

PLANNING COMMITTEE AGENDA

Tuesday, 03 March 2020 at 7:15pm

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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 18th February 2020 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	Application No. 19 01027 FUL - Foley House, 115 High Garrett, BRAINTREE	6 - 34
5b	Application No. 19 01326 OUT - Land off School Road, RAYNE	35 - 65
5c	Application No. 19 01602 FUL - Dynes Cottage, Mill Road, FINCHINGFIELD	66 - 77
5d	Application No. 19 02202 FUL - Land adjacent to (South of) Broton Drive, HALSTEAD	78 - 86
5e	Application No. 19 02217 FUL - Hydewell, Halstead Road, EARLS COLNE	87 - 96
5f	Application No. 19 02273 FUL - Crowbridge Farm, Chapel Hill, HALSTEAD	97 - 115

PART B

Minor Planning Applications

5g	Application No. 19 02176 ADV - Land at Broad Road, BRAINTREE	116 - 122
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6 Horizon 120 Local Development Order and Design Code 123 - 156

7 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.

8 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

9 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.

Page

PART A

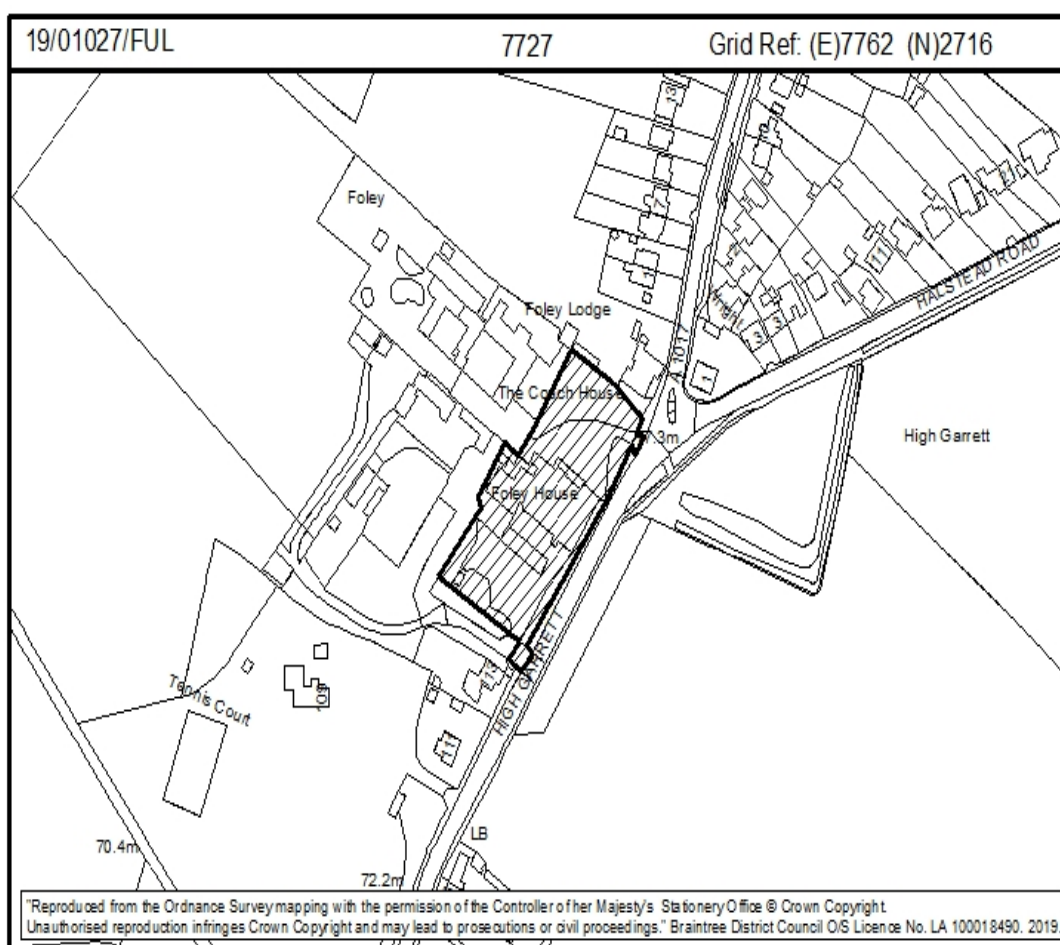
AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/01027/FUL
DATE VALID: 10.06.19
APPLICANT: Mr Mike Bradburn
Unit 205, Waterhouse Business Centre, 2 Cromar Way,
Chelmsford, CM1 2QE, United Kingdom
AGENT: Phase 2 Planning
Mr Matthew Wood, 270 Avenue West, Skyline 120, Great
Notley, Braintree, CM77 7AA
DESCRIPTION: Conversion, alterations and extension to existing building to
provide 22 No. residential units and the construction of 2
No. new dwellings houses along with ancillary access,
parking, landscaping and other associated development.
LOCATION: Foley House, 115 High Garrett, Braintree, Essex, CM7 5NU

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSRQAHBF&GVZ00>

SITE HISTORY

84/00708/P	Change of use by conversion and extension of stables to one residential unit including granny annexe	Granted	10.07.84
84/01395/P	Conversion and extension to existing stables to form single dwelling unit (The Stables)	Granted	13.12.84
87/00297/P	Installation of passenger lift to existing building	Granted	20.03.87
81/00924/	Proposed conversion of former children's home to 12 to 15 bedroom hotel.	Granted	25.08.81
81/01165/	Proposed entrance porch to hotel.	Granted	09.10.81
85/00889/	Change of use from hotel to residential home for deaf and dumb women.	Granted	21.08.85
93/01108/FUL	Erection of single storey extension to form additional bedrooms, bathroom and craft room and first floor extensions to improve facilities	Granted	25.10.93
19/00603/FUL	The conversion of the existing building to provide 21 no. residential units and the construction of 6 no. new dwelling houses along with ancillary access, parking, landscaping and other associated development.	Application Returned	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August

2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP24	Subdivision of Dwellings
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

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 at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

The application site contains a locally listed building known as Foley House. The large three storey property is located on the north western side of High Garrett, close to the junction of the A131 and the A1017.

The north eastern portion of the site contains two protected trees and a protected group of trees. To the north of Foley House are a group of buildings that originally would have been ancillary buildings when the building was occupied as a single dwelling. These buildings have been converted into a number of dwellings.

The site lies within the countryside adjacent to a town boundary envelope.

PROPOSAL

The application seeks full planning permission for the conversion, alteration and extension of Foley House into 22 market flats and the construction of 2 new residential units. The application also includes ancillary access, parking, landscaping and other associated development, including new boundary treatments, refuse store and cycle store.

The flats are a mix of 1 and 2 beds and the two new dwelling houses have one bedroom each.

The submitted block plan shows to the north east of Foley House there would be communal amenity space, 5 visitor parking spaces and a cycle store. These would be served by an existing vehicular access close to the existing traffic lights. To the south of Foley House would be the two new build dwellings, refuse storage and 30 car parking spaces and these would be accessed via the main vehicular access that also serves a number of other existing residential dwellings.

The application originally proposed the conversion and alterations to the existing building to provide 21no. residential units and the construction of 6no. dwelling houses along with ancillary access, parking, landscaping and other associated development. The proposed 'L' shaped block of 6 new dwellings to the south of Foley House were removed during the life of the application and replaced by two new one bedroom dwellings. The number of units proposed within Foley House has also increased from 21 to 22.

CONSULTATIONS

ECC SUDS

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, the Lead Local Flood Authority have objected to the granting of planning permission as the submitted details have not been updated to reflect the amendments to the scheme.

ECC Highways

The impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission of a construction management plan, widening of the existing southern site access (currently 4.2m wide) adjoining

the shared access road to the site and Foley Paddocks to 5m, residential travel information packs for each new property, and improvements to a pair of bus stops including new pole, flag and timetable case.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

BDC Environmental Health

No objection and suggests conditions regarding hours of work, no burning on the site and the submission of a dust and mud control management scheme.

BDC Waste Services

Verbal confirmation that the siting of the refuse bins is acceptable.

BDC Landscape Services

Objection in relation to the proposed landscaping and impact on the protected trees.

Historic Buildings Consultant

A viable scheme that respects the character of the building and its architectural features is distinctly possible at this site and an appropriate scheme could result in a positive contribution to the local character. Yet, the revised scheme still fails to conserve the building in a manner appropriate to its significance, contrary to Paragraph 184 of the NPPF. The scheme has not resolved the fundamental issue of the overly intensive use, which is not consistent with the buildings conservation. The revised scheme cannot be considered to make a positive contribution to local character and distinctiveness, but instead it dilutes the positive character and distinctiveness of a local heritage asset and is therefore in breach of Paragraph 192a and 192c. The impact of the scheme constitutes a high level of harm directly affecting a non-designated heritage asset. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset, should be taken into account and that a balanced judgement will be required with regard to the scale of harm and the significance of the heritage asset.

Essex Police

Care will need to be taken to ensure that any planting are of varieties that will not obscure the natural surveillance over the parking areas, as with all flats consideration will need to be given to the manner of postal deliveries, access and visitor control to ensure that these do not provide opportunities for crime. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request an informative to be added to any granted of planning permission. The foul drainage from this development is in the catchment of Bocking Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable.

BDC Housing Research and Development

Satisfied as a result of revisions to the application that if vacant buildings credit is given weight it would extinguish any requirement for an affordable housing contribution.

NHS

Financial contribution of £9,200 requested to go towards the refurbishment of the first floor of the Church Lane Surgery.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where

it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

ECC Archaeology

Foley House was constructed c.1885, one of many buildings in the area commissioned by the Courtauld family. It is a locally listed building, originally known as Folly House and was a prominent large house located within its own grounds along High Garrett. The building is likely to retain original fixtures and fittings that may be impacted upon by the conversion and which should be recorded prior to any conversion or alterations.

The plot in which the house sits lies along a postulated Roman road from Braintree to Sudbury and there is the potential for remains associated with roadside activity or remains of the road and roadside ditch that may be impacted upon by the proposed new houses.

The following recommendation is made in line with Department for Communities and Local Government National Planning Policy Framework.

Recommendation: Historic building recording and Archaeological evaluation conditions are imposed.

ECC Education

No contributions sought.

BDC Building Control

No comments received.

Environment Agency

No comments received.

REPRESENTATIONS

14 representations received making the following comments:

Comments related to original proposals:

- Loss of privacy due to the introduction of new build dwellings
- Insufficient car parking
- High density occupancy design leaves little space for parking and open recreational space

- Introduction of new dwellings would negative impact on the enjoyment and value of nearby properties.
- New dwellings in the countryside does not comply with Policy CS5 and RLP2
- Change in character with addition of 6 dwellings and buffer land
- Increased road traffic due to unsustainable location
- Noise and disturbance for residents from construction work
- Noise and light pollution from 27 new dwellings
- Use of access near traffic light junction is not safe
- Concern regarding loss of trees from the site which act as a buffer
- Support the sympathetic conversion of Foley House
- Overdevelopment of the site
- Urbanisation of a rural setting
- Request for formal protection for the trees
- Loss of internal historic architecture
- The main vehicular entrance to Foley House has always been to the south of the site and not close to the traffic lights.
- The site is not located in a built up area.
- Foley House has never been used as a residential property
- Proposed extensions are not architecturally appropriate
- Proposed density does not align with nearby development
- Insufficient amenity space for the new dwellings
- The proposed layout ignores the character of the area
- Open areas will be become unkempt
- Extra traffic movements will disrupt vehicle movements along High Garrett
- Concerns about the proposed landscaping
- The harm by the proposals would outweigh the benefits set out in the planning statement

Comments related to the revised proposals:

- Insufficient visitor parking
- Loss of trees to accommodate visitor parking
- Conversion of building is too intensive and more suitable for an urban development
- Residents will be over reliant on private cars to access any amenities, making the development unsustainable in planning terms
- The A131 is a strategic route and intensification of an existing access is prohibited, this should be confirmed in the response from Essex Highways
- Disagree with the response received from ECC Highways
- Concerns that the extra traffic from the site would result in extra pollution.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is 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 town boundary and as such is located on land identified as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

The application site is not proposed for allocation for development in the Draft Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

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 the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, the Braintree District 5 year supply position for 2018-2033 has been recalculated to take into account the application of a 20% buffer to the target.

Taking into account the Council's identified supply, as detailed in the Addendum to the Monitoring Report published on 6th August 2019, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 4.51 years supply. Consequently, the Council

acknowledges that it does not currently have a deliverable 5 year supply of land for housing.

The Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position. The Council's supply position has had regard to the decisions received 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 of all other sites.

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

The Council is currently gathering evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers. That will be published as soon as possible to provide a rolled forward position statement.

However, the lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

SITE ASSESSMENT

Principle of Converting Foley House to Residential Flats

Foley House lies in the countryside beyond the town boundary of Braintree. Whilst the Council has a planning policy for the conversion of rural buildings, it is considered that this relates more to farm diversification and therefore in this case it is not considered to be applicable.

Officers recognise that the conversion of the building into flats has some merit in terms of sustainability. Furthermore it should be noted that during its life the building has always been in some form of residential use, either as a single dwelling or care home.

In addition Members are advised that the re-use and conversion of the building would ensure the longevity of a local listed building.

Officers considered the principle of converting the building into residential flats acceptable.

Design, Layout and Appearance

The NPPF states that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP10 and RLP90 of the Adopted Local Plan seek to protect the existing character of the settlement and the street scene. Policy RLP9 of the Adopted Local Plan states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 of the Adopted Local Plan specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development. Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

It is the view of Officers that the new dormers on the front/northern elevation are poorly related to the existing ones and it currently appears that the new dormers have a different rhythm and spacing of black timber framing which is incongruous to that used as the existing decoration.

On the rear/southern elevation, the introduction of the large dormer is incongruous with the roofscape and introduces a too large object in a poor attempt at symmetry. Whilst one poorly scaled, overly large dormer already exists, adding a further overly large dormer would result in a roofscape that is overly dominant and poorly composed.

There are some poor quality windows being retained where replacements would allow a more authentic and sympathetic refurbishment. The retention of poor detail is symptomatic of this poor quality refurbishment, which fails to comply with Policies RLP9, RLP10 and RLP90 of the Adopted Local Plan and the NPPF.

Policy RLP24 of the Adopted Local Plan relates to the subdivision of dwellings and whilst the most recent use of the building was a care home and not a single dwelling, it is considered appropriate as it sets out criteria to ensure that any residential conversion does not have a detrimental effect on neighbouring properties and the locality. The criteria is:

- The provision of car parking, amenity, garden space and facilities for refuse storage in accordance with the Council's standards;
- The likely impact on the immediate neighbourhood including the cumulative effect of the subdivision of dwellings;
- The adequacy of the internal accommodation relative to the intensity of occupation envisaged. Proposals which do not meet these criteria will not be permitted.

Officers therefore consider it appropriate to assess the proposed residential conversion taking account of the above criteria. Policy RLP90 states that the Council seeks a high standard of layout and design in all developments in the District. The policy contains a number of criteria to ensure appropriate development, and the most applicable to this scheme is:

- Designs and layout shall promote a safe and secure environment, crime reduction and prevention and shall encourage the unrelated objective of enhancing personal safety.

A similar sentiment is found in Policy LPP55 of the Draft Local Plan.

Whilst Officers raise no objection to the principle of converting Foley House into residential flats, the current proposals as submitted raise a number of issues regarding the adequacy of the internal space afforded to each flat and the size and quality of the outdoor amenity space. Issues regarding the heritage impact of the proposals are dealt with in a separate section below.

The revised proposals would create 22no. flats within Foley House and many of the flats would have floor areas that do not meet the minimum standards within the Nationally Described Space Standards. Whilst these Standards are not currently adopted by the Council, they serve as an illustration of the smallest spaces recommended in order to achieve a sufficient level of amenity within a new residential unit. Furthermore the dominance of single aspect flats does not provide an adequate level of internal amenity and one flat (No.3) proposes a bedroom within the basement which provides a poor level of amenity in respect of natural light in particular.

The proposed floor plans indicate that a number of the flats would contain bedrooms that have an extremely poor outlook, in particular the windows serving the bedrooms of Flats 5, 6 and 10 would overlook a narrow walkway/patio that would serve Flat 10. These windows would have a limited outlook and would be served by an inadequate light level due to the scale of Foley House. A bedroom within Flat 6 would have a window that would overlook an access pathway for Flat 10 and the boundary with the properties to the north-west, and again this would be a poor outlook.

The proposed stair cores and internal corridors lack fenestration and natural light. It is considered that these spaces would be dark and inhospitable and dependent on artificial light at all times.

The Essex Design Guide indicates that a minimum garden space of 50sq.m should be provided for one and two bedroom properties. The block plan indicates private garden spaces for the ground floor flats and separate communal garden area. Some of these gardens are significantly below this figure and the privacy of some these spaces are compromised by the position of ground floor windows that serve other flats. The windows serving Flat 4 would directly overlook the garden of Flat 5 and the windows of Flats 5 and 6 would overlook the patio area serving Flat 10. Furthermore the relationship between Flat 7 and 8 is unclear. The submitted ground floor plan indicates that three windows serving Flat 7 would overlook the private garden for Flat 8, however the block plan indicates that a boundary structure would dissect the double doors serving the living area for Flat 8 and would run in front of the three windows serving Flat 7. Should this be the case, whilst the boundary treatment would go some way in protecting the amenity space of Flat 8, the outlook for the three windows in Flat 7 would be extremely poor and unacceptable. The private garden spaces serving the new residential units 23 and 24 would be compromised as they would be overlooked by windows in Flats 17 and 22 which are on the first and second floors which would result in a poor level of amenity for future occupiers.

The Adopted Parking Standards require a minimum of 1 off street car parking space for a dwelling with one bedroom and 2 parking spaces for a dwelling with two or more bedrooms. The standards also require 1 visitor space per 4 dwellings.

The proposal includes 16 one bedroom flats, 6 two bedroom flats and 2 one bedroom dwellings which creates the requirement for a minimum of 30 parking spaces and 6 visitor spaces. 30 parking spaces are shown to the south of Foley House and would serve the flats, and 5 visitor spaces to the north of Foley House, which one space below the minimum requirement.

Officers have concerns regarding the siting of the visitor spaces as the block plan indicates that there would be no direct access from Foley House. Visitors would be required to park to the north of Foley House, walk along the A131 and through the main car park to access the main pedestrian entrance for the flats and therefore Officers are concerned that the larger car park may

become congested which would force cars to park along the access way to the south of Foley House which could restrict access for residents in the existing properties to the rear of Foley House.

The proposed block plan indicates an unsympathetic parking layout which lacks the appropriate level of landscaping. Furthermore as a number of private gardens adjoin the parking area, the scheme does not provide any details of the boundary treatment that would mitigate against the anti-social impacts of the vehicle movements, particularly in relation to Flats 1, 7, 8, 9, 23 and 24.

To conclude, Officers consider that the proposal is unacceptable and would result in a number of flats having a poor level of both internal accommodation and outside space. The privacy of many of these outdoor spaces would be comprised by overlooking from other proposed flats. Furthermore the proposed visitor parking is both insufficient and in an unacceptable location which is likely to give rise to overspill parking along the existing access road. The proposal fails to comply with Policies RLP24, RLP56 and RLP90 of the Adopted Local Plan, Policies LPP45 and LPP55 of the Draft Local Plan, the NPPF, and the Essex Design Guide 2005.

Impact on Non-Designated Heritage Asset

Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of the new development making a positive contribution to local character and distinctive.

Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy RLP100 of the Adopted Local Plan relates to alterations and extensions and changes of use to listed buildings, and their settings. This policy does not make a specific reference to local listed buildings or non-designated heritage assets.

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 and the protection and enhancement of the historic environment in order to promote the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment, and can contribute to the delivery of sustainable development and regeneration.

Policy LPP60 of the Draft Local Plan relates to the development of internal, or external alterations, or extensions, to a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will be permitted when a number of criteria are met.

Foley House is a detached house built in 1885 under the patronage of Sarah Ann Cawston. For the purposes of planning, the property is a Non-Designated Heritage Asset which has been included within Braintree District Council's Adopted Local List.

The revised scheme does not fully address the concerns raised by the Council's Historic Buildings Consultant, in particular with regard to the scope of alterations and the lack of sympathy in the approach to surviving architectural features for example. The treatment of the grand staircase and the loss of its window have not been addressed. This is a significant heritage feature and its loss would have a detrimental impact upon the significance of the building. The scheme fails to recognise its value and the benefit that its retention within the main staircase area would bring to the reuse of the building.

It is understood from the Heritage Statement that the fabric of the rear dining room/conservatory area is modern, though it replicates a historic feature that is shown in the mapping of 1897. The removal of this feature is still included in the revised scheme and its replacement with an extension and new entrance is shown in Drawing PA-377-09-B. The proposed extension and new entrance in the rear elevation is considered to fail to respect the architectural language of the host building.

The revised scheme fails to conserve the building in a manner appropriate to its significance, contrary to Paragraph 184 of the NPPF. The scheme has not resolved the fundamental issue of the overly intensive use, which is not consistent with the building's conservation. The revised scheme cannot be considered to make a positive contribution to local character and distinctiveness, but instead it dilutes the positive character and distinctiveness of a local heritage asset and is therefore in breach of Paragraph 192a and 192c of the NPPF. The impact of the scheme constitutes a high level of harm directly affecting a non-designated heritage asset. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset, should be taken into account and that a balanced

judgement will be required with regard to the scale of harm and the significance of the heritage asset.

With regards to the National Planning Policy Framework (2019), the level of harm is considered less than substantial. Officers acknowledge that there are some public benefits linked to the proposal, however it is considered that these benefits would not outweigh the harm to the heritage assets as outlined above.

It is considered that the proposed development would result in conflict with Policy CS9 of the Adopted Core Strategy, Policy LPP56 of the Draft Local Plan and the NPPF.

Principle of New Build Dwellings

The two new units are proposed on land that is located outside the development boundary of Braintree in the countryside where Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy and Policy LPP1 of the Draft Local Plan apply.

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

Paragraph 79 of the NPPF advises that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated new homes.

The application site is located close to a number of other dwellings, and to the north east, south east and south west of the site is sporadic housing development. Whilst this cluster of dwellings does not constitute a settlement or village, it does mean that the new dwellings would not be isolated in the context of the Court of Appeal decision for housing at Blackmore End.

Policy CS7 of the Adopted Core Strategy states that "future development will be provided in accessible locations to reduce the need to travel". With regards to the site's connectivity to services the site is not within reasonable walking distance (nor is there footpath connections) to any local amenities or employment and thus residents would be reliant on travel by private car. For this reason the proposed development would be functionally remote in the countryside and would conflict with the social and environmental roles of achieving sustainable development. The proposal would undermine the aims of the NPPF to locate new housing in rural areas close to services and

facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by car.

The application site lies in the countryside, close to a development boundary for properties in High Garrett. Despite this location, it is considered that the site is poorly related to the centre of Braintree or Bocking where services and facilities could be found. It is accepted that there is a reasonable bus service however future residents will be predominantly reliant upon travel by car for most of their everyday needs, given the significant walking distances between the site and central Braintree and Bocking.

The NPPF requires planning to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Policy CS5 of the Adopted Core Strategy states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The site is located beyond the settlement boundary Braintree and is therefore within the countryside. Development is sporadic along the western side of High Garrett highlighting the role performed by the settlement boundaries in protecting the amenity of the countryside. The settlement boundary policies are performing an important function in this location to direct development away from the countryside.

Whilst the two new dwellings would be sited amongst existing buildings, the introduction of the new buildings would conflict with Policy CS5 of the Adopted Core Strategy and the NPPF.

