape impact of the proposed development. The Council's own landscape officer also reviewed the application.

#### External Professional Landscape Review

The external review was carried out on behalf of BDC by Wynne-Williams Associates an external expert Landscape Consultancy. Their conclusion is summarised as follows:

*'It is my opinion that there would be a limited impact of the development on the local landscape. The visual impact of the development could be addressed by a sensitive layout, by retaining existing vegetation and providing a landscape buffer to the surrounding fields.*

*The development would have an impact on the character of the site itself, changing it from fields to residential properties but there would be a very limited effect on the character of land outside of the site boundaries.*

*This site has been categorised in the most fine grained study of local character and capacity, The Evaluation of Landscape Analysis Study of Braintree and Environs, commissioned by the Council as having a medium-low capacity for development. This assessment notes that the parcels in this category contribute to preventing coalescence and are likely to be visible from private and public viewpoints and in their current undeveloped state contribute to the rural setting of Braintree. Any development on the site would need to address the coalescence issue and proposals would need to ensure that a sufficient buffer to the countryside maintained the visual separation with Tye Green.*

*Subject to the above it is my opinion that the impact of the development in this location could be mitigated'.*

The Council's own Landscape Officer also reviewed the application in detail and agrees with the position as set out above by the external landscape consultant, also emphasising that the importance of the prevention of coalescence between Braintree and Cressing Tye Green should not be understated. The Tree Crowns Plan, Theoretical Shading Plan, and Root Protection Areas Plan do not show the potential locations of infrastructure or dwellings. This means that the impact of the development on the trees across

the site cannot be accurately assessed from the provided information is also highlighted with the only certainty being the loss of the Category B woodland W5.

As with all such major residential developments there would be a degree of landscape harm and this must be assessed in the overall planning balance. The development would result in the loss of a greenfield site and the landscape review identifies harm caused by the illustrative masterplan as the provision of a large roundabout at the western end of the development with a substantial urbanising effect on the western side of the site, the loss of an area of scrub regenerated woodland which has some potential to form a landscape feature in the future and the need to provide an increased buffer between Tye Green and the development. Overall it was found that there would be a limited impact on the local landscape.

### Ecology

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

The site itself consists of 3 agricultural fields with associated boundary trees and hedgerows and an area of scrubland.

In terms of trees, the applicant has submitted two arboricultural survey drawings although neither identify which trees are to be removed and which are to be retained. A comparison to the illustrative masterplan shows that the scrub woodland area to the western side of the site would need to be completely removed. This is composed of Category B trees. The footpath which crosses the middle of the site from the north is flanked on its western side by a line of trees/hedge, most or all of which would need to be removed. The applicant's arboricultural drawing provides minimal detail on this area stating 'unable to survey due to ditch'. However, two category B trees are individually identified at the south-western end.

The eastern site access to Long Green Road and the dwellings located along that frontage would also require the removal of most if not all of a well-established hedgeline located along this frontage.

The precise detail of which trees and hedges could be retained would be established in full at the Reserved Matters stage, however it is clear that the following would be lost:

- The category B scrub area;

- The majority if not all of the hedgerow which fronts onto Long Green Road;
- A large proportion (if not all) of the tree/hedgeline which crosses the centre of the site adjacent to the public footpath.

There is therefore a degree of harm identified in terms of the loss of existing trees and hedges.

The applicant has submitted an Ecological Appraisal in support of their application which included a number of surveys including Great Crested Newts, wintering birds and bats. A Great Crested Newt mitigation strategy was also submitted.

The Appraisal identifies that the development would mainly affect species poor improved grassland and arable land and that an area of young planted woodland and relatively species rich grassland in the western part of the site would be lost along with some sections of hedgerow.

The development would result in the loss of grassland habitat for foraging birds, nesting and to a lesser extent, wintering birds. No mature trees with moderate or high bat roost potential are identified as being necessary for removal to enable the development and no badger setts were identified within or immediately adjacent to the Site.

The site's hedgerows and woodland strips provide habitat of local value for foraging and commuting bats, and have good connectivity to other areas of suitable habitat in the wider area.

No evidence of the presence of otter or water vole was recorded and there are no standing waterbodies suitable for breeding Great Crested Newt within the Site. However, there are ponds within 250m of the site and a mitigation strategy has therefore been submitted.

It is considered that the Site supports low populations of common reptile species. Suitable reptile habitats are located along linear features within the Site, such as; hedgerows, field margins, ditches and the woodland. The Ecology Report recommends that linear habitat corridors/boundary features be retained and that habitat enhancement measures are adopted.

The Council's Ecology Officer has reviewed the application in detail and following a request for further information has no objection to the proposal on ecology grounds subject to conditions securing the mitigation measures identified in the applicants Ecology Appraisal.

### Habitat Regulations

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area (Natura 2000 site). It is therefore necessary for BDC to complete an Appropriate Assessment under the Habitat Regulations to

identify if appropriate mitigation to prevent the development causing a likely significant adverse effect upon these sites could be secured. At the time of writing the Appropriate Assessment has been submitted to Natural England in accordance with Natural England's standard guidance. The mitigation package would include an off-site contribution towards visitor management measures at the protected coastal sites and is also likely to include on site mitigation measures such as the erection of noticeboards detailing walking routes in the locality.

The Officer recommendation for refusal does not make any reference to this (other than the lack of the required financial contribution under a s106 Agreement) because Officers do not consider it likely that Natural England will have any objection to the mitigation measures proposed.

### Heritage

The site is not located in or adjacent to a Conservation Area or listed building. Fowlers Farmhouse, a Grade 2 listed building is located to the north of the site however given the extent of intervening built form there is no visual or physical relationship between the application site and the listed building.

A second consultation was sent to the Council's Historic Buildings Consultant following the identification of Dean's Farm as a non-designated heritage asset in the Cressing Neighbourhood Plan. The Historic Buildings Consultant identifies that the development would cause a degree of harm to this non-designated heritage asset which is identified as the barn and not the more modern main dwelling. The harm would be caused by new built form being brought much closer to the barn and altering its current agrarian context which contributes positively to its setting and thereby also how one is able to experience and interpret its heritage values. However, the level of harm is not identified as being significant.

In terms of the heritage balance, Officers consider that the public benefits of 250 new dwellings to meet housing need within the District would outweigh the limited heritage harm identified. The heritage balance therefore falls in favour of the proposal although the identified harm must also be weighed in the general planning balance.

### Highways and Transport

The applicant seeks outline permission with all matters reserved, except access for which detailed permission is sought. A Transport Assessment and detailed access drawing have been submitted in support of the application with two proposed access points on either side of the site, linked by a spine road. The eastern access point would be taken from Long Green Road and consists of a roundabout.

The western access is more complex and consists of the re-working of the existing public highway network. Currently the B1018 makes a particularly

sharp turn around the north-western periphery of the site which is not ideal given that this route accommodates a high volume of traffic including HGV's and is identified as problematic in the Neighbourhood Plan.

The applicant proposes to omit this bend from the main public highway through route and replace it with a new roundabout located on the application site. The B1018 would feed straight into this roundabout and exit in a straight line from the opposite side, cutting out the above problematic corner. The roundabout would have 3 other exits. Two would lead into the application site, one onto the spine road which would cross the site and provide a direct link from the B1018 to Long Green Road. This would create a cut through which motorists could use to avoid the heavily congested Galleys Corner roundabouts to the north, not only if they wished to cross from Long Green Road to the B1018 or vice versa but also if they wished to travel from the B1018 onto the A120. The advantage here would be that currently drivers first have to negotiate both of the Galleys Corner roundabouts to get to the A120. The cut through would reduce this to one of these roundabouts.

The fifth and final exit from the proposed roundabout would lead to existing dwellings on the B1018 via the original existing sharp bend section of public highway which would effectively become a cul-de-sac.

In terms of vehicle movements, the Transport Statement states that based on an assessment of the national TRICS database it is predicted that the development would generate 129 vehicle movements in the AM peak (34 arrival and 96 departures) and 114 vehicle movements in the PM peak (73 arrivals and 40 departures).

The Transport Assessment also identifies that the proposed link road (spine road) will act as a cut through. An example is given with the highway network currently accommodating 32 vehicles in the AM peak travelling from Long Green to the B1018 and it is recognised that these trips would now be likely to come though the development. The overall Transport Assessment has been completed on that basis.

However, Officers do note that the Assessment does not appear to have predicted that some drivers will use the cut through to avoid having to cross both the Galleys Corners roundabouts and instead only cross one of them as it states it has been completed on the basis that *'all trips that do not have to use the A120/B1018 Galleys Corner during the peak hours will use the hybrid feeder road through the site'*. In reality a driver travelling from Tye Green towards the A120 east bound could use the cut through to avoid the first Galleys Corner roundabout and only to have to negotiate the second. Given the reputation that Galleys Corner has for congestion locally this seems a likely scenario although it is accepted that the highway impact of the proposal is a matter for the Highway Authority.

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

ECC Highways have also been consulted and have objected to the proposal on the grounds of insufficient information stating the following:

*The Transport Assessment which accompanies the planning application does not contain sufficient information to enable the Highway Authority to establish the likely impact of the proposal on highway capacity and safety.*

*The applicant should be asked to provide additional information, the scope of which should be agreed with the Highway Authority as soon as possible.*

*Upon receipt of the agreed additional information, the Highway Authority would be able to progress its review of the planning application.*

This consultation response was received on 8 November 2019 and passed straight to the applicant, however it had been agreed between BDC and the applicant that the application would be presented to Planning Committee on 3<sup>rd</sup> December to avoid a non-determination appeal and therefore at the time of writing the above Highway objection remains in place with insufficient time remaining for the applicant to submit further information for consideration.

Officers therefore recommend that a reason for refusal based on highway grounds (insufficient information) is required.

Notwithstanding this and if the applicant had been able to reach a position where there were no objection on highway grounds it is recognised that there would likely be some overall highway benefits to be weighed in the planning balance.

The applicant's intention was to demonstrate a reduction in vehicle numbers using the Galleys Corner roundabouts as the site's spine road would provide an alternative cut through for some motorists. Officers consider that this is a realistic and likely outcome of the spine road and would accord with the aims of Policy 10 of the Neighbourhood Plan. The removal of the existing sharp bend which is also identified as problematic under Policy 10 of the Neighbourhood Plan from the highway network would also be a benefit although this is difficult to quantify and the Highway Authority have not made reference to it.

Finally, there would be a benefit to the occupants of the two dwellings located adjacent to this bend which would then be located on a cul-de-sac with associated improvements in terms of their amenity.

### 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 is of archaeological interest primarily in relation to the medieval period but also potentially the Iron Age.

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

### **Construction Activity**

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

### **Flood Risk and Surface Water Drainage**

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application.

The proposed drainage strategy for the site would include a combination of soakaways, swales, detention basins and permeable paving with controlled discharge to the ditches which bound the site.

Essex County Council as the LLFA have assessed the application in detail and have no objection subject to their standard conditions relating to the requirement for a detailed surface water drainage strategy at the reserved matters stage; the submission of a construction surface water management plan to control run off during the build phase and two conditions relating to long term SUDs maintenance and management plans.

With regard to foul water Anglian Water were also consulted and advised that the foul drainage from this development would be in the catchment of White Notley Water Recycling Centre which currently does not have capacity to treat these flows. Anglian Water are however obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that sufficient capacity is available. A condition requiring the submission and approval of a foul water drainage strategy was also requested.

### **Agricultural Land**

Paragraph 170 of the NPPF requires that the economic and other benefits of the best and most versatile agricultural land be taken into consideration when determining planning applications which would result in the loss of such land.

The application site consists of 3 agricultural fields which in total measure approximately 9.1 hectares of cultivated arable farmland and are classed as best and most versatile agricultural land (Grade 2 (very good)).



The proposed development would therefore result in the loss of approximately 9.1 hectares of best and most versatile agricultural land. Given the comparative size of the application site to the wider District which contains a high proportion of best and most versatile agricultural land the loss of this land is not considered to be significant although it does weigh against the proposal in terms of the overall planning balance.

## **Planning Balance and Conclusion**

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

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

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support

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

The proposed development would bring significant and demonstrable social and economic benefits with up to 100 affordable dwellings and 150 private dwellings to help meet the housing need within the District. The development would also generate a number of construction jobs during the build phase and would bring permanent new residents to help support the District's economy in the longer term in addition to the new homes bonus.

Environmentally, Officers do not consider that the site could be classed as being in an 'unsustainable' location in terms of access to public transport and local facilities and services, however the degree of accessibility to the above is mixed and some of the walking distances, particularly from the furthest parts of the site are considerable.

In terms of highways, the removal of the existing sharp bend (located immediately to the north-west of the site) from the B108 is noted as a benefit of the scheme. The potential ability of the proposed spine road to act as a link between the B1018 and Long Green Road is also noted and could have the ability to reduce traffic flow through Galleys Corner.

Although not formally agreed with the applicant due to the Officer recommendation for refusal, major schemes of this size are also required to make provision for S106 contributions towards the off-site provision of allotments and formal sports facilities which again would weigh in favour of the scheme.

There are therefore, a number of benefits which the proposed development would bring which weigh in its favour. However, the majority of these are benefits which apply to all major schemes of this size across the District. The exception is the highway matters set out above, although Officers note that due to the ECC Highway objection these are difficult to quantify. It is however considered likely that this objection could be resolved through further technical work.

The adverse impacts of the development would however be significant and Officers consider that they would clearly outweigh the above identified benefits.

The proposed development is located in a countryside area which is not only not allocated for housing in the post examination Cressing Neighbourhood Plan but is in fact specifically safeguarded as a green buffer to prevent coalescence between Braintree and Tye Green/Cressing. The Neighbourhood Plan is at a very advanced stage with a BDC Cabinet meeting on 2<sup>nd</sup> December due to confirm that the referendum can proceed and the referendum predicted to take place in January/February 2020 with formal adoption of the Neighbourhood Plan shortly afterwards. The proposed development would result in up to 250 new dwellings being constructed within this green buffer, effectively destroying the entire mid-section of it.

In spatial planning terms the site is poorly located. It neither abuts Braintree town nor Tye Green village and is cut off from the former by the A120 which represents a robust and very clearly delineated boundary between the defined edge of Braintree and the countryside beyond. The site sits adjacent to an area of primarily industrial/commercial development and would form a freestanding pocket of new housing in the countryside, located on greenfield land which was neither part of Braintree nor part of Tye Green. Officers do not consider that this is acceptable, that it represents poor planning and that it would not result in a community which was well integrated with the existing settlement pattern in the locality.

The loss of a greenfield site, a degree of landscape harm and the loss approximately 9.1 hectares of best and most versatile agricultural land also weigh against the proposal in the planning balance.

With regard to heritage, although the 'heritage balance' is considered to fall in favour of the development, a limited degree of heritage harm has been identified and must also weigh against the proposal in the general planning balance albeit as a very minor factor.

Objections have been raised by the Council's Environmental Health Officer in relation to both noise and odour concerns and the applicant has been unable to resolve these. Clearly the locating of new housing adjacent to an established industrial area where activities such as waste transfer and auto salvage are carried out is far from ideal and raises serious concern in relation to the impact upon the amenity of future residents of the development. Given that the applicant has been unable to resolve these issues, the impact of these activities upon future residents must also weigh against the proposal in the planning balance.

When considering the planning balance and having regard to the benefits of the proposal and the identified harm as set out above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of the development would clearly outweigh the identified benefits. Officers also note that the Council's 5 year housing land supply figure sits at 5.15 years, only marginally over the 5 year threshold. On this basis Officers also advise that even if the Council were in a position where a 5 year supply could not be demonstrated it would still be considered that the

adverse impacts of the proposal are such that the planning balance would continue to weigh against the proposed development.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application REFUSED for the following reasons:-

- 1           The proposed development would be located in the countryside in-between Braintree and Tye Green and outside of any of the settlement boundaries in Cressing Parish where it would form a freestanding pocket of housing located on greenfield (best and most versatile agricultural) land which would relate very poorly to the existing settlement pattern in the locality, abutting neither settlement, being integrated into neither settlement and being segregated from Braintree by the A120 trunk road and an area of industrial/commercial development. It would also represent the only comparable intrusion of residential development to the south or east of the A120 which currently forms a robustly delineated boundary between the defined edge of Braintree and the countryside beyond thus preventing such urban sprawl. It would also be located in an area of countryside identified in the Cressing Neighbourhood Plan as the Silver End Farmland Plateau Landscape Character Area where such development is not permitted.

As such the proposal is contrary to the NPPF and Policies CS5; CS8; CS9; of the Core Strategy, Policy RLP2 of the Braintree District Local Plan Review 2005, Policies LPP1, LPP50 and LPP73 of the Publication Draft Local Plan and Policies 2 and 7 of the post examination draft Cressing Neighbourhood Plan.

- 2           The development would be located within and would occupy a significant proportion of an area of countryside specifically identified as an open countryside buffer area between Braintree and Tye Green/Cressing where such development is not permitted in order to maintain the rural character and appearance of Cressing Parish and provide a physical gap between the urban fringe of Braintree and settlements within the Parish.

As such the proposal is contrary to Policy 3 of the post examination draft Cressing Neighbourhood Plan.

- 3           The proposed development would result in an unacceptable detrimental impact upon the amenity of future residents due to noise and odour from the adjacent industrial and commercial uses.

As such the proposal is contrary to Paragraph 180 of the NPPF and Policy LPP73 of the Publication Draft Local Plan.

- 4 The Transport Assessment which accompanies the planning application does not contain sufficient information to enable the Highway Authority to establish the likely impact of the proposal on highway capacity and safety.

As such the proposal is contrary to Policy CS7 of the Core Strategy, Policy RLP54 of the Braintree District Local Plan Review 2005 and Policy LPP44 of the Publication Draft Local Plan.

- 5 The proposed development would trigger the requirement for:
- The delivery of 40% affordable housing on site;
  - A financial contribution towards primary health services;
  - A financial contribution towards early years and childcare provision; primary education and secondary education transport provision;
  - The provision, maintenance and delivery of public open space, outdoor sports facilities and allotments;
  - A financial contribution towards off site visitor management measures at the Natura 2000 sites on the Essex Coast.

These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS8, CS10 and CS11 of the Core Strategy and the Open Space Supplementary Planning Document (SPD) and Policy RLP84 of the Braintree District Local Plan Review 2005.

### SUBMITTED PLANS

Location Plan	Plan Ref: P01	
Public right of way plan	Plan Ref: P02	
Existing Site Plan	Plan Ref: 0011	
Existing Site Plan	Plan Ref: 0010	Version: 02
Planning Layout	Plan Ref: 0001	Version: 10
Planning Layout	Plan Ref: 0020	
Street elevation	Plan Ref: 0010	
Development Framework Plan	Plan Ref: 0020	
Tree Plan	Plan Ref: BRNTRRPA-JAN18	
Highway Plan	Plan Ref: 17126-010	Version: B
Highway Plan	Plan Ref: 17126-011	Version: A

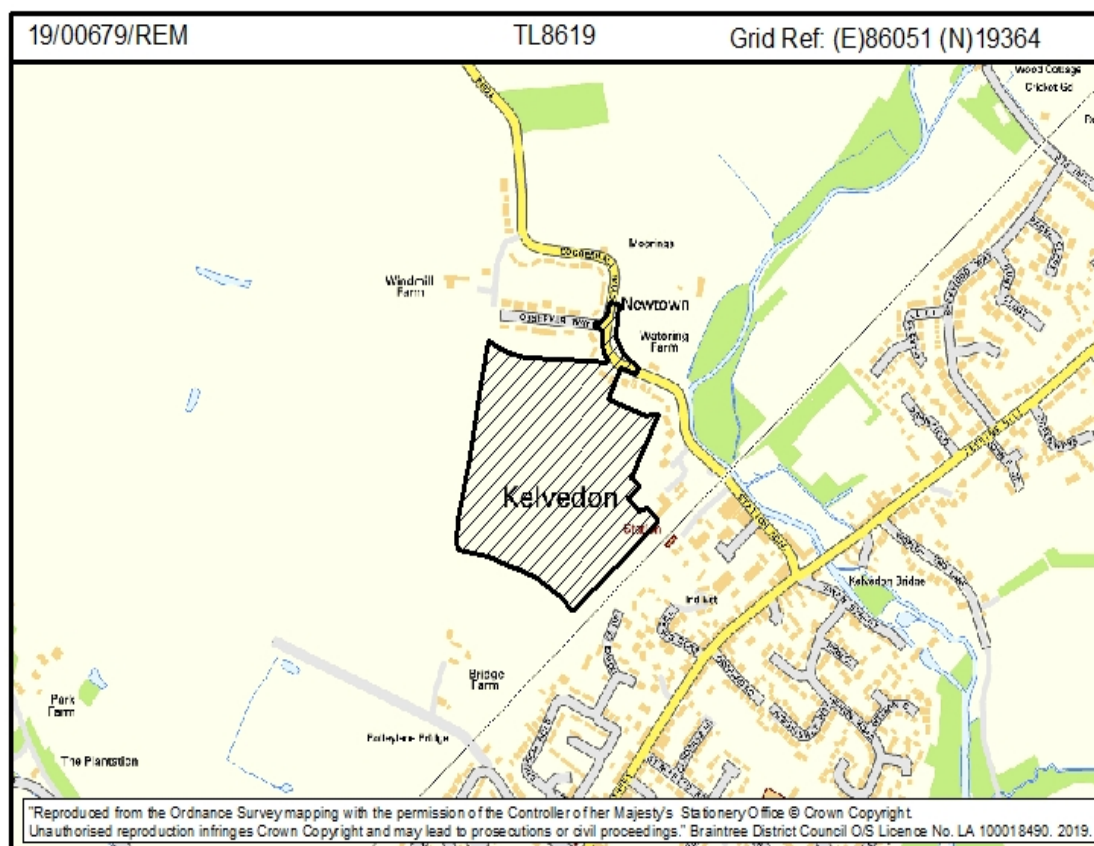
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 19/00679/REM  
 DATE VALID: 10.07.19  
 APPLICANT: Mr Phillip Wright  
 1 Falcon Gate, Shire Park, Welwyn Garden City, AL7 1TW  
 AGENT: Mr Matthew Wood - 250 Avenue West, Skyline 120, Great Notley, Braintree, CM77 7AA  
 DESCRIPTION: Application for approval of reserved matters following outline approval 17/00418/OUT - Application for outline planning permission with some matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access - Phase 1 (2 units) - Details of appearance, landscaping, layout and scale  
 LOCATION: Land West Of Kelvedon Station, Station Road, Kelvedon, Ex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPSXY0BFG1G00>

## SITE HISTORY

19/00042/NONDE T	Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100 including in respect of the developable area, public open space, drainage and building height limits.		
14/00158/FUL	Erection of two storey rear extension	Granted	02.04.14
17/00418/OUT	Application for outline planning permission with some matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access	Granted with S106 Agreement	05.10.17
18/00779/DAC	Application for approval of details reserved by condition no. 19 of approved application 17/00418/OUT.	Granted	05.09.18
18/01674/VAR	Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100 including in respect of the developable area, public open space, drainage and building height limits.		06.09.19
19/00142/DAC	Application for approval of details reserved by	Pending Consideration	

	conditions 4, 11, 13, 14, 15, 22, 23 and 24 of approval 17/00418/OUT - Application for outline planning permission with some matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access		
19/00147/REM	As above, no ES	Application Returned	
19/00303/VAR	Application for a variation of Condition 2 of planning permission 17/00418/OUT - To allow a revised Parameters Plan.	Pending Consideration	
19/00607/NMA	Application for a non-material amendment following grant of planning permission 17/00418/OUT - the re-wording of condition no. 1 attached to outline planning permission ref: 17/00418/OUT to enable the full implementation of the approved site access including demolition of two properties (Kings Villas) as depicted on approved access drawing ref: JNY8842-10 D	Granted	22.07.19
19/01025/FUL	Proposed new residential development comprising the construction of up to 250 new dwellings (including both houses and apartments) with associated garden and parking provision, dedicated improved access from Coggeshall Road including the demolition of two existing residential	Pending Consideration	



properties (Kings Villas) to facilitate this access, new public open space, a Sustainable Urban Drainage System, and associated development.

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the

Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

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

RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
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

#### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
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
SP3	Meeting Housing Needs
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision

LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
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
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

#### KELVEDON NEIGHBOURHOOD PLAN

HO1 Number of New Homes  
 HO2 Phasing of New Homes over the Period 2017 to 2033  
 HO3 Development Briefs  
 HO4 Location / Sites Where Development Will Be Permitted  
 HO5 Mix of Housing Types  
 HO6 Density, Footprint, Separation, Scale, Bulk  
 HO7 Affordable Housing  
 HO8 Minimum Garden Sizes  
 HO9 High Quality Building and Design  
 MA1 Traffic Congestion  
 MA2 Traffic Calming  
 MA3 Transport and Access  
 MA4 Parking Provision  
 NE2 The Provision of New Recreational and Play Spaces  
 NE3 Protection of Hedgerows and Biodiversity  
 BR4 Broadband & Mobile Connectivity

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)  
 Essex Design Guide for Mixed Use and Residential Areas (2005)  
 Essex Design Guide Urban Place Supplement (2005)  
 External Lighting Supplementary Document

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## NOTATION

The application site lies outside the Kelvedon Village Envelope as designated in the Braintree District Local Plan Review (2005) and there are no other specific designations on the site in the adopted Development Plan.

Officers recommended the application site should be allocated for residential development in the new Local Plan. The Local Plan Sub-Committee and Full Council agreed to the inclusion of the site in the Draft Local Plan which was then subject to public consultation during the Summer of 2016.

The site was subject to further discussion by Members of the Local Plan Sub-Committee when the results of the public consultation were reported by Officers. Members of the Local Plan Sub-Committee voted to 'deallocate' the site at their meeting on 12<sup>th</sup> April 2017 and instead a site on the northern side of London Road at the western end of the village was proposed for allocation instead. This was contrary to Officers recommendation.

However, when Full Council met to approve the Publication Draft Local Plan on 5<sup>th</sup> June 2017 the allocation of the application site was reconsidered. Full Council voted that this site should be allocated again for residential development. The Proposals Map for Kelvedon that has been included in the Publication Draft Local Plan that has been submitted for examination by the Planning Inspectorate shows the application allocated for residential development.

This, along with the fact that the Council has already granted outline planning permission for the erection of up to 250 dwellings, is recognised by Policy HO1 of the emerging Kelvedon Neighbourhood Plan (KNP).

## SITE DESCRIPTION

The application site currently comprises a parcel of land within the north eastern corner of the arable field at Monks Farm, which has outline planning permission for the erection of up to 250 dwellings, following the demolition of 1 and 2 Kings Villas. This application relates to land that incorporates the approved access, including visibility splays on the opposite side of Coggeshall Road, and the erection of 2no detached houses, to the west of the primary access road into the wider development site.