Heritage Impact of New Dwellings

With regard to the new dwellings, the revised scheme shows a reduction in their number, massing and footprint, which would help to reduce their visual impact on the setting of the house. However, changes have been made to their design and materials, resulting in an inappropriately utilitarian and uninteresting appearance, which fails to respond to the setting of the house and the context of their location in conflict with Paragraph 192 of the NPPF, Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset, should be taken into account and that a balanced judgement will be required with regard to the scale of harm and the significance of the heritage asset.

With regards to the National Planning Policy Framework (2019), the level of harm is considered less than substantial. Officers acknowledge that there are some public benefits linked to the proposal, however it is considered that these benefits would not outweigh the harm to the heritage assets as outlined above.

It is considered that the proposed development would result in conflict with Policy CS9 of the Adopted Core Strategy, Policies LPP56 of the Draft Local Plan and the NPPF.

Impact on Protected Trees

Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other matters, protecting sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan. This is reflected in Policy CS9 of the Adopted Core Strategy.

Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Draft Local Plan both set out that the Council will protect established trees of local amenity value.

The site area contains several prominent mature trees, especially along the north boundary. It is suspected that these trees were part of the existing woodland located on the opposite side of the road, given their size and species. They are a landmark on that junction and make a significant contribution to the local character as they provide an important screen to Foley House to and from neighbouring properties. The most prominent trees located along the north east boundary are now protected by TPO 17/2019.

The submitted plans have no regard to the retention of the protected trees nor the other trees of interest plan and it is clear that the existing tree stock has not informed the design of the development, for example, a cycle store is proposed where there is a group of trees that is now protected by the above mentioned TPO. Furthermore insufficient information regarding the retention of the protected trees has been submitted and the proposal results in an unacceptable impact on protected trees in conflict with Policy RLP81 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP69 of the Draft Local Plan.

Ecology Impact

Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Draft Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft Local Plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

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

Following the submission of additional survey information, the Council's Ecologist is satisfied that subject to the imposition of conditions regarding securing biodiversity mitigation and enhancement measures.

Surface Water Drainage

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Surface Water Management Strategy Note has been submitted with the application and was based on the original submission.

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, the Lead Local Flood Authority have objected to the granting of planning permission as the submitted details have not been updated to reflect the amendments to the scheme.

It is therefore considered that the application fails to comply with Policy CS8 of the Adopted Core Strategy, Policies RLP67 and RLP69 of the Adopted Local Plan and Policies LLP78 and LPP80 of the Draft Local Plan.

Impact on Neighbour Amenities

The NPPF requires a good standard of amenities for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

A number of representations received raised concerns regarding the loss of privacy to the existing dwellings to the north east of Foley House. It is proposed that the north elevation of Foley House would contain four windows above ground level that would serve habitable rooms. These windows would overlook the private driveway that serves the dwellings located to the north of Foley House. The closest dwelling is located approximately 25m from the side elevation. Whilst these windows would be visible from these neighbouring properties as they would overlook a driveway, it is considered that the relationship between the two is acceptable as a driveway is not private space and is used by a number of nearby properties and therefore complies with the policies outlined above.

Highway Issues

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

With the National Planning Policy Framework in mind, particularly Paragraph 109, the Highway Authority has reviewed the planning application and supporting Transport Assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

The site is served by 2 vehicular accesses. The main access is located to the south of Foley House and was the main access that served the site when it operated as a care home. This access would serve the main car park which contains 30 parking spaces. The secondary vehicular access closest to the traffic light junction on High Garrett would serve 5 visitor parking spaces.

The Highways Authority has assessed the revised details for the proposals and is satisfied that the access arrangements for the new residential units is acceptable.

Affordable Housing

Policy CS2 of the Adopted Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision on sites in rural areas.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development.

Foley House ceased being used a care home in December 2016 and has been vacant ever since. Officers are content that as the conversion of the building would bring it back into use, vacant building credit can be applied to this application.

In this case whilst additional floor space is proposed within the proposal, this does not exceed the level of floor space to be demolished and therefore it would extinguish any requirement for an affordable housing contribution.

Habitat Regulations Assessment (HRA / RAMS)

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

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

The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Given the scale of the development, the developer would be required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£122.30 per dwelling) for delivery prior to occupation. These matters would be secured via a Section 106 legal agreement.

PLANNING OBLIGATIONS

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in

planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

Healthcare – Financial contribution of £9,200 is sought to go towards the refurbishment of the first floor of the Church Lane Surgery.

Open Space – Policy CS10 of the Adopted Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for amenity green space.

A financial contribution of £27,953.04 would be sought for outdoor sport, informal open space, outdoor equipped playgrounds and allotments. There is also a requirement to secure the on-going maintenance of amenity green spaces provided on site. These aspects could be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects.

No such agreement is in place at the present time and therefore the development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies CS10 and CS11 of the Adopted Core Strategy, Policy RLP138 of the Adopted Local Plan and Policy LLP82 of the Draft Local Plan.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the

development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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).

It is considered that the development of the site, would lead to some social and economic benefits as the proposal would deliver a number of additional market dwellings, which would contribute to the Council's housing land supply and increased economic benefits during the construction/conversion period.

However as indicated earlier in this report, the proposal as submitted is unacceptable in a number of areas and would result in a number of environmental harms, including a number of flats having a poor level of both internal accommodation and outside space. The privacy of many of these outdoor spaces would be comprised by overlooking from other proposed flats. Furthermore the proposed visitor parking is both insufficient and in an unacceptable location which is likely to give rise to overspill parking along the existing access road.

Further harm would be caused by the construction of the two new build dwellings in the countryside beyond the town boundary of Braintree, as the site is disconnected from the town, and as such there would be a reliability on travel by car, whilst also conflicting with Policy CS5 of the Adopted Core Strategy by way of introducing development into the countryside.

Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balance judgement will be

required to the scale of any harm or loss and the significance of the heritage asset. In this case Officers conclude that the scheme constitutes a high level of harm directly affecting a non-designated heritage asset, which would not be outweighed by the benefits of the application. Although this matter does not disengage the 'titled balance' (given the heritage asset is non-designated), it nonetheless weighs against the proposal.

Additionally insufficient surface drainage and tree protection information has been submitted in support of the proposal.

The increase in population that the development would inevitably result in increased pressure on existing services and facilities within Braintree. It is however acknowledged that these pressures could be duly mitigated through a Section 106 Agreement to address the various heads of terms identified within this report. The applicant has not however agreed to the mitigation measures identified within the report.

When considering the planning balance and having regard to benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is refused for the proposed development.

RECOMMENDATION

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

- 1 The site is located in the countryside outside of the defined village envelope as identified in the Adopted Local Plan Review and Adopted Core Strategy. The site is divorced from a village/town with facilities and amenities beyond reasonable and safe walking distance of the site and development of the two new build houses in this location would undoubtedly place reliance upon travel by car. Furthermore that proposal would introduce new built form into the countryside that results in direct conflict with the settlement boundary policies, the role of which is to direct development away from the countryside.

Cumulatively the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies RLP2 and RLP80 of the Adopted Local Plan, Policy CS5, CS7 and CS8 of the Adopted Core Strategy and Policies LPP1 and LPP71 of the Draft Local Plan.

- 2 The scheme fails to conserve the building in a manner appropriate to its significance, contrary to Paragraph 184 of the NPPF. The scheme results in an overly intensive use, which is not consistent with the building's conservation. The scheme does not make a positive contribution to local character and distinctiveness, but instead it dilutes the positive character and distinctiveness of a local heritage asset and is therefore in breach of Paragraph 192a and 192c of the NPPF. The impact of the scheme constitutes a high level of harm directly affecting a non-designated heritage asset. Whilst there are some public benefits linked to the proposal, these benefits would not outweigh the harm to the non-designated heritage assets. The proposals are therefore contrary to the NPPF, Policy CS9 of the Adopted Core Strategy and Policies LPP56 of the Draft Local Plan.
- 3 The proposals to convert Foley House, due to the poorly considered design and layout, is unacceptable and would result in a poor level of amenity for future occupiers. Furthermore the proposed visitor parking is both insufficient and in an unacceptable location which is likely to give rise to overspill parking along the existing access road. The proposal fails to comply with Policies RLP24, RLP56 and RLP90 of the Adopted Local Plan, Policy LPP55 of the Draft Local Plan and the NPPF.
- 4 Insufficient information has been submitted with regards a sustainable urban drainage system, such it cannot be ascertained whether a suitable system can be achieved. The proposal is therefore considered contrary to the NPPF, Policies RLP78 and RLP80 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy.
- 5 The proposed development does not take account of the protected trees on site with the proposal imposed upon them rather than the trees informing the design of the site. Furthermore insufficient information has been provided regarding the retention of protected trees. The proposal as currently proposed results in an unacceptable impact on protected trees contrary to the NPPF, Policy RLP81 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP69 of the Draft Local Plan.
- 6 The proposed development would trigger the requirement for:
 - A financial contribution towards primary health services;
 - A financial contribution towards the provision, maintenance and delivery of informal open space, outdoor sports, outdoor equipped playgrounds and allotments;
 - Provision and maintenance of onsite amenity green space

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 CS10 and CS11 of the Core Strategy and the Open Space Supplementary Planning Document (SPD).

SUBMITTED PLANS

Location Plan	Plan Ref: PA-377-18	Version: A
Topographical Survey	Plan Ref: LS5489/1	
Other		
Block Plan	Plan Ref: PA-377-22	
Proposed Ground Floor Plan	Plan Ref: PA-377-01	Version: B
Proposed 1st Floor Plan	Plan Ref: PA-377-02	Version: B
Proposed 2nd Floor Plan	Plan Ref: PA-377-03	Version: B
Block Plan	Plan Ref: PA-377-04	Version: A
Proposed Roof Plan	Plan Ref: PA-377-08	Version: B
Proposed Elevations and Plans	Plan Ref: PA-377-09	Version: B
Proposed Elevations and Plans	Plan Ref: PA-377-10	Version: B
Proposed Plans	Plan Ref: PA-377-20	
Outline Footprints	Plan Ref: PA-377-21	

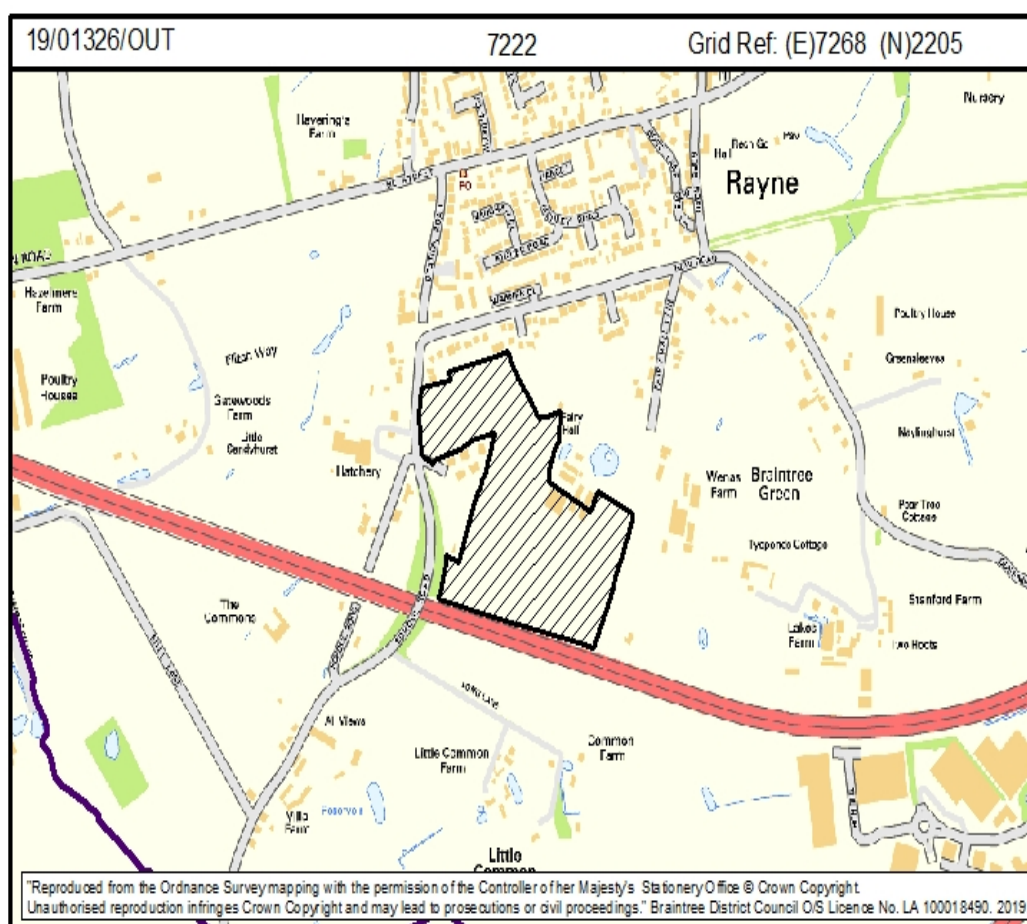
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 19/01326/OUT
 DATE VALID: 24.07.19
 APPLICANT: C/o Turley
 AGENT: Ms Nichola Traverse-Healy
 8 Quay Court, Colliers Lane, Stow-cum-Quay, CB25 9AU
 DESCRIPTION: Outline application for residential development of up to 150 dwellings including affordable homes, with areas of landscaping and public open space, including point of access off School Road and associated infrastructure works.
 LOCATION: Land Off, School Road, Rayne, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PV52DMBFHME00>

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP5	Affordable Housing in New Developments
RLP6	Affordable Housing in Rural Areas
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways

RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP63	Air Quality
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
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
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP60	Heritage Assets and their Settings
LPP82	Infrastructure Delivery and Impact Mitigation

Rayne Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

Open Space Supplementary Planning Document

Open Spaces Action Plan

Landscape Character Assessment (2006)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is subject to an appeal against non-determination. The 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, to ascertain what the decision of the Council would have been were it to have been determined.

SITE DESCRIPTION

The site is approximately 9.17 hectares in area, sited on the southern edge of the village of Rayne. The northern boundary meets with the rear gardens of residential properties fronting New Road; the western boundary is with School Lane (and the 5 residential dwellings in School Road); the southern boundary is the A120; whilst the eastern boundary is with the Listed Fairy Hall and Fairy Hall Lane.

The site is currently within agricultural use and is open in character. There is some established planting to the boundaries. A public right of way dissects the site east to west linking School Road to Fairy Hall Lane.

The site lies outside of the Conservation Area. There are 2 listed structures within close proximity, located at Fairy Hall to the east of the site.

PROPOSAL

The application is in outline form with all matters reserved except for access. The proposal seeks permission for residential development for up to 150 dwellings, including affordable homes, with areas of landscaping and public open space, including point of access off School Road and associated infrastructure works.

The application represents a departure from the Development Plan and has been advertised accordingly.

The proposed development does fall within the threshold outlined in category 10 (b) Schedule 2 of the Environmental Impact Assessment Regulations: Urban Development Projects and has been subject of a request for a Screening Opinion Request (Regulation 6) under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (LPA reference 19/00004/SCR), to determine whether or not the proposed development should be accompanied by an Environmental Impact Assessment (EIA). Officers have undertaken this screening and having regard to the scale, nature and location of the development, determined that an Environmental Impact Assessment is not required.

CONSULTATIONS

ECC Highways

Do not object to the application. Recommends conditions to secure: - a construction traffic management plan; visibility splays; improvements to Fairy Hall Lane at and/or in the vicinity of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development); and residential travel information packs.

ECC Education

Comment that based on a development of 150 'qualifying' dwellings, in regards to Early Years and Childcare, they seek a financial contribution of £235,197 to mitigate its impact. In terms of primary education £687,645 is sought to mitigate its impact. In regards to secondary education, a contribution of £696,420 will be required in order to fund required infrastructure.

ECC Local Lead Flood Authority

No objection subject to conditions for a detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction, a maintenance plan, and yearly logs of maintenance.

ECC Archaeological Advisor

A Desk Based Assessment has been submitted with the application which identifies the potential for the presence of Roman archaeological remains. A condition is therefore recommended to provide for archaeological evaluation and historic building recording.

ECC Ecology

Comment that the Ecological Impact Assessment provides certainty for the LPA of the likely impacts on designated sites, protected and priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. This includes submitting for a Natural England European Protected Species Mitigation Licence, as roosting bats were determined to be present at the site. In addition, the site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Special Protection Area/Ramsar site and the Essex Estuaries Special Area of Conservation. Therefore, on-site and off-site visitor management measures are required to offset increased recreational impacts.

BDC Landscape

Comment that the indicative layout will bring the number of units in proximity to the most prominent tree group on the north east boundary of the site. There should be sufficient distance for these trees to flourish as an independent landscape feature and sustained in their role as a partial screen/visual break between this development and the existing housing on New Road. In terms of arboriculture and landscape proposals, the main concerns at the outline stage is the requirements for site access and clarity over hedgerow/tree removal to achieve highway specification for a suitable visibility splay to School Road. It is considered that the requirements will change the character of the road between School Road and the new access. A further section of hedgerow will also need to be removed from the southeast corner of the site to facilitate footpath access.

BDC Waste

Seek assurance that the main road through the development will be built to a standard similar to adopted highway. Any block of flats will need bin stores close to the main access road and be large enough to accommodate the recommended number of bins.

NHS

Comment that the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 360 residents and subsequently increase demand upon existing constrained services. Seek a financial contribution of £56,787 towards the delivery of a new purpose built

health facility or extension and improvement to existing healthcare facilities for the benefit of the patients of the Great Notley Surgery.

Historic Building Consultant

The location of the proposed development will have no impact upon the significance of the Conservation Area or Rayne Railway Station as both heritage assets are located at some distance from the site, separated by development. Fairy Hall, its associated outbuildings and setting will be harmed by the proposals - the level of harm is 'less than substantial'. The green buffer surrounding Fairy Hall will be insufficient at mitigating the harm to the building's setting and significance. A substantial reduction in the number of proposed dwellings is recommended to mitigate the potential harm to the listed building.

Anglian Water

Comments that in terms of wastewater treatment and the foul sewerage network there is capacity for these flows. In terms of surface water disposal, comment that the preferred method of surface water disposal would be to a sustainable drainage system.

Natural England

No objection subject to appropriate mitigation being secured. Are satisfied that the mitigation described in the Appropriate Assessment is in line with their strategic-level advice. The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance. Advise that an appropriate planning condition or obligation be attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate legal agreement.

Essex Police Liaison Officer

Comment with no apparent concerns with the layout however, require finer details such as the proposed lighting, boundary treatments and physical security measures.

PARISH / TOWN COUNCIL

Rayne Parish Council

Rayne Parish Council object on the following grounds:

- The site is outside the village envelope;
- Is a speculative development and the land was rejected in the Call for Sites and therefore not part of Braintree Council's emerging Local Plan (section 2);

- Flood risk and concern that surface water drainage is not adequately addressed;
- Impact on utilities with existing frequent power loss - fibre network is at breaking point;
- Unsustainable in terms of local facilities, including school places, health services, public transport;
- Trees removed prior to the submission of the application;
- Impact on ecology, noting bats will be displaced from the site;
- Impact on Highways:-
 - School Road is a rural lane, which is well used by both equestrians and cyclists. Construction and occupancy of the site would create an unacceptable conflict with local road users.
 - Impact on Queenborough Lane and Gore Road bridge. Narrow country lanes with pinch points, not designed to take two cars abreast. Minor collisions/near misses happen daily.

Felsted Parish Council

Felsted Parish Council object, and provide the following comments:

- The site has been rejected by BDC in the emerging Local Plan Call for Sites process. Is unsustainable;
- BDC can demonstrate a 5 year land supply. Urge BDC to follow a firm stance to prevent speculative, opportunist developers;
- Transport Assessment does not adequately address routing for construction vehicles and residents. Further does not address safety of pedestrians and horse riders;
- Conflicts with Policies in the Uttlesford Local Plan that that restrict development south of the Flitch Way;
- Will be against guidelines for Stansted airport flightpaths over a populated area.
- Should BDC be minded to approve this application, then seek conditions relating to construction traffic management and hours of working.

REPRESENTATIONS

The application was advertised by way of site notices, newspaper notice and neighbour notification. 48 letters of objection have been received from nearby residents, raising the following comments:-

- Scale of development is out of proportion;
- Outside of the settlement boundary;
- Site was rejected in the Call for Sites exercise;
- School, nearest doctors and other services already at capacity;
- Lack of shopping and employment facilities and poor broadband in the village;
- Impact to neighbours outlook, with overlooking and poor air quality and noise pollution during construction;

- Impact to trees on and adjacent to site - 1 old oak tree already removed;
- Impact on flora, fauna and protected species including bats and owls;
- Site is prone to flooding;
- Harm to the countryside and rural setting of the village;
- Detrimental to the highway efficiency of movement, capacity and safety;
- Question if extra local infrastructure is planned;
- Noise and pollution of site adjacent to major highway;
- Loss of good quality agricultural land;
- Harm to Grade II Listed building and pump house.

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 outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

The application site is not proposed for allocation for development in the emerging Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular 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 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.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, the Braintree District 5 year supply position for 2018-2033 has been recalculated to take into account the application of a 20% buffer to the target.

Taking into account the Council's identified supply, as detailed in the Addendum to the Monitoring Report published on 6th August 2019, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 4.51 years supply. Consequently, the Council acknowledges that it does not currently have a deliverable 5 year supply of land for housing.

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

The Council is currently gathering evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of new sites, and information from developers. That will be published as soon as possible to provide a rolled forward position statement.

However, the lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply'.

Policy CS5 of the Adopted Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'.

Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change. This will include requiring that future development be provided in accessible locations to reduce the need to travel and that sustainable transport links will be improved, including provision of and contributions for cycling and walking and quality bus partnership.

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

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

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

The development will undoubtedly bring both social and economic benefits with the provision of housing and also affordable housing (40% affordable housing equating in up to 60 dwellings). In addition the development would provide benefits during the construction stage and thereafter with additional

residents supporting the services and facilities, although the Council would consider that this benefit would be spread across the surrounding area as there are limited services and facilities in the village of Rayne. These factors weigh in favour of the proposal in the planning balance.

In terms of environmental sustainability, the development would retain many existing trees and hedges, save where required to create the main access from School Road and the associated required sight lines. The removal of a significant section of the hawthorn hedging to School Road, although of variable quality and with some gaps, would result in a harmful change to the School Road street scene (albeit a replacement hedge is proposed as shown on the masterplan). A further section of hedgerow of approximately 5metres is shown to be removed from the southeast corner of the site to facilitate the footpath access. The extent of the removal would seem excessive considering the width of the footpath to facilitate the proposed development. Balancing against the loss of hedgerows, is the provision of public open space and general amenity green space between the developable area and the A120 which would could provide for environmental improvements and allow the SuDS ponds to be provided.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Rayne is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Draft Local Plan classes the village as 'second tier'. These are villages which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of 'Key Service Villages'. Development of a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Rayne has limited services and facilities which can help meet future resident's day to day requirements. Amenities and facilities includes a primary school, 3 public

houses/restaurants, village shop, Church, Village Hall, recreational ground and some limited employment opportunities.

Rayne is served by 1 public bus - the No.133 which runs daily from Stansted Airport to Braintree Town Centre on an hourly basis until around 7:00PM, thereafter there are 2 buses at 9PM and 11PM. Return busses run hourly from Braintree until around 7PM, where thereafter there are 2 return buses at 9:15PM and 11:15PM. Although the No.133 provides some opportunities for persons to travel into Braintree and then access train services, or to Dunmow and Stansted, the frequency of these services provides only limited realistic opportunities for future occupiers to utilise services and amenities outside of the village, and future occupiers are likely to still be dependent on the private car. Although the site is in proximity to the Flitch Way (an established route for cycling and walking along the track of the former railway line between Braintree and Bishop's Stortford) which runs into Braintree Town Centre and adjacent to Braintree Railway Station, this is at a distance of 2.3 miles and is along an unlit route, only part of which has a tarmac surface. Although some future occupiers may use this route to travel into Braintree at certain times of the day or year, the route characteristics and distance would discourage many occupiers from using it. Further, the application does not detail any means to link into the Flitch Way or provide improvements to the route.