The northern boundary of the site, where it would accommodate the 2no dwellings runs adjacent to the southern side boundary of 26 Newtown, with its eastern boundary shared with 'Cornerways'. The western and south western boundaries are not currently demarcated on the ground as they form part of the larger field of which the site forms part.

## PROPOSAL

This application seeks approval for details of all of the Reserved Matters (appearance, landscaping, layout and scale), for a residential development of two dwellings with associated infrastructure, pursuant to outline planning permission 17/00418/OUT that was granted planning permission on 5<sup>th</sup> October 2017. It therefore constitutes phase one of the Monks Farm development.

Phase one consists of two detached two-storey houses, one with 3 bedrooms and the other with 4 bedrooms. Following discussions with, and subsequent revisions by the applicant, the proposed houses would be of a broadly vernacular design. The dwellings would measure 8m high to the ridge. It is noted that the chimney stacks exceed the maximum height specified on the approved parameter plan so the dwellings are not strictly in accordance with the Parameter Plan 3-100, approved at the outline stage. The chimneys could be omitted but Officers take the view that the appearance of the dwellings is enhanced by the addition of the chimneys, given the architectural style of the dwellings.

Condition No.2 imposed upon 17/00418/OUT required the submission of the reserved matters application/s to demonstrate compliance with the approved plans, including the Parameter Plan listed above. The reason for imposing this condition was *"For the avoidance of doubt as to the scope of the permission and to ensure that the site is not over-developed, in the interests of protecting the character and appearance of the area, in addition to the living conditions of the occupants of existing neighbouring dwellings and future occupiers of the proposed development."*

The approved plan sets out maximum building heights within different parts of the site and where the areas of Public Open Space are to be within the site. As is set out within the Planning History above, the applicant has applied to the Council to vary the approved Parameter Plan, with twin-tracked applications 18/01674/VAR and 19/00303/VAR. The former is the subject of an appeal against its non-determination, the latter remains pending. Officers have concerns with regard to both of these variation of condition applications, however this Reserved Matters application complies with the approved Parameter Plan and as such the scheme for 2no dwellings can be determined even though the applications to vary the approved Parameter Plans remain undetermined.

Condition No.23 imposed upon 17/00418/OUT required the submission and approval of a site-wide 'master plan' for all areas of housing development,

public realm and character areas, including the incorporation of public art, prior to the approval of any reserved matters. This, along with the requirements of a number of other conditions, namely: No.4 (Details of the location and design of refuse bins and recycling materials separation, storage areas and collection points), No.11 (Noise levels of external amenity and internal areas); No.22 (Details of all gates/fences/walls or other means of enclosure); and No.24 (Details of a scheme for the provision of bat and bird boxes) are the subject of the Discharge of Condition application 19/00142/DAC.

At the time of preparing this report the Council has not formally determined the discharge of conditions application and Condition No.23 states that the 'masterplan' should be approved prior to the approval of the Reserved Matters application. Given that this Reserved Matters application is only concerned with two dwellings Officers consider that Members can pass a resolution to grant approval of the Reserved Matters for this phase, subject to a 'masterplan' for the whole site being approved and Condition no23 discharged.

The outline planning permission required details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels to be submitted with any reserved matters application. Such details have been submitted, pursuant to condition No.6 of 17/00418/OUT.

Furthermore, Condition No.17 of 17/00418/OUT stipulated that the landscaping scheme required by its Condition No.1, shall incorporate a detailed specification of hard and soft landscaping works for each phase of the development.

The detailed matters, the subject of this application, have been provided in a suite of plans and supporting documents, which include:

- Accommodation Schedule;
- Completed planning forms;
- Location Plan;
- Proposed Site Layout Plan;
- Site Levels Plan;
- Site Information Plan;
- Floor Plans and Elevations;
- Landscape Masterplan;
- Landscape management & maintenance strategy plan;
- Kelvedon Vernacular Study; and
- Planning Statement.

## CONSULTATIONS

### BDC Environmental Services

No objection.

### Essex County Council (ECC) Highways

No response received

## PARISH / TOWN COUNCIL

### Kelvedon Parish Council

The Parish Council supports the application. It was accepted by the Parish Council that the revised designs for the houses are a significant improvement on the previous versions, particularly with regard to the addition of some elevational interest, and as such, no objection was raised.

### Feering Parish Council

The Parish Council objects to the application. They reiterate their previous objections in relation to this development, particularly regarding infrastructure and road and request that condition 30 of the Outline Planning Permission, that the access and improved road structure be implemented should be insisted upon.

They would seek clarification as to details of what is intended to alleviate traffic issues at the junction of Station road and Kelvedon High Street/Feering Hill as there are no details of this.

They would also like consideration to be taken of the consequential impact this development will have through the deviation of transport through Coggeshall Road and New Lane, Feering, because of traffic at Station Road. This is particularly prevalent because of the further large scale committed development which is being undertaken in Feering, Kelvedon, Coggeshall and Tiptree areas:

- Land at Inworth Road, Feering (16/00569/OUT) and (19/01222/REM) – 165 units;
- Colchester Road, Coggeshall (17/02246/OUT) – 300 units;
- Dutch Nursery Site, Coggeshall (17/00359/OUT) – 48 units;
- Watering Farm, Kelvedon (17/02271/OUT) – 35 units.
- Several developments in Tiptree have received permission.



## PUBLICITY

The application was publicised by way of site notices displayed adjacent to the application site on Coggeshall Road and Observer Way, and neighbour notification letters were sent to properties immediately adjacent to the site.

## REPRESENTATIONS

In addition to letters from Feering Parish Council, 8no representation letters have been submitted by third parties in respect of the application, objecting to the proposals. A summary of the main issues raised in the representations that are relevant to this application (and not 19/01025/FUL) are set out below:

- Proposed site entrance/exit gives no indication of traffic provisions for vehicles exiting the site at and already dangerous bend;
- Architectural design not in keeping with village;
- Aspects of design do not comply with Essex Design Guide;
- This development site falls within the 'Zone of Influence' as stated by Natural England;
- Braintree District Council have a duty of care to uphold and mitigate against developments that impact on recreational spaces and erosion of habitats;
- Negative impact on surrounding landscape, wildlife and views;
- Lack of surgery places due to the closure of one of two doctors surgeries in Kelvedon.

## REPORT

### Principle of Development

As Members will be aware, at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking, this is also reflected with Policy SP1 of the Draft Local Plan.

The site is located outside the designated development boundary for Kelvedon in the adopted Development Plan; however the principle of development has already been established by the Council, through granting Outline Planning Permission for the construction of up to 250 dwellings in October 2017. Furthermore, the Council has allocated the site for residential development in Part Two of the Publication Draft Local Plan and this is also recognised within the Kelvedon Neighbourhood Plan.

Condition No.1 attached to 17/00418/OUT specifies that an application for approval of the first reserved matters, for the first phase of the development, shall be made to the local planning authority not later than two years from the date of the decision notice (i.e. by 5<sup>th</sup> October 2019). The applicant has complied with the condition by submitting this application before that date which solely seeks approval for the reserved matters of appearance,

landscaping, layout and scale. Consequently, the principle of residential development on this and the wider Monks Farm site (including access thereto) is established and cannot be revisited.

### Kelvedon Neighbourhood Plan

In 2015, Kelvedon Parish Council began the process of making a neighbourhood plan for the Parish. The policies have to support Braintree's District Plan, and follow the approach in the Government's National Planning Policy Framework and finally have to have the support of the community.

The draft Kelvedon Neighbourhood Plan has been subject to public consultation under Regulation 14 stage. The responses to the consultation will need to be collated and if appropriate the Plan modified by the Neighbourhood Plan Group. It is unclear the extent of support / objections to the Plan and the extent to which the Draft Plan will need to be modified.

The draft Neighbourhood Plan has still to be subject to the next stage of publicity (Regulation 15) before the process of independent examination can commence. The Examiner will then need to produce a report and it is likely that the Plan will then need to be revised, based on Examiners report before a Community Referendum can be held. The Plan cannot be approved and adopted by the District Council until the Referendum has approved the Plan. The District Council must determine, as the local planning authority, the appropriate weight that can be attributed to the emerging Plan.

In accordance with the Paragraph 48 of the NPPF local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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 c) the degree of consistency of the relevant policies in the emerging plan to 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 at the time of writing this report only very limited weight can be applied to the policies contained within the draft Neighbourhood Plan.

### Character and Appearance

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy CS9 of the Adopted Core Strategy states that '*the Council will promote and secure the highest possible standards of design and layout in all new development*'. This is supported by Policy RLP90 of the Adopted Local Plan

and these sentiments are also reflected with Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development.

As highlighted above, following discussions between Officers and the applicant, a number of revisions have been made to the design and form of the 2no dwellings proposed. Revised plans have been required to deal with inconsistencies between plans; concerns over the layout of the two plots; and the design and detailing of the dwellings. The revised plans that are now before the Council for approval are considered to be acceptable. The dwelling designs have been articulated and proportioned accounting for the Essex vernacular style, with key detailing such as chimneys, and with the proposed materials including brick to the elevations with slate style roofs.

By taking cues from the Essex Design Guide, it is considered that the proposal would now respond positively to local character and provide buildings that exhibit individual architectural quality. Members will note that the Parish Council initially registered an objection which included concerns about the appearance of the dwellings but following receipt of the revised plans the Parish Council has commented that the revised designs for the houses are a significant improvement on the previous versions, particularly with regard to the addition of some elevational interest, and as such, no objection was raised.

In totality it is considered that the appearance, layout and scale of the proposed buildings would reflect the area's local distinctiveness and would be in broad harmony with the character and appearance of the surrounding area.

#### Impact on Neighbour Amenity

Paragraph 127 f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is supported by Policy RLP90 of the Adopted Local Plan which states that '*there shall be no undue or unacceptable impact on the amenity of any nearby residential properties*'. The Draft Local Plan Policies have similar objectives as those set out in the Adopted Local Plan.

Each house would be provided with a private garden, of over 100sq.m, in accordance with the Essex Design Guide, which also states that "*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*".

The dwelling on plot one would be orientated such that its front elevation would face in a north easterly direction and its rear elevation, facing the north eastern flank elevation of the dwelling on plot two being devoid of openings. Therefore, the Essex Design Guide guidelines do not apply to the former,

however, it is noted that the first floor windows on the principal elevation of the plot one dwelling which serve bedroom No's 2 and 3 overlook the front garden area of 26 Newtown, which is already highly visible and exposed within the public realm. This proposed dwelling would also have a first floor window serving its second bedroom on its North West elevation, it would overlook the rear half of the garden serving 26 Newtown however, the immediate private rear sitting out area would be protected, with any views towards the neighbouring dwelling itself being oblique.

With regard to the proposed dwelling on plot 2, this would be set further away from the rear garden boundary of 26 Newtown, its first floor rear windows would also look towards the rear garden boundary of 1 Observer Way. There exists well established hedging to the intervening boundary, with the latter dwelling being set well away from the wider Monks Farm application site, due to the depth of its rear garden.

The south east facing first floor windows to serve the proposed dwellings would look towards the detached dwelling 'Cornerways', however the distance from the front elevation of Plot 2 to the side of the rear garden of Cornerways is 29m and therefore it is considered that there would be no material overlooking of this property either.

The outline planning permission (Condition No.6) required details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels to be submitted with any reserved matters application. The submitted site levels plan identifies the finished floor levels for the proposed dwellings on plots 1 and 2 to be 26.8m and 27.7m AOD respectively, these are fractionally below their current associated adjacent ground levels of and therefore the scheme would not be considered to give rise to an overbearing form of development.

Therefore, taking the above into account, it is considered that the privacy currently enjoyed by the occupants of existing neighbouring dwellings would be protected, as would their outlook and the levels of daylight and sunlight that they enjoy and receive.

In conclusion on this issue, it is considered that the proposal would provide for acceptable living conditions for future residents, and as such their amenities would not be harmed with the proposal in compliance with the aforementioned policies.

### Landscape and Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 of the Adopted Core Strategy states that '*the restoration and enhancement of the natural environment will be encouraged through a variety measures*'. These aims are supported by Policies RLP80 and RLP84 of the Adopted Local Plan.

Condition No.17 of 17/00418/OUT stipulated that the landscaping scheme required by Condition No.1, should incorporate a detailed specification of hard and soft landscaping works for each phase of the development. Although the application sought approval of landscaping for this part of the site only limited details were initially provided with this application. The applicant subsequently submitted additional information including the species of trees and shrubs to be planted.

Subject to the above, the public realm through additional landscaping, including tree, hedge and shrub planting would assist in creating a sense of place for, and providing an appropriate gateway into, the Monks Farm site.

#### Habitat Regulations Assessment / RAMS

In terms of ecology, the development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped in the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In the context of the Council's duty as competent authority under the Habitats Regulations, they anticipate that without mitigation, such new residential development would likely have a significant effect on the sensitive features of these coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects. They therefore advise that the Council considers whether the proposal falls within the scope of RAMS as 'relevant development'.