The relatively poor links to services, facilities and employment by means other than the private car therefore weigh against the proposal and the sustainability of the site.

Scale of Development / Layout / Character

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

The application proposes up to 150 dwellings. This is considered of a scale that would be out of context with the scale of the existing settlement of Rayne. On this application, layout, scale, appearance and landscaping are reserved matters. However, the application has been submitted with an indicative layout plan which demonstrates one way in which the application site could accommodate the proposed quantum of development.

From the indicative layout of the development, Officers are not persuaded that it has been adequately demonstrated that the number of units can be successfully achieved on the site without undue harm to the grain of development in the area.

In reaching this view, it is noted that the indicative layout within the 'magnified sections' show that remote parking is intended for some family homes that have visitor bays outside their front doors. In reality these spaces would be utilised and would result in poor place making and idealism. Another magnified element shows the flat block that is dominated by car parking and without defensible space around ground floor windows. This would be in conflict with the National Design Guide and its statement that car parking should not dominant the public realm. This layout and the number of dwellings sought is dependent on the removal of front gardens, a strong characteristic of the village, and the use of this space for perpendicular parking. It should also be noted that much of the perpendicular parking would not be in the space of a single resident's front garden but would be in the space that should be other people's front gardens. This would appear dominant and harmful to the amenity of occupiers. The rural PROW that crosses the site would become urbanised to achieve the capacity sought by the developer whilst the limited buffer to Fairy Hall Lane shows a misunderstanding of the value and character of the countryside.

Overall in terms of the scale of development, a proposal for up to 150 dwellings would be out of context and at odds with the existing settlement. Further, the indicative plans do not evidence that the stated number of dwellings can be accommodated on the site in a satisfactory arrangement and this weighs against the proposal. It is acknowledged that alternative layouts can be made on the site and that the number of dwellings could be reduced at Reserved Matters stage as the application seeks permission for up to 150 dwellings. However, Officers do not believe that Outline permission should be granted unless there can be a reasonable confidence that the maximum number of dwellings can be achieved. When undertaking the Planning Balance the Local Planning Authority will need to consider the social and economic benefits that would arise from the scheme. If the sites actual capacity is lower than the level specified in the application then the weight that can be attached to those benefits would have to be reduced accordingly.

Landscape Impact

Notwithstanding that all matters except for access are reserved, the applicant has provided an illustrative masterplan showing a potential housing layout, along with retained and proposed landscape features.

A brief analysis of the site description is outlined above and expanded on below.

The application site is located within an area of agricultural land to the immediate south of the village of Rayne. The site comprises a single 9.17ha unit of land that is currently in use for arable agriculture. A public footpath follows a line across the site and affords views back to the village edge.

To the north, the site is bound by the rear gardens of properties fronting New Road and within The Ruskins. Some of these gardens are long and incorporate paddocks that provide the north-eastern edge to the site; here, the

boundary is an established hedge. Planting within the gardens and paddocks gives the village edge a well-vegetated character.

The eastern boundary is formed by the grounds of Fairy Hall, a Grade II listed House of C17 or earlier origins. The gabled elevations are a feature in the surrounding landscape, being visible from the public footpath and across the site from School Road.

The site incorporates a portion of the built development currently extant at Fairy Hall and it is proposed that a barn, associated hardstanding, remnant structures and a water body and associated established trees would be removed to accommodate the proposed scheme.

To the south is the A120, which links Harwich and then the A12 at Colchester to the M11 at Bishops Stortford and Stansted, and on to the A10 at Standon. This section of the road passes the site in a slight cutting and native hedges line the upper embankments.

The northern portion of the western boundary fronts onto School Road, with the boundary defined by a low and well-managed hedge; it is this portion of the site that would accommodate the site access. Here, existing properties are set back, which, coupled with the open character of the site, provides a break in the settlement pattern. Further south, the boundary diverts to the rear of a small collection of single-storey properties off a private road known as The Paddocks, and then around a small paddock. These boundaries are defined by native hedges.

School Road continues southwards, utilising an overbridge to cross the A120, and so providing access to a scattered selection of rural hamlets such as Bartholomew Green and Molehill Green.

In terms of the surrounding context, beyond the development boundary of Rayne, the countryside has a distinctive rural and settled character, with individual properties and small collections of houses scattered through the landscape and accessed via well-vegetated lanes that appear to be of ancient origin. The intervening land is largely arable, with some grazing and disparate uses, and this gives the landscape a well broken and green character, despite the presence of the A120 that has driven a line through.

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 within the Landscape Character Assessment'.

The 2006 Landscape Character Assessment (LCA) (reviewed and updated where necessary in 2015) outlines that the site is located within the B13 Rayne Farmland Plateau. The key characteristics of the Rayne Farmland Plateau are given as:-

- Irregular field pattern of mainly medium and large arable fields, marked by sinuous fragmented hedgerows and ditches;
- Many small woods and copses provide structure and edges in the landscape.
- Scattered settlement pattern comprising a few small villages;
- A concentration of isolated farmsteads, some with moats;
- A comprehensive network of rural lanes and Public Rights of Way.”

In terms of historic land uses, the LCA notes:

Evidence of historic land use within the Character Area is dominated by pre-18th century irregular fields, probably of medieval origin and some maybe even older, interspersed by what is categorised as ‘mixed origin’ fields. Historically the settlement comprised dispersed or polycentric settlement with isolated farms, moated sites and small villages strung out along linear greens.

Identified sensitivities to change of particular relevance to the site and its setting include: “....a sense of historic integrity, resulting from a dispersed historic settlement pattern (with isolated farms, moated sites and small villages strung out along linear greens, several of which are visible today)...”

The LCA goes on to note that “Overall, this character area has moderate to high sensitivity to change”.

Suggested landscape planning guidelines for the Rayne Farmland Plateau include: “Ensure and [any] new development within the farmland is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles”.

As the LCA forms part of the Draft Publication Local Plan’s evidence base, it should be given significant weight as a material consideration in the determination of this planning application, pursuant to S38 (6) of the Planning and Compulsory Purchase Act 2004.

The application has been submitted with a Landscape and Visual Appraisal (LVA). The Council have engaged independent consultants (The Landscape Partnership) to undertake an independent review of the LVA in order to provide advice on the accuracy and reliability of the appraisal.

With regards to landscape assessment, it is considered that the LVA does not fully consider the effects of the proposed development. The Council’s Landscape Consultant concludes that the development would cause harm to the landscape character of the local area in terms of:

- the changes in settlement patterns that would result, in particular the loss of the distinctive scattered pattern of hamlets and isolated farmsteads that typifies this landscape;
- the effects on the landscape setting of Rayne, in particular the ability to experience the green and well-vegetated village edge, set within a context

of agricultural fields, and the transition between settlement and countryside;

- the loss of countryside between the village and the A120, which again contributes to Rayne's setting;
- and the effects of external lighting on the nightscape of what is currently a largely unlit landscape.

Overall, it is considered that the LVA underestimates the likely effects of the development on landscape character. The Landscape Partnership's 'Outline Landscape and Visual Impact Assessment' found that there would be an effect on the character of the site and its setting of Major-Moderate adverse significance, which would reduce to Moderate adverse significance by year ten, when the new landscape planting that would be planted in mitigation starts to mature.

Heritage

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority is required, as set out at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Furthermore, the significance of a listed building is based on a range of heritage values that make up their overall architectural and historic interest and they have aesthetic value as attractive buildings within the landscape. The NPPF makes clear that the significance of heritage assets derives not only from their physical presence, but also from their setting. The NPPF defines setting as the surroundings in which a heritage asset is experienced.

In addition as a material consideration, 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 and the protection and enhancement of the historic environment in order to, amongst other things, respect and respond to the local context, where development affects the setting of historic buildings, and areas of highest archaeological and landscape sensitivity. These sentiments are supported by Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan.

The proposed scheme is located northeast of Fairy Hall, a Grade II listed Farmhouse (list entry number: 1122795). A Victorian water pump is located outside Fairy Hall and is also Grade II listed (list entry number: 1147531). Other nearby designated heritage assets are Rayne Railway Station (list entry number: 1425096) and the Rayne Conservation Area.

It is considered that the location of the proposed development will have no impact upon the significance of the Conservation Area or Rayne Railway Station as both heritage assets are located at some distance from the site, separated by development.

However, Fairy Hall and its associated outbuildings and setting will be harmed by the proposals. Fairy Hall is historically isolated and the new development will encroach upon the historic setting of the listed building, divorcing the building from its curtilage and historic function. This will affect the way in which the building is experienced and understood, impacting upon the way it relates to the surrounding landscape. Although the development is proposed with a 'green buffer' surrounding Fairy Hall, this will be insufficient at mitigating the harm to the building's setting and significance.

As acknowledged, by the National Planning Policy Framework (NPPF), heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In this instance, the level of harm to the significance of the designated heritage assets would be 'less than substantial'. In accordance with the NPPF this harm should be weighed against the public benefits of the proposal.

The public benefits in this case principally relate to the provision of new dwellings to assist with the Councils 5 Year Housing Land Supply as well as the provision of affordable housing. In applying appropriate weight to these matters, it is not considered that the benefits would outweigh the harm to the significance of a designated heritage asset.

Impact on Neighbour and Future Amenity

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

Given the outline nature of the application, detailed layouts and housing types do not form part of the proposal. Despite concerns expressed with the scale of development on this site, given the site area Officers are content that a layout could be developed without having an unacceptable impact upon neighbour's amenity or future occupier's amenity in terms of overlooking, loss of light or outlook. This would form a detailed planning consideration at the reserved matters stage.

Highway Matters

The NPPF requires planning to focus significant development in locations which are or can be made sustainable. Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to

reduce the need to travel. The NPPF also requires developments which will generate significant amounts of movement to be supported by a Transport Statement and for decisions to take account of whether i) the opportunities for sustainable transport modes have been taken up and ii) whether safe and suitable access to the site can be achieved for all people.

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exists or there is potential for the development to be well served by public transport and the layout has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

The application proposes that the development be served with one vehicular access, proposed via a priority junction on the western side of School Road. Approximately 118 metres south of the proposed access, the carriageway of School Road is proposed to be widened to 7.5 metres, to allow for the provision of a traffic island 1.5 metres in width and 3 metres in length. To the north of the Site, the carriageway of School Road is proposed to be realigned to incorporate a wider footway on the western side.

A Transport Assessment and Technical Note has been submitted with the application. The Highway Authority have been consulted and have reviewed the documents in terms of trip generation and distribution, traffic flows, and capacity. The Highways Authority raise no objections to the application subject to agreeing a construction traffic management plan; visibility splays; improvements to Fairy Hall Lane at and/or in the vicinity of the proposal site; and residential travel information packs for future occupiers. Subject to these matters being secured via either planning conditions or a S106 Legal Agreement, the development is considered acceptable in terms of highway matters.

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 Drainage Strategy in support of their application.

The Lead Local Flood Authority (LLFA) have been consulted on its contents to review the acceptability of the SuDS scheme and to ensure sustainable drainage proposals comply with the required standards. It is considered that the assessment represents a comprehensive analysis of the flood impact of the development upon other adjacent properties and of existing flood mechanisms on the development itself, and overall it demonstrates that the proposed development is sustainable in terms of flood risk. Subject to conditions to secure a detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction, a maintenance plan, and yearly logs of maintenance, the development would be acceptable in terms of flood risk and drainage.

Ecology

An Ecological Impact Assessment has been submitted with this application. The Report presents the results of a preliminary ecological appraisal, biodiversity net gain assessment and phase 2 surveys for bats and great crested newts.

The Phase 1 survey identified habitats potentially suitable for a range of protected and notable species: badgers, nesting birds, roosting, foraging and commuting bats, hedgehog and brown hare. Precautionary measures are set out to mitigate potential effects on these species. Specifically, with regard to roosting bats, the existing barn on site was found to contain roosts utilised by low numbers of common pipistrelles and an individual brown long-eared bat. (A Licence from Natural England will be required to demolish the barn). The mitigation strategy will include sensitive timings for demolition works, sensitive clearance methods, and provision of replacement roosting opportunities in the form of bat boxes integrated into new structures within the development for pipistrelle bats and a bat loft for brown long-eared bat. With regard to great crested newts, this species was considered unlikely to be present due to landscape context and the limited suitability of on-site habitats.

The Councils Ecologist has reviewed the Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and priority species / habitats and are satisfied that there is sufficient ecological information for determination of the application. There is certainty for the LPA of the likely impacts on designated sites, protected and priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. This includes submitting for a Natural England European Protected Species Mitigation Licence, as roosting bats were determined to be present within the barn within the red line.

Habitat Regulations Assessment (HRA / RAMS)

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

The development lies within the 22km Zone of Influence (Zoi) of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites), in particular the Blackwater Estuary SPA & Ramsar site. In accordance with the revised interim guidance an appropriate assessment has been completed for this application to secure any mitigation measures necessary to avoid adverse effects on site integrity.

The provision for on-site mitigation, include Suitable Alternative Natural Greenspace (SANGs) at approximately 2.87ha. The development will include

recreational opportunities for a number of circular walking routes which include a variety of shorter routes between 2.4km and 2.8km in length, as well as an extended route of around 5km, which utilise on site routes linking into the existing public footpath to the west, as well as a new footpath link in the southeast of the site, which will connect the on-site SANGs to existing PRoW to the east, which in turn provide links to a bridge over the A120 allowing access to Great Notley Country Park. The walking routes will be promoted through information leaflets included in the welcome pack for new residents and signage/waymarking at pedestrian access points. An information board with suggested walking routes will also be provided within the main SANGs to the south of the site. The management and maintenance of these provisions will be secured via a long term management plan secured as part of the S106 Legal Agreement.

Whilst this mitigation aims to avoid impacts from the development alone, the development will also trigger a proportionate financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, in line with the Essex Coast RAMS Strategy (£122.30 per dwelling) for delivery prior to occupation. This could also be secured via a S106 Legal Agreement.

Contaminated Land

The application has been submitted with a Phase 1 report which outlines that it will be necessary to consider potential contamination of the site, by way of undertaking a comprehensive survey (Phase Two). Subject to a condition that a copy of the survey findings together with a remediation scheme (if necessary) to bring the site to a suitable condition in that it represents an acceptable risk, be submitted to and agreed in writing with the Local Planning, the development is considered acceptable in terms of contamination impacts.

Air Quality

The application is supported by an Air Quality Assessment. Environmental Health are satisfied with the report and its conclusions. The Assessment demonstrates that pollutant concentrations associated with additional vehicle emissions from the development are predicted to be negligible, and further that it is highly unlikely that future occupiers will be exposed to unacceptable pollutant concentration levels. Mitigation against dust impacts can be adopted throughout the construction phase, to be secured via a condition.

Noise

The application has been submitted with a noise impact assessment. Officers consider that the development is acceptable subject to the dwellings being constructed with standard masonry construction materials, or equivalent, that trickle ventilation would be installed to windows, and that acoustic 1.8 high close-boarded timber fencing be installed within all of those gardens facing and or affected by nearby main roads. These details can be secured on any planning permission. Further, an internal noise assessment, taking into

account the external windows being open, can be investigated further at the detailed design stage and can further be secured by the imposition of a noise related planning condition by the Local Planning Authority.

PLANNING OBLIGATIONS

In the event that planning permission were to be granted then a S106 legal agreement would be required to secure obligations which would be necessary to comply with local and national planning policies and mitigate the potential impact that the development would have on community facilities and services.

Only limited discussion has taken place with the applicant regarding the Heads of Terms for such a legal agreement as Officers do not support the principle of residential development on this site. In the event that planning permission were to be granted it is considered that the agreement would include the following;

- **Affordable Housing** - 40% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage/s, but with a 70:30 ratio of affordable rent over shared ownership; to include two bungalows constructed for Building Regulations Part M(3b) for wheelchair users; and with all units complying with the Nationally Described Space Standards and all houses and ground floor flats built to conform with Building Regulations Part M4(2);
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Ecological Mitigation** - Financial contribution of £122.30 per dwelling for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site and on-site mitigation as required to comply with the HRA Appropriate Assessment;
- **Education** - Financial contributions for additional capacity in Early Years and Childcare, primary education and secondary provision. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2018.
- **Equipped Play Facility** – To be provided on-site with equipped to a minimum value as calculated in accordance with updated figures from the Open Spaces SPD;
- **Healthcare** - Financial contribution towards the delivery of a new purpose built health facility or extension and improvement to existing healthcare facilities for the benefit of the patients of the Great Notley Surgery, of up to £56,787;
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Public Open Space & Green Infrastructure (on-site)** – The application proposes the provision of approximately 2.87ha of informal and formal areas of open space. This will include landscape buffers; strategic landscape planting, Public Open Space and equipped play; all

- to be managed by a Management Company to an agreed specification.
- **Highway** – The provision of Residential Travel Information Packs and Improvements to Fairy Hall Lane at and/or in the vicinity of the proposal site;

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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 main public benefits arising from the scheme are set out below.

Housing Supply: The provision of new housing provides social and economic benefits. It would provide up to 150 dwellings and this would represent a not insignificant number of additional dwellings which would add to the District's housing supply. The development would assist in terms of housing supply and availability across different tenures and would improve access to housing and the applicant argues housing affordability. The provision of new housing offers social and economic benefits.

Affordable Housing: The applicant has indicated that the housing provision would be compliant with the Council's Affordable Housing policy and provide 40% Affordable Housing – up to 60 affordable dwellings. The provision of new Affordable Housing offers significant social benefits.

Public Open Space: The Planning Statement accompanying the application indicates that there will be approximately 2.87ha of informal and formal areas of open space, just under 32% of the Site (excluding areas of drainage). This provides new areas of public open space which exceeds the requirements of Policy CS10 of the Adopted Core Strategy. Although it is accepted that the level of provision suggested is in excess of the Council's standards, this is primarily due to the sites constraints. Further, Officers consider that the provision of on-site open space and play space would primarily be for the benefit of future residents of the development given the site is not well related and connected the village and the existing population. Large areas of the Open Space would also be adjacent to the A120 and would therefore be adversely affected by road / traffic noise and vehicle emissions. Officers consider these factors all reduce the positive weight attributed to this provision.

Economic Benefits: It is recognised that the building of houses generates economic benefits through the construction process and also the spending power of the future residents.

The first limb of sub section d) of Paragraph 11 of the NPPF recognises the special importance of specific policies which restrict development and assigns them particular importance in decision making. As set out above these specific policies which indicate development should be restricted are commonly referred to as the 'Footnote 6 grounds'. These are the subject of specific policies within the Framework and the decision taker should judge the development against those specific policies. Designated heritage assets are one of the specific policies identified that indicate that development should be restricted. Following the policies contained within the NPPF, the first balancing exercise which needs to be undertaken is that relating to the heritage assets. This is because the outcome of this balance affects the applicability of Paragraph 11 of the NPPF. As set out within the Report, Officers consider that the proposed development would result in 'less than substantial harm' to the significance of designated heritage assets. Officers do not consider that the harm to heritage assets would be outweighed by the public benefits, and this indicates that the application should be refused. It therefore follows that the titled balance is not engaged.

The planning balance for this application therefore represents a straightforward balancing exercise of weighing the benefits of the proposed development against the harm without applying the tilted balance in favour of the grant of planning permission. In applying the untitled balance, and when considering the planning balance and having regard to the benefits as identified above, and to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal do not outweigh the harms. The development would harm the landscape character of the area and would be contrary to guidelines contained within the Council's Landscape Character Assessment and Adopted Development Plan. In addition it would result in harm arising from the failure to respect the scale and character of the sites surroundings and the failure to demonstrate that the proposed number of dwellings can be provided within the site constraints in a manner that would secure a good standard of amenity and design. The proposed development does not constitute sustainable development and Officers recommend that planning permission is refused.

Notwithstanding the above, even if the 'tilted' balance in favour of sustainable development were engaged, when considering the planning balance and having regard to the harm identified within this report, in regards to; the 'less than substantial harm' to designated heritage assets; the harm to the landscape character of the local area; and the adverse impact of the location and scale of the proposed development that fails to respond to the existing pattern and character of development in the locality nor secures a good standard of design, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is refused for the proposed development.

RECOMMENDATION

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

- 1 The new development will significantly encroach upon the historically isolated setting of the listed building, removing the building from its agricultural setting and historic function, and affecting the way in which the building is experienced and understood, impacting upon the way it relates to the surrounding landscape. The development would result in harm to the significance of designated heritage assets, with the harm being categorised as being 'less than substantial'. The proposed development is contrary to the National Planning Policy Framework; Policies RLP90, RLP95 and RLP100 of the Adopted Local Plan; Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Publication Draft Local Plan. The development further fails to comply with Section 66(1) of the Listed Buildings & Conservation Areas Act 1990, which requires special regard to be

had to the desirability of preserving the setting or any features of special architectural or historical interest which the Listed buildings possess. Having regard to the guidance in paragraphs 193 - 197 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance of designated heritage assets and would conflict with the statutory duties, national guidance and Local Plan policies outlined above.

- 2 The site has been identified by the Landscape Character Assessment (2006) as having a medium-low capacity to accommodate residential development. The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development. The development would cause harm to the landscape character and the intrinsic character and beauty of the countryside and local area by reason of the changes in settlement patterns that would result, in particular the loss of the distinctive scattered pattern of hamlets and isolated farmsteads that typifies this landscape; the effects on the landscape setting of Rayne and the ability to experience the green and well-vegetated village edge, set within a context of agricultural fields, and the transition between settlement and countryside; and the loss of the countryside buffer between the village and the A120. The proposed development would be contrary to the principles and guidance set out in the National Planning Policy Framework; Policies RLP80 and RLP90 of the Adopted Local Plan; and Policies CS5, CS8 and CS9 of the Adopted Core Strategy and guidelines set out within the Braintree District Landscape Character Assessment (2006); and Policies LPP50, LPP55 and LPP71 of the Publication Draft Local Plan.
- 3 The location and scale of the proposed development would not result in a well-integrated extension to the village and fails to respond to the existing pattern and character of development in the locality and the intrinsic character and beauty of the countryside. The proposed development as shown within the indicative masterplan layouts fails to demonstrate that the site can accommodate up to 150 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site. The proposal is therefore considered to be contrary to the National Planning Policy Framework; Policies RLP9, RLP80, RLP90, RLP95, and RLP100 of the Adopted Local Plan; Policies CS5, CS8 and CS9 of the Adopted Core Strategy; and Policies LPP50, LPP55, LPP60 and LPP71 of the Draft Local Plan.
- 4 Even if it is considered that the tilted balance were to apply under Paragraph 11 of the National Planning Policy Framework, the

Council considers that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. In particular, the proposals would give rise to the following harms:

- The location, scale and character of the development would result in less than substantial harm on designated heritage assets and the public benefits of the proposal do not outweigh the harm identified;
- The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development. The development would cause harm to the landscape character and the intrinsic character and beauty of the countryside and local area by reason of the changes in settlement patterns that would result, in particular the loss of the distinctive scattered pattern of hamlets and isolated farmsteads that typifies this landscape; the effects on the landscape setting of Rayne and the ability to experience the green and well-vegetated village edge, set within a context of agricultural fields, and the transition between settlement and countryside; and the loss of the countryside buffer between the village and the A120;
- The location and scale of the development fails to respond to the existing pattern or character of development and would not result in a well-integrated extension to the village;
- It has not been demonstrated that the site can accommodate up to 150 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site;
- The location of the site is not in an accessible location, with limited opportunities for sustainable travel. This would mean that future residents would largely be reliant on the private car to access services, facilities and employment that they will require for day to day living.

The proposal is therefore considered to be contrary to the National Planning Policy Framework; Policies RLP9, RLP53, RLP80, RLP90, and RLP100 of the Adopted Local Plan; Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy; and Policies LPP50, LPP55, LPP60, and LPP71 of the Publication Draft Local Plan.

- 5 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policy CS7 of the Braintree District Core Strategy states that the Council will work with partners to improve accessibility, and to encourage and improve sustainable travel

opportunities. Policy RLP 83 states that development that is likely to have an adverse effect on a Local Nature Reserve, a Wildlife Site, will not be permitted. Where appropriate, the authority will use planning obligations to provide mitigation and Policy RLP 84 prohibits development that would have an adverse impact on protected species. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. The following obligations are required to mitigate the impact of the proposed development.

- 40% of the housing on-site to be provided as Affordable Housing
- The provision of a financial contribution towards the provision of additional Early Years and Childcare; Primary School and Secondary School places
- A financial contribution towards the provision of primary health care
- The provision, delivery and maintenance of Public Open Space provided on the site, including equipped play areas
- Financial contributions towards the provision of new or improved Outdoor Sports and Allotment facilities in Rayne
- Highways Works - the site access and associated works as shown in principle on planning application drawing number 1807-27-PL01 and 1807-27-SK16 Rev A and improvements to Fairy Hall Lane at and/or in the vicinity of the proposal site
- The provision of financial contributions or measures designed to increase the use of sustainable modes of transport and reduce reliance on the private car
- A financial contribution towards the delivery of visitor management at the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC and on-site mitigation as required to comply with the HRA (Appropriate Assessment).

As no agreement has been secured the application is considered to be contrary to Policy CS2, CS7, CS10 and CS11 of the Adopted Core Strategy and Policy RLP83, RLP84 and RLP138 of the Adopted Local Plan Review.

SUBMITTED PLANS

Location Plan	Plan Ref: 002	Version: D
Site Masterplan	Plan Ref: V2	
Site Masterplan	Plan Ref: 004	Version: A
Site Masterplan	Plan Ref: 006	Version: A
Site Masterplan	Plan Ref: LC/435 004	Version: A

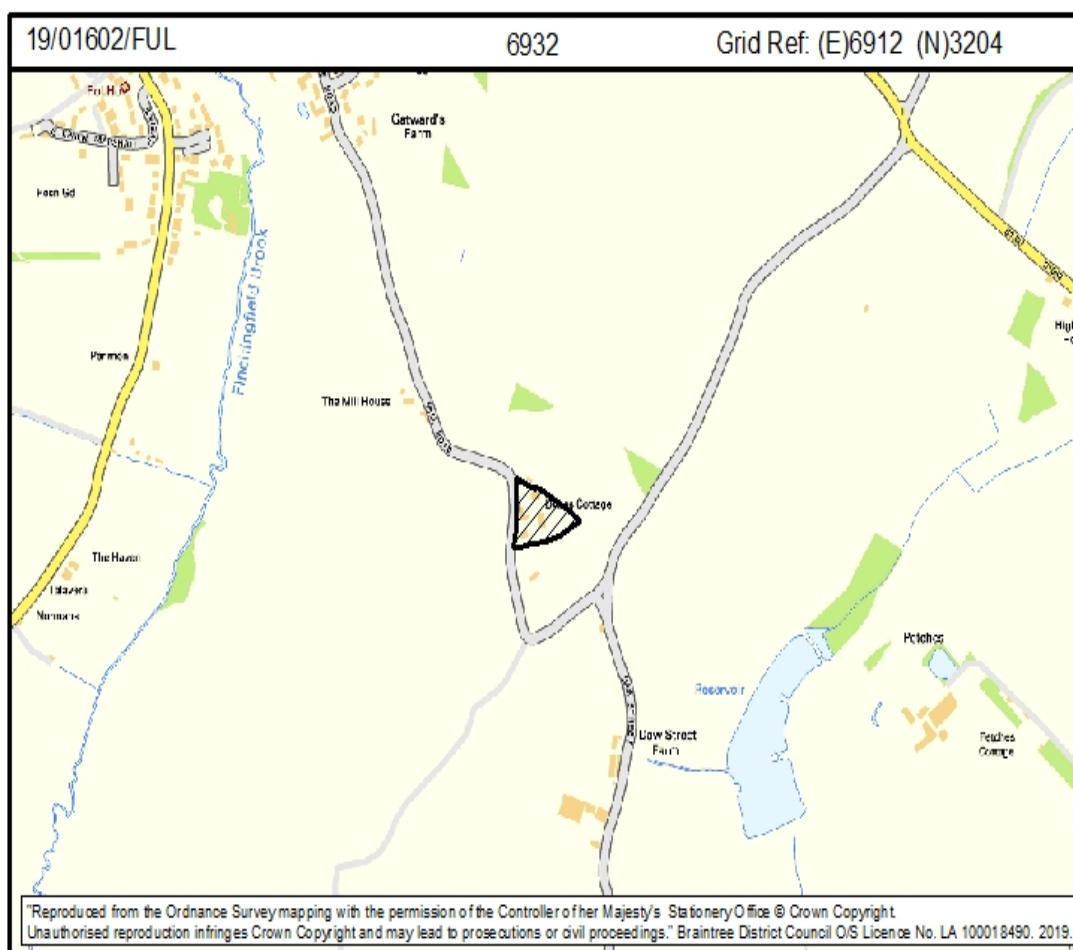
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/01602/FUL DATE: 02.09.19
 VALID:
 APPLICANT: Mr & Mrs Russell
 Dynes Cottage, Mill Road, Finchingfield, Essex, CM7 4LG
 AGENT: Mr Andrew Stevenson
 21A, High Street, Great Dunmow, CM6 1AB
 DESCRIPTION: Change of use of the detached leisure pool accommodation to become the sites main residential accommodation and conversion of Dynes Cottage into 2 No. short term holiday lets with associated minor landscaping
 LOCATION: Dynes Cottage, Mill Road, Finchingfield, Essex, CM7 4LG

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PX7G7RBF/9U00>

SITE HISTORY

95/00010/REF	Proposed change of use of existing garage block into staff accommodation		16.10.95
00/01548/FUL	Erection of stable block	Granted	20.11.00
83/00922/	Proposed extension to dwelling and replacement of garage with garage/feed/straw store.	Granted	11.10.83
87/00777/	Alterations and erection of extension.	Granted	02.06.87
88/01680/P	Erection Of Outbuilding To Contain Swimming Pool	Granted	14.09.88
91/00895/	Change of use from agricultural to private garden.	Granted	28.04.91
93/01394/COU	Proposed conversion of open shelter into residential accommodation	Refused	23.12.93
94/01288/COU	Proposed change of use of existing garage block into staff accommodation	Refused then allowed on appeal	16.01.95
95/01396/FUL	Amendments to application 94/1288/COU to provide 6no dormers in roof	Granted	14.02.96
97/01401/FUL	Variation of application previously approved ref. 95/1396/FUL - Conversion of garage into living accommodation	Granted	18.12.97
17/02079/FUL	Conversion of first floor of existing annexe into additional annexe space and installation of velux rooflight	Refused	15.01.18

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP146	Tourist Accommodation

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LLP9	Tourist Development within the Countryside
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

None.

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 at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

The application site consists a residential dwellinghouse, known as Dynes Cottage which is a non-designated heritage asset, situated adjacent to the highway. The building is set within a large plot, consisting of various outbuildings including a single storey annexe building referenced as an 'equestrian annexe', a cartlodge, and a large swimming pool building which is constructed in the style of an Essex barn.

The site is located outside of the village envelope of Finchingfield, approximately 1km to the south of the village.

PROPOSAL

The application seeks full planning permission for the use of the largest existing outbuilding, currently used as the swimming pool building, (which is

larger than the existing dwelling) to become the main dwelling, and for the building which is currently used as the main dwelling to be subdivided into 2no. holiday lets.

The swimming pool building itself would not require any extensions or alterations to its footprint to accommodate the proposed use. It would however see fenestration detailing being changed, including the insertion of an entrance door into the glazed panel on the front elevation, the removal of an existing door on the front elevation, the removal of doors on the side elevation and replacement with two sets of windows, insertion of a window on the rear elevation, substitution of a window for a door on the other side elevation.

The existing dwellinghouse would only see minor internal works take place in order to facilitate the two holiday lets. There are no external works proposed to the building.

CONSULTATIONS

Historic Buildings Consultant

No objections.

ECC Highways

No objections, subject to conditions.

PARISH / TOWN COUNCIL

Finchingfield Parish Council raise no objections.

REPRESENTATIONS

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

REPORT

Principle of Development

Use of Swimming Pool Building as a Residential Dwelling

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 the Draft Local Plan, in particular 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 proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

The site is located in an area which is not sustainable in terms of accessibility to services and facilities, and where the principle of additional residential development would fall contrary to Policy RLP2 of the Adopted Local Plan, Policy LPP1 of the Draft Local, Policies CS5 and CS7 of the Adopted Core Strategy, as well as the aims and objectives of the NPPF for a sustainable development.

Notwithstanding this, the proposal does not include the net gain of any additional dwellings. Instead, the total number of residential dwellinghouses on this site would remain as 1no. In this regard, there would be no need to assess the sustainability of the site, and whether the site is suitable for additional residential accommodation as the circumstances on site would not alter. It is also noted that this circumstance is unusual, in that it is only an attractive proposition to swap the residential dwelling into the swimming pool outbuilding because it is larger than the existing dwelling on the site. This is not usually the case; outbuildings tend to be ancillary buildings which are smaller than their host dwelling. The use of the outbuilding to become a dwelling is considered acceptable in this case, given there would be no net increase in residential dwellinghouses on the site.

Furthermore, and in light of the above, it is not considered that the issue of the Council's 5 Year Housing Land Supply is a material consideration in the assessment of this application.

Use of Existing Dwelling to become 2no. Holiday Units

Policy RLP146 of the Adopted Local Plan relates to tourist accommodation in the countryside. This policy states is worded in the following way:

Proposals for hotels or bed and breakfast accommodation will be permitted within village envelopes and town development boundaries if the character and appearance of the locality will not be damaged. This

applies to new building, change of use of an existing building or extension to existing accommodation. Within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Large scale development proposals which are out of character with the rural areas will be resisted.

Policy LPP9 of the Draft Local Plan also relates to the development of tourist accommodation in the countryside, and states:

Proposals for new tourist accommodation and facilities, within the countryside, will be permitted provided that all the following criteria are met;

- a. The demand for the development has been clearly demonstrated*
- b. Proposals are connected to and associated with existing facilities or located at a site that relates well to defined settlements in the area and are accessible to adequate public transport, cycling and walking links*
- c. They would not materially adversely affect the character, appearance and amenity of the surrounding area, any heritage assets and their setting, and should be well screened*
- d. Appropriate, convenient and safe vehicular access can be gained to/from the public highway and appropriate parking is provided*
- e. They would not use the best and most versatile agricultural land*
- f. They will be served by adequate water, sewerage and waste storage and disposal systems*
- g. They will include a high quality landscaping scheme.*

The occupation of new tourist accommodation will be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation.

In addition, tourist accommodation proposals will be required to include a business plan that will demonstrate the long term viability of the scheme.

The Adopted Core Strategy identifies that the village of Finchingfield is a location where there is a recognised need for additional tourist accommodation, given its historic centre which attracts visitors to the District.

Weighing against the proposal is the conflict with Policy CS7 of the Adopted Core Strategy which states that future development will be provided in accessible locations to reduce the need to travel. The site is not within any designated village or town, albeit is within relative close proximity to Finchingfield (which has a primary school, a day nursery, a Public House, a petrol station, village hall and a Church).

The site is not served by public transport and future occupiers would be heavily reliant on the private car and this weighs against the proposal in the

overall planning balance, however Policy RLP146 of the Adopted Local Plan does not require the site to be in an accessible location. Furthermore Officers acknowledge that some tourist accommodation in such rural areas of the District will likely require the use of a car to access services, facilities and tourist attractions.

In order to prevent the existence of two dwellings on the site in the open countryside, which could occur if the proposal was part implemented (i.e. the conversion of the leisure pool to residential is completed, but the works to convert the existing dwelling to holiday lets is not undertaken), it is considered necessary to ensure that the proposed development is implemented in full within 6 months of the first occupation of existing swimming pool outbuilding as a residential dwellinghouse. In order to secure this, it is recommended that any planning permission is subject to the completion of a suitably worded Unilateral Undertaking or Section 106 agreement.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposed use would not result in any physical changes to the exterior of existing dwelling building, save for alterations to the access to achieve visibility upon leaving the site, and therefore the character and appearance of the site would not be detrimentally harmed.

The proposed development would include some minor alterations to the swimming pool outbuilding including fenestration detailing however these are considered acceptable. No adverse impacts on the character and appearance of the countryside would result as a consequence of the proposed development.

The existing dwelling is considered to be a non-designated heritage asset. The proposed scheme would not alter the external appearance of the non-designated heritage asset and only limited alterations would be made to its internal layout such an extensive loss of original fabric would not result. The Council's Heritage Consultant raises no objection to the proposal and the proposal satisfies the NPPF in this regard.

It is considered that the proposal complies with the policies set out above.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The relationship between the new dwelling in the barn and the holiday let units is such that they share an access and a courtyard area. The occupiers of the residential unit at the barn would retain the ownership of the holiday units and given the size of the site, it is considered that the proposed uses can co-exist without harm to one another.

The proposals would comply with the policies set out above.

Highway Issues

The existing access would be utilised to serve the dwellinghouse on the site and also the two holiday let units. ECC Highways in their first consultation response requested further information related to the need for visibility splays upon leaving the site.

A speed survey was subsequently carried out at the site which ascertained required visibility splays of 2.4 metres by 39 metres to the south and 2.4 metres by 53 metres to the north, as measured from and along the nearside edge of the carriageway. A submitted drawing as part of the access appraisal shows that these visibility splays are achievable, and that there would be some moving of the boundary features at the front of the site, which is considered acceptable. ECC Highways raise no objection subject to an appropriately worded condition to secure visibility splays.

There is adequate space on the site to accommodate parking in accordance with the Adopted Parking Standards.

PLANNING BALANCE AND CONCLUSION

The proposed development includes utilising an existing ancillary outbuilding to become the main dwellinghouse on the residential unit, and the use of the existing dwelling for 2no. holiday lets. The circumstance is rare, due to the outbuilding being larger than the host dwelling. In order to prevent the creation of additional residential units on the site, it is recommended that the planning permission is subject to a suitably worded Unilateral Undertaking or Section 106 Agreement to require the proposed development as set out in the application submission, to be implemented in full. There would be no harm caused to the countryside as a result of the outbuilding becoming the main residence. The introduction of the proposed holiday lets is supported in principle; and would bring about tourism and economic benefits.

As such, it is considered that the benefits of the proposal outweigh the harms and subject to a legal agreement and condition, the proposal would constitute sustainable development. The application is therefore recommended for approval.

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: 01
Existing Elevations	Plan Ref: 04
Existing Elevations	Plan Ref: 05
Existing Floor Plan	Plan Ref: 06
Existing Elevations	Plan Ref: 08
Proposed Elevations	Plan Ref: 10
Proposed Elevations	Plan Ref: 11
Proposed Floor Plan	Plan Ref: 12
Proposed Elevations	Plan Ref: 13
Proposed Elevations	Plan Ref: 14
Proposed Block Plan	Plan Ref: 15
Existing Block Plan	Plan Ref: 2
Existing Floor Plan	Plan Ref: 3
Existing Elevations	Plan Ref: 7
Proposed Floor Plan	Plan Ref: 9
Other	Plan Ref: R01/24019/D

- 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 holiday let accommodation hereby permitted shall only be occupied on the following basis-

- (i) the building(s) shall be occupied for holiday purposes only;
- (ii) the building(s) shall not be occupied as a person's sole, or main place

of residence;

(iii) the building(s) shall not be occupied by any lessee, tenant or guest for any period exceeding 28 days consecutively, or cumulatively with any calendar year;

(iv) the building(s) shall not be sold, transferred, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans;

(v) the owner/operator shall maintain an up-to-date register of the names of all occupiers of the building(s), and of their main home addresses, and shall make this information available to the Local Planning Authority at all reasonable times on request.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

- 4 Prior to occupation of the holiday lets and as indicated in Drawing DR2 within Appendix 4 of the Access Appraisal, the site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 39 metres to the south and 2.4 metres by 53 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

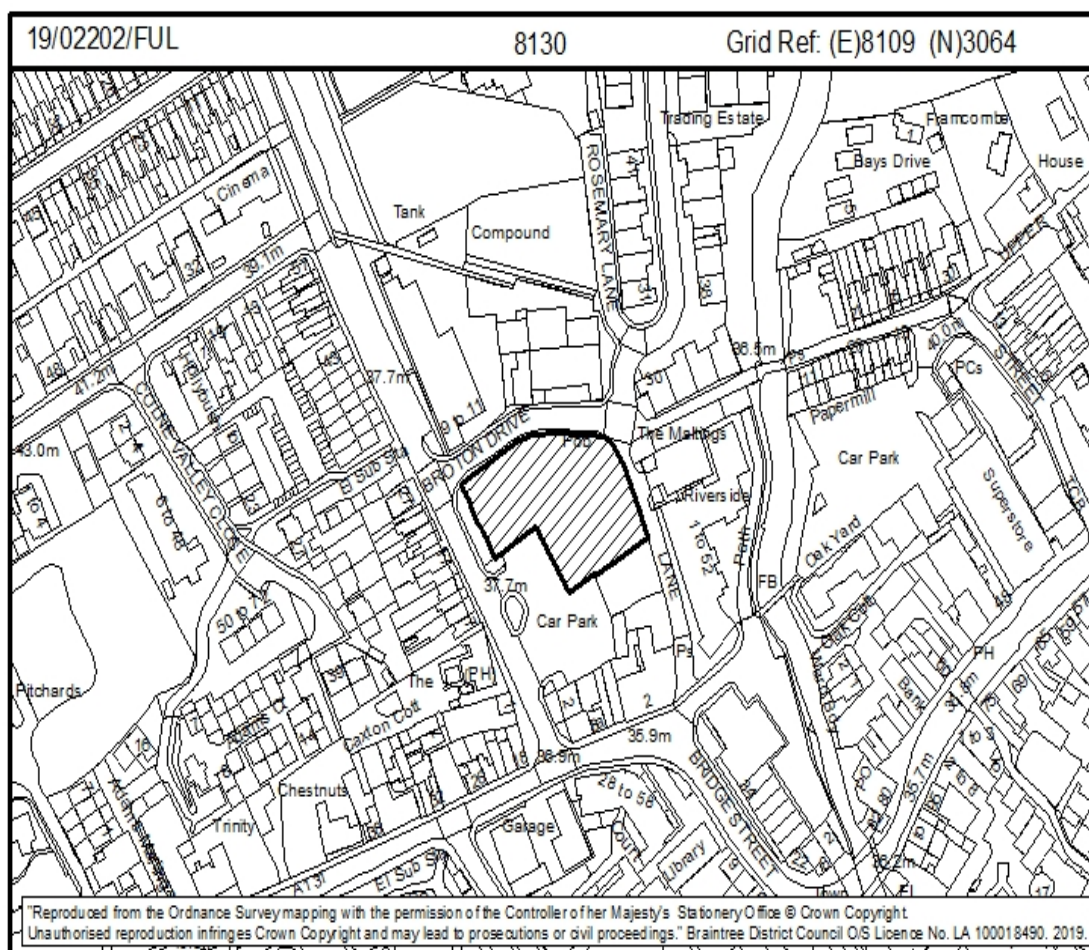
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/02202/FUL
DATE VALID: 05.12.19
APPLICANT: Ms Secretary
7 Highfields, Halstead, C09 1NH
AGENT: Mathews Serjeant Architects LTD
Mr Serjeant, 23 Bellingham Lane, Rayleigh, SS6 7ED, UK
DESCRIPTION: Temporary Site Hoarding Application (3 years) for new
Halstead Community Centre
LOCATION: Land Adjacent (south Of) Broton Drive, Halstead, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q21AIYBFJQH00>

SITE HISTORY

02/00890/OUT	Proposed residential development	Withdrawn	01.08.03
03/01257/COU	Change of use of land from highway to private	Granted	17.11.03
04/00149/FUL	Erection of 15 one bedroomed residential units, 16 two bedroomed residential units and formation of public car park (67 spaces)	Withdrawn	22.03.04
87/2029/P	Proposed extension and provision of new car park	Granted	01.02.88
86/1435/P	Proposed new entrance and exit to car park and bus stop over	Granted	03.11.86
84/1257/P	Refurbishment of existing building for industrial storage and workshop use	Granted	04.12.84
83/00090/P	Construction of new access road to serve existing foundry and demolish existing buildings and build factory units sited adjacent to Butler Road	Granted	23.06.83
80/1478/P	Change of use of part of former foundry premises to use for auto-electrical/mechanical repairs and service, and electrical/electronic repairs/service and mechanical engineering associated therewith.	Granted	09.01.81
87/02029/P	Proposed extension and provision of new car park.	Granted	
05/01820/FUL	Erection of 14 no. residential dwellings, 6 commercial units and a public car park	Refused	12.12.05
15/00526/FUL	Erection of community centre	Granted	16.07.15

POLICY CONSIDERATIONS

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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.
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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.

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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
RLP66	Flood Risk in Developed and Urban Areas
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP153	Community and Village Halls

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP65	Local Community Services and Facilities
LPP78	Flooding Risk and Surface Water Drainage

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
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 this application has been submitted by a District Councillor.

SITE DESCRIPTION

The site is situated within the Halstead development boundary. It is situated to the east of the Butler Road in close proximity to Halstead town centre and to the south of Broton Drive industrial estate. The site abuts Butler Road, Broton Drive, Rosemary Lane and Butler Road car park. The Conservation Area is situated to the east of the site. The site is currently an open parcel of land that is overgrown with vegetation. There is currently no boundary treatment. The land is noted as being contaminated and partly located within Flood Zone 2, and partly within Flood Zone 3.

The site is allocated as a 'community use' in the Draft Local Plan.

PROPOSAL

This application seeks planning permission for the temporary erection of site hoarding on the perimeter of the site. The hoarding proposed would be constructed from timber and would be 2.4 metres high with timber railings and

plywood hoarding panel. An opening (6 metres wide) with 2.4 metre high gates is proposed to the north east of the site with access gained off Broton Drive.

CONSULTATIONS

Environment Agency

No objection

Environmental Health

No objection

Ecology

As the site is overgrown, it could be either a hibernating habitat or foraging habitat for hedgehogs. Hedgehogs are UK Priority Species under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006. Therefore, the LPA has a biodiversity duty to avoid decisions which contribute to the population decline of these Priority Species. A condition should be imposed that Hedgehog Friendly Fencing is implemented within the site hoardings to allow hedgehogs to egress and enter the site.

ECC Highways

At the time of writing report no response received. A verbal update will be provided at Committee if necessary.

PARISH / TOWN COUNCIL

Halstead Town Council raises no objections to the proposal.

REPRESENTATIONS

The Council have received 1 written representation from a member of the public who lives adjacent to the site. The representation queries how long the hoarding would be in place.