Natural England have published revised interim guidance on 16<sup>th</sup> August 2018 in connection with the emerging strategic approach relating to the Essex RAMS, to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

The Outline Planning permission was granted before Natural England issued this advice and as a result no mitigation was secured through the S106 legal agreement that forms part of the Outline permission. Although not captured at the Outline stage the Council has received legal advice that mitigation can be secured at Reserved Matters stage. At the current time this proposal for just two dwellings is below the threshold at which the Council are currently securing mitigation, however it is intended that the threshold will be reduced in the near future to a single dwelling. As Officers anticipate that it will take some time for the masterplan condition to be approved and discharged it may become necessary to secure a financial contribution for these two dwellings before the Reserved Matters approval is issued. In accordance with the emerging Essex RAMS if a financial contribution is required this would be J122.30 per dwelling.

#### Highway Considerations

Part 9 of the NPPF indicates that all development that could generate significant amounts of movement should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site

can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment is submitted with all proposals for major new development, one was submitted at the outline stage.

It is recognised that Feering Parish Council and third parties have raised concerns with regard to the cumulative impacts of other developments that have recently been granted planning permission within the vicinity of the application site. However, as outline planning permission has already been permitted on the Monks Farm site, the principle of its development and the access into the site has already been deemed acceptable.

The Parish Council request that the implementation of Condition 30 of the Outline Planning Permission be should be insisted upon: *“Prior to the first occupation of the development the primary access shall be implemented and available for use as shown on approved drawing JNY8842-10 Rev D.”* The condition clearly states that the required highway works are required prior to the first occupation of the development, not before. In the event that the works were not carried out in accordance with the terms of the condition then the Council would be able to enforce this requirement.

The Parish Council, also stated that they would seek clarification as to details of what is intended to alleviate traffic issues at the junction of Station Road and Kelvedon High Street/Feering Hill.

As part of the Section 106 agreement for the development of Monks Farm (pursuant to 17/00418/OUT), the applicant agreed to fund a number of highway related works, including a financial contribution of £250,000 towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction – this requires payment to be made to ECC prior to the occupation of no more than 40% of the dwellings.

The Local Highway Authority have previously highlighted that as they are looking to secure financial contributions towards improvements to the Station Road/ Swan Street/High Street/Feering Hill/ junction, in the event that the improvements are required. The Highway Authority advise that there is some uncertainty around future traffic flows in the area that would result from planned improvements to the A12. Further funds have also been secured from the Watering Farm development opposite and a further financial contribution of J35,000 (in addition to that from the Monks Farm development) towards providing traffic signals there which could incorporate formal controlled pedestrian crossing facilities. Therefore, in totality, these financial contributions would assist in allowing them to signalise the junction, as well as moving existing bus stops, if this is deemed the most appropriate course of action in light of the emerging plans for the A12 and A120 improvements / realignments.

In respect of the case before Members, third party concerns with regard to the safety of the proposed access into the site are noted, but as highlighted above, the access into the site has already been approved. Notwithstanding this, the scheme would be served by a new access onto Coggeshall Road, with visibility splays to be provided which includes an area of land on the eastern side of the bend in Coggeshall Road (opposite the proposed access) to be re-profiled to ensure levels are no greater than 0.6m above the level of the existing access road. The new junction and highway works would also include the provision of 2no right turn lanes into the Watering Farm site and Observer Way respectively, as well as a footway along the eastern side of Coggeshall Road up to Watering Farm, with the highway boundary overall being extended into that site.

The road layout was subject to detailed discussions with Essex County Council both at the outline application stage, prior to the submission of the Reserved Matters application, as well as during the processing period. The accompanying highways plans confirm that the proposed developed area provides comprehensive access for cars and refuse vehicles, alongside full safety compliant visibility splays and off-street parking. Each dwelling would have 2no parking spaces (1no garage each and a driveway space in front), in accordance with the Council's adopted standards.

From a highway and transportation perspective the impact of the proposal is considered acceptable and that the Council would not be able to substantiate a reason for refusal on the basis of highway safety grounds.

### Health Provision

A lack of surgery places, due to the closure of one of two doctor's surgeries in Kelvedon, has also been cited by objectors to the application. Whilst this is noted, and considered unfortunate, the S106 agreement for the Monks Farm development requires a financial contribution of J378.48 per dwelling to be paid towards the improvement of Primary Health care facilities, or the provision of new facilities for the Kelvedon and Feering Health Centre. Therefore, it is considered that the developments impacts upon local GP provision would be suitably mitigated and is not a matter relevant to the determination of this application.

### CONCLUSION

Paragraph 11 of the NPPF stipulates that at its heart 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 approving development proposals that accord with the development plan without delay; but 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 the Framework

taken as a whole; or specific policies in the Framework indicate development should be restricted.

The site is identified in the Draft Local Plan and Kelvedon Neighbourhood Plan as a development site for up to 250 dwellings, and forms part of the wider site, the subject of outline planning permission 17/00418/OUT.

It is considered that the proposal is consistent with the key elements set out in the approved Parameter Plan for this part of the site. The layout, design and detailing of the proposed development is considered to be of a good quality, respecting the character and appearance of the area; and it would provide acceptable living conditions for existing and future occupants of neighbouring and proposed dwellings.

As previously noted the Reserved Matters for the first phase cannot be approved until Condition no23 has been approved by the Council. Given that this Reserved Matters application is only concerned with two dwellings Officers consider that Members can pass a resolution to grant approval of the Reserved Matters for this phase, subject to a 'masterplan' for the whole site being approved and Condition no23 discharged. If appropriate at the time that the decision is issued, the resolution to grant should also be subject to the Council securing a financial contribution, in accordance with the emerging Essex RAMS, to mitigate the potential adverse impacts that the development could have on sensitive features of the Blackwater Estuary and Dengie Special Protection Areas and Ramsar sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

### RECOMMENDATION

It is therefore RECOMMENDED that subject to the following matters:

- The Council confirming in writing approval of details submitted to discharge Condition no23 of planning permission 17/00418/OUT;
- The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to provide ecological mitigation by making a financial contribution of £122.30 per dwelling for delivery of visitor management at the Dengie and Blackwater Estuary SPA & Ramsar sites, if this is appropriate at the time that these Reserved Matters are approved,

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



## APPROVED PLANS

Location Plan	Plan Ref: 7969_P200	Version: B
Floor Plan	Plan Ref: 7969/P264.1	Version: A (House Type E)
Elevations	Plan Ref: 7969/P264.2	Version: B (House Type E)
Floor Plan	Plan Ref: 7969/P268.1	Version: A (House Type I)
Elevations	Plan Ref: 7969.P266.2	Version: B (House Type I)
Levels	Plan Ref: 7969/P211	Version: D
Street elevation	Plan Ref: 7969/P203	
Site Layout	Plan Ref: 7969/P201	Version: F
Garage Details	Plan Ref: 7969/P290.5	
Other	Plan Ref: Schedule of Accommodation	Version: D
Landscaping	Plan Ref: L1082-2.1-1051	Version: P1
Landscape Masterplan	Plan Ref: L1082-2.1-1050	Version: P2

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

### Reason

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

- 2 No dwelling shall be occupied until the car parking spaces that are to serve it, as indicated on the approved plans, have been hard surfaced with porous materials laid on a permeable base. The car parking spaces shall be retained in this form at all times and 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 and to minimise surface water run-off and flooding.

- 3 The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

### Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house/provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, B, C, and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning

authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity; and to ensure adequate off-street parking provision.

- 5 Apart from gas, all service intakes to dwellings, and soil and waste plumbing, shall be run internally within buildings and not be visible on the exterior.

Reason

In the interests of visual amenity.

- 6 Construction of any buildings shall not be commenced above ground level until a schedule or samples the materials to be used in their external finishes has 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.

- 7 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.

- 8 Notwithstanding the approved elevation drawings, further detail shall be provided on the roof ridges and verges, and windows prior to their installation; and glazing bars shall be applied to the external faces of all windows.

Reason

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

- 9 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are

removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species 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 and privacy.

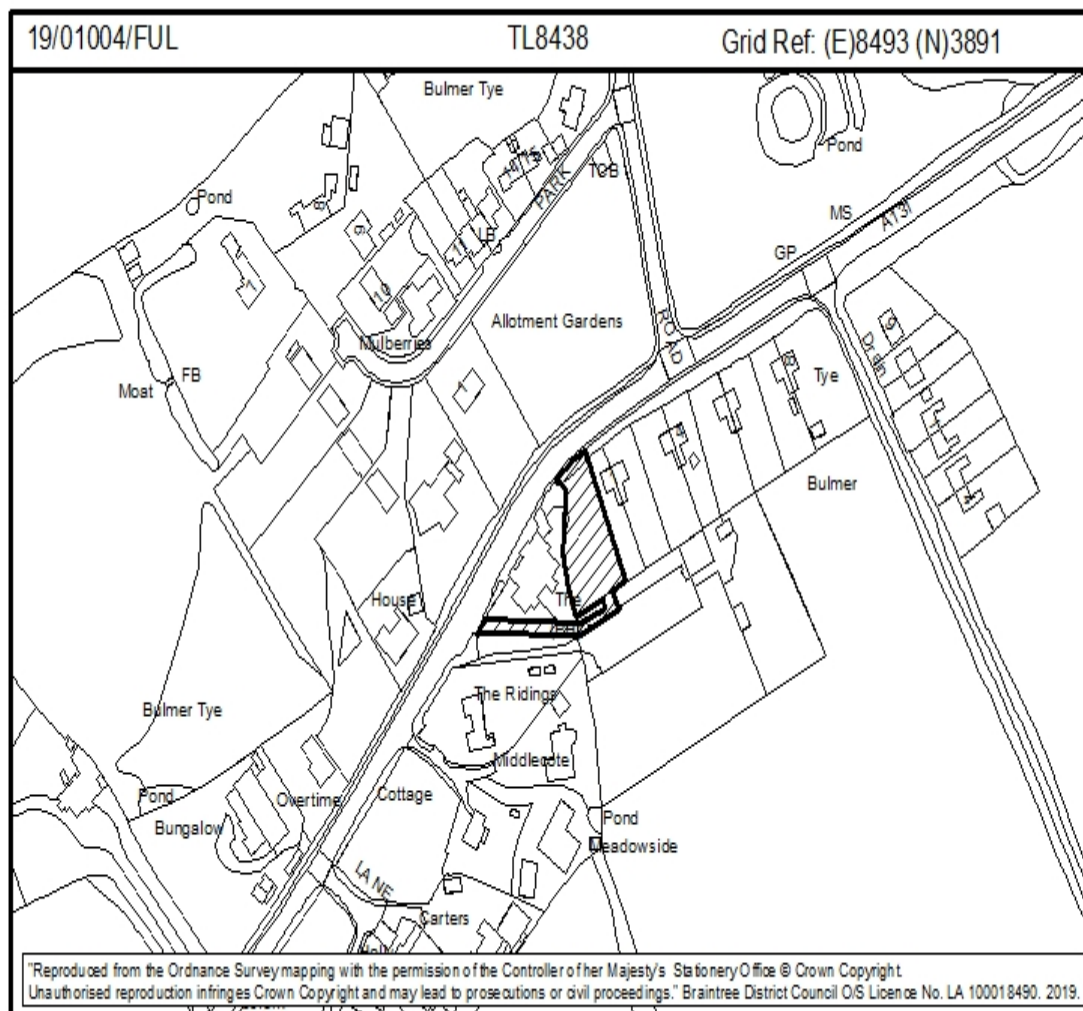
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/01004/FUL  
 DATE VALID: 13.06.19  
 APPLICANT: Mr H Ford  
 The Bulmer Fox, Bulmer Tye, Sudbury, CO10 7EB  
 AGENT: Mr Mark Swift  
 40 Springfield Road, Sudbury, Suffolk, CO10 1PH  
 DESCRIPTION: Proposed 2 no. semi-detached dwellings  
 LOCATION: Land Adjacent To, 1 Bulmer Tye, Bulmer, Essex

For more information about this Application please contact:  
 Melanie Corbishley on:- 01376 551414 Ext. 2527  
 or by e-mail to: [melanie.corbishley@braintree.gov.uk](mailto:melanie.corbishley@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSMG82BF0IG00>

## SITE HISTORY

18/00760/OUT	Application for outline planning permission with all matters reserved except access - Erection of 2no. semi-detached dwellings	Granted	22.06.18
--------------	--	---------	----------

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

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

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

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

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

carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking

## Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

## Neighbourhood Plan

N/A

## Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

The application site located within the Village Envelope of Bulmer Tye. The application site lies to the west of No. 1 Bulmer Tye and to the east of the Bulmer Fox Public House, on the southern side of the highway.

No.1 Bulmer Tye lies at the end of a row of four pairs of houses, all of the same design and layout. To the rear (south) of the site is a car park that serves the adjacent Public House.

## PROPOSAL

This application seeks full planning permission for a pair of semi-detached houses. The properties would have pedestrian access to the front and vehicular access to the rear accessed via the car park that serves the Public House.

Each property would have 3no. car parking spaces and a shared turning area, along with a private rear garden.

The properties have been designed so that they have a similar appearance to the pairs of houses located to the east of the application site. The proposed pair of houses are set back from the main road and are set behind the front building line of No.1 Bulmer Tye.

Outline planning permission was approved in June 2018 for a pair of houses on the same site (albeit the application site area was smaller) (Application Reference 18/00760/OUT refers).

## CONSULTATIONS

BDC Environmental Health – No objections, conditions regarding hours of construction and no burning on site are suggested.

ECC Highways – No objection, condition suggested regarding the provision of a residential travel information pack.

BDC Landscape Services – No comments received.

## PARISH / TOWN COUNCIL

Bulmer Parish Council – Object to the application for the following reasons:

- Overdevelopment of site
- Access issues
- Signage “No parking” entrance further down
- Flooding and sewerage is a problem in this area
- No comment from Essex Highways



## REPRESENTATIONS

One representation received making the following comments:

- Concern about vehicular access for the two new properties
- Vehicles could park on the road rather than knowing that the access is through the pub car park which would be dangerous
- Concern that the design of the properties are not in keeping with the existing pattern of development in Bulmer Tye

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

### The Development Plan

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

The application site is located within the village envelope of Bulmer Tye. In this regard, the development of the site for residential purposes complies with the Adopted Development Plan.

### 5 Year Housing Land Supply

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

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

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

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

has been advised by the Case Work Unit that the information will not be provided.

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

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

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

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

Furthermore the principle of development of a pair of houses at this site has been established by an outline permission granted in June 2018, (albeit the application site area was smaller) (Application Reference 18/00760/OUT refers).

## SITE ASSESSMENT

### Location and Access to Services and Facilities

The application site is located within the village envelope of Bulmer Tye. Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes.

The village of Bulmer Tye is classified as an 'Other' village in the Settlement Hierarchy set out in the Adopted Core Strategy, and as a 'Third Tier' village in the Draft Local Plan.

This classification is defined as “the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village”.

Within Bulmer Tye there is a Primary School, a public house, and buses services that connect the village with Braintree, Halstead and Sudbury. The location of the site within the development limits of Bulmer Tye, in the context of the limited scale of development proposed within the application, is regarded as sustainable.

#### Design, Appearance, Layout and Landscaping

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

Paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

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

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

During the life of the application the roof design for the pair of houses has been amended so that the style of the dwellings are more akin to the 4 matching pairs to the east of the application site.

Along with the roof alterations, the external materials have been altered to a render and facing brickwork combination.

Officers are content that the design of the pair are a modern interpretation of the four matching pairs to the east of the site, and are also content that the dwellings would sit comfortably within the existing street scene between No.1 Bulmer Tye and the Bulmer Fox Public House.

The amenity area to the rear of the new dwellings would measure approximately 140sq.m for plot 1 and 240sq.m for plot 2, both in excess of the required 100sq.m as set out in the Essex Design Guide.

In order for the Local Planning Authority to maintain the design and appearance of the dwellings in the interests of the character of the street scene, it is considered necessary to remove 'permitted development rights' for further enlargements. Therefore a condition is suggested to remove the permitted development rights afforded by Class A and B of Part 1 of Schedule 2 of the General Permitted Development Order 1995.

The submitted plans indicated areas of lawn to the front and rear of the two new dwellings. No further details are provided in relation to additional landscaping and therefore a suitably worded condition is recommended that will secure details of new landscaping to the front of the dwellings to ensure that the development sits comfortably within the existing streetscene.

#### Impact on Neighbour Amenity

Paragraph 170 in the NPPF states that 'planning policies and decisions should ensure that development that create places that are safe with a high standard of amenity for all existing and future occupants of land and buildings'. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. The same requirements are found in Policy LPP55 from the Draft Local Plan.

The side elevation of plot 1 contains three first floor windows. One window would serve an ensuite bathroom and the remaining two would be secondary windows serving two bedrooms. Given the proximity of the private amenity space serving No.1 Bulmer Tye, it is considered that these windows could offer unacceptable views of this private garden area. Therefore a condition is recommended ensuring that these windows contain obscured glass and be fixed shut above a height of 1.7m in order to protect the amenity of the neighbouring occupiers. This is considered acceptable as these rooms are dual aspect.

Given the siting and scale of the proposed dwellings, it is considered that they would maintain an acceptable relationship with the neighbouring properties in terms of light and outlook.

The proposal is considered to comply with Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

## Highway Issues

The proposed access for the new dwellings would utilise the existing access that serves the adjacent Public House.

No objection has been raised by the Highways Authority to this arrangement. The layout indicates that development would create 3no. car parking spaces for each dwelling along with a shared turning area which complies with the adopted car parking standards.

A condition regarding a resident's travel pack has been requested, however for a development of this scale it is not considered reasonable to apply such a condition to any grant of consent.

## PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary where the principle of development is acceptable.

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

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of

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

As discussed above, the site is situated in a sustainable location within the defined development limits of Bulmer Tye, and being within close proximity to a local school with bus links to more sustainable locations, and some facilities. Furthermore outline planning permission was granted last year for a pair of semi-detached properties on the same site (albeit the application site area was smaller) (Application Reference 18/00760/OUT refers).

The design and layout of the proposed development has been given consideration and on balance has been found to be acceptable. Although there have been representations made covering a number of points, most related to impacts on vehicular safety and the overdevelopment of the site, Officers are satisfied that the proposal does not amount to an overdevelopment of the site and that the development would be acceptable.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweighs the harms and as such it is considered that the proposed development would constitute sustainable development and recommend that planning permission is granted.

## RECOMMENDATION

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

## APPROVED PLANS

Location / Block Plan	Plan Ref: 02	Version: REV 1
Proposed Elevations and Floor Plans	Plan Ref: 01	Version: REV 1

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

## Reason

This Condition is imposed pursuant to Section 91 of the Town and

Country Planning Act 1990.

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

Reason

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

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

Reason

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house as permitted by Classes A and B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions in the interests of visual amenity.

- 5 Plot 1 hereby permitted as shown on drawing 02 rev 1 shall not be occupied until the first floor windows on the eastern facing elevation have been fitted with obscured glazing to a minimum level 3, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be so maintained at all times.

Reason

In order to safeguard the privacy of adjoining occupiers.

- 6 The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing 02 rev 2, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking 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 that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.



- 7 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.

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

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

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

To enhance the appearance of the development.

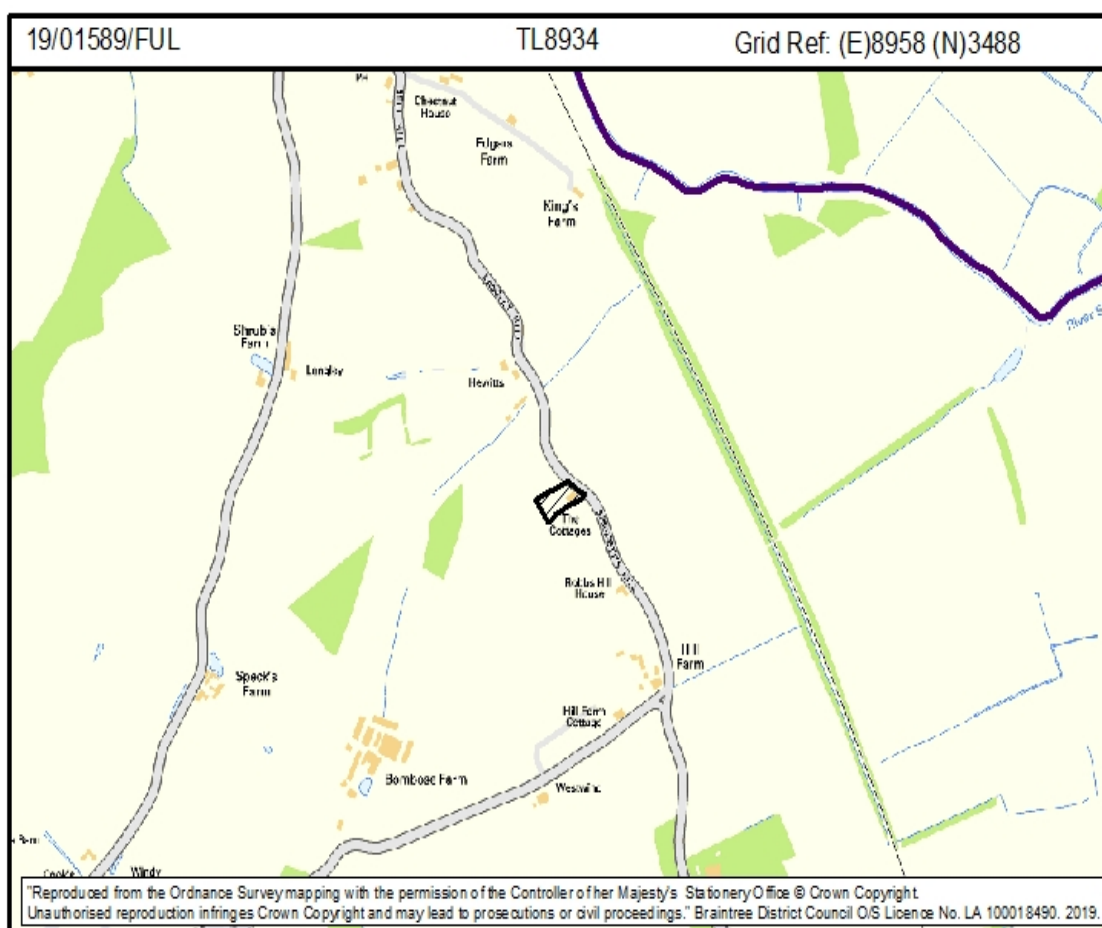
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/01589/FUL DATE: 29.08.19  
 VALID:  
 APPLICANT: Mr Douglas O'Neill  
 The Cottages, Springett's Hill, Lamarsh, CO8 5EW  
 AGENT: HAT Projects  
 Hana Loftus, Trinity Works, 24 Trinity Street, Colchester,  
 CO11JJ, United Kingdom  
 DESCRIPTION: Demolition of an existing two storey dwelling and  
 associated outbuildings and the construction of a proposed  
 two storey dwelling and single storey outbuilding with  
 associated landscape works.  
 LOCATION: The Cottages, Bures Road, Lamarsh, Essex, CO8 5EW

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWZYUDBFI7W00>

## SITE HISTORY

92/00951/FUL	Erection of first floor extension and attached single garage	Granted	30.09.92
18/02258/FUL	Demolition of an existing two storey dwelling and associated outbuildings and the construction of a proposed two storey dwelling and single storey outbuilding with associated landscape works.	Withdrawn	13.02.19
04/00738/FUL	Construction of self contained accommodation for aged parents.	Granted with S106 Agreement	24.11.04
78/00730/	Outline for erection of one dwelling	Refused	11.07.78
81/00196/	Proposed Dwelling (site of barn destroyed)	Refused	17.03.81
86/00321/	Erection of 18th century timber framed barn for conversion and use of dwelling	Appeal Dismissed	30.01.87
92/00453/PFHN	Proposed Demolition Of Garage And Erection Of New Garage With First Floor Store	Granted	01.06.92
93/00435/FUL	Proposed enclosure to swimming pool	Granted	23.06.93
93/00436/LBC	Proposed enclosure to swimming pool	Permission not Required	23.06.93
94/00476/FUL	Demolition of existing extension and erection of new extension	Granted	01.07.94
94/00477/LBC	Proposed demolition of original and erection of new extension	Granted	01.07.94

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

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

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

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

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

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP90	Layout and Design of Development
RLP15	Replacement of Dwellings in the Countryside

#### Braintree District Local Development Framework Core Strategy 2011

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

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP39	Replacement Dwellings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

### Other Material Considerations

#### Essex Design Guide

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

#### Essex Parking Standards

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Althamstone and Lamarsh Parish Council have objected to the proposal contrary to Officer recommendation.

### SITE DESCRIPTION

The application site of approximately 0.9 hectares in area is situated outside of the defined development boundary to the south of Lamarsh and approximately ½ mile to the north of Bures. The existing dwelling has an elevated position from the lane of Springetts Hill with views of the surrounding valley. The site is situated within the Stour Valley Project Area. The existing dwelling is located at the south eastern corner of the site in close proximity to the lane. The existing dwelling comprises of a pair of Victorian era cottages that have been amalgamated, extended and altered over time. The driveway to the existing dwelling dissects through the large area of lawn which forms part of the main garden. The lane of Springetts Hill runs along the eastern boundary of the site. There is some separation distance between the siting of the existing dwelling and the neighbouring properties.

### PROPOSAL

The application seeks planning permission for the demolition of the existing dwelling and outbuildings and the erection of a replacement dwelling repositioned within the site with a detached garage and outdoor swimming pool.

A previous application (Application Reference 18/02258/FUL) for a similar character of development was subsequently withdrawn following concerns

raised in respect of positioning of the replacement dwelling, visual impact and the materials proposed.

## CONSULTATIONS

### Dedham Vale and Stour Valley Organisation

AONB did not previously object to the principle of the proposal however, concerns were raised regarding, size, scale, bulk and design of the replacement dwelling, lack of an Landscape Visual Impact Assessment, siting - visual dominance with the local landscape and on valley side.

A need for the submission of landscaping and lighting strategies for this scheme was also identified. The following changes have been carried out with this revised scheme as suggested by the AONB team in the previous consultation response:

- replacement dwelling has been re-positioned further east into the site and slightly further down the garden slope (valley side) which moves it off the ridge line which is welcomed.
- the new dwelling will still break the skyline as referenced in the LVIA. The LPA should be satisfied that this is not a significant negative visual impact in the local landscape and within the Project Area.
- The modifications to the roof design help reduce the perceived bulk and scale of the building within the valley landscape, but do not wholly eliminate visual impacts locally.
- The replacement dwelling is not significantly larger than the dwelling it is replacing therefore we concur with the conclusions that the magnitude of change will be small.
- The replacement dwelling would also be visible in longer views west across the valley from the B1508), but to no greater an extent than The Cottages and existing neighbouring dwellings in the locality.
- The AONB team recognise that well designed modern buildings can be delivered within the Stour Valley Project Area where they contribute to its conservation and enhancement and where their design and siting is sympathetic to the environment in which they are being proposed.
- It has been evidenced that the materials proposed for use in this dwelling are found in the local area. We welcome that the principles in the Dedham Vale AONB Use of Colour in Development Guide have also been integrated into the building design which also helps reduce the dominance of the dwelling in the valley landscape.
- The position of the proposed replacement planting are acceptable in principle as they supplement trees identified for retention on the site and will provide a well vegetated landscape for the new dwelling to sit within. Given the sensitivity of the site, the AONB recommend that only native trees and shrubs are planted.
- AONB team has some concerns about the proposed number of soffit mounted security lights proposed in the scheme. Consideration should be given to reducing the number of soffit mounted security lights, to avoid impacts on the natural beauty of the area.