REPORT

Principle of Development

The site is situated within the defined development boundary. Policy LPP65 of the Draft Local Plan supports the provision and construction of a new community facility at the site (a) Butler Road Halstead and it is safeguarded as such on the Proposals Map of the Draft Local Plan.

Planning permission was granted in 2015 (Application Reference 15/00526/FUL) for a new community centre. Permission lapsed on the 16th

July 2018. There have been no further applications submitted since and this application provides no further information regarding timescales for a future application for the new community centre.

This application for the hoarding is for a temporary period of 3 years. There is concern that if a planning application for the new community centre is not submitted within the next 3 years a further application will be submitted in the future to renew a temporary planning permission for the hoarding.

Paragraph 3 in the 'Use of Planning Conditions' in the National Planning Practice Guidance provides a clear indication of how proposals for the renewal of temporary permissions should be dealt with:

'It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently'.

The principle of erecting a hoarding on a temporary basis to provide necessary enclosure of a site during construction of development is considered acceptable. However, in this case, the site is currently an open parcel of land and it does not benefit from planning permission. There is no certainty as to when a further planning application will be forthcoming or when/if the community facility will be built.

There is no justification submitted with this application explaining why the hoarding is required now, prior to obtaining planning permission for the redevelopment of the site.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan seeks to secure a high quality of design and layout in all new development and promote a safe and secure environment, crime reduction and prevention and encourage the related objective of enhancing personal safety. It further states that development should be in harmony with the character and appearance of the surrounding area. This is echoed in Policy LPP55 of the Draft Local Plan.

Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan seeks to preserve and encourage the enhancement and character and appearance of a designated Conservation Area and their settings and views into and within the designated areas.

The submitted plan proposes 2.4 metre high timber hoarding on the periphery of the site. The plans indicate that it is to be erected inside of the post office, services cabinet and signage. The hoarding is not proposed to encroach onto the footpath. It is proposed the hoarding will be finished in a light grey gloss paint.

Although the site is not situated within the Conservation Area it is in close proximity and within the setting of Halstead Town Conservation Area. The erection of the hoarding would present an extensive and relatively unattractive barrier to general permeability, readily conspicuous within the street, the height of which would restrict visibility of the surrounding area and detract from the appearance of the street scene and be detrimental to the character and setting of the Conservation Area.

The proposal is considered to conflict with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that there should be no undue to unacceptable impact on the amenity of any nearby residential properties.

Although the site boundary does not adjoin residential properties there are residential properties that overlook the site. The erection of hoarding on a temporary basis would not adversely impact upon residential amenity to an extent which Officers consider a refusal of planning permission would be justified. However, the prolonged erection of a hoarding, should redevelopment not occur within the next 3 years, could be harmful to the visual outlook experienced by neighbouring properties and harmful to the amenity they ought reasonably expect to enjoy.

Highway Issues

The submitted plans indicate that a 6 metre wide opening with 2.4 metre high gates is proposed into the site on the junction between Broton Drive and Rosemary Lane.

The Highway Authority have not responded to the application at the time of writing this report. Members will be updated at the Planning Committee.

Ecology

Policy RLP84 of the Adopted Local Plan refers to the protection of protected species.

A Protected Species Survey prepared by Essex Mammals Survey (Feb 2015) has been submitted as supporting documentation with the application. It is noted that this report was prepared for the planning application granted in 2015 for the new community facility. The report concludes, *'Clearly, the site could not have been occupied by protected species up to 2000, and at present there is no suitable habitat in the vicinity from where they might colonise the site. It is therefore considered that the proposal for a Community Centre will not have a detrimental impact on protected species'*.

It should be noted that during the Officer site visit it appears that the site has become encompassed with more vegetation since 2015. An updated ecology

report would be required to be submitted with a future application for redevelopment of the site.

The Council Ecologists has suggested that Hedgehog Friendly Fencing is implemented within the site hoardings to enable hedgehogs to egress and enter the site. This could be secured by a Planning Condition.

PLANNING BALANCE AND CONCLUSION

The principle of erecting a hoarding on a temporary basis to provide necessary enclosure of a site during construction of development is considered acceptable. However, in this case, the site is currently an open parcel of land. There is no certainty as to when/if the community facility will be built as there is no planning permission in place. Officers consider that the erection of the hoarding, even on a temporary basis, would be detrimental to the appearance of the street scene and the setting of the adjacent Conservation Area.

RECOMMENDATION

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

- 1 There is currently no planning permission in place for the redevelopment of the site. The proposed hoarding, in absence of detailed proposals/permissions for a replacement development or any justification for the need for the hoarding, would be detrimental to the visual amenity afforded to the street scene and would be of harm to and fail to enhance the setting of the adjacent Conservation Area.

The proposal is contrary to the NPPF, Policies RLP90 and RLP95 of the Adopted Local Plan, Policy CS9 of the Core Strategy, and Policies LPP1, LPP55 and LPP56 of the Draft Local Plan.

SUBMITTED PLANS

Location Plan Plan Ref: 2111/PL-H-01
Block Plan

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

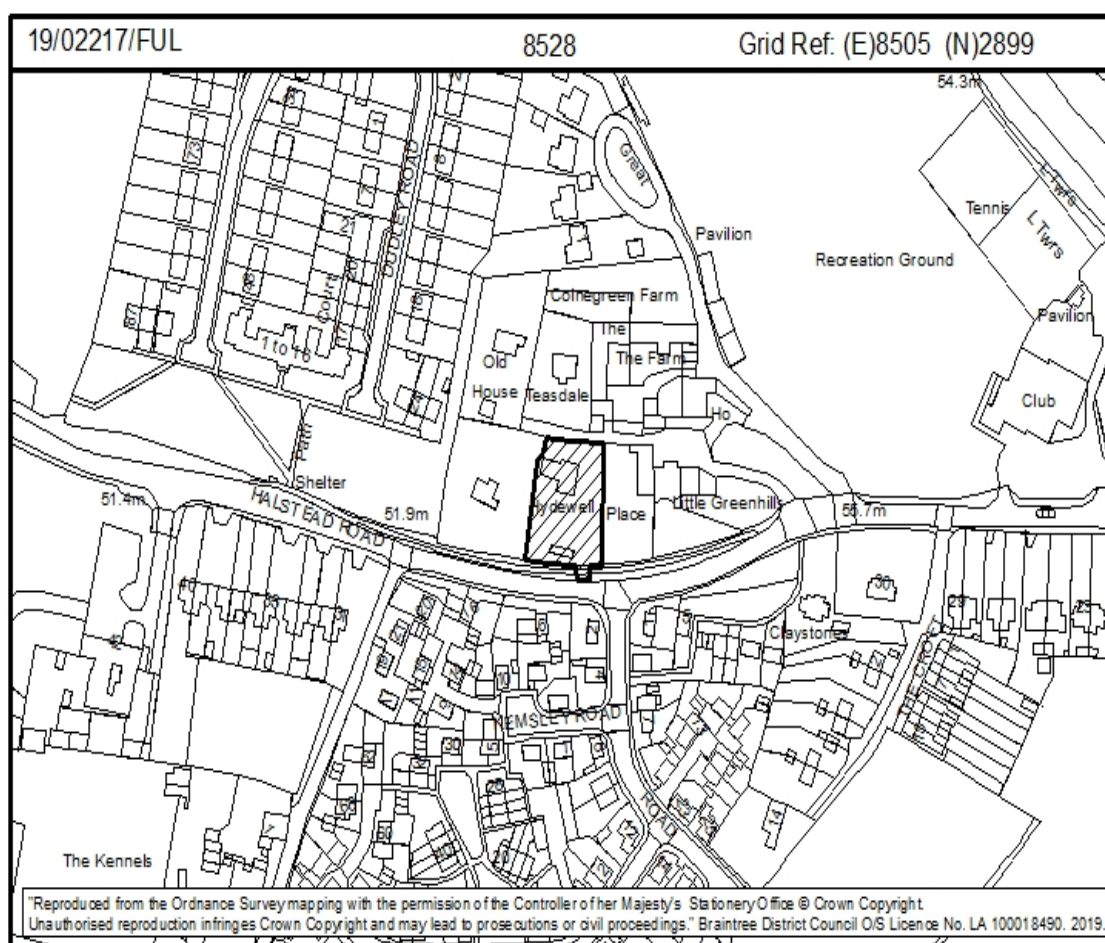
AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/02217/FUL
DATE VALID: 18.12.19
APPLICANT: Mr Gray
Hydewell, Halstead Road, Earls Colne, CO6 2NG
AGENT: Mr Young
Middleborough House, 16 Middleborough, Colchester, CO1 1QT
DESCRIPTION: Demolition of existing dwelling and the erection of a replacement two-storey 5 bedroomed detached dwellinghouse, detached garage and new vehicular access from Halstead Road.
LOCATION: Hydewell, Halstead Road, Earls Colne, Essex, CO6 2NG

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext.

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q23LZFBFJRG00>

SITE HISTORY

None relevant to this application.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features

Neighbourhood Plan

The Earls Colne Neighbourhood Area application has been approved and Earls Colne Parish Council are now working on a draft Neighbourhood Plan.

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

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 Earls Colne Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site lies within the western edge of Earls Colne. The site contains a single storey dwelling. The dwelling is accessed by both vehicles and pedestrians via a shared access to the north of the plot, such that its rear garden backs onto Halstead Road, bounded by a high brick wall.

The adjacent property to the east is of 2 storey scale and in residential use, which is also entirely accessed to the north. The 2 storey dwelling to the immediate west also has an access from the north but also benefits from an access off Halstead Road.

The site lies outside of the Conservation Area, although the eastern boundary of the site adjoins the edge of the Conservation Area.

PROPOSAL

The application seeks permission for the demolition of the existing bungalow and the erection of a replacement two storey 5 bedroom dwelling within the plot. The dwelling would be re-orientated within the plot such that the principle elevation would face Halstead Road. A new vehicular access is proposed onto Halstead Road which would provide access, parking and turning provision within the dwellings frontage. A detached triple garage with first floor incidental office use would be sited within the new site frontage.

CONSULTATIONS

ECC Highways

No objections subject to conditions for details of hard surface treatment of the vehicular access and no discharge of surface water onto the Highway.

BDC Environmental Health

Comment that any permission shall include conditions for hours of working, burning of materials on site, and contamination.

PARISH / TOWN COUNCIL

Earls Colne Parish Council object, commenting that the proposal would have a detrimental impact on the street scene with an increased safety risk of

creating an access onto Halstead Road due to poor visibility from the access which crosses a public footway.

REPRESENTATIONS

The application was advertised by way of site notice, newspaper notice and neighbour notification. One letter have of representation has been received neither objecting to nor supporting the application, but commenting on the accessibility of refuse storage and collection.

REPORT

PRINCIPLE OF DEVELOPMENT

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 designated village envelope/town development boundary and as such the principle of development is acceptable.

As the application seeks permission to demolish the existing dwelling on the site and erect a replacement dwelling, the proposal would not result in a net increase in the number of dwellings on the site. Accordingly, it is not considered that the issue of the Council's 5 Year Housing Land Supply is a material consideration in the assessment of this application.

SITE ASSESSMENT

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments.

The existing single storey dwelling is of a relatively poor quality of design and does not enhance the character of the locality, and there is no objection to its demolition and the principle of a replacement dwelling.

The re-siting of the dwelling further south within the plot and therefore closer to Halstead Road, would not be harmful to the grain of development in the area, and follows a similar layout to the adjacent property to the west. It would still retain adequate spacing around it such that it would not appear cramped or congested on its plot.

In design terms, the proposed dwelling of 2 storey scale would be in keeping with its immediate context which is characterised by 2 storey residential dwellings. It is of a standard design and appearance, constructed in cream

render with a brick plinth, with a plain clay tile roof, such that it will relate well to the character and appearance of the locality, and would not be harmful to the setting of the Conservation Area. Although the new dwelling would now be visible from Halstead Road due to its scale and siting, and the new vehicular access, it would not appear unduly prominent or harmful.

A triple garage is proposed to the south-western corner of the plot, with a 1st floor office accessed by an external staircase. Although the garage is large, it relates well to the scale and design of the host dwelling, and further would be well sited within the plot such that it would not appear unduly prominent as it would be screened by the high brick wall enclosure along Halstead Road. It would be constructed in red stock bricks with a clay tile roof which would be appropriate. The use of the 1st floor of the garage as an office for the private use of the occupiers of the dwelling would be acceptable.

The new vehicular access would result in a further change to Halstead Road by the removal of a stretch of the existing high brick wall enclosure. The extent of wall removal is limited and is not considered to harm the character and appearance of the street scene. Further, it is noted that the adjacent property to the west also required the removal of a stretch of wall to achieve their recently installed vehicular access.

Impact on Future Occupiers and Neighbouring Amenity

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

In terms of the impact to future occupiers, the replacement dwelling would result in high quality internal and external amenity for future occupiers.

Turning to the impact upon neighbouring properties, the re-siting of the dwelling would result in no unacceptable impacts in terms of overlooking, loss of light or outlook. The first floor flank windows could be obscure glazed to be secured via condition. The re-orientation would result in the dwelling being accessed by vehicles and pedestrians via the south, however, this would not result in unacceptable impact to neighbours in terms of from noise disturbance or similar.

The garage does have a first floor accessed by an external staircase. Given the siting of the stairs, the relationship to neighbours and the level of existing screening within the neighbouring plot, it is not considered that it would result in unacceptable overlooking or other privacy concerns. The 2 front dormers within the garage would only overlook the new site frontage and parking area.

Highway Issues

The application proposes that the dwelling will be served by a new vehicular access off Halstead Road. The application has been submitted with details regarding sightlines and gradient of the access.

ECC Highways have reviewed the application and have had regard to the appeal decision to allow a new vehicular access onto Halstead Road for the adjacent dwelling of 'The Brambles'. They raise no objections subject to conditions to ensure that there is no discharge of surface water onto the Highway and that no unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

The adopted car parking standards require properties with two or more bedrooms to be served by a minimum of two off street car parking spaces to dimensions 2.9m x 5.5m. The site provides for parking within the garage and on the driveway in excess of the standards and is acceptable.

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 a replacement dwelling is acceptable.

The site is in a sustainable location and close to the town wherein occupiers can access a range of services and facilities. Although this application relates to a replacement dwelling such that there are limited social benefits generated as a result, there will be some economic benefits, albeit to a limited extent given that the application is for just one dwelling. There will be some environment benefits, as although this does demolish an existing dwelling, it provides the opportunity for the replacement to be constructed in a more environmental sound manner.

The replacement dwelling is of an appropriate size, scale, design and layout and would be sympathetic to the character and appearance of the locality. No adverse impact would occur to neighbours amenity or in regards to highway matters, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would be acceptable and it is recommended that planning permission be granted.

RECOMMENDATION

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

APPROVED PLANS

Proposed Site Plan	Plan Ref: 1.2	
Proposed Elevations and Floor Plan	Plan Ref: 1.3	
Proposed Elevations and Floor Plans	Plan Ref: 1.4	
Street elevation	Plan Ref: 1.5	
Location Plan	Plan Ref: 1.8	
Section	Plan Ref: 1.6	Version: A
Section	Plan Ref: 1.7	Version: A

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

Reason

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

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

Reason

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

- 3 No above ground development shall take place until samples of the materials to be used in the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason

In the interests of the appearance of the development and the locality.

- 4 The first floor flank window on the eastern elevation shall be glazed with obscure glass and shall be so retained at all times.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 5 No occupation of the dwelling shall occur until full details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority and thereafter erected in accordance with the approved details.

Reason

In the interests of the appearance of the development and in the interests of neighbouring amenity.

- 6 The first floor of the garage hereby permitted shall only be used for

purposes ancillary to the host dwelling and for no other purpose.

Reason

In the interests of neighbouring amenity.

- 7 No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- existing and proposed finished levels or contours;
 - hard surfacing materials;
 - minor artefacts and structures [e.g. refuse or other storage units, signs, etc.];
 - lighting;
 - planting plans noting species, densities and an implementation programme.

The hard and soft landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or brought into use, in accordance with the agreed implementation programme.

Reason

In the interests of the appearance of the development.

- 8 No works for the creation of the access shall commence until details of the hard surface treatment of the vehicular access within 6 metres of the highway boundary, including drainage to ensure that there is no discharge of surface water onto the Highway, has been submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid displacement of loose material onto the highway, in the interests of highway safety.

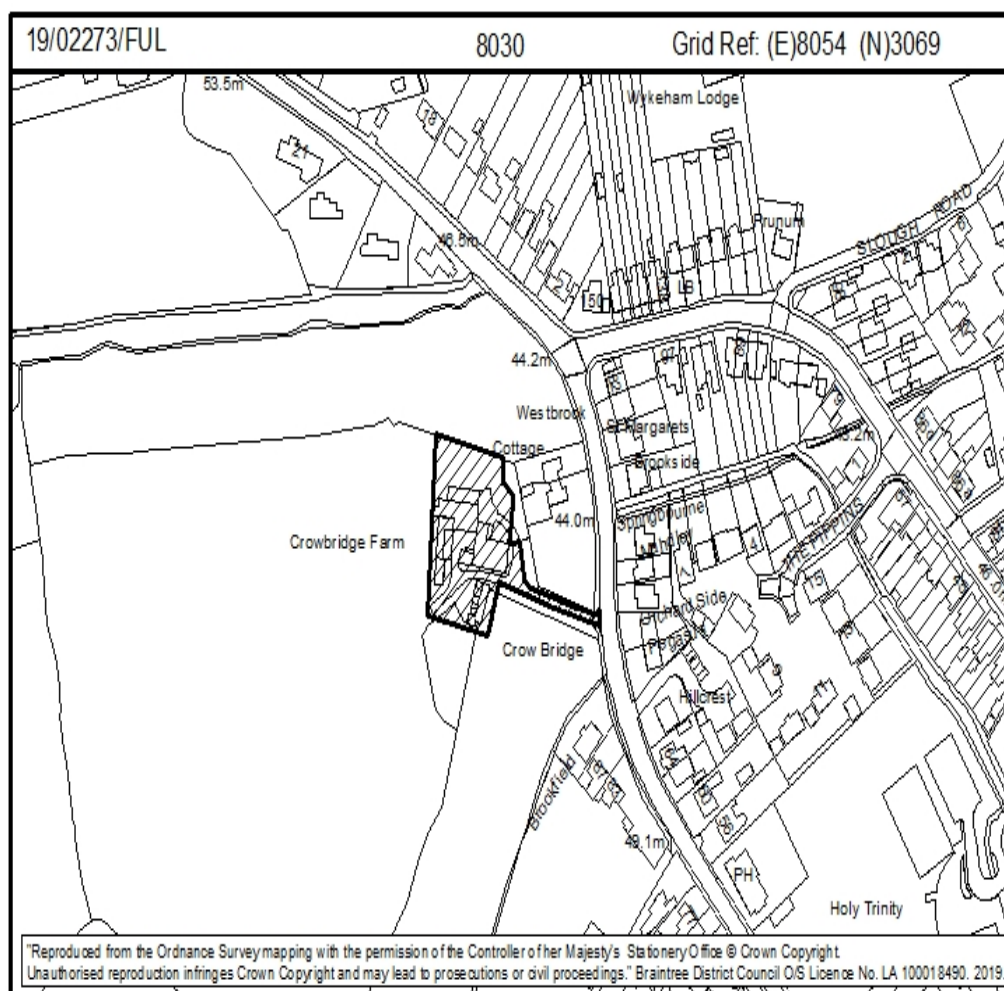
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/02273/FUL DATE: 13.12.19
 VALID:
 APPLICANT: F.G Frost And Son
 AGENT: Mr Peter Le Grys
 The Livestock Market, Wyncolls Road, Colchester, CO5 9HN
 DESCRIPTION: Conversion of barn to 2no. Four Bedroom dwellings with associated demolition of outbuilding, erection of garage/carport, boundary treatments and ancillary works.
 LOCATION: Crowbridge Farm, Chapel Hill, Halstead, Essex, CO9 1JS

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2NH0EBF0J900>

SITE HISTORY

18/00040/REF	Outline application for up to 70 dwellings with associated infrastructure and public open space.	Appeal Dismissed	10.01.19
15/00835/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Refused	19.01.16
15/00836/LBC	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Granted	19.01.16
16/01562/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments and ancillary works.	Granted	08.11.16
17/01664/OUT	Outline application for up to 70 dwellings with associated infrastructure and public open space.	Refused	04.01.18
19/01294/LBC	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments and ancillary works.	Granted	16.10.19

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP42	Residential Conversion of Buildings in the Countryside
LPP50	Built and Historic Environment
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

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 Applicant is related to a member of staff.

SITE DESCRIPTION

The application site is located to the western side of Chapel Hill within an area designated as countryside, albeit within close proximity to the town development boundary. The site comprises an existing Grade II listed timber framed barn connected to a range of single storey red brick built stables. The barn and associated buildings are currently being used for storage of predominantly agricultural paraphernalia.

The site is located behind a pair of semi-detached houses, of which one is shown to be in the control of the applicant. These houses are also Grade II listed and are located within the countryside. The site is served by an existing vehicular access off Chapel Hill.

PROPOSAL

This application seeks the conversion of the barn and other existing buildings to 2no. four bed houses together with the demolition of an existing outbuilding

and erection of a detached cartlodge/store. The buildings will not be extended but several areas of new roofing are proposed to be added together with the insertion of new fenestration into both existing and new openings.

The proposed cartlodge/store is sited abutting the southern boundary and is proposed to serve plot 2. This structure comprises a cartlodge with space for two cars and an enclosed store.

A previous application granted at Planning Committee to convert the buildings to a residential use has lapsed (Application Reference 16/01562/FUL). This submitted application is for an identical proposal to that of the previously granted scheme.

The site already benefits from a listed building consent for the same development as now proposed (Application Reference 19/01294/LBC).

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to hours of construction and contamination.

BDC Ecology

No objection subject to conditions securing biodiversity mitigation and enhancement measures.

ECC Archaeology

The conversion of the buildings will ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. It is recommended that a condition be placed on any grant of consent which requires a programme of historic building recording to take place in accordance with a written scheme of investigation.

Historic Buildings Consultant

No comments received at the time of writing this report. An update will be provided at Planning Committee.

ECC Highways

No objection subject to conditions relating to visibility splays

PARISH / TOWN COUNCIL

No objection

REPRESENTATIONS

A site notice was displayed outside the entrance to the host dwelling for a 21 day period and immediate neighbours were notified in writing. No representations were received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is 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 town boundary and as such is located on land identified as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

The application site is not proposed for allocation for development in the Draft Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

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 the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, the Braintree District 5 year supply position for 2018-2033 has been recalculated to take into account the application of a 20% buffer to the target.

Taking into account the Council's identified supply, as detailed in the Addendum to the Monitoring Report published on 6th August 2019, it is

considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 4.51 years supply. Consequently, the Council acknowledges that it does not currently have a deliverable 5 year supply of land for housing.

The Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position. The Council's supply position has had regard to the decisions received 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 of all other sites.

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

The Council is currently gathering evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers. That will be published as soon as possible, to provide a rolled forward position statement.

However, the lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

SITE ASSESSMENT

Conversion of Barn

Policy CS5 of the Adopted Core Strategy specifies that development outside of 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.

Policies RLP38 and RLP101 of the Adopted Local Plan and Policy LPP42 of the Draft Local Plan allow for the conversion of rural buildings/listed agricultural buildings respectively for business and/or community use subject to meeting the criteria set out within the policy. Policy RLP38 allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community use and the application is supported by a statement of the efforts that have been made.

Policy LPP42 of the Draft Local Plan reiterates the preference for employment and community uses. It further states, conversion to residential use will only be permitted where they meet all of the following criteria, a) location is accessible and sustainable b) no unacceptable impact on protected species or heritage assets c) the site is served by a suitable existing access d) no unacceptable impact on residential amenity e) no unacceptable impact on the character of the site or surrounding countryside and its landscape value.

Policy RLP101 of the Adopted Local Plan permits conversion of listed barns/buildings to employment or community use provided that:

(a) The detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance and its contribution to the group value and/or landscape in general

(b) The proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads

(c) The criteria set out within Policy RLP38 are met

Conversion to residential use will only be acceptable where;

(i) The applicant has made every reasonable attempt to secure suitable employment or community reuse and the application is supported by a statement of the efforts made

(ii) Residential conversion is a subordinate part of the scheme for business reuse of that group of buildings

(iii) In either case, the design and traffic issues in (a) and (b) are fully satisfied.

The preamble to Policy RLP101 notes that there has been concern that the residential conversions of barns and other listed farm buildings has diminished their intrinsic historic importance. Residential conversions will be considered as a last resort, as a subordinate part of a conversion to business use or where there is no practical prospect of any other use. The Council will require evidence that all other options have been explored, including evidence of sustained and appropriate marketing of the property.

The previous planning application (Application Reference 16/01562/FUL) included supporting documentation to demonstrate how the property had been marketed and that the applicant had made reasonable efforts to secure a commercial use for the building. Officers, concluded that the applicant had previously satisfactorily demonstrated that reasonable efforts have been made to secure a commercial use for the building. As such, it was considered that the proposal complied with Policies RLP38 and RLP101 in this regard.

Given that the previous planning application was granted, it is considered that in this case it would be unreasonable for Officers to require the applicants for this current application to remarket the property given the comprehensive marketing previously carried out and the unsuccessful attempts to secure commercial uses for the building.

As such, the proposal complies with the abovementioned policies.

Design, Appearance and Layout

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 64 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

Policy CS5 of the Adopted Core Strategy seeks to protect the amenity of the countryside.

Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments.

Policy RLP38 of the Adopted Local Plan states that the conversion of rural buildings are acceptable where they are in keeping with the surroundings and there would be no unacceptable impact on the landscape, protected species or the historic environment.

Policy LPP42 of the Draft Local Plan seeks to ensure that conversion of rural buildings will not have an unacceptable impact on the character of the site or the surrounding countryside and its landscape value.

The proposed residential use is to be accommodated within the existing building without the need for extension. In the main the fenestration is placed in existing openings such to minimise change to the external appearance of the buildings. Some existing outbuildings are to be demolished and replaced with a garage/cartlodge, which is considered acceptable.

The introduction of a residential use, the conversion of the buildings and the division in to separate curtilages will alter the character and appearance of the site, however it is considered that the original character and charm of the buildings and wider site can be retained by way of placing restrictions on boundary treatments and controlling permitted development rights by attaching planning conditions to any grant of consent. In this regard, Officers consider it would be preferable for the garden areas to be bound with hedging and/or post and rail fencing to maintain a rural character. Subject to the above, the proposal complies with the abovementioned policies. The impact of the development on the listed building is considered below.

Impact on the Heritage Asset

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The proposed works would retain the original form of the buildings. The increase in fenestration will “domesticate” the appearance of the buildings; however there is a clear strategy for utilising the existing openings to minimise the creation of new ones. Internally the existing room patterns have been used where possible so as to avoid the loss of original walls and to keep the addition of partition/stud walls to a minimum.

A condition has been placed on the listed building consent in relation to securing appropriate detailing and finishes on the fenestration.

It is considered that the proposed works are sympathetic and would not give rise to any material harm to the character or appearance of the listed buildings, in compliance with Policy RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan. In addition the proposal complies with part (a) of Policy RLP101 of the Adopted Local Plan.

Conditions have been placed on the listed building consent to control materials, finishes and window/door detailing. In addition as recommended by Essex County Council Archaeology team a condition was attached to the

listed building consent which requires a programme of historic recording to take place.

It is not considered that the proposal would give rise to any harm to the character or setting of the adjacent listed buildings and complies with the aforementioned policies.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires consideration to be given to the amenity of neighbouring properties. The site is relatively well distanced from residential properties, other than the semi-detached pair of houses immediately to the east of the site. The site is currently used primarily for storage, which is a low intensity use; however it historically has been and still could be used as a working farm.

The use of the site for residential purposes would see the increase in current activity at the site with the comings and goings of two families. This is not considered however to be any more harmful upon residential amenity than should the site be used as a working farm. Furthermore all vehicular traffic associated with the dwellings would be contained to the south of the site, away from these neighbouring properties.

A sufficient boundary treatment to the eastern side of plot 2 would ensure that any potential overlooking into the rear garden areas of the adjacent residential properties would be prevented. This could adequately be controlled by an appropriately worded planning condition.

It is not considered that the proposal gives rise to any material detriment to the amenity of nearby residential properties, complying with Policy RLP90 (iii) of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Highway Issues

The site is accessed via an existing vehicular access off Chapel Hill and it is proposed to utilise this access to serve the proposed development.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan seeks vehicle parking provision to be provided in accordance with the adopted standards.

The adopted car parking standard requires dwellings with more than 2no. bedrooms to be served by a minimum of two off street car parking spaces to dimensions of 2.9m x 5.5m. The drawings show off street car parking to be provided for each property to meet the policy requirement.

The Highway Authority have no objections to the proposal subject to conditions being attached to any grant of consent in respect of visibility, the width of the access and the discharge of surface water.

It is noted that car parking is shown to be provided for the pair of semi-detached properties immediately adjacent to the site, which would share the access with the proposed properties. Notwithstanding this, this area is not contained within the red lined boundary and therefore does not form part of this application.

Ecology

The application is supported by an Ecological Appraisal Report (Hybrid Ecology October 2019) which identifies the likely impacts of development on Protected & Priority habitats and species, particularly bats, reptiles, barn owl and badgers and suggests proportionate mitigation.

The Council's Ecology Officer has reviewed the report and raised no objection subject to ecological mitigation & enhancement measures and/or works in accordance with the details recommended in the report and a lighting design scheme for biodiversity to be submitted and approved in writing by the local planning authority. The condition satisfies Policy CS8 of the Adopted Core Strategy which seeks to ensure that the natural environment including protected species will be protected from adverse impacts of development. This is reiterated in Policy 84 of the Adopted Local Plan and Policy LPP70 of the Draft Local Plan.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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 application follows a previous application which was granted on the site for an identical form of development in 2016 (Application Reference 16/01562FUL). However, this permission has recently lapsed. In the previous application the applicant demonstrated, by way of marketing the site on the open market for a period of 6 months that a reasonable effort had been made to secure a suitable employment use, without success. As such a residential use was considered acceptable. The buildings are capable of conversion without major extension or complete reconstruction and the resultant appearance is in keeping with the surroundings.

It is not considered that the proposal gives rise to any material harm to the character or setting of the listed building and there is no highway issues associated with the development.

When considering the planning balance and having regard to above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

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	
Existing Elevations and Floor Plans	Plan Ref: 1052_01
Existing Floor Plan	Plan Ref: 1052_02
Frame Survey	Plan Ref: 1052_03

Proposed Elevations and Floor Plans
Proposed 1st Floor Plan
Elevations
Site Layout

Plan Ref: 1052_04A
Plan Ref: 1052_05
Plan Ref: 1052_07
Plan Ref: 1052_SK03

- 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 Prior to first occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4m x 43m in both directions, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times

Reason

To provide adequate inter visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 4 Prior to the first occupation of the development hereby approved, the vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m in to the site from the highway and it shall be provided with an appropriate dropped kerb vehicular crossing for the footway/highway verge.

Reason

To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway in the interests of highway safety.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

Reason

To avoid displacement of loose materials on to the highway in the interests of highway safety.

- 6 Prior to the first occupation of the development hereby approved details shall of any gates, fences, walls or other means of screening or enclosure to be erected at the site shall be submitted to and approved in writing by

the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to the first occupation of the development and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any order revoking or re-enacting that Order with or without modification).

Reason

In the interests of the character and appearance of the countryside and the character and setting of the listed buildings.

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alterations of the dwelling-house or provision of any building within the curtilage of the dwelling-house permitted by Classes A, B, C, D 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 or outbuildings in the interests of the amenity afforded to the countryside location and the character and setting of the listed buildings.

- 8 Prior to commencement all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report (Hybrid Ecology October 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

Reason

To conserve and enhance Protected and Priority species 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) and s17 Crime & Disorder Act 1998

- 9 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 10 The following works to convert or demolish buildings with known bat roosts shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

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

- 11 During development, should contamination be found that was not previously identified, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed by a competent person and a remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Reason

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

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

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

Reason

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

INFORMATION TO APPLICANT

1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

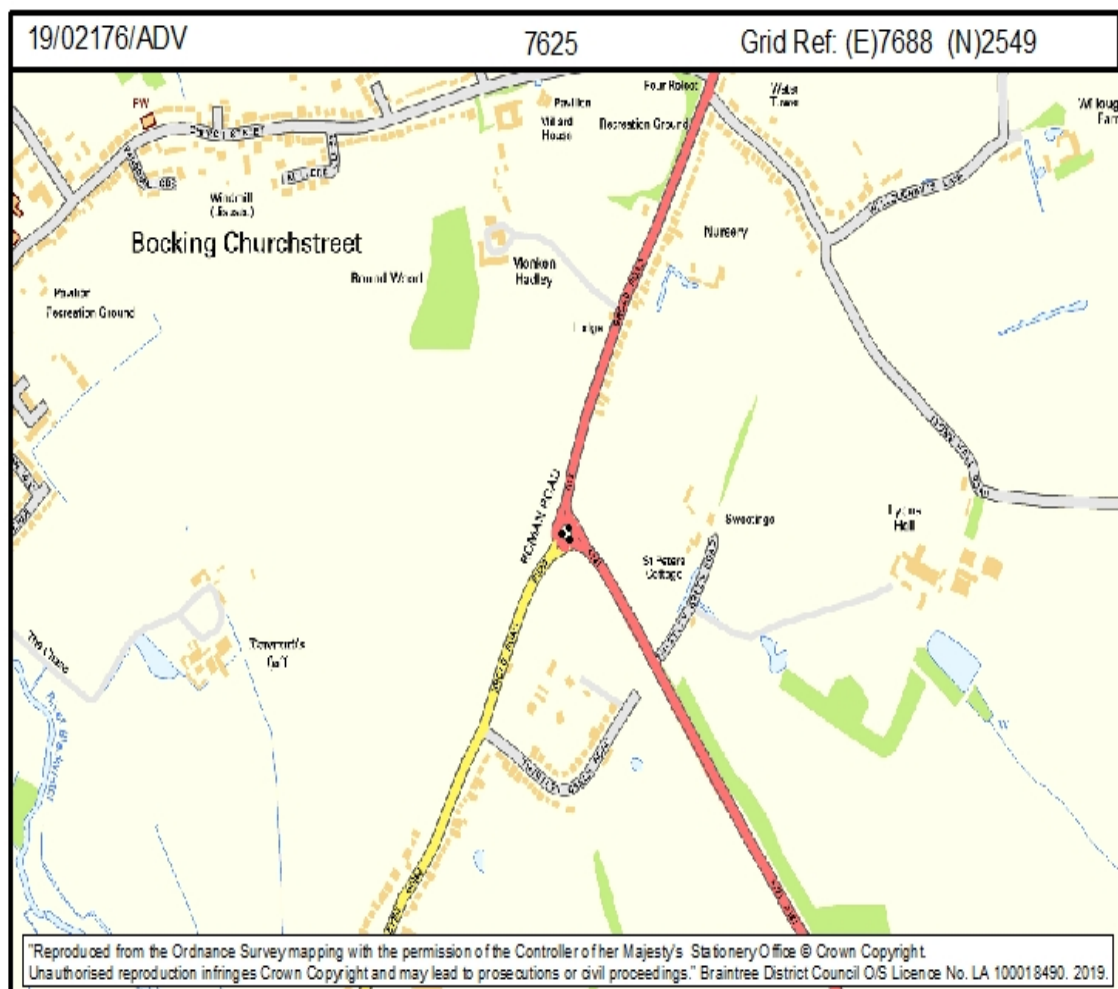
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/02176/ADV
 DATE: 10.01.20
 VALID:
 APPLICANT: Mr Jeremy Taylor
 Braintree District Council, Bocking End, Braintree, CM7 9HB
 DESCRIPTION: 3 No. non-illuminated roundabout sponsorship signs.
 LOCATION: Land At Broad Road, Braintree, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1XL0ZBF00A00>

SITE HISTORY

00/01885/ADV	Display of company sign	Granted	23.01.01
84/00303/P	Construction of A120/A131 Braintree and Rayne bypass.	Granted	12.07.84
08/01281/ADV	Display of 4 Non illuminated sponsorship signs	Withdrawn	28.07.08
08/01849/ADV	Display of 3 no. non-illuminated advertising signs	Granted	14.11.08

POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

- examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP55 Layout and Design of Development

Neighbourhood Plan

None

Other Material Considerations

None

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 Applicant is Braintree District Council.

SITE DESCRIPTION

The application site consists a roundabout at the junction of Broad Road, High Garrett, and the A131 toward Marks Farm. Presently, the roundabout consists of several different forms of signage, which are to be removed in order to accommodate that proposed within this application.

PROPOSAL

The application seeks advertisement consent for the installation of three non-illuminated advertisements. The adverts would measure 1.5m in width, 0.85m in height, and the base of the sign would be 0.4m above the ground. Overall, the adverts would be 1.25m in height.

The three adverts would be located facing towards each junction at the roundabout.

CONSULTATIONS

ECC Highways – Raises no objections.

REPRESENTATIONS

No representations received.

REPORT

Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

Highway Safety Impacts

The proposed signage would not be illuminated. The signs would be visible for users of the highway, however they are not of a size such that they would be overly prominent or distracting for highway users. Essex County Council Highways raises no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

Visual Amenity

Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan sets out to ensure that development which affects the public realm shall be of a high standard of design and materials. Policy RLP107 of the Adopted Local Plan states that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations, such as the countryside.

The proposed signage would not be prominent, and would be acceptable in terms of design providing a consistent approach to signage on the roundabout, replacing the existing varying types of advertisements.

The proposed signage is considered acceptable having regard to visual amenity and accords with the abovementioned policies.

CONCLUSION

The proposed signs would not be illuminated, and would be sited in appropriate locations on the roundabout to an acceptable design. The

proposed signs are acceptable with regards to visual amenity. In addition the signs would not give rise to any highway safety impacts.

The application is recommended for approval.

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
Signage Details

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

Reason

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

- 2 The consent 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 There shall be no illumination of the signs whatsoever.

Reason

In order to avoid prejudice to highway safety for motorists, and to protect the visual amenity of the countryside.

INFORMATION TO APPLICANT

1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:

- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Horizon 120 Local Development Order (LDO) and Design Code		Agenda No: 6
Portfolio	Planning	
Corporate Outcome:	A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities	
Report presented by:	Christopher Paggi, Planning Development Manager	
Report prepared by:	Christopher Paggi, Planning Development Manager	
Background Papers:	Public Report: Yes	
Adopted Local Plan 2005 Core Strategy 2011 Draft Local Plan 2017	Key Decision: No	
Executive Summary:		
<p>The proposed Local Development Order (LDO) is made by Braintree District Council in its capacity as the relevant Local Planning Authority pursuant to Section 61A (2) of the Town and Country Planning Act 1990 (as amended).</p> <p>Subject to approval from Full Council, the Horizon120 LDO grants planning permission for development, as set out within Schedule A to D, subject to conditions and limitations set out within the LDO for the creation of a Business and Innovation Park.</p> <p>The site is allocated in the Adopted Core Strategy and in the Draft Local Plan as a strategic employment site for B1, B2, B8 and C1 uses. Subject to the controls and restrictions set out within the LDO, it is considered that the principle of the proposed development is acceptable and would accord with the Adopted Local Plan, Adopted Core Strategy and Draft Local Plan. While it is acknowledged that the floorspace restriction on B8 use is proposed to be increased (compared to the restrictions set out within the Adopted Core Strategy and Draft Local Plan), it is considered that as this has been market tested by the Council, the 14,000sq.m floorspace restriction proposed is considered to be appropriate in this case. Furthermore, these larger B8 uses are restricted within the LDO to the southern part of the site away from the Country Park which is considered acceptable.</p> <p>The proposals would facilitate the provision of a well-connected Business and Innovation Park with the potential to create a large number of jobs, both during construction and following the completion of the development. There would also be the economic benefit to the wider economy through the provision of good quality and</p>		

<p>accessible employment land. These represent a significant economic and social benefit which weighs heavily in favour of the proposal in the overall planning balance.</p> <p>The accompanying Design Code, which has been revised by the Local Planning Authority as part of the assessment process, would also ensure that a high quality design and layout for the Business and Innovation Park will be delivered on the Horizon 120 site, and that some of the more aspirational elements of the Design Code, will be incorporated into detailed design proposals and will be realised on site.</p> <p>Impacts arising during the construction of the development and post completion have been assessed and it is considered that these can be adequately mitigated through the conditions included within the Draft LDO.</p> <p>Overall it is considered that the proposed Draft LDO and accompanying Design Code constitute a sustainable development in an accessible and well-connected location.</p>
<p>Recommended Decision:</p> <p>It is the Planning Officers professional recommendation that the Planning Committee recommend that the Local Development Order and Design Code for Horizon 120 is approved by Full Council.</p>
<p>Purpose of Decision:</p> <p>To provide the Planning Committee views on the proposal for a Local Development Order and Design Code on the Horizon 120 site to Full Council.</p>

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	The costs of producing the Local Development Order and Design Code have been met from existing budgets.
Legal:	The Local Development Order must comply with all relevant legislation.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	An equalities impact assessment has been completed to consider the implications of the Local Development Order.
Customer Impact:	<p>If approved the Local Development Order will allow significant new employment opportunities to be developed on the site which will have a positive economic impact on the District and provide new job opportunities.</p> <p>The Local Development Order will enable proposals for specific developments which meet its terms to be approved within 28 days and without the need for a full planning application process.</p>
Environment and Climate Change:	Careful consideration of the landscape opportunities on the site have been made and are reflected in the Design Code which accompanies the Local Development Order.
Consultation/Community Engagement:	<p>A full public consultation on the draft Local Development Order has been undertaken which included a public event.</p> <p>A further round of public consultation is currently being undertaken and is due to close on 12th March 2020.</p>
Risks:	The relevant risks of the use of a Local Development Order are discussed at Section 2 of the report.
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REPORT

1. INTRODUCTION

Background and Context

- 1.1 The Council is the owner of the site and is seeking to encourage and deliver the development of a new Business and Innovation Park known as Horizon 120.
- 1.2 Following the acquisition of the site, Cabinet and Council considered the outline approach to development at their meetings in February 2019. The key elements of the approach as proposed were:
- The creation of a new business and Innovation park focusing on advanced manufacturing, research and development, professional services, creative and digital sectors.
 - The site to be built to high standards of design and sustainability.
 - The creation of a sense of place based around a Hub providing ancillary retail, food outlets, childcare a gym, hotel and serviced offices.
 - Extensive structured landscape linked to the great Notley Country Park.
- 1.3 In order to facilitate the development of the site detailed work has been undertaken to develop an overarching Local Development Order (LDO) which will establish a planning framework for the site.
- 1.4 This report assesses the proposed LDO in the Council's capacity as the Local Planning Authority. The decision making in regard to this report can only be considered on planning grounds and should not take into account non-material considerations as to the Council's economic or other interests as land owner.
- 1.5 In order to implement an LDO there needs to be a formal decision at Full Council. This report seeks the Planning Committee's comments and recommendation which will be included in the report to Full Council.

Notation

- 1.6 The site is located outside the Great Notley Village Envelope as designated in the Adopted Local Plan. It consists of an area allocated for strategic employment land provision.
- 1.7 The site also covers an area proposed for allocation for employment use in the Draft Local Plan which would be located within the revised Village Envelope.

Site Description

- 1.8 The site is located within the countryside and measures approximately 27.27 hectares. 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 A131 and there is currently access to it from the roundabout at the north eastern end of the site, and an application (Application Reference 19/01525/FUL) has been granted planning permission

to add a second access directly from the A131 at the southern end of the site. Great Notley Country Park is located immediately to the north. To the south is Slamseys 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.

2. LOCAL DEVELOPMENT ORDERS (LDO)

- 2.1 Local Development Orders or LDOs were introduced as part of the 1990 Town and Country Planning Act. They provide a further layer of permitted development rights in addition to those which are established nationally.
- 2.2 An LDO applies over a defined area of land. It allows certain types of developments to take place on that land, subject to those developments meeting a set of criteria and any conditions set out within the LDO. Once an LDO has been made if the development being proposed meets the requirements of the LDO then a specific planning permission is not required to be submitted. Instead a Confirmation of Compliance will need to be applied for, once submitted the Council as Local Planning Authority has 28 days to consider the submission and issue a Confirmation. If the development being proposed is not in line with the LDO, a separate planning application can be submitted and consulted upon in the usual way. In the event that the Council does not issue a decision within 28 days the application is deemed to be in accordance and can proceed.
- 2.3 There are not currently any LDOs in operation in Braintree District and this is the first being proposed in the District. LDOs are in place across other parts of the Country, often supporting Enterprise Zones, regeneration proposals or other commercial developments. Harlow for example has three current LDOs in place.
- 2.4 The principal benefit of an LDO is to developers and businesses who wish to develop the site. They are in a position where there is a clear framework establishing the parameters of what can be built within the site. This means that providing that they can meet the expectations they are assured of a rapid and clear planning process which will not take longer than 28 days from submission. In addition, a significant amount of work has been undertaken to establish the LDO and therefore those individual applicants benefit from this in that their individual applications are more straightforward. This is a significant benefit to business and should not be underestimated.
- 2.5 Whilst the creation of an LDO provides significant benefits in making applications more straightforward, it does create some risks. It should be noted that given permission is effectively already granted, these subsequent specific applications have no scope for public or statutory consultee engagement. However, this restriction in public access must be balanced with this process and the benefits accruing from the use of the LDO. Where an application meets the terms of the LDO this has to be approved, even if the application is not in accordance with the “intended way” that the LDO should operate. This means that there has to be significant care and attention paid to the detail of the LDO and the limitations within it to ensure that the future development accords with the planned desire for the site.

- 2.6 Whilst the LDO does not preclude bespoke planning applications on the site where a business wishes to develop in a way which is outside the terms of the LDO, there may be pressures not to do this. The LDO will become a material planning consideration for any other application on the site, accordingly any application would need to additionally justify why it does not accord to the framework, in addition there would be a commercial pressure to adopt a more compliant development to save time and cost in development. The LDO may therefore constrain some development.
- 2.7 These two factors operate against one another placing a pressure on the LDO to be restrictive and developed to ensure a desirable outcome, whilst remaining flexible enough to permit as wide a range of businesses and design parameters as needed.
- 2.8 An LDO once established can operate indefinitely or it can be time limited. For the proposed Horizon 120 LDO, the Council has decided to implement it for up to 10 years to allow sufficient time for the business park to establish and develop. It can be withdrawn, modified or a further LDO can be implemented. However any development which is approved under the life of an LDO retains that approval notwithstanding any subsequent changes to the LDO.
- 2.9 If the LDO is approved, applicants seeking permission for development on the Horizon120 Business & Innovation Park, will be required to submit a 'Compliance Checklist' to the Local Planning Authority. This would include all required supporting plans and documents as set out on the Checklist.
- 2.10 The Local Planning Authority must issue a decision within 28 days to confirm whether the proposed development complies with the LDO and Design Code. If the submission is in compliance, development can proceed subject to any conditions and limitations set out within the LDO.
- 2.11 If it does not comply, the applicant would either need to revise their proposals and submit an amended 'Compliance Checklist' for consideration, or submit a Planning Application for consideration.