#### Highway Authority

No objection.

#### Archaeology Consultant

No objection subject to a historic building recording condition.

#### Landscape Services

No objection subject to conditions relating to an Arboricultural Method Statement and a Landscaping Plan.

#### PARISH / TOWN COUNCIL

Alphamstone and Lamarsh Parish Council have objected to the planning application. In summary the following comments have been made:

- Concern about lack of consultation with the Parish Council during pre application stage.
- The submitted Planning Statement does not address the concerns of the Parish Council but rebuts the views of Urban Design Officer.
- The proposal is deliberately non-conforming to the local vernacular.
- Concern about the extent and appearance of the built form and its design.
- Parish Council applaud decision to move the position of the proposed new dwelling to a more remote location from the public highway.
- The proposal increases the built form onsite significantly beyond the existing footprint.
- The perception of the built form will be increased due to the bulk of the proposed new dwelling.
- The design remains jarring, discordant and very poor.
- The design is urban and not domestic and is wholly alien. It is not respectful of the locality and landscape.
- The proposal fails criteria of NPPF127.
- The proposal does not accord with RLP15 of Adopted Local Plan.
- The site is situated within the Dedham Vale AONB extension.
- There is Ash die back disease within the village. Therefore the suggestion that the tree belt of mixed ash will disguise the prominent built form is fanciful.
- There are two important footpaths from which this new dwelling would be clearly visible.
- If planning application is granted the Parish Council would wish for the handmade clay tiles to remain.



## REPRESENTATIONS

A site notice was displayed adjacent to the site and immediate neighbours were notified by letter. 4 representations were received, 2 objecting to the proposal and 2 supporting the proposal. In summary the following comments have been made:

- The proposed dwelling is not in keeping with surrounding character
- It would appear very prominent in the AONB
- The Public Right of Way views would be blighted
- The size appears larger due to the combined outbuildings etc.
- The design changes with this revised scheme are minimal
- Object to the design
- The existing dwelling is dated
- The new dwelling will be prominent on the skyline but so is the existing dwelling
- The proposal is an improvement to the position of the existing dwelling
- The size of the dwelling does not raise concern
- Satisfied with alterations to design and the moving of the project downhill and will benefit me as a neighbour. Would like the boundary planting to remain

## REPORT

### Principle of Development

#### National Planning Policy Framework (NPPF) 2019

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications

for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

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

#### The Development Plan

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

Policy RLP15 of the Adopted Local Plan permits the replacement of dwellings in the countryside in certain circumstances. 'The proposal must meet all of the following criteria: 1. existing dwelling is a habitable, permanent dwelling of conventional construction; 2. the existing dwelling is substantially intact; 3. the size and scale of the replacement dwelling is compatible with the size and shape of the plot on which it stands; 4. the replacement dwelling would not have a greater impact or be more intrusive in the landscape than the original dwelling by virtue of its siting, scale, height, character and design; 5. the existing dwelling is not a building of architectural or historical value, which is capable of renovation'.

Policy LPP39 of the Draft Local Plan reiterates and elaborates on Policy RLP 15 of the Adopted Local Plan. 'Proposals for a replacement dwelling will be acceptable subject to complying with the following criteria, the existing dwelling is not a building of architectural or historical value, which makes a positive contribution to the locality b. The replacement dwelling and any outbuildings would not have a more harmful impact, or be more intrusive in the landscape, or countryside setting, or the setting of any heritage asset, than the original dwelling, by virtue of its siting, scale, height, character and design c. Any new replacement dwelling should be positioned on or close to the footprint of the existing dwelling, unless design, landscape, highway safety, residential amenity or other environmental grounds indicate that a more appropriate location on the plot can be justified. The size of the replacement dwelling should not be significantly larger than the original

dwelling, irrespective of any outbuildings demolished on the site and should be appropriate to the countryside setting Exceptions may be made to criteria b and d above where a truly outstanding or innovative design is proposed which reflects the highest standards of architecture and energy efficiency’.

The preamble to Policy LPP39 states, that the replacement of existing dwellings in the countryside with new dwellings should be commensurate with the original building. It further states that, ‘whilst no specific volume increase is specified the amount will need to be compatible with the size and shape of the original dwelling and the plot upon which it stands. In general terms it is considered that the volume of the original dwelling, plus that increase allowed by permitted development rights is an appropriate guide to the likely permissible size of any replacement dwelling. The Council will expect a very high standard of design of replacement dwellings. In order to offset the often unsustainable location of replacement dwellings within the countryside, proposals should conform to high standards of sustainability, both in terms of the build and ongoing running costs.’

The principle of development is considered acceptable subject to accordance with the criterion of the above policies and all other relevant material planning considerations.

## SITE ASSESSMENT

### Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires ‘the highest possible standards of design and layout in all new development’. At the national level, the NPPF is also clear in its assertion (para 124) that ‘good design is a key aspect of sustainable development’ and that (para 127) developments should ‘function well and add to the overall character of the area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping’.

The existing dwelling comprises two cottages (Victorian era) which have been combined and subsequently extended and altered over a period time. Due to the extensions and alterations that have taken place the original character and appearance of the cottages has been diluted. The existing dwelling whilst of an originally traditional vernacular does not contribute or enhance the character of the area. Due to the elevated position of the site the existing dwelling is prominent and visible from the lane. This is exacerbated by the organic extensions that have occurred to the existing dwelling creating a linear form of development on the brow of the hill.

The submitted Design and Access Statement refers to the proposed replacement dwelling as ‘a contemporary design’. The submitted plans illustrate that the proposed new replacement dwelling comprises of two angled wings which meet at an oblique angle (*measuring approximately 17 and 19*

*metres in length*). It is proposed to site the new replacement dwelling to the north west of the existing dwelling which is set further down the hillside and further away from the lane. This is a more discreet location which is well screened by existing mature trees and hedges. The siting of the new replacement dwelling also creates a better relationship between the dwelling and the amenity space with the existing driveway and proposed garage separated from the proposed dwelling.

The first floor of the replacement dwelling is jettied above the ground floor. A pitched clay tiled roof sits behind a parapet which steps up to form a gable. On the roof photovoltaic panels are proposed promoting the energy efficiency of the dwelling. The ridge height of the replacement dwelling is approximately 20cm higher than the ridge of the existing dwelling.

It is proposed that the ground floor of the replacement dwelling will be a brick finish with hung clay tiles on the first floor. Painted steel columns are proposed to support the jettied first floor. The windows and doors are proposed to be painted with a timber frame.

The proposal creates a courtyard space between the new replacement dwelling and the proposed garage outbuilding enclosed by a brick wall. An outdoor swimming pool is proposed to the south east of the site adjacent to the lane.

The garage outbuilding measures 6.5 metres in depth and 11 metres with a height to the apex of the mono pitch roof at 3.3 metres. The garage is proposed to be a brick finish with a sedum (grass) roof with concrete coping blending into the landscape. The ridge height of the proposed outbuilding is 1m lower than the ridge of the existing outbuilding.

The footprint of the existing dwelling is 193sq.m with the outbuilding measuring 64sq.m. The proposed replacement dwelling is 215sq.m with the outbuilding measuring 65sq.m. Whilst it is noted that the footprint of the replacement dwelling is an increase, this is considered marginal and conforms with the preamble of LPP39 of the Draft Local Plan which refers that the volume increase will need to be compatible with the size and shape of the original dwelling and the plot upon which it stands.

Whilst the proposed replacement dwelling is contemporary in appearance, paragraph 127 (c) of the NPPF states, 'decisions should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. As stated in the submitted Design and Access Statement, *'the design uses forms and a material palette (handmade clay peg tiles, brick, stone) that is drawn from the local vernacular, while developing a coherent contemporary architecture that is befitting to its site and scale'*.

The existing dwelling on the site has been extended significantly over a period of time and has reached its limits as to what can be achieved within the Permitted Development Rights criteria. It is noted that the proposed

replacement dwelling is larger than the existing dwelling (with extensions) albeit marginally. However, to ensure that the proposed replacement dwelling remains of a scale appropriate to the countryside setting it is prudent to remove Permitted Development Rights such that no enlargement of the dwelling-house, as permitted by Classes A, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

The design and appearance of the replacement dwelling accords with RLP90 of the Adopted Local Plan, LPP55 of the Draft Local Plan and CS9 of the Adopted Core Strategy.

#### Impact on the Stour Valley Project Area

The site is situated within the Stour Valley project area. This is an area that has been assessed as having similar natural beauty and special qualities as the nationally designated Dedham Vale Area of Outstanding Natural Beauty (AONB) and it is an aspiration of the Dedham Vale AONB and Stour Partnership that the area is designated as an AONB. The AONB team recognise that well designed modern buildings can be delivered within the Stour Valley Project Area where they contribute to its conservation and enhancement and where their design and siting is sympathetic to the environment in which they are being proposed. It has been evidenced that the materials proposed for use in this replacement dwelling are found in the local area. The AONB Officer is satisfied that previous concerns raised have been address with this revised application.

#### Impact on Wider Landscape

Policy CS8 of the Adopted Core Strategy states, *'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'*.

A Landscape and Visual Assessment report prepared by Wynne – William Associates has been submitted as supporting documentation with the planning application. The report concluded in paragraph 4.6, *'Overall the proposed new house will be set further back on the plot and in a location where there is more existing vegetation (hedge and tree planting). Like the existing Cottages, the proposed house will break the skyline when viewed from the road and will be visible from Springett's Hill and immediate neighbouring properties. The proposed garage building will also be visible from the road. In terms of visibility, the proposed buildings will be no more visible from the nearest viewpoints than the existing Cottages. The mature planting around the south elevation of the new building will filter views from the south towards the property. From the further distant viewpoints (footpath 93\_13, the Stour Valley path and the B1508) the proposed buildings are likely to be no more visible than the existing Cottages. The garage block is likely to be equally visible and the proposed house less visible because of its position*

*set further back into the site.* It further states that the magnitude of change in the wider valley landscape will be very small and the retention of the perimeter planting on the site and new planting around the garage block will further aid the assimilation of the proposed development into the local landscape.

The proposal accords with Policy CS8 of the Adopted Core Strategy. It has been demonstrated that the proposals have given regard to the character of the landscape and its sensitivity to change. The proposed siting of the replacement dwelling would be less visible from the street scene and the magnitude of change in the wider valley landscape would be minimal.

### Trees

An Arboricultural Survey prepared by Haydens Arboricultural Consultants has been submitted as supporting documentation with the planning application. There is a concentration of trees at the southern part of the site, which is also the highest point of the site. There is a small orchard to the south western corner of the site. The proposed replacement dwelling requires the removal of 9 trees of which are: - 7 Category C trees (trees of low quality) - 2 Category U trees (trees of very poor quality). To mitigate the loss of existing trees it is proposed that 11 new native species trees and 5 groups of smaller shrubs and bushes will be planted. A relevant condition is proposed.

Landscape Services have reviewed the survey and raised no objection subject to conditions requiring an Arboricultural Method Statement including a Tree Protection Plan and a Landscaping Plan.

### Lighting

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

A Proposed External Lighting Plan 168-HAT-PL-106 has been submitted. The application proposes 6 soffit mounted security lighting fitting on the main house linked to the alarm system. 7 low level architectural light fittings are proposed to be recessed into the walls to illuminate steps, level transitions and the route between the main house and the outbuilding. 2 pendant architectural light fittings are proposed within the overhang/porch adjacent to the swimming pool. 2 swan neck architectural light fittings are proposed to illuminate the over opening at the garage and external toilets and changing rooms.

The AONB Officer has raised concern regarding the lighting and the proposed number of soffit mounted security lights proposed in the scheme.

A condition is proposed that, notwithstanding the submitted lighting details any proposed external lighting to the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. This is to ensure the Local Planning Authority have control over lighting proposals to protect dark skies and to prevent light pollution.

#### Impact on Neighbour Amenities

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan states that there shall be no undue or unacceptable impact on the amenity of any nearby residential property.

The proposed replacement dwelling is situated on an elevated position approximately 140 metres from the nearest neighbouring dwellings adjacent to the site.

Due to the siting and position of the proposed replacement dwelling, it is considered that the proposal would not have a detrimental impact on neighbouring amenity in terms of loss of privacy, increase in overshadowing, loss of light or overbearing impact.

#### Highway Considerations

Policy RLP56 of the Adopted Local Plan and LLP45 of the Draft Local Plan states that parking provision should be provided in accordance with the Council's adopted parking standards as set out in the Essex Vehicle Parking Standards 2009. The application proposes the provision of two car parking spaces which accord with the standards. The application proposes to retain the existing access. The Highway Authority have raised no objection to the proposal.