3 PROPOSED LOCAL DEVELOPMENT ORDER (LDO)

Introduction

- 3.1 The proposed Local Development Order (LDO) is made by Braintree District Council in its capacity as the relevant Local Planning Authority pursuant to Section 61A (2) of the Town and Country Planning Act 1990 (as amended).
- 3.2 Subject to approval from Full Council, the Horizon120 LDO grants planning permission for development, as set out within Schedule A to D, subject to conditions and limitations set out within the LDO. Any development that does not fully comply with the conditions and limitations of the LDO will require planning permission and a planning application to be submitted to the Local Planning Authority for consideration.

Structure of the Horizon120 LDO & Supporting Documentation

3.3 The Draft Horizon120 LDO comprises the following sections:

- Contents
- An explanation of a Local Development Order
- Interpretations and Definitions
- Schedule A Building Development
- Schedule B Strategic Infrastructure
- Schedule C Extensions or Alterations
- Schedule D Change of Use
- Conditions
- Appendices

3.4 A Statement of Reasons has also been produced for the Horizon120 LDO. This document satisfies the requirements of Article 38(1) of the Town and Country Planning (Development Management Procedure) Order 2015 which states that where a Local Planning Authority proposes to make a LDO they shall first prepare:

- A Draft LDO
- A statement for their reasons for making the order. Article 38(2) states that the Statement of Reasons shall contain:
 - o A description of the development which the order would permit; and
 - o A plan or statement identifying the land to which the order would relate.

3.5 A Design Code is proposed to sit alongside the Horizon120 LDO. The purpose of the Design Code is to set further parameters for the development of the site, including the design of the buildings, landscaping and parking standards.

3.6 A range of other supporting documentation has also been prepared by the Council which has been subject to consultation/subject to the current public consultation. This is detailed below:

- Agricultural Land Classification, dated September 2019
- Air Quality Assessment, dated September 2019
- Archaeological Survey, dated March 2011/revised July & October 2012
- Archaeological Written Scheme of Investigation, November 2019
- Ecological Impact Assessment, dated August 2017
- Badger and Skylark Survey Report, dated July 2019
- Great Crested Newt Non-Licensed Method Statement, November 2019
- Great Crested Newt Survey Report, August 2019
- Flood Risk Assessment & Drainage Strategy, dated September 2019
- Heritage Statement, dated September 2019
- Sound Level Assessment, dated October 2018
- Transport Assessment, dated February 2020
- Travel Plan Framework, dated July 2019
- Geotechnical & Land Contaminated Assessment, dated September 2018
- Arboricultural Survey, dated September 2019
- Arboricultural Impact Assessment, dated October 2019
- Arboricultural Method Statement, dated October 2019

Use Classes

- 3.7 The LDO permits development within Use Classes. These are defined parameters of development which are established under the Town and Country Planning (Use Classes) Order 1987/764. This provides a clear and nationally recognised set of categories of development, it has the benefit of ensuring clarity and consistency, however the definitions of what is included within a particular use class can be varied over time at a national level, this risk is considered minimal against the risk of endeavouring to create alternative definitions of land use and the potential for uncertainty and challenge.
- 3.8 The Uses proposed within the site are as follows (together with example uses):
- **A1 Shops:** Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes;
 - **A3 Restaurants and cafés:** For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes;
 - **B1 Business:** Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:
 - B1(a) Offices: Other than a use within Class A2 (see above);
 - B1(b) Research and development of products or processes;
 - B1(c) Industrial processes;
 - **B2 General industrial:** Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste);
 - **B8 Storage or distribution:** This class includes open air storage;
 - **C1 Hotels:** Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels);
 - **D1 Non-residential institutions:** Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres;
 - **D2 Assembly and leisure:** Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

Description of LDO Schedules

Schedule A Building Development

- 3.9 'Schedule A Building Development' sets out within Class 1, Class 2 and Class 3 (relating to Zones A, B and C of the site respectively) the scope of development which is permitted and not permitted under the LDO. Each Class also sets out the conditions which the grant of planning permission is applicable to. It should be noted that whilst the three Classes broadly correspond to the zones within the site they are not directly aligned and create categories of acceptable development.
- 3.10 Class 1 states that within Zone A, the erection of buildings for the following uses will be permitted:
- B1(a) (Office)
 - B1(b) (Research and Development)
 - C1 (Hotel)
- 3.11 Class 1 further states that within the 'Horizon Hub Core' within Zone A, in addition to the uses specified within Zone A, the erection of buildings for a mixed use hub comprising a mix of the following uses will be permitted:
- A1 (Shop)
 - A3 (Restaurant and Café)
 - D1(a) (Medical or Health Services)
 - D1(b) (Early Years Childcare, Day Nursery or Preschool)
 - D2(e) Gymnasium
- 3.12 The Horizon Hub Core is identified within the Interpretations and Definitions section under 'j' as a single continuous area covering a maximum of 2 hectares within Zone A, as shown indicatively on the 'Horizon Hub Core' Plan in Appendix H. This seeks to provide a sense of place within the Hub area, as sought by the Council when initially setting the aims and aspirations for the site.
- 3.13 Class 1 also allows for site investigation, demolition, engineering operations, and the provision of associated infrastructure and facilities directly required by development permitted within Zone A or the Horizon Hub Core by Class 1 of Schedule A.
- 3.14 The restrictions on the development not permitted by Class 1 can be summarised as follows:
- A building includes a drive-thru facility;
 - It would result in the total gross internal floor area within the Horizon 120 LDO area exceeding:
 - o 300sq.m for Use Class A1
 - o 100sq.m for Use Class A3
 - o 150sq.m for Use Class D1(a)
 - o 350sq.m for Use Class D1(b)
 - o 700sq.m for Use Class D2(e)

- It would result in more than one building comprising a hotel (Use Class C1)
 - It would result in the total number of bed spaces for a hotel (Use Class C1) exceeding 120 bed spaces
 - It would comprise a standalone building for any of the following uses: A1, A3, D1(a), D1(b), or D2(e).
- 3.15 Class 2 states that within Zone B, the erection of buildings for the following uses will be permitted:
- B1(a) (Office)
 - B1(b) (Research and Development)
 - B1(c) (Industrial Process)
 - A mixed use comprising either B1(a), B1(b) or B1(c), and B8 where at least 50% of the floorspace is either B1(a), B1(b) or B1(c) and where all ancillary uses are included in the non-B1(a), B1(b) or B1(c) calculation.
- 3.16 Class 2 also allows for site investigation, demolition, engineering operations, and the provision of associated infrastructure and facilities directly required by development permitted within Zone B by Class 2 of Schedule A.
- 3.17 The restrictions on the development not permitted by Class 2 can be summarised as follows:
- More than 50% of the building or plot would comprise a use under Use Class B8.
 - It would include customers purchasing goods regardless of where these were purchased, and receiving them within the Horizon120 LDO area. The direct sale of goods to customers within the plot is not permitted, including, for example through a trade counter.
- 3.18 Class 3 states that within Zone C, the erection of buildings for the following uses will be permitted:
- B1(a) (Office)
 - B1(b) (Research and Development)
 - B1(c) (Industrial Process)
 - B2 (General Industrial)
 - B8 (Storage or Distribution)
 - A mixed use building comprising any of the above uses under Class 3 of Schedule A.
- 3.19 Class 3 also allows for site investigation, engineering operations, demolition, and the provision of associated infrastructure and facilities directly required by development permitted within Zone C by Class 3 of Schedule A.
- 3.20 The restrictions on the development not permitted by Class 3 can be summarised as follows:
- It would include customers purchasing goods regardless of where these were purchased, and receiving them within the Horizon120 LDO area. The direct sale of goods to customers within the plot is not permitted, including, for example through a trade counter.

- Any building erected for B2 or B8 Uses would have a total floor area of more than 14,000sq.m.

Schedule B Strategic Infrastructure

- 3.21 Class 1 of Schedule B allows for the construction of 'Green Links' to provide access from the Spine Road throughout the site. 'Green Links' are defined as any road off the Spine Road, as indicatively shown on the 'Safeguarded Road Area Plan' in Appendix G.
- 3.22 In addition, Class 1 of Schedule B allows for 'Spine Road associated infrastructure and facilities' as directly required alongside the Spine Road. 'Spine Road associated infrastructure and facilities' are defined as hard and soft landscaping, drainage in the form of swales or French drains, junctions to connect the Spine Road and Green Links, pedestrian crossings, foot and cycle paths, outdoor furniture, signage, lighting, refuse bins and recycling facilities, some of which are included in approved planning permission 19/01525/FUL.
- 3.23 Class 1 also allows for site investigation, demolition, engineering operations, and the provision of associated infrastructure and facilities directly required by development permitted within Zone C by Class 1 of Schedule B.
- 3.24 Class 2 of Schedule B allows for the provision of landscaping around the boundaries of the Horizon 120 LDO area, as set out in Section 5.2 of the Design Code.
- 3.25 Class 3 of Schedule B allows for the provision of landscaping within Zone D.

Schedule C Extensions or Alterations

- 3.26 Schedule C allows for the extension or alteration of all buildings constructed under Schedule A for the same use as the existing building.
- 3.27 Schedule C also allows for site investigation, demolition, engineering operations, and the provision of associated site infrastructure and facilities directly required by development permitted by Schedule C.
- 3.28 Development is not permitted if the resultant building (comprising the existing building and extension and/or alteration) would not comply with the Design code as a whole. In addition, the restrictions as set out within Zones A, B and C are replicated within Schedule C.

Schedule D Changes of Use

- 3.29 Schedule D Changes of Use sets out that within the Horizon120 LDO area, development consisting of the following changes of use of a building will be permitted:
- From Use Class B2 (General Industrial) to B1(a), B1(b) or B1(c)
 - From Use Class B8 (Storage or Distribution) to B1(a), B1(b) or B1(c)
 - From Use Class B8 (Storage or Distribution) to B2 (General Industrial)

4. POLICY CONSIDERATIONS

- 4.1 Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).
- 4.2 The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.
- 4.3 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.
- 4.4 The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of areas in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal where additional work was required.
- 4.5 The North Essex Authorities have produced further evidence in support of the plan and following formal consultation this has been submitted to the Planning Inspector on the section 1 Local Plan. The Inspector has undertaken additional hearings during January 2020 to test this evidence and the Council is awaiting the conclusion of their considerations.
- 4.6 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)”.

- 4.7 Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.
- 4.8 In making its determination on the proposal for an LDO the Council as the Local Planning Authority must have consideration to the relevant policies and guidance which are applicable. The key provisions are detailed in this report and discussed in detail within the narrative, however a full list is provided for reference.

4.9 National Planning Guidance

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

4.10 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

4.11 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

4.12 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

4.13 Neighbourhood Plan

The site is not within a designated Neighbourhood Plan area and there are no proposals for a Neighbourhood Plan which the Council is aware of.

4.14 Other Material Considerations

External Lighting Supplementary Planning Document

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 As highlighted within the site history (see Section 7 below), a request for a Screening Opinion was submitted on 10th July 2018. In response, the Local Planning Authority issued a formal Screening Opinion on 6th August 2018.
- 5.2 The Screening Request was based on a proposed development of up to 65,000sq.m of B1, B2, B8 and C1 uses, together with associated structural landscaping, allotments, and a new access from the A131. The submission set out that 18.5ha of the site would comprise the built area of the development with the remaining 7.5ha as strategic landscaping.
- 5.3 As set out within the Screening Opinion, the Local Planning Authority concluded having regard to the scale, nature and location of the development, that the proposal would not require an Environmental Impact Assessment and that an Environmental Statement will not be required to be submitted to support any planning application for this development in accordance with the relevant regulations. In reaching the conclusion, the Local Planning Authority considered that features of the development would not have unusually

complex and potentially hazardous environmental effects, and would not occur within a particularly environmentally sensitive or vulnerable location.

- 5.4 The proposal has however been assessed for environmental impacts in a proportionate way and the detailed analysis of this is set out later in the report.

6 CONSULTATION

- 6.1 A public consultation took place for a 6 week period between 12.09.2019 and 24.10.2019. Alongside the Draft LDO and Design Code the range of supporting documentation was also available for consultation.
- 6.2 The consultation was advertised in the newspaper and via the Councils website and social media platforms. A direct notification of the consultation was sent to all those registered on the Councils Planning Policy consultation database and to all statutory consultees.
- 6.3 A public exhibition on the proposals for the Horizon 120 LDO was held on 30th September 2019. The event was held at Great Notley Community Centre between 4pm and 8pm. It was felt by the Council that this was the most convenient location and time for residents of Great Notley and existing businesses and stakeholders to ensure maximum attendance.
- 6.4 The event was held in a drop in style. Numerous boards were set showing different areas of the LDO, such as design, landscaping, roads, building sizes and the general vision of what the Council are trying to achieve, as well as detailed copies of the draft documents and evidence base for people to read if they wished. In attendance at the event were project managers of the scheme, the lead architect, landscape architect and planning consultant. These were available to answer any questions visitors had on the day or to signpost them to further information. Approximately 50 people attend the exhibition.
- 6.5 A total of 18 comments were received to the public consultation. These were received from Essex County Council, Great Notley and Black Notley Parish Councils, Chelmsford City Council, a number of statutory consultees including Natural England and Historic England and local residents and stakeholder groups. A summary of the comments made can be found below:

Essex County Council Spatial Planning

- Noted and welcomed many of the transport requirements, but required further time to consider the detailed Transport Assessment. Supports the need for pedestrian and cycle routes and welcomes further discussions in relation to bus service provision.
- Essex County Council requested to be involved in the arrangements for any day nursery on the site.
- Supported the enriching of existing habitats and provision of additional habitats, and routes for walking/cycling and running enabling employees to enjoy the country park adding to their health and wellbeing.
- In respect of Sustainable Urban Drainage (SuDs), raised no objections but commented that they would need to be satisfied that the details of surface

water drainage proposed for each plot, and measures to control surface water runoff, are appropriate and consistent with policy guidance.

Great Notley Parish Council

- Considered its response at the meeting held on 21.10.2019. Raised no specific objections, but wished to request that BDC consider offering a financial contribution to the village as part of this proposal.

Black Notley Parish Council

- Raised strong concerns about the increase in traffic and asked for investment in infrastructure within the Parish and cycle access to the site for workers.

Chelmsford City Council

- Raised no objection but noted that as several developments are planned in the vicinity the authorities must work together to consider highway implications.

Historic England

- Did not wish to make any comments on the proposals.

Natural England

- No comments.

Sport England

- Proposal does not fall within Sport England's statutory remit. Offered general guidance and advice.

Transport for London

- No comments.

ECC Highways

- Satisfied that the part of the network which is the responsibility of ECC should be able to accommodate any additional trips generated by the proposed development. Mitigation measures recommended.

Highways England

- Highways England responded to the original consultation on 24.10.2019. Although the response raised no objections, Highways England recommended that further information was provided to understand whether the total B1(a), B1(b) or B1(c) quantum of development is likely to exceed the estimated quantum specified in the Transport Assessment, in order to

establish whether the proposals are acceptable from a highway perspective and whether any mitigation is required.

Environment Agency

- Noted no ecological concerns with the site but suggested a range of biodiversity studies which may need to be carried out.

Residents commented that:

- How much consideration has been given to using brownfield or existing sites?
- There should be investment in a footpath/cycleway running along the A131
- The use of shielded lighting should be used to protect the night sky
- There should be effective protection for Great Notley Country Park from the development
- All bridleway and other accesses into Great Notley Country Park should be protected
- Questioned the need for a hotel on the site.

6.6 All responses to the consultation are able to be read in full at https://braintree.objective.co.uk/portal/stratinv/horizon_120_ido?tab=list

6.7 A further round of public consultation is currently taking place (from 10th February 2020 until 9th March 2020). Any further consultation responses in respect of this consultation which are available, will be presented to Members at Planning Committee.

7. SITE HISTORY

7.1 **89/00641/P** – Application Permitted with S106

‘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’
Great Notley Garden Village, Great Notley, Braintree, Essex

7.2 **97/01430/FUL** – Application Permitted with S106

‘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’
Great Notley Garden Village, Great Notley, Braintree, Essex

7.3 **15/00015/SCO** – Application Withdrawn

‘Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Proposed business park’
Land West Of Garden Village Way, Great Notley, Essex

- 7.4 **18/00003/SCR** – Screening Opinion Issued
'Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000sq.m 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'
Land West Of A131, Great Notley, Essex
- 7.5 **19/01092/FUL** – Application Permitted
'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'
Land West Of A131 London Road, Great Notley, Essex
- 7.6 **19/01855/DAC** – Application Permitted
'Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL'
Land West Of A131 London Road, Great Notley, Essex
- 7.7 **19/01616/FUL** – Application Permitted
'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)'
Land West Of A131 London Road, Great Notley, Essex
- 7.8 **19/01525/FUL** – Application Permitted
'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'
Land West Of A131 London Road, Great Notley, Essex

8. ASSESSMENT OF PLANNING MERITS BY THE LOCAL PLANNING AUTHORITY

8.1 Principle of Development

- 8.1.1 The Development Plan for the District must set an overall strategy for the pattern, scale and quality of development and make sufficient provision for amongst other areas employment and other commercial development. As well as safeguarding existing commercial development whilst they remain suitable and appropriate for that use, the Plan will also allocate new land for employment uses.
- 8.1.2 Policy RLP28 of the Adopted Local Plan sets out the type of uses which are acceptable on industrial estates and business parks, namely B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution).
- 8.1.3 The Council's Adopted Core Strategy allocates the site for employment uses. Policy CS4 of the Adopted Core Strategy states that the Council and its

partners will support the economy of the District between 2001 and 2026. Employment sites in current or recent use in sustainable locations will be retained for employment purposes. The Policy and related table/inset map (Table CS4 and Inset 1b) identifies 18.5ha of land to the west of the A131 at Great Notley (the site) for an Innovation and Enterprise Business Park for Use Classes B1, B2, B8 and C1 purposes. It also states that in order to ensure a mix of uses on the site, the overall quantum of B8 use on the site should be restricted to no more than 40% of the total floor area and the largest unit size restricted to 7,500sq.m. This restriction was to ensure a mix of uses on the site. Structural landscaping/wildlife corridor is indicated to comprise as 7ha, although the exact location of this on the site was not defined at the strategic policy stage.

- 8.1.4 Following the adoption of the Core Strategy in September 2011, a Masterplan was produced and approved for the development in January 2012. This document implemented the requirements of the Core Strategy policy and remains a material consideration in the determination of planning applications on the site. However it should be noted that this Masterplan is now almost 8 years old and was produced prior to the publication of the latest version of the NPPF. As such the weight it can be afforded at this time is limited. It is also relevant to note that development on the site has not come forward in this time.
- 8.1.5 The allocation of the site for employment uses is proposed to be carried forward to the Council's Publication Draft Local Plan. Policy LPP2 of the Draft Local Plan allocates 18.5ha of land for an Innovation and Enterprise Business Park for uses B1, B2 and B8. It states that part of the site may be developed for a hotel (C1 use) and that B8 uses should be restricted to no more than 40% of the total floor area and no single unit should be larger than 7,500sq.m. As with the Adopted Core Strategy, Policy LPP2 of the Draft Local Plan includes 7ha of structural landscaping.
- 8.1.6 As outlined within Section 4 above, the Draft LDO proposes a range of Use Classes across Zones A, B and C within the site. These predominately include Use Classes: B1(a) (Office); B1(b) (Research and Development); B1(c) (Industrial Process); B2 (General Industrial); B8 (Storage or Distribution); and C1 (Hotel). These uses accord with Policy CS4 of the Adopted Core Strategy and Policy LPP2 of the Draft Local Plan. All of the Use Classes, with the exception of Use Class C1 (which is specifically provided for within the relevant site specific policies) also accord with Policy RLP28 of the Adopted Local Plan.
- 8.1.7 As originally drafted, in addition to the above Use Classes, the Draft LDO also proposed the following Use Classes: A1 (Shop); A3 (Restaurant and Café); D1(a) (Medical or Health Services); D1(b) (Early Years Childcare, Day Nursery or Preschool); and D2(e) Gymnasium. These uses would not accord with the policies of the Adopted or Emerging Development Plan. Furthermore, as each of the above Use Classes were expressed separately, other than the restrictions proposed to limit the total floorspace of a building, there was no restriction on the proportion of Zone A which could be used for these purposes. Without tighter controls, the concern was that the employment offer

of the site could be diminished through the introduction of non B1, B2 and B8 uses.

- 8.1.8 The Council's vision for the site however, sets out the aspiration to create a hub to the north of the site, to provide a key focal space for the development. It is envisaged that this would include an outdoor square for public seating, socialising and events such as markets. The hub facilities could include a gym, nursery, café and food outlets, as well as other 'shared' facilities such as meeting rooms/conference facilities to serve the wider Business and Innovation Park. This vision adds to the sustainability and attractiveness of the site as a vibrant employment destination, providing sufficient controls and restrictions are put in place within the LDO to address the aforementioned concerns.
- 8.1.9 Following discussions, the Draft LDO as originally proposed, has specifically been amended by the Local Planning Authority to include more restrictions and a greater level of control to ensure compliance with the relevant policies. To achieve this, the ancillary uses specified above would be restricted and limited to a sub-zone with Zone A, referred to as the 'Horizon Hub Core'.
- 8.1.10 Additional limitations are included within the Draft LDO for Zone A to prevent the inclusion of a drive-thru facility for an associated A1 or A3 use and the limit the total floor area for particular use classes. These are considered essential in order to protect the District Centre at Great Notley. It has also been confirmed that the aspiration is only for one hotel on the site. As such, the LDO includes restrictions to limit the number of buildings for Use Class C1 to one and to limit the maximum number of bed spaces to 120.
- 8.1.11 Restrictions are proposed within Zones B and C to prevent an excessive quantum of B8 (Storage or Distribution) uses. This is achieved within Zone B by a 50% restriction on B8 use on either a building or plot, and within Zone C by a maximum floorspace restriction of 14,000sq.m. This is higher than the maximum floorspace restriction set out within both the Adopted Core Strategy and Draft Local Plan, however the Council in its capacity as land owner has market tested this restriction and considers it to be too onerous and has instead proposed a 14,000sq.m floorspace restriction. The Local Planning Authority has considered this request and considers that this is, on balance, acceptable, having regard to the other restrictions proposed within Zone B to limit the extent of B8 uses. The amount of B8 floorspace that can be delivered is also restricted by virtue of the zones within the Draft LDO, as stand-alone buildings for B8 purposes only are only permitted within Zone C. This ensures that these uses are not in close proximity to the Great Notley Country Park, which is considered the most sensitive use immediately surrounding the site. This compromise provides the commercial flexibility desired, but also provides for the greatest opportunity for the Council to secure more intensive B1 and B2 employment uses across Zones A and B of the site.
- 8.1.12 In order to prevent retail sales from taking place, Zones B and C also restricts the sale of goods (i.e. from a trade counter) from the Horizon120 LDO Area. This safeguards the site from becoming a retail area through planning creep.

8.1.13 Lastly, while Schedule D permits changes of use within the Horizon 120 site from lower to higher employment generating uses, it also includes a 'catch all' restriction to prevent any other changes of use from occurring. Any such proposals would require specific planning permission enabling a full consideration of all relevant issues at that point in time.

8.1.14 Subject to the controls and restrictions set out within this report, it is considered that the policy principle of the proposed development is acceptable and would accord with the Adopted Local Plan, Adopted Core Strategy and Draft Local Plan. The proposals would facilitate the provision of well-connected Business and Innovation Park with the potential to create a large number of jobs, both during construction and following the completion of the development. This would represent a significant economic and social benefit which weighs heavily in favour of the proposal in the overall planning balance.

8.2 Design

8.2.1 Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Government's 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

8.2.2 The NPPF also states within Paragraph 38 that "Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible".

8.2.3 Policy RLP31 of the Adopted Local Plan states that new employment development will be required to conform to suitable design and layout standards with adequate car parking, and provision for public transport, cycling and walking, landscaping and servicing.

8.2.4 In addition to the above, 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.

- 8.2.5 The Horizon 120 LDO proposals are accompanied by a comprehensive Design Code document which sets out detail over building design, landscaping, parking standards and various other aspects. Some parts of the Design Code are applicable across the site as a whole whereas some are specific to certain uses or areas, with these set out in the Design Code itself.
- 8.2.6 The Design Code has been subject to considerable consultation with the Local Planning Authority which has been critiqued and tested from both an urban design and landscape perspective.
- 8.2.7 The revised Design Code is considered to be a robust document which ensures that a high quality Business and Innovation Park will be delivered on the Horizon 120 site, and that some of the more aspirational elements of the Design Code, will be incorporated into detailed design proposals and will be realised on site. The proposal is therefore considered to accord with the relevant policies in respect of design and layout.

8.3 Landscaping, Trees & Hedgerows

- 8.3.1 Policy RLP80 of the Adopted Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.
- 8.3.2 Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:
 - a) Facilitate the survival of individual members of the species
 - b) Reduce disturbance to a minimum; and
 - c) Provide supplementary habitats.
- 8.3.3 The LDO seeks to create an attractive public realm with high quality landscaping throughout the site. Public footpaths and cycleway connections are also proposed throughout the site to achieve permeability with existing routes and networks. The existing pedestrian pathway and bridleway to the west and north of the site will be protected under the LDO, with new landscaping alongside to ensure an attractive and user friendly path is

retained. Additional new landscape is also required within individual development plots.

- 8.3.4 To the north of the site, the land is separated from the rest of the site by hedgerow, with some gaps for the footpath/bridleway. The LDO seeks to leave this area largely undeveloped as a parkland for use as recreational space. This is indicated as Zone D on the submitted plans.
- 8.3.5 The LDO has been accompanied by an Arboricultural Survey, Impact Assessment and Method Statement, including a Tree Protection Plan (which is cross referenced within Condition G3 of the LDO). The proposed removal of existing vegetation on the site (trees and hedgerows) is limited and has already been accepted through the grant of the recent planning permissions to facilitate site access and infrastructure for the future development. The significant additional tree planting and landscaping proposed for the site is considered to provide adequate mitigation to compensate for the loss of existing vegetation.

8.4 Ecology

- 8.4.1 The LDO submission is accompanied by an Ecological Impact Assessment for the site. The report prepared by Green Environmental Consultants is dated August 2017. In addition, a Great Crested Newt Non-Licensed Method Statement and a Great Crested Newt Survey Report dated August 2019 have been submitted. As set out above the LDO does not require a formal Environmental Statement under the regulations, however relevant ecological impacts, particularly on protected species have to be considered and have been set out below.
- 8.4.2 These same reports were also submitted in support of the recent planning application for '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)' (Application Reference 19/01616/FUL). This planning application (also submitted by the Council as the applicant for the application) was however accompanied by a Badger and Skylark Survey Report (dated July 2019) which has also subsequently been submitted to accompany the range of supporting documentation for the LDO.
- 8.4.3 In considering Application Reference 19/01616/FUL the Local Planning Authority in consultation with the Council's Ecology Consultant assessed the ecological impacts of the development. Given that the baseline survey data is the same it is considered that the conclusions of this assessment are relevant to the assessment of the Draft LDO.
- 8.4.4 As highlighted earlier within the report, the majority of the site is agricultural land and is not of notable ecological value, being both habitat and species poor. The proposed removal of existing vegetation on the site (trees and hedgerows) is limited and has already been accepted through the grant of the recent planning permissions to facilitate site access and infrastructure for the future development.

- 8.4.5 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 submitted 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 the report considers that the loss of the site would not have an impact on the long term survival of this species in the area.
- 8.4.6 In response to Application Reference 19/01616/FUL, 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. To secure this mitigation a condition was included within the planning permission (Condition 21) which requires that this is in place prior to the commencement of the next Skylark breeding season in March 2020.
- 8.4.7 There is a dried pond located on the site which previously (when it held water) contained Great Crested Newts. To support the recent application for '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)' (Application Reference 19/01616/FUL), the applicant submitted supplementary reports to ensure impacts upon Great Crested Newts were fully considered. The dried pond was obviously found to be unable to host a Great Crested Newt population and overall no Great Crested Newts were found in a pond located off site, however this would remain unaffected by both the development proposed pursuant to Application Reference 19/01616/FUL and the Draft LDO.
- 8.4.8 The dried pond reference above is proposed to be infilled under Application Reference 19/01616/FUL. A previously approved application for an electric vehicle charging station on adjacent land to the site (Application Reference 19/01092/FUL) proposed to retain the majority of this dried pond. However, the Council as the applicant for both Application Reference 19/01616/FUL and as the proposer of the Draft LDO has advised that the Gridserve access plan was incorrect and that the plans/documentation submitted with their application, should have shown that the pond and associated trees cannot be retained.
- 8.4.9 As identified earlier in the report, a large attenuation pond is proposed in the northern end of the site, adjacent to the Country Park. This provides 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. The applicant has confirmed that 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.
- 8.4.10 In terms of foraging habitat, the site itself offers potential terrestrial and aquatic habitat for Great Crested Newts in the form of ditches and hedgerows at the boundaries of the site. This habitat would remain largely unaffected and would be enhanced as part of the development proposals. Overall the submitted

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.

- 8.4.11 The additional trees proposed for removal pursuant to Application Reference 19/01616/FUL, which are located to the northern side of the dried pond, are all either Category C (trees of low quality and value) or Category U (trees for removal – any existing value lost within 10 years) and are not considered to be prohibitive to development. The removal of these trees has already been approved under Application Reference 19/01616/FUL.
- 8.4.12 Overall the Draft LDO proposals would result in a limited degree of ecological harm. As with the recent application reference 19/01616/FUL this harm would include the loss of habitat for at least 6 pairs of breeding Skylark and the loss of the dried up pond area with associated trees. However, the above planning application included conditions to mitigate the harms identified, namely the Skylark mitigation (compensation) strategy pursuant to Condition 21 of that planning permission, and the requirement to install a new attenuation pond in the northern part of the site to ensure adequate surface water drainage measures are provided and to provide a new ecological habitat with associated grassland and shrub planting for the benefit of birds, bats, amphibians and specifically Great Crested Newts.
- 8.4.13 In addition to the mitigation measures already provided for, the LDO provides a further opportunity to provide ecological habitats throughout the proposed development.
- 8.4.14 The Draft LDO includes conditions in relation to: Tree and Hedgerow Protection (Condition G3, which requires trees and hedgerows, other than those proposed to be removed within the submission, to be protected); Nesting Birds (Condition G4, which prevents vegetation removal during the nesting season); and Great Crested Newts (Condition G5, which requires all demolition and construction works to be carried out in complete accordance with the Great Crested Newt Non-Licensed Method Statement, dated August 2019). The conditions also include Condition G6 which requires the bat and bird boxes, as set out within Appendix H, to be provided prior to the first use of the first building on the Horizon 120 LDO area.
- 8.4.15 In response to the consultation on the Draft LDO Natural England raised no comments or objections in respect of the proposals or supporting documentation.
- 8.4.16 The Environment Agency commented that further ecological surveys to include protected species (water vole, otter, Desmoulin's whorl snail, great crested newts, bats, barn owl) and priority species and habitats should be undertaken. The Environment Agency also commented that in line with the Governments 25 year Environment Plan, and in accordance with Paragraph 170 of the NPPF, Horizon120 should adopt an 'environmental net gain' approach, which could be achieved through:

- Enhancements of existing habitats;

- Creating a net increase in priority habitats such as woodland and wetland, including by integrating features as part of the scheme design (for example shallow graded and planted drainage features);
- Implementing measures laid out in the River Basin Management Plans to improve and enhance the ecological status of any affected waterbodies;
- Contributing to river and floodplain restoration projects.

8.4.17 While the comments from the Environment Agency in relation to additional surveys are noted, following consultation with the Council's Ecologist, it is considered that sufficient information has been submitted in support of the proposals to adequately assess the ecological impacts of the proposal. Furthermore, while the last two bullet points recommended by the Environment Agency to achieve a biodiversity net gain cannot be achieved due to the lack of river basins and river/floodplains on/adjacent the site, it is considered that the Draft LDO provides the opportunity to achieve an environmental net gain across the site through the creation and enhancement of existing habitats and the creation of a priority habitat, namely the large attenuation pond and associated grassland in the northern part of the site. The ecological impacts arising from the Draft LDO have therefore been fully considered and assessed, and subject to the mitigation identified, the proposals are considered to be acceptable in this regard.

8.5 Heritage

8.5.1 There are no heritage assets located on the site. There are two Grade II listed buildings and a Grade II listed dovecote located to the south of the site at Slamseys Farm.

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

8.5.3 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.

8.5.4 Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do no harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

8.5.5 The Council's Historic Buildings Consultant has been consulted and has identified that the proposed development would result less than substantial harm to the setting of these heritage assets. In considering the level of harm,

the Historic Buildings Consultant considers that the harm would be at the higher end of less than substantial harm.

- 8.5.6 As identified above, development resulting in less than substantial harm to a heritage asset(s) should be weighed against the public benefits that would arise from a proposal. In this case, there are considerable public benefits which would arise from the development. These include, but are not limited to, the economic benefit to the wider economy through the provision of good quality and well-connected employment land, and significant job creation and generation, both during construction and post completion of the development, which would have both economic and social benefits.
- 8.5.7 As such, in the heritage balance, it is considered that the harms to the heritage assets identified above, would not outweigh the public benefits. The overall planning balance is concluded at the end of the report which considers all harms and benefits of the proposal.

8.6 Flood Risk and Surface Water Drainage

- 8.6.1 The supporting documentation provided to accompany the Horizon120 LDO proposals, included a Flood Risk Assessment and Drainage Strategy.
- 8.6.2 The site is located within Flood Zone 1, where there is a low risk of fluvial flooding.
- 8.6.3 Tidal flooding is not considered a risk to the site due to the inland location of the development.
- 8.6.4 In terms of surface water flooding, the site is a greenfield site, mostly used as agricultural land. The site has a gentle fall towards the north east. Given the topography, existing land use and surface water flood map information, the site is considered to be at a low risk from surface water flooding.
- 8.6.5 In respect of groundwater flooding, the site is classified as being underlain by unproductive superficial and bedrock strata, or negligibly permeable non-aquifers. As such, the existing flood risk from groundwater is therefore identified as low.
- 8.6.6 The risk of foul sewer flooding is also identified as low, as there is no foul water drainage within or adjacent the site.
- 8.6.7 Lastly, the report identifies that the site is at a low risk of flooding from artificial sources such as raised channels (i.e. canals) or storage features (such as ponds or reservoirs) as there are no such features adjacent or on the site.
- 8.6.8 The proposed drainage strategy for the site includes various features based on sustainable urban drainage principles, including drainage channels and gullies, an attenuation pond, swales and filter/French drains. The drainage strategy for the site has evolved and has been considered in connection with two recent planning applications on the site, namely:

- Application Reference 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'; and
- Application Reference 19/01616/FUL - '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)'.

8.6.9 The drainage strategy for the site is for surface water runoff being discharged into the main carrier drain which would run along the proposed spine road from the site (subject to the current 'Infrastructure' proposals pursuant to application reference 19/01525/FUL) and discharge surface water into the proposed SUDS pond located in the northern part of the site.

8.6.10 The recent planning application for '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)' (Application Reference 19/01616/FUL), was granted planning permission by the Local Planning Authority subject to Condition 13 which requires the applicant to submit a detailed surface water drainage strategy for the site for approval, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. No objections were raised by Essex County Council, as the relevant Local Lead Flood Authority subject to the imposition of these conditions.

8.6.11 The applicant will submit details to discharge the abovementioned condition to the LPA which, subject to approval, will provide the overarching strategic drainage strategy for the site. Condition G9 of the Draft LDO provides the reassurance that the overarching surface water drainage strategy for the site is implemented as this requires the SuDS Pond in the northern part of the site to be fully implemented prior to the first occupation of a building.

8.6.12 The Draft LDO subject to this report, includes Condition P6 which requires future applicants seeking permission for the development of specific land parcels to submit details of surface water drainage for the relevant plot alongside the 'Compliance Checklist'.

8.6.13 In response to the consultation on the Draft LDO, Essex County Council as the relevant Local Lead Flood Authority, have commented that they support the overall aims and aspirations for Horizon120 to provide an integrated and green approach to dealing with surface water drainage which also considers the impact of climate change. They support the systems which will be designed to ensure discharge rates do not exceed the appropriate greenfield equivalent, to mitigate the impact of the development and welcomes the requirement within the proposed Design Code (Paragraph 6.4.4) for design parameters for the principles of SuDS as defined in the 'CIRIA SuDS manual' and the 'Sustainable Drainage Systems Design Guide' produced by Essex County Council, to be used in the design of surface water drainage.

8.6.14 The Local Lead Flood Authority have therefore raised no objections, but have commented that they will need to be satisfied that the details of surface water drainage proposed for each plot, and the measures proposed to control surface water runoff, are appropriate and consistent with policy guidance. Furthermore, no objections or comments were raised by the Environment Agency in relation to flooding or surface water drainage.

8.6.15 As noted above, details of surface water drainage for each specific plot is required by Condition P6. In addition, Condition G1 requires development to be carried out in strict accordance with the Design Code. As such, having regard to the consultation responses received and subject to the inclusion of the abovementioned conditions, the Draft LDO and accompanying Design Code are considered to adequately address flood risk and surface water drainage.

8.7 Loss of Agricultural Land

8.7.1 An Agricultural Land Classification Report has been produced in support of the Horizon120 LDO proposals.

8.7.2 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 27.27 hectares, the majority of which is classified as Grade 2 (best and most versatile) agricultural land.

8.7.3 While the loss of best and most versatile agricultural land is noted, and weighs against the proposal in the overall planning balance, the site has been allocated for development as a Business and Innovation Park within the Adopted Core Strategy and within the Draft Local Plan. The site is required for development to meet the identified need for employment land within the District. Accordingly, the loss of this land is therefore considered to be acceptable in this context and has already been considered as acceptable through the allocation for a Business and Innovation Park.

8.8 Archaeology

8.8.1 An archaeological desk-based assessment has been produced in support of the Horizon120 LDO proposals. The report dated in March 2011 and revised in July 2012 and October 2012 was prepared for Countryside Properties, the previous applicant for the site. The report concludes that it is unlikely that any archaeological finds would be a constraint on development, but highlights the requirement for prior archaeological survey and excavation to be undertaken prior to commencement of development. A Written Scheme of Investigation has also been submitted to accompany the range of supporting documentation for the LDO in November 2019.

8.8.2 Places Services at Essex County Council, who provide the Local Planning Authority with specialist archaeological advice have not provided any specific comment on the LDO proposals. The Historic Environment Officer at ECC did however provide a consultation response for the recent application for '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)' (Application Reference 19/01616/FUL). This raised no objections to the proposals, but in line with the NPPF recommended conditions requiring archaeological trial trenching to be undertaken on the site. These recommendation were duly secured by way of an appropriate planning condition, namely Condition 9 pursuant to Application Reference 19/01616/FUL.

- 8.8.3 As with the surface water drainage strategy for the site, the requirement for archaeological trial trenching is a prerequisite for the development of the site and needs to be undertaken by the Council. These requirements would be fulfilled pursuant to the planning permission under application reference 19/01616/FUL, rather than through the LDO.

8.9 Highways and Parking

- 8.9.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.9.2 With the National Planning Policy Framework in mind, particularly Paragraph 109, the Highway Authority have been consulted and have assessed on the proposals, including the submitted Transport Assessment and Framework Travel Plan, against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.
- 8.9.3 The Supporting Documentation submitted to accompany the LDO included a Transport Assessment and Travel Plan Framework. These have been assessed as part of the consultation process that has taken place by the two Highway Authorities, namely Highways England and ECC Highways.
- 8.9.4 ECC Highways as the Highway Authority responded on 21.01.2020 and advised that they were satisfied that the network which is the responsibility of ECC should be able to accommodate any additional trips generated by the proposed development, subject to a range of mitigation measures.
- 8.9.5 Highways England responded to the original consultation on 24.10.2019. Although the response raised no objections, Highways England recommended that further information was provided to understand whether the total B1(a), B1(b) or B1(c) quantum of development is likely to exceed the estimated quantum specified in the Transport Assessment, in order to establish whether the proposals are acceptable from a highway perspective and whether any mitigation is required.
- 8.9.6 Subsequently, the Transport Assessment has been updated and is currently subject to further consultation with the two Highways Authorities. A further update will be provided for Members at Planning Committee.

8.10 Climate Change

8.10.1 As identified above, the site is allocated for development as a Business and Innovation Park. The site is well-connected, adjacent to Great Notley, adjacent the A131 and within close proximity to the A120. As set out above the proposals for the site include a significant amount of additional tree planting and landscaping across the site. Further, it is considered that the Draft LDO provides the opportunity to achieve an environmental net gain across the site through the creation and enhancement of existing habitats and the creation of a priority habitat, namely the large attenuation pond and associated grassland in the northern part of the site.

8.10.2 In order to enhance the sustainability credentials of the development, Condition P12 within the LDO requires the provision of 30% of the projected energy requirements of a plot, including the building, to be provided through renewable energy technology. It should be noted this is higher than required through the Draft Local Plan, given the overall aims and aspirations of the site. As future occupiers are not required to apply for planning permission and to meet these aims and objectives, the Council felt a higher level of sustainability should be sought accordingly.

8.11 Impact upon Amenity

8.11.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

8.11.2 The Draft LDO was accompanied by an Air Quality Assessment, dated September 2019. This report considers the impacts of the Horizon 120 development which have the potential to cause air quality impacts, both during construction and post completion of the development. The report outlines that the use of good quality practice control measures during the construction of development, would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. The impact post completion was also considered and modelled (dispersion modelling) in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network. The report concludes that predicted air quality impacts would not be significant at any sensitive location in the vicinity of the site and therefore indicates that air quality issues would not be a constraint on development.

8.11.3 The Draft LDO submission was also accompanied by a Sound Level Assessment report, dated October 2018, for the proposed development. The report indicates that the development of the site can be designed and operated so as not to cause significant harm from adverse impacts from noise on the health and quality of life of residential receptors. It also considers that the proposed hotel use can be constructed to achieve acceptable internal noise levels.

8.11.4 A number of conditions are included within the Draft LDO to mitigate the impact of the development on nearby residential properties and to safeguard their amenity. The conditions include:

- Condition G7 (Construction Management Plan) which requires details to be submitted with the Compliance Checklist to mitigate the impact of development during the construction period. The details are required to include: safe vehicular access and parking; loading, unloading and storage of plant; measures to control dust and dirt; a scheme for reusing, recycling or disposing of waste, a scheme to control noise and vibration; hours of construction work; and a scheme to minimise off-site flooding.
- Condition P8 (Noise) which requires proposals any use under Use Classes B2 or B8, to be accompanied by a noise assessment with the Compliance Checklist demonstrating compliance with the noise levels set out in the submitted Sound Level Report.

8.11.5 Subject to the abovementioned conditions, it is considered that the proposals are acceptable and would ensure construction impacts arising from the development of the site are mitigated. The details submitted alongside the Compliance Checklist, would be subject to consultation with the Council's Environmental Health Officer, who would need to confirm within the 28 day timeframe that the details were acceptable.

8.12 Maintenance

8.12.1 The Statement of Reasons which accompanies the Draft LDO outlines that the general ownership and maintenance of the site, namely public highway, building set back landscape, perimeter buffer landscape, and parks and public spaces will fall under the remit of the Council as land owner. All other areas will be the responsibility of a developer and/or individual plot owners. The Statement of Reasons indicates that this could be subject to change over time and any requests would be considered on a case by case basis.

8.12.2 The Statement of Reasons indicates that maintenance and management plans should be established for both plots and public realm based on a number of principles outlined. This is supported by the Local Planning Authority.

9. OFFICER PLANNING BALANCE AND CONCLUSION

9.1 Under Article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, when considering whether to adopt an LDO a local planning authority must take into account any representations made. As the LDO effectively grants planning permission, the Local Planning Authority also consider it is relevant to consider Paragraph 47 of the NPPF, which states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

9.2 The site is allocated in the Adopted Core Strategy and in the Draft Local Plan as a strategic employment site for B1, B2, B8 and C1 uses. Subject to the

controls and restrictions set out within the LDO, it is considered that the principle of the proposed development is acceptable and would accord with the Adopted Local Plan, Adopted Core Strategy and Draft Local Plan. While it is acknowledged that the floorspace restriction on B8 use is proposed to be increased (compared to the restrictions set out within the Adopted Core Strategy and Draft Local Plan), it is considered that as this has been market tested by the Council in its capacity as land owner, and as the LDO includes a restriction on where the B8 uses can be located within the site, the 14,000sq.m floorspace restriction is considered to be appropriate in this case.

- 9.3 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).
- 9.4 In this case, the proposals would facilitate the provision of well-connected Business and Innovation Park with the potential to create a large number of jobs, both during construction and following the completion of the development. There would also be the economic benefit to the wider economy through the provision of good quality and accessible employment land. These represent a significant economic and social benefit which weighs heavily in favour of the proposal in the overall planning balance.
- 9.5 The accompanying Design Code, which has been considered by the Local Planning Authority and amended since the initial consultation, would also ensure that a high quality design and layout for the Business and Innovation Park will be delivered on the Horizon 120 site, and that some of the more aspirational elements of the Design Code, will be incorporated into detailed design proposals and will be realised on site. The proposal is therefore considered to accord with the abovementioned policies in respect of design and layout.
- 9.6 The Council's Historic Buildings Consultant has been consulted and has identified that the proposed development would result less than substantial harm to the setting of these heritage assets. In considering the level of harm, the Historic Buildings Consultant considers that the harm would be at the higher end of less than substantial harm. However, in accordance with

Paragraph 196 of the NPPF, it is considered that the benefits of the development (as outlined within this report) would outweigh the less than substantial harm identified.

- 9.7 Impacts arising during the construction of the development and post completion have been assessed and it is considered that these can be adequately mitigated through the conditions included within the Draft LDO.
- 9.8 It is pertinent to note that despite being allocated and subject to a masterplan, development on the site has not come forward. It is therefore hoped that adoption of the LDO will encourage potential occupiers to come forward and that it will facilitate the development of the Business and Innovation Park. This is reflected by discussions the Council have been having with potential occupiers, with interest in the site from a variety of different businesses.
- 9.9 Overall it is considered that the proposed Draft LDO and accompanying Design Code constitute a sustainable development in an accessible and well-connected location, and consequently it is recommended that the proposals are supported.

10. EQUALITIES

- 10.1 The Council in its consideration has to have regard to the public sector equalities duties under the Equality Act 2010. In exercising its functions regard must be had to ensuring that there is no unlawful discrimination in respect of the relevant protected characteristics of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation.
- 10.2 It is not considered that the LDO in and of itself will directly impact on any of the protected characteristics. The differing needs of people, including those with different protected characteristics, will need to be considered during the detailed design and planning of the development particularly for individual buildings and will be kept under review as the scheme progresses.

11. RECOMMENDATION

- 11.1 It is the Planning Officers professional recommendation that the Planning Committee recommend that the Local Development Order and Design Code for Horizon 120 is approved by Full Council.