#### Archaeology

Policy RLP106 of the Adopted Local Plan and LPP63 of the Draft Local Plan seeks to retain archaeological remains where they are found, however, where there is no overriding case for any remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted subject to conditions ensuring an appropriate programme of archaeological recording, reporting and archiving prior to development commencing.

The Archaeology Officer has raised concern that the proposal will result in the demolition of these cottages and the total removal of an example of Victorian domestic architecture and any evidence for the evolution of these buildings into modern times will be lost. They suggest that a low level historic building record with documentary research will enable greater understanding of the buildings origins and evolution within a rural landscape and ensure a permanent record of the buildings is secured.

It is therefore reasonable for a building record condition to be attached.

## CONCLUSION

The proposed replacement dwelling complies with the criterion of RLP15 of the Adopted Local Plan and LPP39 of the Draft Local Plan.

The existing dwelling is a habitable, permanent dwelling that is substantially intact. Whilst it is noted that the footprint of the replacement dwelling is an increase to that of the existing dwelling, this is considered marginal and conforms with the preamble of LPP39 of the Draft Local Plan which refers that the volume increase will need to be compatible with the size and shape of the original dwelling and the plot upon which it stands. The replacement dwelling has been repositioned in a less prominent position off the brow of the hill this is supported by the AONB Officer and the Parish Council. The Landscape and Visual Assessment Report submitted with the application has concluded that, the magnitude of change in the wider valley landscape will be very small and the retention of the perimeter planting on the site and new planting around the garage block will further aid the assimilation of the proposed development into the local landscape. It has been evidenced that the materials proposed are found within the local area and are therefore acceptable and compatible with the surrounding area. Whilst the proposed replacement dwelling is contemporary in appearance, it is an innovative design that is sympathetic to local vernacular, the surrounding built environment and the landscape setting.

## RECOMMENDATION

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

## APPROVED PLANS

Existing Site Plan	Plan Ref: 168_HAT_PL_002
Location Plan	Plan Ref: 168_HAT_PL_001
Existing Ground Floor Plan	Plan Ref: 168_HAT_PL_010
Existing 1st Floor Plan	Plan Ref: 168_HAT_PL_011
Existing Elevations	Plan Ref: 168_HAT_PL_030
Proposed Ground Floor Plan	Plan Ref: 168_HAT_PL_110
Proposed 1st Floor Plan	Plan Ref: 168_HAT_PL_111
Proposed Roof Plan	Plan Ref: 168_HAT_PL_112
Section	Plan Ref: 168_HAT_PL_120
Proposed Site Plan	Plan Ref: 168_HAT_PL_102
Proposed Elevations	Plan Ref: 168_HAT_PL_130
Proposed Elevations	Plan Ref: 168_HAT_PL_131
Proposed Elevations	Plan Ref: 168_HAT_PL_132
Topographical Survey	Plan Ref: 6910-D
Landscape Masterplan	Plan Ref: 168_HAT_PL_105 Version: P2



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

Reason

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

- 4 Notwithstanding the submitted lighting details 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 protect the amenities of the occupiers of nearby residential properties and the surrounding area and to prevent light pollution

- 5 Within two months from first occupation of the dwelling hereby approved, the existing dwelling onsite as indicated on drawing reference 168\_HAT\_PL\_001 shall be demolished in its entirety and all material resulting there from shall be completely removed from site within two months.

Reason

In the interests of the appearance of the locality and to prevent the existence of two dwellings on the site in the open countryside

- 6 No demolition of the existing dwelling shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has

been submitted by the applicant, and approved by the planning authority. The applicant will submit to the local planning authority an approved historic building report (to be submitted within six months of the completion of fieldwork).

**Reason**

To enable full investigation and recording of this site of archaeological importance.

- 7 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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.

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.

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

**Reason**

In order that the local planning authority may exercise control over any

proposed future extensions in the interests of residential and visual amenity.

- 9 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.

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

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

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

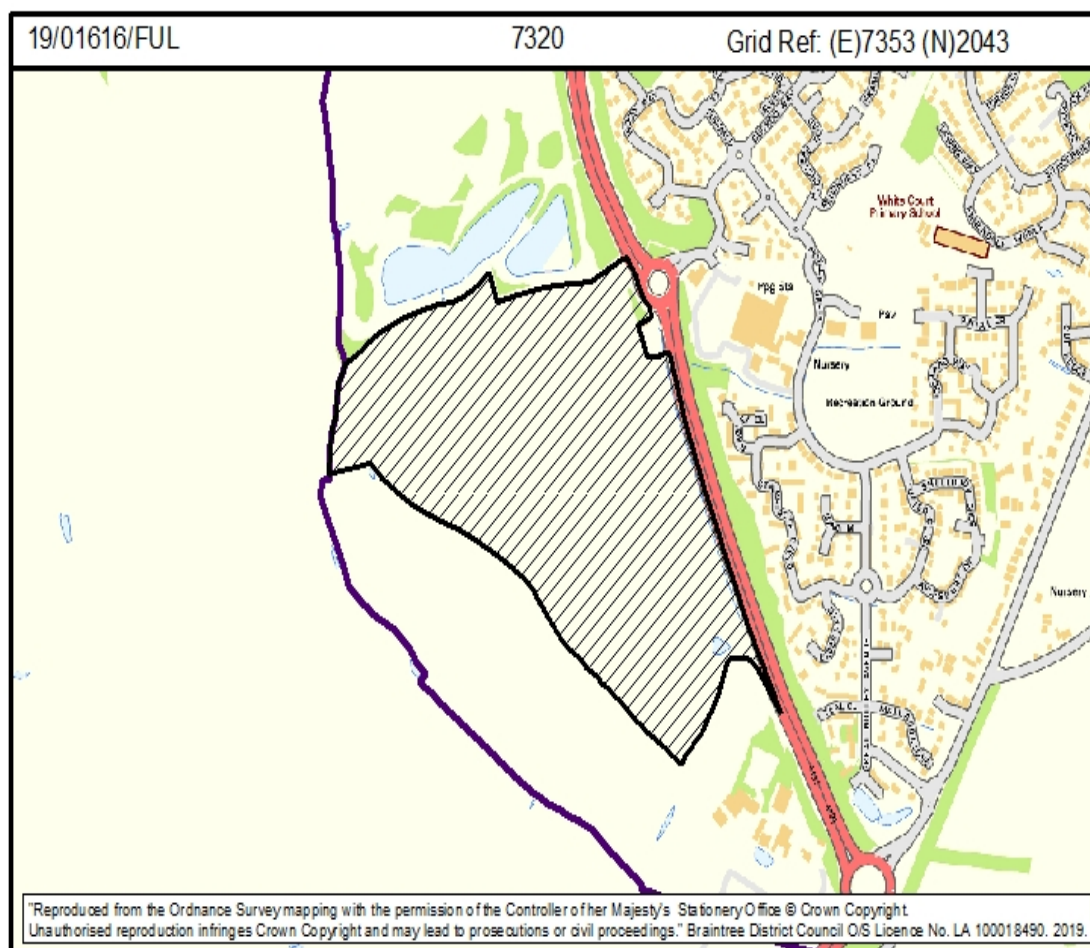
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

## AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01616/FUL DATE: 11.09.19  
VALID:  
APPLICANT: C/o Agent  
AGENT: Miss Emma Gladwin  
Coval Hall, Rainsford Road, Chelmsford, CM1 2QF  
DESCRIPTION: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)  
LOCATION: Land West Of A131, London Road, Great Notley, 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](mailto:timha@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXA0V9BFI AW00>

## SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	

18/00003/SCR	2011 - Scoping Opinion Request - Proposed business park Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.		07.08.18
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.	Granted	30.09.19
19/01525/FUL	Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Pending Consideration	
19/01855/DAC	Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL	Granted	28.10.19

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP53	Generators of Travel Demand



RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
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
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

#### Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
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
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Neighbourhood Plan

N/A

#### Other Material Considerations

External Lighting Supplementary Planning Document

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as the Applicant is Braintree District Council.

#### NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Braintree District Local Plan Review 2005. It consists of an area allocated for strategic employment land provision.

The application site also covers an area proposed for allocation for employment use in the Publication Draft Local Plan which would be located within the revised Village Envelope.

#### SITE DESCRIPTION

The application site lies in the countryside and measures approximately 27.27ha. It consists of the majority of a single large agricultural field and part of a second smaller field and includes areas of boundary trees and hedges. The site is bounded to the east by the A130 although there is currently no access to it from this road. Great Notley Country Park is located immediately to the north and to the south is Slampseys Farm. To the west lies further agricultural land. In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south.

## PROPOSAL

The applicant seeks full planning permission for the following:

- Engineering works to level the site to provide building plots
- Construction of three secondary access roads to link to the proposed main spine road for the 'Horizon 120' employment site

The proposed spine road is the subject of a separate planning application (application reference 19/01525/FUL) and would run broadly in a north-south orientation positioned along the length of the site. The current planning application proposes 3 smaller secondary roads which would branch off from this spine road to provide further access to specific plots.

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

- Planning Statement
- Land Contamination Assessment
- Earthworks Strategy
- Flood Risk Assessment
- Ecology Reports
- Arboricultural Reports
- A Full Set of Drawings

## CONSULTATIONS

### ECC SUDs

No objection subject to the imposition of a standard set of SUDs conditions relating to the submission of a detailed surface water drainage strategy; the submission of a scheme to minimise flood risk during construction; the submission of a SUDs maintenance plan and a requirement to keep an ongoing log of such maintenance.

### BDC Environmental Health

No objection subject to conditions relating to hours of construction working and the submission of a dust and mud control management scheme.

### ECC Minerals and Waste

No objection. The site is located within an area of land designated as a Mineral Safeguarding Area (MSA) however it is noted that the land is allocated for development under Braintree District Council's Adopted Local Plan. The proposal is therefore considered to be exempt from Policy S8 of the Essex Minerals Local Plan 2014 and ECC in its capacity as the Minerals Planning Authority therefore has no comment to make in relation to this planning application.

### ECC Highways

No objection. From a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

### Highways England

No objection. The proposal is part of a much larger development and is unlikely to result in a severe impact on the strategic road network.

### ECC Archaeology

No objection subject to conditions requiring archaeological fieldwork to be carried out prior to commencement of development.

The EHER records evidence for Iron Age and Romano-British activity within the wider area, as well as possible older prehistoric activity from findspot evidence. The Roman road through Braintree lies less than 500m to the southeast and activity related to this may extend further. The site lies within an area of scattered medieval farmsteads and fields and there has been little archaeological investigation in the immediate area to understand the potential for the survival of archaeological remains.

The development lies within an area of proposed further development for which an archaeological evaluation was recommended, no evaluation has yet been completed.

### Natural England

No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### BDC Landscape

The submitted Arboricultural Impact Assessment and Arboricultural Method Statement are sufficient at this time. If permission is granted both reports should be approved documents. While there is a certain amount of tree removal across the site, this is necessary to ensure access. Significant further planting can be secured as part of the overall scheme to mitigate for the loss.

The Tree Protection Plans contained within the Arboricultural Method Statement must be adhered to at all times, as should the supervision schedule and the submission of reports to the LPA as detailed in section 2.21 – 2.24.

### BDC Ecology

No objection subject to conditions. Satisfied that there is sufficient ecological information available for determination.

The applicant's Great Crested Newt (GCN) Non-Licensed Method Statement highlights that the landscape mitigation habitat (new wet pond) at the northern end of the site will be provided in advance of the onsite dried pond being lost. This will ensure that in the unlikely event that any GCN are found during construction and a full licence becomes necessary the required mitigation habitat will already have been created.

The proposed marginal and aquatic planting is acceptable and will be beneficial for GCN. The grading of the SUDs area should also be considered for the benefit of GCN and other aquatic wildlife.

Note that the Badger and Skylark Survey Report (Surface Ltd, July 2019) considered that on-site compensation could not be provided for Skylark. As appropriate compensation cannot be provided on site for Skylarks it is recommended that off-site compensation should be provided at a rate of two plots per territory lost.

Also recommended that the proposed biodiversity enhancements to the site should be secured.

Conditions relating to the following are therefore required:

- a) All mitigation and enhancement measures set out in the submitted Ecology Reports shall be secured
- b) No works involving trench/culvert creation to commence until measures to protect badgers from being trapped are submitted for approval by the LPA
- c) Skylark Mitigation Strategy should be secured
- d) Landscape and Ecological Management Plan (LEMP) to be secured
- e) Biodiversity Enhancement Strategy to be secured
- f) Lighting to be wildlife sensitive

#### Historic Buildings Consultant

The application site borders Slampseys Farm to the south which includes two listed barns and a listed dovecote. There are no heritage assets within the application site itself.

No objection to the proposal which will have little impact upon the setting of the heritage assets due to the distance between the site and the listed buildings.

#### Uttlesford District Council

No comment received.

#### Anglian Water

No comment received.

### Ramblers Association

No comment received.

### Town/Parish Council

Do not wish to make any comments.

## REPRESENTATIONS

A single letter of objection was received from a resident of Great Notley Avenue. The main points are summarised below:

- Concerned about the impact on the value of my property.
- The A131/London Road roundabout is already badly congested at peak times. The new development will add to this congestion.
- The proposed road plan shows a roundabout with a blind access further south. This suggests future expansion across Slampseys Farm – therefore closer to our property.
- The overall development will have a negative impact on property values in Great Notley.

## REPORT

### Principle of Development

The application site is located within the countryside, however it consists of an area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Publication Draft Local Plan.

In terms of the Adopted Core Strategy, Policy CS4 allocates a large area (18.5ha) of land for an innovation and enterprise business park as part of the District's identified strategic employment site provision. The Policy states that a Masterplan will be required and that in order to ensure a mix of uses the overall quantum of B8 use in the business park should be restricted to no more than 40% of the total floor area. The allocation covers an area larger than 18.5ha to allow for a structural landscaping/wildlife corridor. The Publication Draft Local Plan carries forward the same allocation.

Although it precedes the above allocation, Policy RLP28 of the Adopted Local Plan sets out the types of uses which are acceptable on industrial estates and business parks which constitutes B1 (business); B2 (storage and distribution) and B8 (storage and distribution).

The proposal is for the levelling of the site to provide building plots and the provision of secondary road infrastructure to serve the business park. It would form one of the first phases of the development of the site for its allocated use. The general principle of the development is therefore in accordance with the Adopted Development Plan and also with the Publication Draft Local Plan.

The strategic allocation under Policy CS4 of the Adopted Core Strategy also required a masterplan to be produced and a masterplan document for the site was completed with a 'preferred option' masterplan set out within it. The applicant's proposal departs from this to a degree because a dried pond shown to be retained on the masterplan is to be infilled and the applicant's proposed SUDs basin is located further to the north-east than is shown on the preferred masterplan. However, the dried pond was shown to be retained because at the time the preferred masterplan was drawn up it still held water and provided wet habitat for Great Crested Newts which is no longer the case. The re-location of the SUDs basin is not considered to be significant and the proposed basin with associated wetland habitat benefits is now markedly larger than that indicatively show on the preferred masterplan.

### Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Publication Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area....are visually attractive as a result of good architecture...and effective landscaping and should...establish or maintain a strong sense of place'.

There are two elements to the applicant's current proposal. The first involves the levelling of the site to create building plots for future development. This is primarily an engineering operation and does not raise any particular design and layout concerns given that the engineering works will sit within the existing field boundaries.

In terms of level differences, there is approximately a 7m level difference across the site. The applicant proposes to create a series of level building plots in a subtle stepped formation although none of the level differences would be dramatic either with regard to the existing site or surrounding ground levels. The level changes also include the digging out of the proposed SUDs pond which would vary in depth between approximately 1m and 2m.

The second element of the proposal consists of the construction of three secondary roads to provide access to different areas of the site from the spine road. Each of these secondary roads would have a carriageway measuring 7.3m in width with an adjacent verge either side containing a 2m footpath positioned between two grass strips.

The roads would be private and although Officers consider them to be of an appropriate standard the applicant does not require them to become adopted highway.

Overall, the design and layout of the secondary roads is considered to be acceptable.

## Landscaping

The proposal is for the levelling of the site and the construction of three secondary roads and does not include any built form. The re-levelling of the site is not dramatic with ground levels either being lowered or where they are raised being raised by an average of 1m to 1.5m and so that the site will be of a comparable level to the wider surrounding ground level. Other than potential lighting to the secondary roads, it is not therefore considered that the visual impact of the scheme in its own right would be significant, although clearly it forms one of the first parts of a strategic scale employment development which will have a landscape impact. A lighting condition is therefore recommended.

The applicant has submitted an Arboricultural Impact Assessment and Method Statement in support of their application. The proposed levelling/engineering works and construction of the secondary roads do not require the removal of any trees or hedges with the exception of the trees located around the dried pond which are addressed below. Details are provided of relevant tree/hedge protection measures and a condition is required to ensure compliance with this.

A landscaping condition is also required to address the final details of proposed soft landscaping alongside the secondary roads. The Council's Landscape Officer has reviewed the application and has no objection to it subject to the above conditions.

## Ecology

The applicant submitted an Ecology Report in support of their application. The majority of the application site is agricultural land and is not of notable ecological value, being both habitat and species poor. The proposal to level the site and construct secondary roads would be located on this land and would not impact upon the site boundaries or existing trees/hedgerows with the exception of those around the dried pond which is addressed below.

The interior of the site is identified as being of low local significance for farmland birds – most specifically Skylarks (at least 6 breeding pairs). The Applicant's Ecology Report notes that although this territory will be lost there are large areas of suitable arable agricultural land remaining in the immediate locality and their Report considers that the loss of the application site would not have an impact on the long term survival of this species in the area.

The Council's Ecology Consultant however recommended that mitigation be sought in the form of off-site compensation for Skylark habitat due to their status as red listed birds and the fact that existing breeding habitat will be lost. A condition is therefore recommended to ensure that this is secured so that it is in place prior to the commencement of the next Skylark breeding season on 1 March.



There is a dried pond located on the site which previously (when it held water) contained Great Crested Newts. The applicant therefore carried out a Great Crested Newt Survey of the application site and surrounding area. The dried pond was obviously unable to host a Great Crested Newt population and overall no Great Crested Newts were identified anywhere on the application site. A small population of Great Crested Newts was found in a pond located off site, however this would remain unaffected by the development.

The dried pond located on the application site would need to be infilled under the current application. A previously approved application for an electric vehicle charging station on adjacent land to the application site proposes to use the same vehicular access from the A131 and proposed to retain the majority of this dried pond. However, the current applicant has advised that the Gridserve access plan was incorrect and that the Gridserve applicant should have updated the access plan to reflect the current plan which shows that the pond and associated trees cannot be retained.

The proposed development includes the construction of a large attenuation pond at the northern end of the site, adjacent to the Country Park. This would provide a substantial new water body habitat with associated grassland and shrub planting to the benefit of birds, bats and amphibians. Importantly, it has been specifically designed to accommodate Great Crested Newts and the proposed planting scheme has been tailored to this. This new pond would be constructed prior to the loss of the existing pond to ensure that Great Crested Newt habitat was provided in advance as a precaution.

In terms of foraging habitat, the application site itself offers potential terrestrial and aquatic habitat for Great Crested Newts in the form of ditches and hedgerows. This habitat would remain largely unaffected and would be enhanced as part of the development proposals. Overall the Report finds a negligible impact upon Great Crested Newts and it is identified that the proposed habitat creation will enhance the ability of Great Crested Newts to forage and commute across the site.

The additional trees proposed for removal which are located to the northern side of the dried pond are all either Category C or Category U and are not considered to be prohibitive to development.

Overall the proposal would result in a limited degree of ecological harm, in particular the loss of habitat for at least 6 pairs of breeding Skylark and the loss of the dried up pond with associated trees. However, the development provides clear opportunities for the ecological enhancement of the application site with the existing dried pond being replaced by a much larger permanently wet pond specifically designed to host Great Crested Newts and off-site Skylark compensation being secured. Conditions relating to the securing of identified mitigation and enhancement measures are recommended.

### Highways and Parking

The proposal is for three secondary access roads which would sit entirely within the application site boundary and would not directly link to the public highway. As a proposal it would not in its own right generate any vehicular movements which would be a matter for consideration when individual building plots on the wider employment site were developed.

Essex County Highways and Highways England have been consulted and have no objection to the proposal with no conditions required.

In terms of parking, again the proposal is for secondary access roads only and does not generate a requirement for parking provision which would be addressed when individual plots on the employment site were brought forward for development.

### Amenity

Policy RLP118 of the Adopted Local Plan also requires that the impact of the proposal on the amenity of the area must be acceptable.

Once completed, the levelling of the site would have no impact upon the amenity of existing residents in the area. The secondary access roads would eventually accommodate vehicular traffic but considerations such as hours of operation and noise do not fall within the scope of this application and would be a more detailed matter relating to individual building plots.

A condition is however recommended in relation to any proposed lighting for the secondary access roads to ensure that it would not have an unacceptable detrimental impact in terms of amenity.

### Heritage

There are no heritage assets located on the site. There are two listed buildings and a listed dovecote located to the south of the application site at Slampseys Farm.

The Council's Historic Building's Consultant has been consulted and has not identified that the proposed development would result in any harm to the setting of these heritage assets.

### **Other Matters**

#### Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding.

The drainage strategy for the 3 secondary access roads would link into the drainage strategy for the wider employment site, with runoff water being discharged into the main carrier drain which would run along the proposed spine road from the site and discharge surface water into the proposed SUDs pond located on the northern part of the site.

Essex County Council SUDs have been consulted and have no objection to the proposal subject to 4 standard SUDs conditions relating to the following:

- Submission of a detailed surface water drainage strategy;
- Submission of a scheme to minimise the risk of off-site flooding during construction works;
- Details of maintenance arrangements for the SUDs system;
- A requirement to keep a maintenance log.

### Archaeology

The site has been identified as having the potential for below ground archaeological remains within the site. The Essex County Council Archaeology Officer has advised that there is evidence of Iron Age and Romano-British activity within the wider area as well as possible prehistoric activity. The Roman road through Braintree lies less than 500m from the site and there has been little archaeological investigation in the immediate area.

Conditions are therefore required to ensure that trial trenching and appropriate archaeology recording is completed.

### Loss of Agricultural Land

The development would result in the loss of an area of agricultural land and would help facilitate the development of the employment site which as a whole covers an area of approximately 27 hectares, the majority of which is Grade 2 (best and most versatile) agricultural land.

However, the site is allocated for employment use in both the Adopted Local Plan and the Publication Draft Local Plan and is required to meet the identified need for such land in the District. The loss of this land is therefore considered to be acceptable in this context.

### **Planning Balance and Conclusion**

The proposed development would be located on an area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Publication Draft Local Plan and the principle of development is therefore considered to be acceptable.

The re-levelling of the site would be modest and the construction of the secondary access roads is necessary to facilitate the wider employment site development.

Limited harm has been identified, with the loss of some Skylark breeding territory, the loss of agricultural land and the loss of the dried pond with associated trees. However, large tracts of Skylark breeding territory remain in the immediate area and off-site compensation would also be secured. The loss of agricultural land is not considered to be of significance in the context of the wider District. The infilling of the dried pond and loss of the associated trees would result in limited ecological harm although the trees are category C or U. The pond would be replaced by a much larger wet pond specifically designed to be of ecological value.

The benefits of the proposal are significant as it would play an important part in facilitating the development of one of the primary employment sites in the District. The associated economic and social benefits of this would be of a major and prolonged scale and would impact upon both the District and its hinterland.

Environmentally, the scheme would create a more diverse habitat on the site with a large attenuation basin, and associated planting creating a markedly more ecologically valuable habitat than the existing agricultural land.

Overall, Officers consider that the proposed development constitutes sustainable development and recommend that planning permission is granted.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 19-029-474	Version: I2
Highway Plan	Plan Ref: 19-029-470	Version: I2
Highway Plan	Plan Ref: 19-029-471	Version: I2
Highway Plan	Plan Ref: 19-029-472	Version: I1
Levels	Plan Ref: 19-029-600	Version: I2
Proposed Levels	Plan Ref: 19-029-601	Version: I1
Other	Plan Ref: Boundary Overlay	Version: 1153.02
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DT-L-103 P1	
Other	Plan Ref: Planting Schedule	Version: 721-FH-01-XX-00-DP-L-401

- 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 and documents listed above.

Reason

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

- 3 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement completed by PJC Consultancy, dated 16th October 2019 ref 5280/19-02 REV 01 and 5280/19-03 REV 01.

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 4 Prior to commencement of above ground construction a scheme of landscaping for the 3 proposed secondary access roads and the SUDs attenuation basin and its surrounding area 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.

Reason

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

- 5 Details of any proposed lighting to serve the 3 secondary access roads site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include the following:
- a) A lighting design scheme for biodiversity identifying those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;
  - b) A layout plan with beam orientation and lighting contour plans and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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.

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 7 There shall be no construction vehicular movements to, from, or within the site outside the following times:-

Monday to Friday 0800 hours - 1800 hours;

Saturday 0800 hours - 1300 hours;

Sundays and Bank Holidays no vehicular movements.

Reason

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

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

Reason

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

- 9 No development, including engineering works shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction including a dust assessment carried out in accordance with IAQM guidance;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition, site clearance and construction working hours.;
  - Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
  - Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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

Reason

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

- 10 No development or preliminary groundworks shall commence until a

programme of archaeological trial trenching has been secured and undertaken in accordance with the written scheme of investigation which has been submitted as part of this application. The results of the trial trenching shall be submitted to the local planning authority following completion of the fieldwork. If archaeological deposits are found, this must include a mitigation strategy detailing the excavation/ preservation strategy.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 11 If any areas are found to contain archaeological deposits, no development or preliminary groundworks shall commence on those areas until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 12 If a mitigation strategy is required under Condition 10, the applicant must submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 13 No development (including engineering works) 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:

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change or using matched greenfield rates by providing Long Term



## Storage.

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.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.

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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Water treatment features should be incorporated into the drainage plan.

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.

## 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.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

## Reason

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

needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 15 Prior to first commercial use of the secondary access roads a maintenance plan detailing the maintenance arrangements for the surface water drainage scheme, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

- 16 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved under Condition 15. 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.

- 17 No development which includes the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason

To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 18 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first beneficiary use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall only be implemented in accordance with the approved details.

#### Reason

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

- 19 Prior to first beneficial use of the development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

#### Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Green Environmental Consultants Ltd, Surface Property Ltd August 2017), Great Crested Newt Survey Report (Surface Property Ltd,

August 2019) and Great Crested Newt Non-Licensed Method Statement (Surface Property Ltd, November 2019) to the satisfaction of the Local Planning Authority as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 21 The applicant shall submit a Skylark Mitigation (Compensation) Strategy to the Local Planning Authority for approval to ensure that off-site Skylark Mitigation (compensation) is in place prior to the commencement of the Skylark breeding season in March 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER