

PLANNING COMMITTEE AGENDA

Tuesday, 19 June 2018 at 07:15 PM

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

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

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

Membership:-

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email 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

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

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

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

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

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

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

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

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

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

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

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 5th June 2018 (copy to follow).

4 Public Question Time
(See paragraph above)**5 Planning Applications**

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

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

PART A

Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5a | Application No. 17 01993 FUL - Land South of East End, Fairy Hall Lane, RAYNE | 5 - 24 |
| 5b | Application No. 17 02263 OUT - Bungalow, Feering Lodge, London Road, FEERING | 25 - 41 |
| 5c | Application No. 17 02291 OUT - Land East of Colchester Road, BURES HAMLET | 42 - 77 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5d | Application No. 18 00325 FUL - 55 Little Yeldham Road, LITTLE YELDHAM | 78 - 85 |
|-----------|--|----------------|

5e Application No. 18 00565 ADV - War Memorial Gardens, 86 - 91
Newland Street, WITHAM

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

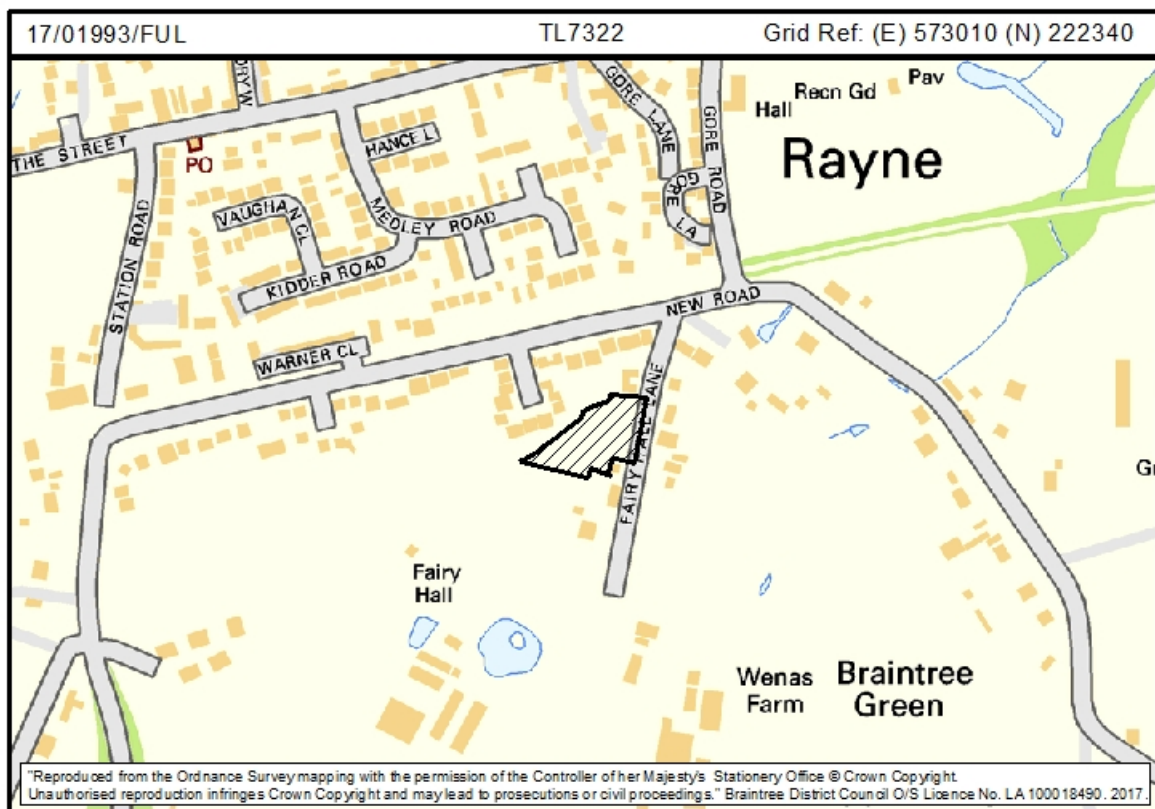
8 Urgent Business - Private Session

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

PART A

APPLICATION 17/01993/FUL DATE 01.11.17
 NO: VALID:
 APPLICANT: Construct Reason Ltd
 Beaver House, Northern Road, Sudbury, Suffolk, CO10 2XQ
 DESCRIPTION: Erection of 2 no. detached dwellings, garages and associated works
 LOCATION: Land South Of East End, Fairy Hall Lane, Rayne, Essex, CM77 6SZ

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



SITE HISTORY

17/00026/REF	Erection of 2 no. detached dwellings and garages	Appeal Dismissed	09.08.17
15/00930/FUL	Erection of 4 no. dwellings and garages	Refused	02.06.16
16/02020/FUL	Erection of 2 no. detached dwellings and garages	Refused then dismissed on appeal	24.01.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 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 Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

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
SP6	Place Shaping Principles
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being referred to the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council has objected to the application contrary to Officer's recommendation.

SITE DESCRIPTION

The application site is located on the west side of Fairy Hall Lane, which is an unclassified road. It is roughly triangular in shape, measuring approximately 0.4 hectares, and is currently used for grazing ponies. It lies adjacent to the Rayne Village Envelope and is bordered on three sides by dwellings and their gardens. Opposite the site across the Lane is a row of detached dwellings which are within the Village Envelope. There is an established hedge fronting onto the Lane, measuring approximately 90m. The site is within Flood Zone 1 where there is the lowest probability of flooding.

HISTORY

The site was subject to two previous applications. The first application (15/00930/FUL) sought permission for the erection of four detached houses. This application was refused in June 2016 under delegated powers.

The second application (16/02020/FUL) sought permission for the erection of two 'L' shaped houses. These houses were proposed to be mirror images of each other with detached garages adjoining in the middle. This application also proposed to remove the hedge at the front of the site to create a 2.4m wide passing bay for vehicular traffic using Fairy Hall Lane. This application was refused planning permission by Officers for the following two reasons:

1. *“...The Council does not accept that the proposal would be sustainable development within the meaning of the NPPF, having regard to the following factors:*
 - a. *The lack of local facilities and services to meet the needs of future occupiers of the proposed development resulting in a heavy reliance on the private car;*
 - b. *The failure of the proposed development in terms of social sustainability to create a development with accessible local services that reflect the future community's needs and support its health, social and cultural well-being;*
 - c. *The loss of a greenfield site which clearly performs the function of separating the built-up area of the village and its transition towards the open countryside.*

The proposal would therefore be contrary to the provisions of the National Planning Policy Framework which makes it clear that, when development is shown to not be sustainable, refusal of planning permission may be justified because the adverse impacts would significantly and demonstrably outweigh the benefits of allowing development, and would also be contrary to Policy RLP2 of the Braintree District Local Plan Review (2005) and Policy CS5 of the Braintree District Core Strategy (2011).”

2. *... The site is undeveloped, reflecting its countryside location and as such the site is an asset to the character of the surrounding area. In this case, the development by virtue of the proposed design, layout, suburban appearance, prominence of car parking/garaging, and massing would represent inappropriate development that would be out of keeping with the rural character and appearance of Fairy Hall Lane. As such, it is considered that the proposed development would result in a built form that would neither reflect the more linear character of the existing development to the north, or the more spacious character of the dwellings on the opposite side of Fairy Hall Lane. As such, it is considered the proposed development would have a detrimental impact upon the character and appearance of the rural character of the site and its surroundings and would therefore be contrary to the NPPF, Policies RLP2 and RLP90 of the Braintree District Local Plan Review and Policy CS9 of the Braintree District Core Strategy.*

The Council's decision to refuse planning permission was then subsequently subject to an appeal. The Planning Inspector Dismissed the appeal and concluded the following:

“In conclusion, while the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities, it would not do so in terms of its overall effect on the character and appearance of the area. Therefore, it would not accord with Policies RLP2 and RLP90 of the LPR or Policies CS5 and CS9 of the Core Strategy. These policies seek to safeguard the countryside with proposals that respect and respond to local context. While the development would not

result in isolated housing in the countryside that paragraph 55 of the NPPF seeks to avoid, it would conflict with the NPPF in terms of not responding to local character or recognising the intrinsic value of the countryside.”

The Inspector therefore shared the Council's view that there would be harm on the semi-rural character of the area. However, the Inspector did not agree with officers in respect of the site's lack of accessibility and the design/scale of the proposed dwellings. The rationale underpinning the Inspector's decision will be explored further in the report.

PROPOSAL

This application proposes two handed detached houses and detached garages on the existing paddock site. The main part of each house would measure approx. 13.5m in length and 7.7m in width, while the gable at the front of the site would measure 7m in length and 7.7m in width. The total width of the proposed dwellings from the side would therefore be 15.4m. The proposed detached garage would measure 6.3m in width by 7.4m in length and 6.3m to eaves height.

The proposed dwellings submitted with this current application are identical in terms of design and scale to previously refused application 16/02020/FUL. The differences between the applications in this case are however twofold; 1) The siting of the houses and garages have been swapped around so that the side elevation of the houses would be adjacent to one another, rather than the side elevation garages being adjacent to one another. 2) Access arrangements have changed and the passing bay has been removed to facilitate the retention of just under 80% of the existing hedgerow fronting the site.

This application therefore remains very similar to refused application 16/02020/FUL but attempts to address the deficiencies set out in the Planning Inspector's report.

CONSULTATIONS

Braintree Engineers

No objection subject to clarity in respect of means of surface water drainage.

Environmental Health

No objection subject to conditions.

Landscape Services

No objection – subject to the Arboricultural Method Statement and Tree Protection plan being followed.

Essex Highways

Due to a lack of information in respect of the proposed accesses, Essex Highways initially objected to the application. The applicant then provided additional information in respect of the highway boundary to demonstrate that adequate visibility could be achieved. Essex Highways were satisfied with the additional information submitted and consequently removed their objection.

Rayne Parish Council

Object to the application on the following grounds:

- Outside of village envelope
- Overdevelopment of the site
- History of surface water flooding issues
- Site key link between Rayne, Great Notley Village and the Country Park
- Single track lane increase conflict with pedestrians/equestrians and cyclists and vehicles
- Presence of great crested newts at the site
- Fairy Hall Lane is a Bridleway

REPRESENTATIONS

6 letters of objection have been received from 5 members of the public including 1 Little Paddocks, 3 Leyfields, Willows Cottage, Stocks Cottage and East End outlining the following summarised concerns:

- Almost the same as previously refused scheme
- Outside of village envelope
- Bridleway not a road
- Threat to wildlife
- History of flooding on the site – overflows onto road
- Key pedestrian link – no footway
- No requirement for additional housing
- Could create further housing development
- Not create social sustainability – not benefit local people

REPORT

Principle of Development

The application site is located outside of but adjacent to the Rayne Village Envelope and is within an area where countryside policies apply. The proposed development of the site for residential use therefore represents a departure from the adopted Development Plan. Policy RLP2 of the Braintree District Local Plan Review 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 Braintree

District 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.

The National Planning Policy Framework (NPPF) states in (para 14) that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. More specifically, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

In considering the principle of development at this site, significant weight must be attributed to comments made by the Planning Inspector in respect of previous application 16/02020/FUL. This is because the current application is very similar to that of application 16/02020/FUL but attempts to address the concerns raised by the Planning Inspector. The comments made by the Inspector in respect to the issues raised by the Council are therefore material to the determination of this application.

For ease, reason for refusal 1 is set out below with the Planning Inspector's comments underneath:

Reason 1 – Part A & B - The lack of local facilities and services to meet the needs of future occupiers of the proposed development + Lack of Social benefits

The Inspector disagreed with the Council's assessment of the site's accessibility and social sustainability by concluding the following:

"9. Turning to the accessibility of services and facilities, Rayne has a number of locations within the village that provide for day to day needs. This includes the primary school, post office and shops, café, pub, restaurant and bus stops, all within walking or cycling distance of the appeal site. Although there are no pavements or lighting on Fairy Hall Lane, it is a relatively short walk to New Road where such features exists. Moreover, the speed limit is 30mph and the frequency of traffic is limited by virtue of its no-through route for motor vehicles.

10. There are hourly bus services between Braintree and Stansted Airport seven days a week from early morning until late evening, which offer a realistic alternative to the private car for accessing services and facilities beyond the village. I note that there appear to have been no changes in the provision of services and facilities since the previous application for this site was refused in 2015. Nevertheless, I consider that the development would have acceptable access to services and facilities and would not be overly reliant on the private car. As a result, it would not be isolated in a functional sense."

Taking the above into account, it is considered that the Council cannot maintain the view in this case that the site would be isolated from services and facilities or provide a lack of social benefits when conducting its overall planning balance.

Reason 1 – Part C - The loss of a greenfield site which clearly performs the function of separating the built-up area of the village and its transition towards the open countryside.

The Inspector in paragraph 7 did not attribute significant weight to the loss of the greenfield site, nor the Council's position in respect to the land's function forming the transition towards the open countryside. However, in paragraph 8, the Inspector considers that the loss of the hedge fronting the site would cause harm to the character and appearance of the area:

“7. The garages for each proposed dwelling would be set back from the lane. Although sited close to each dwelling, there would be gaps between each building and the massing would be no greater than the properties opposite. There would be a reasonable balance between hardstanding and soft landscaping to avoid an over-dominance of car parking. The part loss of the paddock is regrettable in terms of the open space it provides, but a considerable part of the site would remain open in the form of the remaining paddock and rear gardens for each property.

8. However, the removal of the existing hedge and grass verge along the front boundary and the widening of Fairy Hall Lane to form a passing bay would result in the loss of a substantial green boundary and would suburbanise this section of the lane. Although the passing bay would provide space for users of the lane, it would significantly alter its narrow and semi-rural nature. The effect would not be adequately mitigated by replacement hedging along the front boundary of each property, as this would do little to address the increased width of the lane. Thus, there would be harm to the character and appearance of the area.”

Taking the above into account, it is considered that the Council cannot maintain the position that the loss of the greenfield site would be detrimental to the overall character of the area and pattern of development. However, it is considered the implications of the currently proposed development on the hedge that fronts the site can be fully considered in this application.

Planning Inspector Report Summary

In terms of overall conclusions, the Inspector's view on application 16/02020/FUL was that the environmental harms of the loss of the hedge at the front of the site outweighed the limited benefits that would accrue from the development:

“13. Considering the benefits of the development first, the provision of two houses would contribute towards local housing supply mindful of the current shortfall. There would also be benefits in terms of the construction

of the buildings and the support towards local facilities once occupied. The passing bay offers a benefit in terms of providing space for users of the lane. However, these benefits are tempered by the amount of development and the limited contribution it would make in addressing the housing land supply deficit. Thus, they only carry modest weight in favour of the proposal.

14. In terms of the adverse impacts, the development would erode the narrow and semi-rural qualities of Fairy Hall Lane by widening the lane and removing the existing mature hedgerow. This would have a significant negative effect on the character and appearance of the area that would not be adequately mitigated by replacement planting. Although the design and layout of the houses would be acceptable given the surrounding built form, this does not diminish the harm I have identified in terms of the lane itself.

15. In the context of paragraph 14 of the NPPF, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not represent sustainable development.”

As the Council still cannot demonstrate a 5 year land supply, the current planning application must also be considered in accordance with Paragraph 14 which sets out that for decision taking (Footnote: unless material considerations indicate otherwise):

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

As set out in the Inspectors report, at the time of decision, the Council were unable to demonstrate a 5 year land supply. While the forecast housing supply has increased since the determination of the original application and the appeal, the Council are still unable to demonstrate a 5 year land supply of housing. A key aspect of the argument in relation to housing supply has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first

five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.51 years based on the Liverpool approach, it is 4.33 years based on the Sedgefield approach. The housing supply has therefore increased since the determination of the appeal (from 3.8 years Sedgefield approach), but is still not considered to constitute a 5 year land supply.

The current application is very similar to that of dismissed application 16/02020/FUL. The houses are identical in terms of overall size and design, the only thing that has been altered is the siting of each dwelling to correspond with separate accesses rather than one point of shared access. Siting the development in this way enables the retention of the majority of the hedge at the front of the site.

In retaining the majority of the hedge, the application is attempting to address the concern raised by the Inspector and therein change the conclusions from the inspectors planning balance from one of refusal to one where the harms do not outweigh the benefits. In this respect, taking into account the material considerations of the inspectors report set out in the above section, it is considered the main consideration for this application is in relation to the hedge at the front of the site. A judgement is required to determine what harm if any the proposed development would have on the hedge at the front of the site. This is explored below.

Impact on Hedgerow Fronting the Site

To ensure precision, an additional topographical plan was sought with the access and visibility splays marked out. The total length of the hedge is approx. 50m with a small gap of 3.6m for overgrown gated entrance towards the northern edge and then further hedge for 2.6m to the boundary with East End. For plot 2, which would utilise the existing gated entrance, the North visibility splay would require the loss of the 2.6m of hedge which adjoins East End and instead is proposed to be relocated/replanted slightly further back into the site on the submitted site plan. The South visibility splay for plot 2 would require the loss of approx. 2m of hedgerow which is also proposed to be replanted further into the site. The hedge would be required to be trimmed back for approx. 3m to facilitate visibility for the access. For plot 1, the proposed access would require the removal of 4.3m of hedge but the visibility splays north and south would not require any further loss/trimming back of the hedge.

The totality of the hedge removal would therefore be 8.9m and the trimming back of 3m of hedge. All together this equals a total of 11.9m of hedge to be

removed / trimmed. The percentage therefore of hedge that will be removed or trimmed compared to the overall length of the hedge would be approx. 22%. Thus, just under 80% of the hedge fronting the site would remain whereas on the previous application 16/02020/FUL it was proposed to be completely removed.

The Inspector considered that the loss of the hedge in its entirety would have a significant negative effect on the character and appearance of the area. In this case, just under 80% of the hedge would remain. There would therefore be harm by virtue of a loss/trimming of 22% of the hedge; however the degree of harm to the semi-rural character of the lane would be reduced significantly comparatively to previous application 16/02020/FUL. These considerations must form part of the planning balance as set out at the end of the report.

Design, Layout and Appearance

Paragraph 56 the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review 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 LPP 55 of the emerging Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

The Council’s second reason for refusal related to the overall design, layout, suburban appearance, prominence of car parking/garaging, and massing of the proposed dwellings and the corresponding detrimental impact that would have on the character and appearance of the area. As discussed above, the

proposed design and scale of the houses would remain the same as proposed in application 16/02020/FUL. The difference relates to the layout; essentially the garages for plot one and two have been swapped with the position of each of the dwellings. This therefore would be a relatively minor change to application.

In considering the design etc of the proposed dwellings and the corresponding impact on the character of the countryside, the Inspector commented as follows:

“4. Fairy Hall Lane is a narrow single track lane leading out of Rayne into the countryside. It marks a transition from the more suburban character and appearance of New Road to the openness of the countryside either side of the A120, with hedging, grass verges and paddocks fronting the lane. There are also a number of properties of varying sizes and architectural styles, set back from the lane in a linear arrangement often behind mature hedging. Several of them are large detached properties on spacious plots, including those opposite the appeal site. Many of these properties have large outbuildings set back from the lane including garages sited close to the main house. A number also have large areas of hardstanding at the front to accommodate parking.

5. The appeal site is generally hidden from the lane by tall thick hedging, with a paddock providing an area of open space. The paddock is bordered by residential development on all sides and so is separated from other paddocks and fields further south on Fairy Hall Lane which merge into open countryside. It functions as a gap site between properties rather than as a site separating the village from the surrounding countryside. Therefore, while less built-up than other parts of Rayne, the character and appearance of the northern section of Fairy Hall Lane is residential and semi-rural rather than the open countryside found further south. The narrowness of the lane and its enclosure by hedging contributes positively to these semi-rural qualities.

6. The proposed development would maintain the linear arrangement of properties either side and would reflect the large and spacious nature of houses opposite. It would not be isolated in a physical sense. The two properties would match in design terms, but the proportions and detailing would echo the architectural details of existing properties on the lane and would not be particularly suburban or contrived.”

The Inspector therefore disagreed with the Councils view that the dwellings by virtue of design and size would have a detrimental impact upon the character of the area. As such, Officers can now only consider whether the change in siting of the proposed dwellings would alter the Inspectors conclusions. The proposed dwellings in this case would face the road and still be linear in form, while their size and mass would remain the same. They would be set back in a position which would also be commensurate with built development either side of the site.

While Officers previously considered that the scale and design of the proposed dwellings would be unacceptable, taking the above into account and the material views of the Planning Inspector, it is considered that the Council cannot now resist the overall design and layout of the proposal in this case.

Impact on Neighbouring Residential Amenities

Policies RLP3 and RLP90 of the Braintree District Local Plan Review seek amongst other things to ensure that in the development of infill plots, the scale, design and intensity of new building is in harmony with existing surrounding development, resulting in no undue or unacceptable impact on the amenity of any nearby residential properties.

The impact on neighbouring properties was not considered to be a detrimental issue in the previous application and the re-siting of the dwellings closer together would further alleviate any possible overlooking, overshadowing or overbearing impacts on neighbouring properties. It is therefore still considered to be acceptable in this regard.

Highway Considerations

Policy RLP56 of the Braintree District Local Plan Review states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. Under the current parking standards two parking spaces are required for new dwelling with two or more bedrooms. Car parking spaces should have a minimum size of 5.5m in length and 2.9m in width.

Essex Highways initially objected to the application on the basis that visibility splays could not be achieved on land owned by the applicant or within highway land. However, following submission of an additional highway boundary plan and revised site plan showing the red line of the site excluding land within the highway, Essex Highways were satisfied that adequate visibility could be achieved on highway land to facilitate the two proposed accesses.

Comments have been made in respect of the inadequacy of the lane for accommodating extra vehicular traffic, this was not however raised as a concern in the previous application and Essex Highways have not objected to the application on this basis. As such, the Council would therefore be unable to substantiate an objection on highway grounds, and as such consider the proposed arrangement to be acceptable.

Other Issues

Landscaping

The Councils Landscapes Officers raise no objection to the application. Conditions can be attached to the application to ensure that the hedge is retained and protected during development if the application was to be approved.

Great Crested Newts

Concerns were raised within the letters of representation about the presence of Great Crested Newts in the wider locality. The application includes an ecological survey with a specific focus on Great Crested Newts. An initial report was submitted which concluded that there are no ponds on the site (this was confirmed upon officer site visit), but there was one other pond in the locality which was found to have Great Crested Newts. The study was unable to get access to other ponds in the locality.

A further survey conducted in May 2018 covered similar ground to the original survey to determine that Great Crested Newts had not since moved onto the site/used the site. This survey also managed to survey other ponds in the locality previously unable to be subject of review, although some were refused entry. The overall summary was that the site did not contain any great crested newts and it would be unlikely, given limited evidence of their existence in other ponds in the locality, that the site would be used to traverse over.

Taking this into account, it is considered the proposal would not cause a detrimental impact on Great Crested Newts. However, a condition has been attached requiring further details of how any possible impacts will be mitigated against during construction; similarly, an informative is attached on what to do if Great Crested Newts are found on the site during construction.

Surface Water Drainage & Flooding

Concerns have been raised in respect of surface water flooding at the site. The site is however in Flood Zone 1 where there is the lowest possibility of flooding. The Council's Engineer raised no objection to the application subject to clarity on how surface water is to be dealt with. A condition has been attached to control the mechanism of surface water drainage. As such, taking this into account, it is considered that the proposal would be acceptable in this case.

Planning Balance

As set out in Paragraph 7 of the NPPF, sustainable development has three dimensions; an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependent.

As set out in the Inspector's report, the development would accrue some social benefits contributing 2 dwellings to the housing land supply, and economic during the construction phase. However, due to the small scale nature of the application, the Inspector acknowledged that these benefits could only carry moderate weight in favour of the proposal.

In terms of assessing environmental harms, the Planning Inspector's conclusions to application 16/02020/FUL hold substantial weight in this case. The Planning Inspector significantly reduced the scope of harms that would arise from the development comparatively to Officers. The loss of the hedge in its entirety was the only aspect considered to cause a significant impact to the character of the area. The proposal in this case would not remove the hedge in its entirety and instead would only require 22% to be removed/trimmed to facilitate access to the dwellings. As such, it is considered that the environmental harm of the development as now proposed would be significantly reduced comparatively to application 16/02020/FUL. It is therefore considered that the development would overcome the issues identified by the Planning Inspector. As a consequence of all of the above, while the Council have concerns about the proposal for reasons previously mentioned, it is considered the Council can no longer reasonably resist the development of the site for two dwellings and as such consider that the benefits of the development would outweigh the harms in the tilted balance.

CONCLUSION

As such, taking into account the material considerations discussed in the report, including the appeal decision, when considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the development in this case would not be outweighed by the adverse impacts in the tilted balance. Therefore, when conducting the planning balance in the context of Paragraph 7, 14 and 49 of the NPPF, it is considered that the development in this case is now acceptable.

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		
Proposed Plans	Plan Ref: 2092/AD/2/301	
Garage Details	Plan Ref: 2092/AD/2/302	
Proposed Plans	Plan Ref: 2092/AD/2/303	
Garage Details	Plan Ref: 2092/AD/2/304	
Landscaping	Plan Ref: LD 01	
Planning Layout	Plan Ref: 2092/AD/A/301	Version: a

- 1 The development hereby permitted shall commence 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 the occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, 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 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 5 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 and no work on Sundays, Public and Bank Holidays.

Reason

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

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

Reason

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

- 7 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interest of highway safety. The management scheme is required prior to the commencement of development to ensure that control measures are in place before work starts on the site.

- 8 The development shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement dated October 2017 received 6th of November. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development.

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of the existing hedge unless the express consent in writing of the Local Planning Authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the hedge. The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of the existing hedge. The hedge protection measure are required prior to the commencement of development on the site to ensure that's such measures are in place before work starts on the site which could otherwise damage the hedge.

- 9 Notwithstanding the submitted details and prior to the first occupation of the development hereby approved details of all gates/fences walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such thereafter.

Reason

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

- 10 Prior to the occupation of the development hereby approved a scheme of hard landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including colour and type of material for all hard surface areas and method of laying where appropriate. All areas of hardstanding shall be constructed using porous materials laid on a permeable base. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Reason

To enhance the appearance of the development, to ensure that there is the provision of permeable paving to provide water quality treatment and in the interests of amenity.

- 11 Prior to the commencement of above ground construction, a schedule and samples of the materials to be used in the external finishes of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure an appropriate choice of materials having regard to the location of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 12 Development shall not be commenced until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed before the occupancy of any part of the proposed development.

Reason

To ensure a satisfactory method of surface water drainage. The surface water drainage scheme is required prior to the commencement of development as initial groundworks are likely to need to take account of it.

- 13 No development shall take place until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The content of the BMS should include provision for protective measures before, and during development in respect of Great Crested Newts and nesting birds which may be affected through vegetation/tree removal. The BMS should also include any proposed ecological enhancement of the site such as new habitat creation, and provision of bird boxes.

Reason

This information is needed prior to commencement of the development, in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

INFORMATION TO APPLICANT

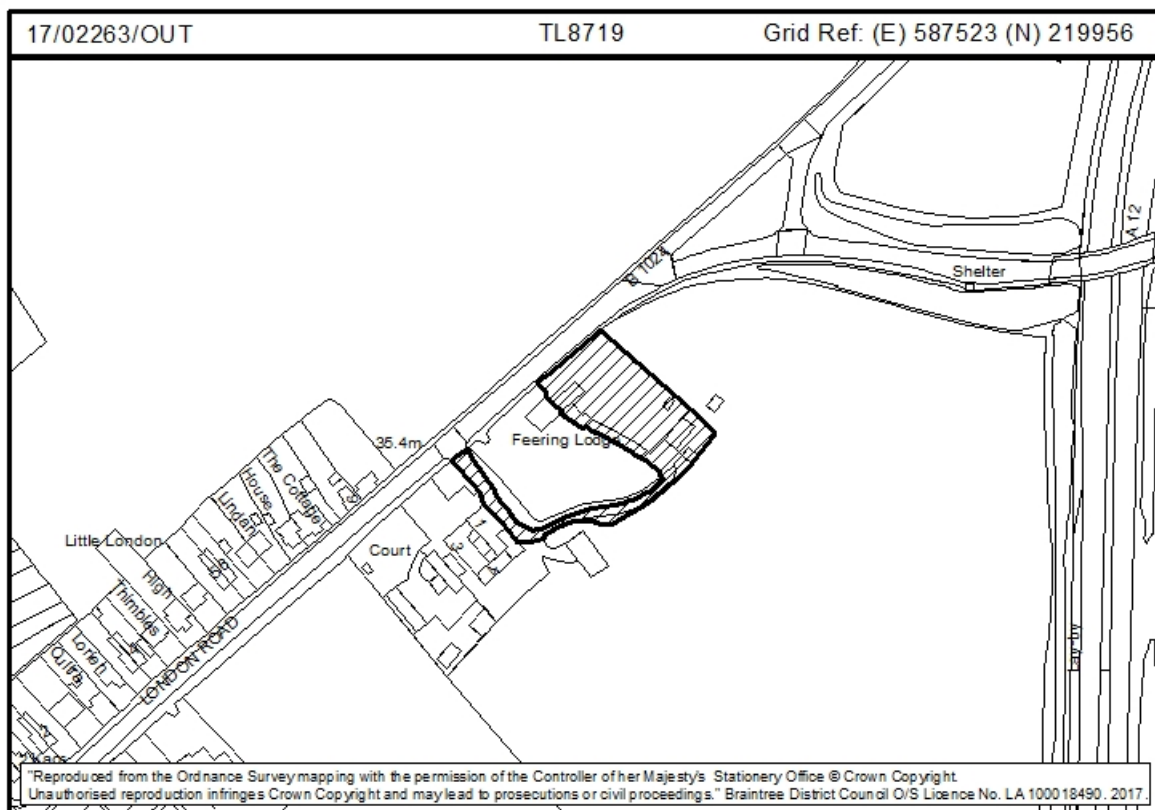
- 1 If a great crested newt is discovered during any works at the site all works should cease immediately and Natural England and / or a great crested newt licensed ecologist should be contacted immediately to determine a way forward. It is considered likely that a licence will be required from Natural England to allow the development to continue, should any great crested newt individuals be recorded.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/02263/OUT DATE: 08.01.18
 VALID:
 APPLICANT: Mr Dennis Smith
 The Bungalow, London Road, Feering, Essex, CO5 9ED
 AGENT: Pocknell Studio
 Mark Homer, East Barn, Blackmore End, Braintree, Essex,
 CM7 4DR
 DESCRIPTION: Application for outline planning permission with all matters reserved for the erection of 4no. dwellings and demolition of existing dwelling
 LOCATION: Bungalow, Feering Lodge, London Road, Feering, Essex, CO5 9ED

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



SITE HISTORY

01/00275/FUL	Erection of conservatory and single storey extension	Granted	21.03.01
88/00128/E	Proposed Sub-Division		
90/01083/PFWS	Conversion Of Property Into One 2 Storey Dwelling And One Bungalow	Granted	21.09.90
90/01635/POWS	Erection Of Two Residential Bungalows	Refused	06.12.90
91/01331/PFWS	Erection Of Single Storey Extension	Granted	13.12.91
98/00905/FUL	Erection of extension and garage	Granted	30.07.98

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 Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

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

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP22	Strategic Growth Location - Land at Feering
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP81	External Lighting

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to Officer recommendation.

SITE DESCRIPTION

The application site consists of an existing bungalow and associated residential curtilage. It is located to the north-east of the village of Feering and sits immediately adjacent to Feering Lodge. To the north-east and east lies agricultural land with the A12 beyond. The site fronts onto London Road, beyond which lies further agricultural land. The site is accessed via an existing access from London Road which also serves a care home building, Feering Lodge. The access route goes around the side and then rear of Feering Lodge to gain access to the site. The site contains a group of protected trees. It also contains a historic wall which fronts London Road.

NOTATION

In terms of wider context, the site is currently located outside of the village envelope. However, as part of the emerging Local Plan, the village envelope would be enlarged significantly to accommodate strategic allocations FEER 232 & FEER 223. The site in this case falls just outside of the proposed strategic allocation but nonetheless would be included within the village envelope. This draft allocation was approved for consultation by Full Council on 5th June 2017 and the public consultation ended on 28th July 2017. The first phase of the public examination has taken place earlier in 2018 with the second phase due later in 2018. The application has been advertised as a departure from the Council's adopted Development Plan.

PROPOSAL

The application seeks outline planning permission (with all matters reserved) for the erection of 4 dwellings. Indicative layout and elevation plans have been submitted to supplement the application although these are not submitted for approval. The initial plans sought to remove the protected trees at the site to facilitate the development. After the Local Planning Authority raised concerns about the loss of the trees, the trees were proposed to be retained. This however had implications for the proposed indicative layout as to whether the

site could still reasonably accommodate four dwellings. A revised indicative layout plan was subsequently submitted. This plan demonstrated to Officer's satisfaction that four dwellings could be accommodated on the site. This is explored further in the report.

CONSULTATIONS

Essex County Council Highways

No objection subject to conditions.

Environmental Health

No objection to air quality and contaminated land reports– initially required some further information in respect of noise which was submitted. This information was submitted and now the Environmental Health Officer also has no objection to this element.

Landscape Services

Objected to loss of the tree. No objection to the tree remaining subject to condition to protect tree during development and thereafter.

Feering Parish Council

Objects to the application for the following summarised reasons:

- There is no public right of way that links with the public highway. The Essex Highways interactive map does not show public status
- The proposed exit onto London Road Feering is very close to a blind corner from the A12
- TPO trees cannot be removed
- Garages below standard for parking

REPRESENTATIONS

One objection has been received from the Kelvedon and Feering Heritage Society setting out the following summarised comments:

- Outside village envelope
- Adjacent to historic building
- Blind access
- Wider development of land already proposed – this site not in draft local plan
- Dwellings visible from road
- Flooding issues

A second representation was received from the Kelvedon and Feering Heritage Society reiterating these issues and also raising issues of noise and air quality.

REPORT

Principle of Development

The Application Site and Emerging Local Plan

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

The site is located outside of Feering Village envelope and as such is on land designated as 'Countryside' in the Local Plan Review (2005) and the 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 of these areas countryside policies will apply. 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.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks to erect 4 dwelling units on land outside of a village envelope which would be a departure from the adopted Development Plan. However, the emerging Publication Draft Local Plan proposes this site, would be directly adjacent to be a strategic allocation for new development for approx. 750 new homes over a large area (FEER 232 & FEER 223 & FEER 230 – Land at Feering) as set out with Policy LPP22 of the draft Local Plan. This Strategic Growth location includes land immediately to the north, east and south of the application site.

Emerging Policy LPP22 of the draft Local Plan sets out a number of requirements of the wider site in relation to the requirements for services and community facilities. It contains a specific policy requirement that the site should be planned in a holistic way and not as smaller portions of separate development. Any piecemeal development that would in some way compromise the overall strategic allocation would incur significant objection from the Local Planning Authority. These particulars are explored further in the report and concluded in the planning balance at the end.

Site Location

Notwithstanding the above, while the site is currently located in the countryside, it is not necessarily isolated. The definition of 'isolated new homes' in the context of Paragraph 55 of the National Planning Policy Framework for the provision of new residential development had been

considered in a High Court Judgement *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin) as being “given its ordinary objective meaning of “far away from other places, buildings or people; remote” (Oxford Concise English Dictionary).”

Following this judgement, Braintree District Council sought leave to appeal this decision. The decision of the Court of Appeal was received on 28 March 2018, and established that isolated new homes is defined as follows:

“... a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand” at [31].

“Whether, in a particular case, a group of dwellings constitutes a settlement, or a ‘village’, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker” at [32].

The Court of Appeal dismissed Braintree’s challenge of the High Court decision. In this case, there are parallels in circumstances can be drawn from this site and the site subject of the judgement. The Court of Appeal site was located on land designated as countryside, but had a distinct relationship with Blackmore End village which comprises linear development extending along several roads of which the court of appeal site formed part thereof. The site in this case would have some relationship with the village of Feering albeit at the edge of the existing settlement. As such, it is considered that the site would not be isolated for the purposes of Paragraph 55 of the NPPF (as interpreted by the Court of Appeal) but nonetheless would still be located in the countryside.

5 Year Housing Land Supply

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

A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to

the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 31 March 2018) is considered to be 5.51 years based on the Liverpool approach, it is 4.33 years based on the Sedgefield approach.

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

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

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

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

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

Design, Appearance and Layout

The NPPF states that new development should seek to improve "streetscapes and buildings to create attractive and comfortable places" by using design which reflects "local character and history, and reflects the identity of local

surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

The current application is an outline application with all matters reserved. The application is however supported by an indicative site plan to demonstrate how four dwellings could be accommodated on the site; two four bed and two three bed dwellings.

Initially, the layout proposed to have an internal spine road which ran parallel to the boundary with neighbouring property Feering Lodge, then wrapped around to create a central area for parking/frontage of the proposed dwellings. This layout involved the removal of an existing group of trees subject to a TPO at the site. The Council's Landscape Services team however raised objections in respect of the loss of the group of trees subject to a TPO at the site. As a consequence, the indicative layout had to be redrafted to retain the trees subject to a TPO and demonstrate that four dwellings could still be accommodated. The revised indicative site plan changed the layout considerably; the internal spine road would be relocated to go parallel with the south east boundary and then would bend around to create a large hardstanding / parking area on the east/north east boundary. In this configuration, the two four bedroom & two three bedroom dwellings would be removed in favour of four three bedroom dwellings; one dwelling would front the internal access road, while the other three would be in a linear pattern facing London Road.

The layout shows that three of the proposed dwellings could face onto London Road while retaining the existing historic 1.8m wall (approx.) which currently serves as the boundary treatment. This was in an attempt retain a similar pattern of development as currently exists with adjacent property Feering Lodge. It is considered that the indicative layout demonstrates how four dwellings can be accommodated on this site without detriment to the historic character of Feering Lodge.

In terms of how the front three dwellings could function; while they would face onto London Road, they would include an area between the house and the wall which would serve as private amenity for future residents. One of the changes of the layout included the enlargement of the rear garden spaces for the proposed three dwellings. This configuration shows that the TPO trees would be able to be retained and become an amenity area for the development. The other single dwelling is shown at the other end of the site close to the access road, also backing onto the amenity area at the rear.

Securing boundary treatments would be critical as part of any condition to ensure that this amenity space is not simply just enclosed unnecessarily. The retention and strengthening of the boundaries of the site would also be important in avoiding piecemeal development that would compromise the overall wider strategic allocation of the site. The site is relatively well contained as existing and thus it is considered the development of the site, if boundary treatments are secured, would not have a detrimental impact on the character of the countryside. These particulars would be secured via condition. In addition, the proposal would not constitute development in a Conservation Area or affect the setting of a designated heritage asset.

Furthermore, at the density shown, sufficient land would be available to achieve the above amenity space and car parking requirements. However, the parking arrangement as currently indicated would not be the best overall solution for the development. Notwithstanding this, it is considered that if a reserved matters application was submitted, these particulars could be overcome to provide a better overall parking layout for future occupiers of the development.

Taking into account all of the above, it is considered that 4no. dwellings can reasonably be achieved at the site respecting its context and providing suitable amenity and parking spaces. Furthermore, it is considered that the development would not compromise the achievement of a satisfactory development of the wider strategic allocation.

Impact on Neighbour Amenity

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

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations, layout, appearance and scale are not required to be submitted. Therefore it is not possible to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration at the Reserved Matters stage. However, taking account of the site's location, it is considered that the amenities of neighbouring properties could be adequately protected at the Reserved Matters stage.

Highway Issues

Access is a reserved matter for later approval. However, at this outline stage, the Local Planning Authority needs to be satisfied that safe vehicle and pedestrian access can be achieved to the site. As a matter of fact, the development can only be accessed via the existing access from London Road which also serves commercial properties, Feering Lodge and the existing dwelling at the site. The Access is not proposed to be altered as part of this development.

The Highways Officer has raised no objections to the utilisation of the existing access for the proposed development. As such, it is considered that the development would be able to achieve safe access to the site. Nevertheless, this application needs to submit further details of the access at reserved matters stage to reaffirm that all particulars are in order.

Flooding

Concerns have been raised about flooding at the site. However, the site is located in flood zone 1 where there is the least possibility of flooding. In addition, the development would only moderately increase the amount of hardstanding already in existence at the site. As such, it is considered that flooding or surface water run-off issues would not be detrimental in this case.

CONCLUSION

In the context of a shortfall in the 5 year housing land supply, paragraph 14 of the NPPF requires the LPA to assess whether there are specific policies of the NPPF (footnote 9) that indicate that development should be restricted. No such policies are considered to apply to the development the subject of this application. In such circumstances paragraph 14 of the NPPF requires the LPA apply the "tilted balance" by assessing whether any adverse impact of granting permission would be significantly and demonstrably outweigh the policies in the NPPF taken as a whole.

As set out in Paragraph 7 of the NPPF, sustainable development has three dimensions; an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation because they are mutually dependent.

In terms of benefits, the proposal would provide a small economic benefit during construction and some limited social benefits once occupied. It would also contribute (albeit in a limited capacity) to housing supply with the addition of 4 dwellings.

With regards to its impacts on the countryside, although it would form the furthest dwelling on the edge of Feering (at this time), it has been concluded that it would not give rise to any significant harm both in terms of layout but also wider impacts on the countryside. It has also been concluded that the site would not be in an isolated location in accordance with paragraph 55 of the NPPF. In addition, it has been demonstrated that the site would be able to accommodate 4 dwellings. As such, taking into account the self-contained nature of the site, the existing landscape features and the overall indicative layout, it is considered that a development of 4 dwellings at the site would not compromise the achievement of a satisfactory development of the wider strategic allocation. It is therefore considered the development would not undermine the Strategic Growth Location or the core objectives of Policy LPP22 of the Draft Local Plan. The harms of the development would therefore not significantly and demonstrably outweigh the benefits and as such it is recommended that the application be approved.

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

- 1 Details of the:-
 - (a) scale;
 - (b) appearance;
 - (c) layout of the building(s);
 - (d) access thereto;
 - (e) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

Reason

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

- 2 The landscaping scheme required by Condition 1 of this permission shall provide for the retention of an existing boundary tree/hedging (except as required to provide the proposed access) and shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

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

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

Reason

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

- 4 No above ground works shall commence until details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of any dwelling hereby approved and shall be permanently retained as such.

Reason

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

- 5 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

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

Reason

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

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

- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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

Reason

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

- 9 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:

- a minimum of 1 car parking space per 1 bedroom dwelling;
- a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
- a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

The proposed development shall not be occupied until such time as the vehicle parking has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times and not used for any other purpose.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 10 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport. These packs will include information about local services and transport alternatives for future residence of the site.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

- 11 Rear garden amenity space across the development shall be provided in accordance with the minimum standards set out in the Essex Design Guide (2005) which requires the following garden sizes for dwellinghouses:

- a minimum of 25sq.m per flat
- a minimum of 50sq.m for 1-2 bedroom dwellings
- a minimum of 100sq.m for 3+ bedroom dwellings

Reason

To ensure future occupiers of the development can enjoy sufficient levels of amenity.

- 12 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 4 dwellings, parking, landscaping and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 13 Prior to construction, a scheme(s) including an implementation timetable for the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
- (b) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

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

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

Reason

To ensure that the development does not have a detrimental impact upon the wider character and appearance of the area.

- 15 No works shall take place until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering

works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

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

- 16 Prior to occupation of the development, the conclusions and recommendations in respect of window and ventilation systems of the submitted noise report PC-17-0305-RP2 dated 30th November 2017 shall be implemented and thereafter retained as such.

Reason

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

INFORMATION TO APPLICANT

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

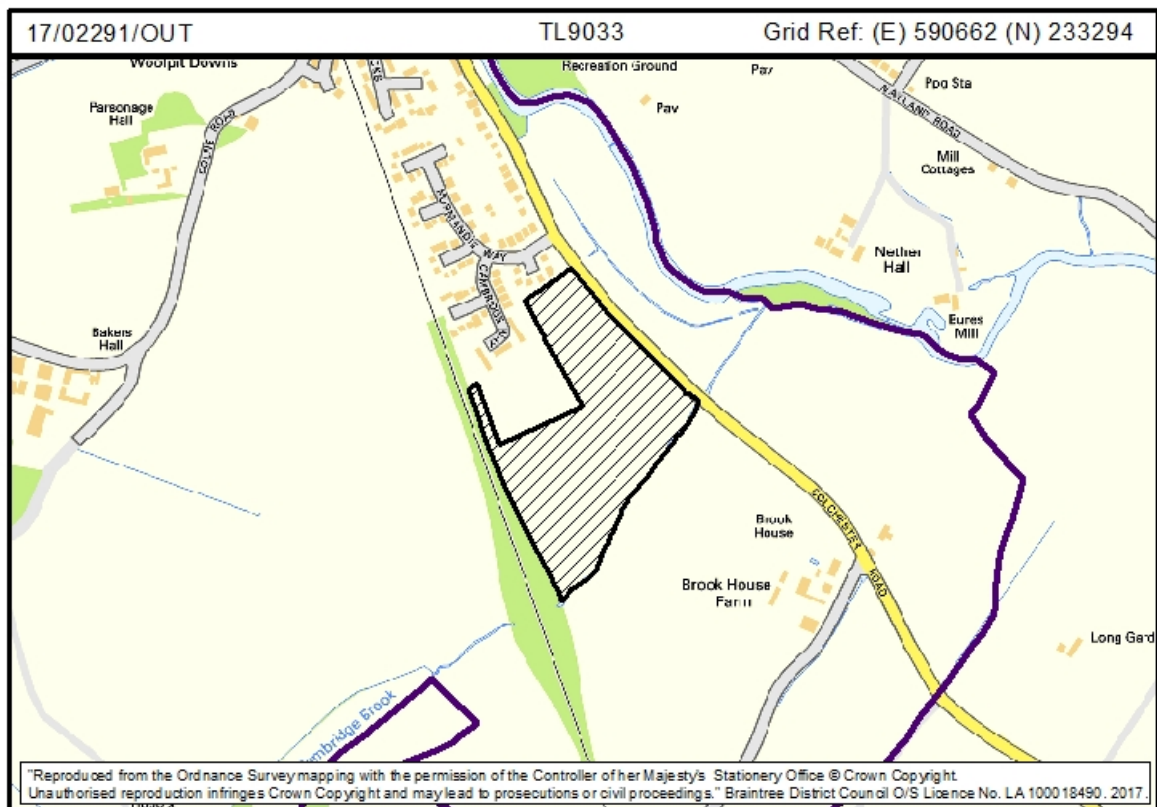
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/02291/OUT DATE: 05.03.18
 VALID:
 APPLICANT: Gladman Developments Ltd
 Gladman House, Alexandria Way, Congleton Business Park, Congleton, CW12 1LB, UK
 DESCRIPTION: Outline planning application for the erection of up to 98 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Colchester Road. All matters reserved except for means of access.
 LOCATION: Land East Of, Colchester Road, Bures Hamlet, Essex

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



SITE HISTORY

None applicable.

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 Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP94	Public Art
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs

SP7	Development & Delivery of New Garden Communities in North Essex
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
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
LPP74	Climate Change

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)
 Essex Design Guide for Mixed Use and Residential Areas (2005)
 External Lighting Supplementary Document
 Open Space Supplementary Planning Document
 Open Spaces Action Plan
 Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Landscape Character Assessment (2006)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the development is considered to be of significant public interest and represents a departure from the adopted Development Plan.

SITE DESCRIPTION

The application site lies within the countryside, adjacent to the village envelope of Bures Hamlet. The site is located to the south of Bures Hamlet and is 5.6ha in size. To the north of the site is existing housing in Cambridge Way and Normandie Way. To the east is Colchester Road and beyond this is the River Stour and its valley floor. The site is bounded to the west by a railway track which serves the Sudbury branch line. The southern boundary of the site is marked by the Cambridge Brook.

The River Stour is the demarcation between Braintree District Council and Babergh District Council. Further eastwards is the Dedham Vale and Stour

Valley Area of Outstanding Natural Beauty and the site lies within a proposed extension of the AONB.

The site comprises of agricultural land and is located in an elevated position, on the valley side.

A small portion of the site is located within Flood Zone 3.

PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of up to. 98 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Colchester Road.

All matters are reserved with the exception of the main vehicular site access which would be on Colchester Road and include a potential footway to link to the existing footway that runs a small way along Colchester Road from Normandie Way.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. Besides access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters.

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

- Planning and Affordable Housing Statement;
- Air Quality Report;
- Soils and Arboricultural Quality Report;
- Badger Survey Report;
- Archaeological and Built Heritage Assessment;
- Design & Access Statement;
- Development Framework Plan
- Ecological Report;
- Flood Risk Assessment;
- Framework Travel Plan;
- Foul Drainage Analysis;
- Landscape and Visual Impact Appraisal;
- Noise Impact Assessment;
- Site Investigation Report (Phase 1);
- Socio-Economic Sustainability Statement;
- Statement of Community Involvement;
- SUDS Checklist;
- Transport Assessment;
- Travel Plan
- Tree Survey and Arboricultural Impact Assessment
- Utilities Statement

The density of the development would be approximately 32 dwellings per hectare over an area of 3.1ha. The development framework plan also indicates public open space (including an equipped play area), amenity space, enhanced boundary planting and landscaping and a drainage basin.

CONSULTATIONS

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

Essex Police Architectural Liaison - BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

ECC Archaeology - The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of high archaeological potential. A Heritage Statement has been submitted with the application which provides a good archaeological background and assessment of the site in terms of known heritage assets. A geophysical investigation has also been carried out which has confirmed the presence of the known heritage assets which consist of a Bronze Age ring ditch which has been partially excavated. Due to the level of evaluation carried out and the previous investigation of the barrow no further predetermination investigation would be required. The geophysics survey failed to identify the second smaller ring ditch which is clearly visible on the aerial photos from 2000, however did note a number of pits have been suggested as having archaeological origin. A programme of archaeological evaluation will be required following consent to locate and identify any remains of the features identified through aerial photography and geophysics survey and determine the nature and significance of these and to investigate the potential for further archaeological remains.

Essex Place Services Historic Buildings and Conservation Advisor conclude that the development will cause harm to historic assets (the full text of the consultation response is set out within the Report).

Bures St Mary Parish Council - Bures is a village that straddles the county boundary and although Bures St Mary is a neighbouring parish it is part of the village of Bures which is one community. We therefore feel our view should be considered as highly important. A development of 98 houses would have a serious adverse impact on the character of the neighbourhood. The recent Village Survey showed that residents value the beauty of the countryside very

highly and a development of this size would have a harmful effect on this. There is a well-supported proposal to extend the Dedham Vale Area of Outstanding Natural Beauty to include the site of the application. If the proposed development were permitted the extension to the ANOB would not be possible. Please refer to the document, 'Special Qualities of the Dedham Vale AONB - Evaluation of Area between Bures and Sudbury, July 2016'.

The B1508 runs through Bures and the increased traffic generated by such a development would have a highly detrimental effect on the timber framed houses which line the road through Bures St Mary. There are many listed properties in the village on both the Essex and Suffolk sides of the River Stour.

The proposed development is both out-of-scale and out of character for the village of Bures. The Village Survey also showed how much the community spirit is valued by residents. 98 new houses in one estate would challenge the community spirit which is currently so strong.

Colchester Borough Council - Policy SA H1 Housing Allocations provides a list of allocated sites to meet the identified growth on sustainable sites in accordance with the spatial strategy.

The proposal in Bures Hamlet is not supported by these policies within the Colchester Borough Local Plan. Colchester has a good record of plan making and housing delivery and in accordance with national policy planning in Colchester has been plan led and allowed new housing to be supported by jobs and infrastructure and in the most sustainable places. It is considered that this proposal undermines this approach and is contrary to the adopted Colchester Borough Local Plan, which should be given due regard in determining the application.

Emerging Local Plan - Spatial Strategy North Essex and Colchester

The emerging Local Plan for Colchester sets out the spatial strategy for Colchester as a whole as well as for North Essex strategically. As the Local Plans have been prepared the strategy for development has iteratively been informed and tested by evidence and the Sustainability Appraisal / Strategic Environmental Assessment. For Colchester the spatial strategy retains the urban area of Colchester as a focus for growth, but acknowledges that it has a limited and diminishing supply of available brownfield sites, so includes new communities as a sustainable option for further growth of homes, jobs and supporting infrastructure. Additional sites are allocated in sustainable locations. Mount Bures, which lies within Colchester Borough, is defined as an Other Village in the spatial hierarchy. Within Colchester Borough's Other Villages development is limited to proposals that enhance the vitality of rural communities and help maintain the sense of community. Residential development is supported on appropriate infill sites and previously developed sites, extensions, restorations or alterations to existing buildings. Policy OV2 restricts residential development in the countryside to small scale rural exceptions sites needed to meet local affordable housing needs.

As urban areas continue to expand further into the countryside development becomes increasingly more distanced from centres, and puts pressure on existing infrastructure and services. Although the principle of focusing development in this manner is established as a traditional solution to meeting housing needs, growth requirements are such that this would have to occur exponentially over the plan period and beyond. In short, it cannot be seen as the solution to meeting housing needs forever. This has therefore led to seeking more sustainable alternatives to meeting growth in Colchester and North Essex.

As indicated the spatial strategy for Colchester seeks to accommodate growth on a mixture of small sites and extensions to larger Sustainable Settlements together with new communities proposed as Garden Communities. The spatial strategy and the sites proposed for allocation have all been through a full Sustainability Appraisal/ Strategic Environmental Assessment.

The Colchester Borough Local Plan, along with Braintree's Local Plan was submitted for examination in October 2017. The examination began in January 2018 with hearing sessions for Section 1. Permitting a locally significant residential development in advance of the completion of the Local Plan process could potentially deliver a development which may not be as sustainable as a scheme coming through the plan making process. This would be contrary to the overall spatial strategy.

Prematurity / Implications for the Local Plan(s)

Colchester Borough Council considers the emerging Local Plan, the Examination of which has commenced, is at an advanced stage. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan.

The Local Plan process ensures that potential development locations are the subject of thorough assessment (including Sustainability Appraisal and Strategic Environmental Assessment) and meaningful engagement with residents, service providers and other key stakeholders and, in the case of the garden communities, comprehensive master planning. Colchester Borough Council considers this to be the proper process for determining the merits of new development proposals which are not compliant with current development plan policy. Approval of a planning application outside and circumventing the Local Plan process would undermine proper strategic planning, prejudice the formulation and adoption of the emerging Local Plan and is considered to be premature.

Landscape Implications

Having tested the proposal against our landscape policies and the Colchester Borough Landscape Character Assessment, the proposals would appear not to conflict with them. The only point we would recommend would

be that a plan illustrating the zone of theoretical visibility (ZTV) mapping is included with the Landscape Appraisal, this in order that it can be confirmed that the only potential view of the development from within Colchester Borough is that from viewpoint 23.

Environment Agency - No objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility.

Anglian Water - No objection - informatives suggested.

Dedham Vale and Stour Valley Project - We consider that the proposal fails to meet the requirements of NPPF paragraph 109 as well as relevant local policies in relation to the Stour Valley, namely Paragraph 8.27 of the Draft Local Plan and the various policies highlighted in the Dedham Vale AONB & Stour Valley Management Plan. The proposal does not contribute to the conservation and enhancement of the valued landscape associated with the Stour Valley, nor does it respect the pattern of development associated with the existing settlement. We are concerned that major housing development on this valley slope site would result in unacceptable impacts in relation to landscape character and visual amenity, in particular to those locations identified above which rest within the AONB or its immediate setting.

North East Essex Badger Group - Badger setts are known in the area and the site is used as a shortcut and to forage on. Mitigation proposed should be strictly adhered to.

BDC Housing Development - In accordance with policy CS2 of adopted Core Strategy, the outline proposal for up to 98 residential dwellings requires 40% to be provided as affordable housing which would equate to 39 affordable dwellings. The application indeed recognises this in the submitted Planning Statement.

It is acknowledged that this application mainly seeks approval to the principle of development and that details concerning the mix of affordable dwellings would be the subject of reserved matters. However, owing to the location of the site in the District where the need for rented housing is less than other areas, we would recommend a 50/50 tenure mix rather than the more usual approach of 70/30 rented over shared ownership.

Additional requirements concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to Homes England
- Accessibility requirement for homes to meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations

NHS England - In its capacity as the primary healthcare commissioner, NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution (£10,000) would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

BDC Environmental Services - No objections and conditions regarding noise levels, contamination, hours of construction, use of piling, dust and mud control management scheme and external lighting.

ECC SUDS - No objection and conditions regarding the submission of a detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding, maintenance plan and yearly logs with regards maintenance.

Babergh District Council - No objection

ECC Education - Request a contribution of £128,058 towards Early Years and Childcare provision, £374,380 towards local primary provision, £371,469 towards primary transport and £67,963 towards secondary school transport.

Suffolk County Council Contributions - None requested.

Suffolk County Council Highways - Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission.

BDC Waste - At this stage (Outline) I have no comments on the application as there are no details regarding the waste collection plan/strategy.

Colne Stour Countryside Association - Object with regards to impact on the AONB extension

CPRE Essex - Object with regards to impact on the AONB extension

Dedham Vale Society - Object with regards to impact on the AONB extension

REPRESENTATIONS

Bures Hamlet Parish Council - Has a disparate opinion as to its merits. Fifty percent of the Parish Council do not support the proposal on the grounds stated when the scheme was rejected by Braintree District Council for inclusion in the Local Plan:

1. The size of the development would cause an unsustainable increase in the size of the population of the village taking into account the facilities that we currently have, including the utility services, the shops and the doctor's surgery
2. The unacceptable increase in traffic in the village including the lack of space to park cars, particularly at and around the Railway Station
3. The estimated lack of school places to accommodate all those who would expect to go to the Village Suffolk School and the consequential need to transport many children to Earls Colne
4. The loss of quality agricultural land which may contain historic remains when there are brownfield sites elsewhere in the village
5. The potential detrimental effect on the proposed extension to the AONB, which the Parish Council supports
6. The strength of the public opposition, including from the adjacent Parish Council

Fifty percent of the Parish Council support the proposal in principle providing the following amendments are made to the application:

1. A mechanism is agreed to ensure that the affordable homes included as part of the scheme are truly affordable and priority is given to people with a local connection
2. Any approval given provides for a large proportion of small family houses and priority homes for young people, as requested in our recent parish survey
3. Elderly persons accommodation is included as part of the development
4. Any planning permission granted restricts the development to phased building over a period of years and ensures that a maximum of 98 dwellings is not exceeded
5. Dedicated cycle paths are provided giving direct access into the village
6. The scheme is designed to integrate with the village and not look like a development outside the community
7. Adequate provision is made to ensure that a reasonable distance is maintained between any new building and the existing houses with adequate natural screening to the Parish Council's approval, to prevent an unacceptable loss of amenity for those residents affected
8. The provision for the development to be managed by an estate management scheme is removed. This is as a result of the experience of our neighbouring Parish Council with a similar scheme in their Parish.

If outline planning permission is granted for this development, then Bures Hamlet Parish Council wishes to open discussions with the District Council concerning the use of the parcel of recreation land in its ownership adjacent to the scheme.

203 representations were received (202 objections and 1 in support) in relation to the application and their comments are summarised below:

Letters of objection:

- Will the developer be contributing to improve infrastructure?

- Concern about extra vehicle movement.
- Will site 166 be ring fenced against future development?
- Concern about whether the proposal will be in keeping with the area.
- Land adjacent to an AONB
- Strain on local services such as school, GP surgery and rail service
- Increased traffic will create increased environmental pollution
- Valuable farmland will be lost
- Reasons to refuse the application are compelling
- Could affect the extension to the AONB
- Atmosphere in village will suffer
- Brownfield sites should be used first for new housing, not Green Belt
- No need for additional leisure space
- Few employment opportunities in Bures will result in increased traffic
- No shopping facilities will result in increased traffic
- Affordable housing would increase anti-social behaviour
- Developer must agree to S106 agreements
- Within flood zone three
- Brownfield sites available in the village
- Lack of Police in the village
- Existing drainage would not be able to cope
- Increased traffic along Colchester Road could lead to more accidents
- Is sheltered accommodation included?
- The plot of land has been taken out of the draft local plan last year
- Gladman are taking advantage of loopholes in the planning system
- Encroachment into the Green Belt
- Harm to ecology in the area, including otters
- Reed bed SUDS system does not work in very cold weather
- Increased parking on nearby roads
- Harm to Stour valley
- No footpath to the village
- Speed limits along Colchester Road will need to be changed
- Concerns about pylons not being put underground

Letter of support:

- Proposal would bring new blood to the village
- Potential increase in usage of local train service
- Provision of affordable housing
- Greater demand may increase shopping choices in the village
- Local school and doctors will be well served, and emergency appointments are available nearby
- Site is located within walking distance of the train station so won't lead to extra parking at the station
- BT may extend their fast broadband service
- Growth could be the village's future salvation
- More families could save the nursery
- Boost to local economy

REPORT

Principle of Development

Planning Policy Context - Housing

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

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

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 and the examination in public into Section One containing the strategic policies of Braintree and its partner authorities ran between 16 January 2018 and 25 January 2018 with a further day's session taking place in May 2018. The Examination in relation to Section Two will be later in the year.

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

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

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

The Council considers that it has a five year supply based on the Liverpool approach but acknowledges that, if considered under the Sedgefield approach and in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively

assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’*.

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

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. It is anticipated that the Inspector’s report into the EIP will resolve this matter but at present, these appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 31 March 2018) is considered to be 5.51 years based on the Liverpool approach, it is 4.33 years based on the Sedgefield approach.

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

Site Location and Designation

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

Core Strategy Policy CS5 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 Core Strategy states that ‘future development will be provided in accessible locations to reduce the need to travel’.

Policy RLP53 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.

Para. 34 of the NPPF states that decisions should ensure that developments that generate significant traffic movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

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

The proposed site was submitted to the Council as part of the ‘Call for Sites’ exercise (site reference number: BURE 165).

It was decided at Local Plan Sub-Committee on 15th December 2016 that the site referred to as BURE 165 should not be allocated for residential development. The recorded minutes state: *‘In discussing Sites BURE165 - Land at Colchester Road, Bures Hamlet and BURE166 – Land South of Cambridge Way, Bures Hamlet, Members of the Sub-Committee noted that both of these sites had been allocated for residential development. However, it had subsequently been reported that such development could impact on local infrastructure, particularly the provision of primary education and on the proposed extension of the Dedham Vale Area of Outstanding Natural Beauty. Furthermore, land at Site BURE166 was protected by a covenant for open space, or agricultural use. In the circumstances, it was proposed that the residential development allocation should be removed from both sites.’* Minutes from Local Plan Sub-Committee 15th December 2016, page 74

Bures Hamlet is classed as a Second Tier village in the Draft New Local Plan. Second Tier villages are described as: *‘those 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 a 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.’*

It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development (such as helping the District Council meet demand for housing supply and the provision of Affordable Housing) that are outweighed by any identified adverse impacts of the proposed development.

Bures Hamlet and Bures St Mary lie either side of the Stour River and although they sit in two different counties (Essex and Suffolk) the two settlements are read as one with regards services. A public house, hairdressers, deli, train station are located in Bures Hamlet and a primary school, church, post office, doctors surgery, recreation ground and community centre are located in Bures St Mary. However the village does not offer any professional services such as banks.

The village is served by a number of bus services. There is a regular bus service connecting Bures to Colchester and Sudbury Monday to Saturday. There is a school service that links Bures with Bury St Edmunds. No buses run on a Sunday. An hourly train service between Bures and Sudbury and Bures and Marks Tey operates between 5.40am and 11.30pm Monday to Friday, between 6.30am and 11.30pm, on Saturdays and between 7:50am and 10:50pm on Sundays.

It is acknowledged that Bures Hamlet is not a village the Council considers sustainable for large scale housing development in the overall spatial strategy, taking into account the settlement hierarchy and it does not offer the range of services and facilities that would be found in a key service village. However, taking the site on its merits in considering this application, the number of units proposed Officers consider that the range of amenities and services available for existing and future residents is such that daily needs and recreational activities could be met within the village to some partial degree. It is appreciated that residents are unlikely to seek employment within the village and for example, weekly food shopping would have to be undertaken in a larger town, such there will undoubtedly be reliance on travel by car in order to carry out such activities. The use of a private car should be expected, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessary suggest that a village does not provide the opportunity for its residents to take sustainable means of transport, shop locally or utilise recreational activities within walking distance.

In this regard Officers do not object to the proposed development in terms of its location and scale and suggest that it would fulfil the social role of

sustainability in this regard. In Officers opinion, a reason for refusal based on the suitability of the location would prove difficult to defend.

Sustainable Development

The application is supported a report entitled 'Socio-Economic Sustainability Statement'.

The NPPF states in paragraph 14, 'at the heart of the NPPF is a presumption in favour of development... for decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.

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:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be considered in isolation, because they are mutually dependant. These are considered in more detail below.

Paragraph 9 of the NPPF states that the pursuit of "sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life".

(1) Economic Impacts

An assessment of the potential socio-economic impacts of the development has been submitted in support of the application by the applicant and is

contained as an appendix to the Planning Statement. This report highlights a number of positive benefits including the following:

Creation of jobs – The report suggests a construction spend of some £10.4 million. This will contribute to the creation of jobs both directly and indirectly during construction of the development and indirectly through increased on-going demand for goods and services as a result of the occupation of the proposed dwellings. The report suggests that the proposed development could help to sustain 89 full time equivalent jobs during the construction phase spread over a three year build out and some 97 full time equivalent jobs in associated industries. This could also contribute towards supporting the local labour force. It also contends that the proposal would encourage 5 local residents to seek construction employment.

Contribution to local economy - up to 98 residential dwellings could be home to 235 new residents, with 120 of them being economically active, bringing increased spending power to Bures Hamlet of just shy of £3 million. The benefits of increased household expenditure to the local economy would be enhanced and ensure the long term economic competitiveness of Bures Hamlet.

Additional income to the Council from New Homes Bonus & Council Tax- The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is currently paid annually over the course of six years and is based on the amount of additional council tax revenue raised for new-build homes.

Reduce the cost of housing - redress this imbalance by offering a wider range of house types which are more affordable thus encouraging young families to the area.

S106 contributions – these will be accrued by the local authority for the benefit of the residents.

It is not disputed that the proposal would deliver some economic benefits. New jobs would be created at the construction stage (although this would not be a long term benefit), new residents are likely to support existing businesses, the delivery of affordable housing and improvements to local services and facilities.

It is noted that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of 'local financial consideration'. Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

(2) Social Impacts

The social benefits of the proposal the applicant highlights are as follows:

Provision of Market Housing - Boosting the supply of land for housing. The development proposals will contribute to the District's 5 year supply of housing land.

Choice of Homes - The proposed development of up to 98 net additional dwellings will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and market assessment for Braintree. New homes in Bures Hamlet will enable people to access the housing market locally rather than being forced to move away due to lack of available housing.

Rural Communities - The proposals will assist in helping to maintain and enhance the vitality of the community.

Provision of Affordable Housing - The application proposals would deliver 40% affordable homes (up to 39 dwellings).

Public Open Space Provision - The development proposals provide new public and informal open space, recreational route around the development, a landscape setting and an equipped children's play area.

It is acknowledged that the proposal would fulfil a social role by contributing to and supporting the vitality of the village. It would deliver a mix of housing, including market and affordable housing, a new play area and public open space. Financial contributions would be secured (where justified) through a S106 Agreement to enhance and improve local facilities. These benefits would be consistent with the social dimension of sustainable development.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'. Policy CS9 of the Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

This is an outline application where design, layout and landscaping are reserved matters. The application includes a Development Framework Plan that indicates the key aspects of the design and layout, such as access, public open space and landscape features, SuDs features, and equipped play areas.

It is indicated that the density of the development of 98 dwellings would be 32 dwellings/hectare.

Officers are concerned as to whether this is an efficient use of the land, given that the developable area within the site is relatively small. The constraints of the site dictate buffers to the railway line for the protection of amenity and an area which falls into flood zones.

The Framework Plan submitted as part of the application illustrates an apparent isolation of the proposed development from the village with a proposed open space that segregates the proposal from the existing edge of settlement and leaves existing back gardens exposed to an area of public activity. The Design and Access Statement illustrates a scheme that has little in common with the village it should relate to, it does, however, demonstrate that the number of dwellings can be accommodated on the site.

Officers acknowledge that the number of units sought can be accommodated on the developable land as shown, however officers have concerns regarding the indicative layout. Nonetheless this application is seeking outline permission and these details would be considered further at the Reserved Matters stage.

Landscape and Visual Impact

Paragraph 215 of the Framework is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. Core Strategy Policy CS 8 states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP 80 states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The Publication Local Plan includes policies which are relevant to this site. LPP1 seeks to control development outside of development boundaries to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside. LPP72 seeks to protect defined areas between settlements and requires proposals to demonstrate that the development is located on an area which has the least detrimental impact on the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

The site is within the Stour River Valley Character Area as defined and described in the 2006 Braintree Landscape Character Assessment.

The key characteristics of the Stour River Valley Character Area are:

'a patchwork of pasture and woodland of the valley sides and meadows...on the valley floor which would be sensitive to changes in land management'

‘The secluded and relatively tranquil character of the network of quiet rural lanes and public rights of way is also sensitive to change’

‘The skyline of the valley slopes is visually sensitive, with potential new development being highly visible within views across and along the valley floor. Views to the valley sides from adjacent Landscape Character Areas are also sensitive. There is a relatively strong sense of historic integrity within the character area as a result of the presence of historic features (such as derelict water mills and churches), meadows within the valley floor and also isolated historic farmsteads and structures’

‘Overall this character area has relatively high sensitivity to change’

The site and surroundings are typical of this character description.

The Landscape Character Assessment provides the following landscape planning guidelines:

- Consider the visual impact of new residential development and farm buildings upon valley slopes
- Maintain cross-valley views and characteristic views along the valley
- Ensure any new development on valley sides is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles

The site overlooks the Rolling Valley \ Farmlands area, as defined in the Suffolk Landscape Character Assessment. This landscape is described as a ‘rich and varied landscape with its concentration of prosperous medieval towns and villages’ and as retaining ‘its historic patterns, to both the agricultural and built environment’.

Babergh and Mid Suffolk Councils have jointly published Landscape Guidance in 2015, a document which summarises the key landscape features and provides key design principles amongst which are: ‘Maintain the distinctive settlement pattern, ensuring the sense of separation between settlements is maintained’

In summary: the landscape baseline studies describe the area as characteristic of the local landscape character and sensitive as a receptor landscape for development. The importance of maintaining views and retaining the pattern of settlements within the countryside is emphasised.

Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour River Valley Project

The site and its surrounding countryside are representative of the landscape character of the area and it has been included in a candidate area for the extension of the Dedham Vale Area of Outstanding Natural Beauty (AONB).

The site is within the area of the Dedham Vale AONB and Stour Valley Management Plan 2016-2021. The management plan is required by the Countryside and Rights of Way Act (CROW) and is adopted as statutory policy by the local authorities where the AONB is located. The Management Plan describes the Dedham Vale and Stour Valley as a 'nationally important asset'.

The plan describes a vision for the area as 'a distinctive landscape with agriculture and wildlife at its core that retains its natural beauty and special qualities, which is conserved and enhanced by a wide-ranging partnership. It is an area where residents feel a strong sense of belonging, visitors are welcomed to enjoy the countryside and the heritage is understood and appreciated by all'.

From these planning guidelines, the key considerations for this site are its potential visual impact, any impact on views, impact on settlement pattern and ensuring that the landscape setting in the area is maintained without detriment to the Stour River Valley.

Sections 88 and 89 of the CROW Act state that each Local Authority or Conservation Board shall prepare and publish a Management Plan for their AONB. Management Plans are adopted statutory policy of the Local Authorities within which the AONB is located and have been recognised as a 'material consideration' in the planning decision making process. In terms of the application of the Management Plan for the Dedham Vale AONB & Stour Valley in this case, it is considered that a recent appeal in Steeple Bumpstead is relevant to the current application.

The pertinent points in the appeal decision which are considered to apply to this application are as follows:

"44. Dedham Vale Area of Outstanding Natural Beauty (AONB) lies some 25 km to the east. (In the case of Bures, this distance is considerably less, at c 1.5km) Nonetheless, the Stour Valley, which includes Steeple Bumpstead and Bumpstead Brook and land immediately around the settlement, is within the Stour Valley Project Area. This is important because the area is included in the Dedham Vale AONB and Stour Valley Management Plan 2016-2021. There are aspirations to increase the extent of the AONB along the Stour Valley, although not nearly as far as Steeple Bumpstead.

45. I note that when determining the planning application the Council made no reference to the management plan. Nonetheless, substantial reference has been made to it during the appeal, I note that there has been an objection on

landscape grounds from the AONB and SRV project team, and these matters are material to my consideration of the proposal. I have paid careful attention to the management plan which in its opening paragraph identifies the combined area as one of England's finest landscapes with riverside meadows, picturesque villages and rolling farmland.

46. Throughout the management plan it refers frequently to the combined area. Much of the Stour Valley Project Area is identified as sharing similar characteristics to the AONB. It is predominantly rural with a medieval settlement pattern. There are patterns of woodland on valley sides with the river running through it and a scattering of historic picturesque villages.

47. Although not shown on any proposals map the Stour Valley Project is established and staffed, assessment has been made of the area's landscape within it and principles set for management objectives. New housing is welcomed where it sits well with the patterns of historic villages and where it contributes to the natural beauty and special qualities of the AONB and the Stour Valley. It should reflect the natural beauty of the Stour Valley and be of an appropriate scale, conserve historic features and reflect the local character. Whilst it is not a local designation in terms of CS policy CS8, because it is not on the proposals map, nonetheless I attribute the inclusion of the area in the management plan significant weight.

48. LP policy RLP 80 amongst other matters requires development not to 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.

49. Paragraph 109 of the Framework identifies that the planning system should contribute to and enhance natural and local environments by amongst other matters protecting and enhancing valued landscapes. The term valued is not defined. There have been several hundred objections from local residents, some of whom gave evidence at the Inquiry. I am in no doubt from the many representations about this matter that the landscape south of Steeple Bumpstead is held in high regard locally."

To summarise, it is considered that this appeal decision confirms that the Dedham Vale AONB & Stour Valley Management Plan 2016-2021, and its policies should be treated as a material consideration in the determination of this application. It is considered that the Management Plan Policies are not met by the development proposal as it conflicts with the following requirements:

- Support development that contributes to appropriate economic development and contributes to the conservation and enhancement of the AONB and Stour Valley
- Protect the area and its setting from developments that detract from its natural beauty and special qualities including its relative tranquillity
- Support the aspiration to extend the AONB boundary to the west of its existing limit

- Maintain the local distinctiveness of the AONB and Stour Valley
- Support development that contributes to the conservation and enhancement of local character
- Promote the appeal and distinctiveness of villages to help develop the visitor attractiveness

Visual Impact of the Proposed Development

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

In terms of visual impact, the built-up area of Bures Hamlet and the topography to the west of the site restrict views of the site. The site is elevated above the valley floor and the B1508 and views which will be impacted by the proposed development are those from the north-east, east and south-east – along and across the Stour Valley. These are sensitive viewpoints, being used by footpath users.

On this basis, the landscape and visual impact of the development will be notable in the local area and the views from the footpaths in the Stour Valley will be impacted by the development. Views from the housing to the north of the site will also be affected.

The Emerging Local Plan

Policy LPP1 of the publication Draft Local Plan sets the site outside of the defined development boundaries for the area and draft policy LPP72 seeks to protect areas between settlements.

The development proposals would have the effect of reducing the extent of open countryside between Bures Hamlet and Mount Bures which lies to the south west of the site. Although the proposed development would not result in a coalescence of the settlements it would eat into and compromise the value of the landscape of the valley slopes between the settlements. The development therefore can be considered contrary to these draft policies.

Evaluation of Landscape Value

The importance of the landscape value assessment has become heightened since the publication of the NPPF where in paragraph 109 it states that ‘the planning system should contribute to and enhance the natural and local environment by: ‘protecting and enhancing valued landscapes, geological conservation interests and soils’.

The assessment of whether a site can be considered to represent or be set within a 'valued landscape' is typically based on one of the methods set down in the 'Guidelines for Landscape and Visual Impact Assessment' published by the Landscape Institute and Institute of Environmental Management and Assessment. A range of factors (landscape condition and quality, scenic quality, rarity, representativeness, conservation interests, recreation value, perceptual aspects and associations with cultural or historical events / figures) are assessed to determine the 'landscape value'.

The applicants have carried out an assessment of the landscape value of the site. Their documents do consider most of the factors and they present a value assessment as part of the summary of Landscape / Townscape Effects in the CSA LVIA report.

The site is assessed by the applicants as having medium landscape value level. The definition given in the applicant's report of a 'medium' value landscape is one which is 'a landscape of local value which may have limited public access. No recognised statutory designation for landscape / townscape quality'.

The applicants have not carried out an assessment using the specific categories noted in the Guidelines for Landscape and Visual Impact Assessment. The categories for establishing landscape value using these Guidelines include: condition, scenic quality, rarity, representativeness, conservation interests, recreation value, perceptual aspects and associations (these could be historical or literary, for instance).

Although the site has no statutory designations and has no public access, the applicant's assessment does not give sufficient weight to the characteristics of the site in terms of its position in the wider landscape of the Stour Valley and the appreciation of that landscape by the local community and visitors. The management plan for Dedham Vale and the Stour Valley describes the area as 'a nationally important asset'.

In this situation, the location of the site inherently gives it a high landscape value as being part of the landscape of the Stour Valley. It is considered that the site does have the characteristics of a 'valued landscape' including its location within the Management Plan for the Stour Valley, its status as part of the candidate area for extension of the AONB and the role that it plays in landscape setting.

Conclusion on Landscape Impacts

There would be an impact of the development on the local landscape; this includes both a visual impact to various receptors – views from nearby houses on Normandie Way, views from footpaths and properties in the valley and a perception that the site has been developed.

Mitigation planting could alleviate these visual impacts to some extent but the overall effect would be of a developed site with peripheral landscaping rather than open countryside on the valley slopes.

In terms of landscape character, the applicants have assessed the site as having medium quality and sensitivity and the wider area as having medium quality and sensitivity, with the exception of the Dedham Vale AONB, which they have assessed as very high sensitivity. Their assessment of effects is slight adverse to moderate adverse overall.

This assessment, in the view of the Council's commissioned landscape consultant, does not properly consider the role that the site plays as part of the setting for the Stour Valley and as the setting for the villages of Bures Hamlet and Mount Bures. The position of the site on the valley sides, its significance in terms of separating Bures Hamlet from Mount Bures and the status of the site as part of the candidate area for the ANOB extension results in the site being assessed as having a high landscape value and a high quality. The effect of the development of the site would be a substantial adverse change to the landscape in this sensitive location. Overall, the site is considered to represent a valued landscape in the terms of the NPPF.

In a recent appeal decision (APP/Z1510/W/16/3160474 land at West Street Coggeshall) the Inspector found that 'a site might be important because of its position in the landscape as part of it rather than being important, rather like the pieces of a jigsaw puzzle'. The appeal for residential development was dismissed in that case. In a similar way, the site has importance as the buffer between settlements and as part of the wider landscape in the Stour Valley.

The development of the site would be contrary to the emerging local planning policies which are concerned with landscape character and with settlement setting. It would result in adverse impacts upon the visual amenity of the Stour Valley.

The conclusion, having reviewed the impact on the landscape character, the visual amenity of the Stour Valley and having considered the local and national planning policies is that the application should be refused on the grounds of the landscape harm that would result from the development of the site contrary to Policies CS5 and CS8 of the Core Strategy, Policy RLP80 of the Local Plan and Policies LLP1 and LLP72 of the Publication Draft Local Plan.

Impact on Neighbour Amenity

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

Existing properties in Normandie Way back onto the site and are those which would be closest to the development. Whilst their outlook would change

significantly as a result of the development, private views are not protected through the planning system. Although the design and layout of the development is not known at this stage, it is accepted that it could be designed so that the development would not result in an unacceptable loss of privacy or amenity to neighbouring dwellings. The Development Framework Plan shows an area of informal and amenity green space to the rear of the existing properties and details would be needed at the detailed design stage to ensure that the amenities of all properties that abut the site are safeguarded.

Impact upon the Historic Environment

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

Para.132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies RLP90 and RLP100 of the Local Plan Review seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. CS9 of the Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

The consultation response from the Council's Historic Buildings/Conservation Advisor states

"The site of the proposed development is south of Bures which is intersected by the River Stour and demarcates the boundary between Babergh District Council and Braintree District Council. As such, the settlement is separated into two adjoining Conservation Areas – Bures Hamlet and Bures St Mary. Whilst it is important that the two designations are considered simultaneously, this consultation is orientated towards assessing the impact of the proposed upon the Bures Hamlet Conservation Area (CA) and those heritage assets which reside within Braintree District.

Approaching from the south-east along Colchester Road, the Conservation Area and historic core of the village is currently detached from its open landscape by twentieth century development which has extended along Colchester Road. This has caused a degree of harm to the historic village by

altering how the conservation areas are experienced and interpreted. This harm is perceivable from Colchester Road and the public footpaths which traverse the valley, cutting across the low lying flood plains and allowing the settlement to be experienced within its historic landscape setting.

The proposed development will extend the existing twentieth century residential sprawl further to the south-east, resulting in the historic core of the settlement being further detached from its open landscape whilst also further encapsulating the low lying flood plains of the River Stour which provides the village core's immediate setting. Travelling along Colchester Road, the perceived impact of the development can be reduced (though not eliminated) at detailed design stage through the implementation of a robust landscaping buffer along this route (taking into account winter views). The harm will, however, remain perceivable from the public footpaths to the north of the site where the continued band of residential sprawl will detract from how the conservation areas are experienced and interpreted by contributing to the sense of enclosure of the surrounding landscape. For the purposes of planning, this harm would be considered less than substantial and cumulative to that which has already incurred (to both conservation areas).

With regards to the Grade II listed Brook House, the proposed development will result in less than substantial harm to the heritage asset by the further encroachment of residential development into the assets setting.

The harm to designated heritage assets within the district of Babergh has not been assessed although it is noted that the development is likely to cause a degree of harm to Bures Hall Farmhouse.

On balance, the proposed will result in harm to the Bures Hamlet and Bures St Mary Conservation Areas as well as to numerous heritage assets within the valley. For the purposes of planning this harm is considered less than substantial and in accordance with the NPPF (Para.134), this harm was weighed against the public benefits of the proposal.

Highway Issues

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

A plan showing the proposed vehicular access from Colchester Road (a classified road) is provided within the Transport Assessment. The submitted plan shows that visibility splays of 43m metres can be achieved in both directions. The speed limit in the location of the proposed access is where it changes from 40mph to 30mph when entering the village. The plan indicates that the 30mph speed limit will be located further south west along Colchester Road.

With the National Planning Policy Framework in mind, particularly paragraph 32, 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.

Having reviewed the Transport Assessment, the Highway Authority is content with its conclusions.

The Highway Authority has also used its own knowledge of the highway network and information it holds in this regard to ascertain whether the network would be able to accommodate the proposal, further what, if any, improvements would be needed. Subject to the content of its recommendation as detailed above, the Highway Authority is satisfied the proposal would not be detrimental to highway safety.

A number of letters have raised concerns regarding the safety of Colchester Road and the impact the additional vehicular movements will have on it.

Although there are many objections from third parties regarding the safety of Colchester Road, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective and the proposals are therefore considered to be in accordance with Policy RLP53 of the Local Plan and Policy LLP44 of the Publication Draft Local Plan.

Trees and Ecology

Policy RLP 80 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 RLP 84 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.

The site comprises an arable field with narrow field margins of limited intrinsic ecological importance. The site is bounded by Cambridge Brook to the south-east, a wooded railway embankment to the southwest and hedgerows to the north-east and north-west. The scheme seeks to retain hedgerows and other habitats where practicable, with substantial landscape enhancements proposed to buffer the adjacent watercourse and railway embankment.

An off-site active badger sett has been confirmed adjacent to the site as well as a slow worm population within boundary scrub. Protective measures and mitigation have been proposed to address ecological impacts to these protected species and comply with relevant legislation. Precautionary measures have also been set out in respect of safeguarding nesting birds during construction.

Opportunities for ecological enhancement have been included within the scheme to create habitats of importance within public open space and structural landscaping. These include new boundary planting and a wetland SuDs feature.

Based on the successful implementation of the mitigation measures as set out in the submitted document, no significant adverse effects are predicted as a result of the proposed development. Mitigation and enhancement measures could be secured via appropriately worded planning conditions.

Drainage and Flood Risk

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

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

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being largely located within Flood Zone 1 (low risk). An area along the south eastern boundary is located within Flood Zone 2 and 3 (medium to high risk respectively). The area of fluvial (river) flooding corresponds also with an extent of surface water flooding.

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed such that flood risk to and from the site following development will not increase. This will be achieved through restricted greenfield discharge rates and an appropriately sized

detention basin, with pumped outfall to watercourse. The FRA indicates the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. The development should therefore not be precluded on the grounds of flood risk and surface water drainage.

Following the submission of amended and additional information the Lead Local Flood Authority (LLFA) at Essex County Council do not raise an objection to the proposal subject to a series of conditions as noted above.

It is therefore considered that the application complies with Policy CS8 of the Core Strategy, Policies RLP67 and RLP69 of the Local Plan and Publication Draft Local Plan Policies LLP 78 and 80.

Section 106

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

Affordable Housing – Policy CS2 of the Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 40% affordable housing provision on sites in rural areas. Subject to confirmation from the Council's Housing Enabling Officer on the mix, this could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education – Essex County Council has requested a contribution of £128,058 towards Early Years and Childcare provision, £374,380 towards local primary provision, £371,469 towards primary transport and £67,963 towards secondary school transport.

Health – NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice do not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £10,000 to mitigate the impacts of the proposal.

It is acknowledged that local residents have raised concerns with regard to the impact of the development on the schools and healthcare services provided locally. However, both the Essex County Council as Education Authority and the NHS previously considered that financial contributions would allow them to carry out the necessary infrastructure improvements to mitigate against the impacts of this development.

Open Space – Policy CS10 of the 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 informal and amenity open space and an outdoor equipped play area.

A financial contribution would be sought for outdoor sport and allotments. The provision/ contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. 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. However, whilst the applicants have indicated that they would be prepared to enter into an agreement to provide the appropriate infrastructure mitigation, no such agreement is in place at the present time. The development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Core Strategy Policies CS2, CS10 and CS11, Policy RLP138 of the Local Plan Review and Policy LLP82 of the Publication Draft Local Plan.

Other Matters

Loss of Agricultural Land – Paragraph 112 of the Framework states that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.” BMVL encompasses land within grades 1, 2 and 3a. The application identifies the grade of the agricultural land is mostly 2 with a small area in the north east corner of the site being 3a. The Natural England Agricultural Land Classification Maps indicate that the whole site falls within grade 3. The vast majority of agricultural land within this part of Essex falls within grade 2 agricultural land and this site is likely to fall within the classification of Best and Most Versatile Agricultural Land (BMVL). However, it is inevitable that some development of such land will be necessary in order to meet the significant housing requirements.

Contaminated Land – The Geoenvironmental Report submitted to support the application confirms that further work is required to be undertaken to ensure the land is suitable for residential development. This can reasonably be controlled by condition on any grant of consent.

Noise – A noise screening report has been submitted in support of the application. This identifies that whilst being in a rural area the site would be

impacted by road and railway noise. The report advises that acoustic fencing, uprated glazing and ventilation should be incorporated into the detailed scheme to help screen noise but does not consider that the current noise climate would cause significant impact on residential amenity.

Air Quality – The application is supported by an air quality screening report. This concludes that any increase in pollutant concentrations will not cause any air quality objectives to be approached or exceeded and thus the development will not have a significant effect on air quality.

Foul Drainage – A report submitted with the application indicates that foul water drainage for the system will be constructed and connected to the existing public sewerage network which is owned and operated by Anglian Water. Anglian Water has advised that existing sewerage system at present has available capacity for these flows.

CONCLUSION

The application site lies within an area of countryside, beyond development boundaries as identified in the adopted and emerging Local Plan. In these respects the development will conflict with policies designed to direct housing development to locations within settlement boundaries and to do so within the context of a broader spatial strategy.

As the Council cannot currently demonstrate a 5 year housing supply the policies for the supply of housing cannot be considered up to date and this limits the weight that can be given to the settlement boundaries and bullet point 4 of paragraph 14 of the NPPF is engaged.

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

It is acknowledged that the provision of market and affordable housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply and this should be given significant weight. The applicants do not however, indicate how many of the houses can be expected to come forward in the 5 year period. It is also recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. This is applicable to housing development generally and the benefit should be given some weight.

In this particular case, despite having identified an adverse impact to heritage assets it is not considered that this impact alone indicates that development at this site should be restricted. Paragraph 134 of the NPPF advises that where a development will lead to less than substantial harm this should be weighed against the public benefits. The proposed development would deliver public benefits (i.e. the contribution to the housing supply shortfall; the provision of

affordable housing; short term construction related employment) and in this case it is not considered that the harm identified to heritage assets, which would be less than substantial, would outweigh these benefits. The identified harm to heritage assets will still, however factor, in the tilted planning balance. It is concluded that specific policies of the Framework (e.g. designated heritage assets, flood risk) do not indicate that development at this site should be restricted.

The same “untilted balance” is applied to the Council's assessment of the impact of the development in landscape terms and it is concluded that the site has importance as the buffer between settlements and as part of the wider landscape in the Stour Valley, that development on the site would result in an unacceptable detriment to a valued landscape which would not be outweighed by the benefits of the development. The development is contrary to the NPPF, Policy RLP80 of the Local Plan Review, Policies CS5, CS8 of the Core Strategy and Policies LPP1 and LPP72 of the Publication Draft Local Plan.

Were a different conclusion reached on whether such a restriction applied in this case, the Council would be required to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits in the context of the Framework as a whole. The potential adverse impacts relating to the harm to designated heritage assets and the harm to a valued landscape are considered to significantly and demonstrably outweigh the benefits.

Finally, a S106 Agreement has not been secured to ensure the delivery of affordable housing and public open space and financial contributions towards health services and school places in order to mitigate the impacts of the development.

RECOMMENDATION

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

- 1 One of the core principles set out in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy CS5 of the Core Strategy seeks to strictly control new development to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Policy CS8 of the 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'. RLP80 of the Braintree District Local Plan Review states that development that would not successfully integrate into the local

landscape will not be permitted. Policy LPP1 of the Publication Local Plan seeks to control development outside development boundaries to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside. Policy LPP72 of the Publication Local Plan seeks to protect defined areas between settlements and requires proposals to demonstrate that the development is to be located on an area which has the least detrimental impact to the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

The proposal would have a significantly adverse impact upon the landscape and character of the area. The proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contributes to the rural setting and amenity of the neighbouring settlements. The location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area.

It is therefore considered that the proposal fails to take account of the function the site serves in landscape terms and would be harmful to a valued landscape, the intrinsic character and beauty of the countryside, failing to perform the environmental role of sustainability, contrary to the guidance at paragraph 109 of the NPPF and policies outlined above.

Further, or alternatively, even if the tilted balance were to apply under paragraph 14 of the NPPF, the adverse impacts of the development; namely the harm to designated heritage assets and the harm arising from development of an area which serves an important function as a buffer between settlements and the importance of the site within the wider landscape in the Stour Valley are considered, cumulatively, to significantly and demonstrably outweigh the benefits of the development.

- 2 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. 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 their location.

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 proposed development would trigger the requirement for:

- The delivery of 40% affordable housing on site;
- A financial contribution towards childcare, early years and primary and secondary school places and transport;
- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports and allotments.

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 the above policies and adopted SPD.

SUBMITTED PLANS

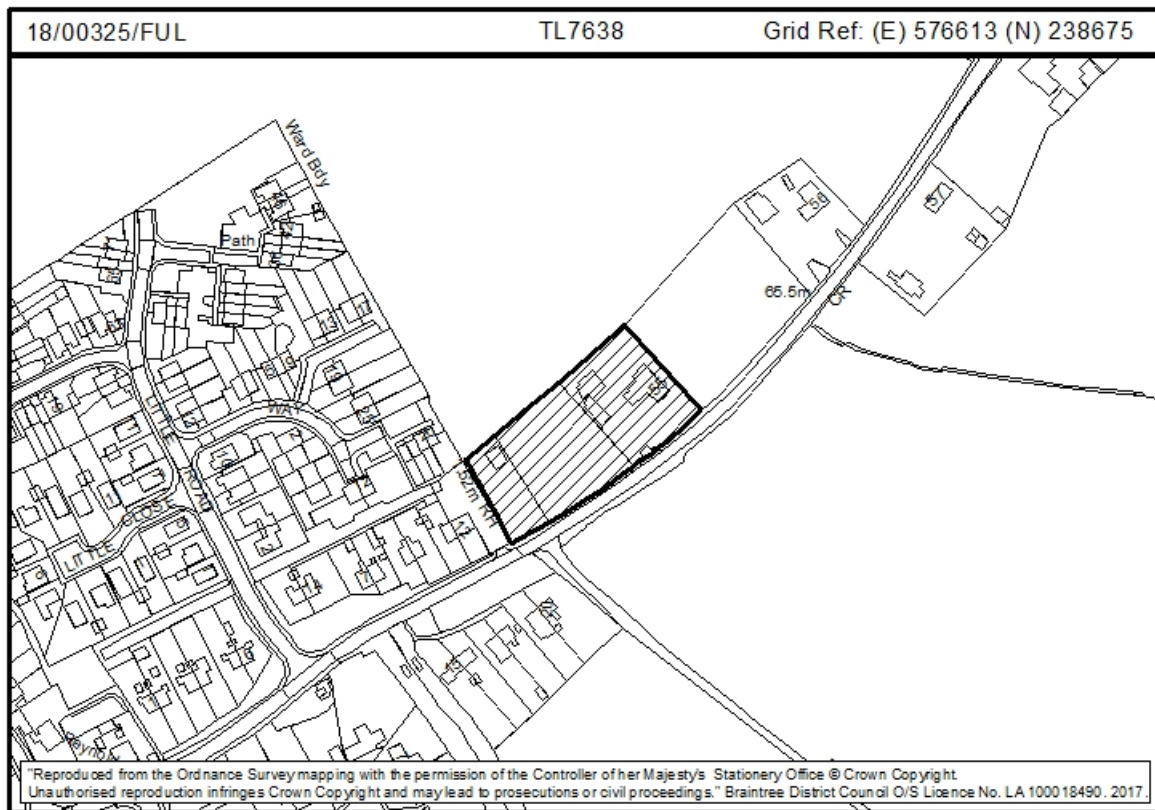
Framework Plan	Plan Ref: CSA/3465/105
Location Plan	Plan Ref: CSA/3465/110

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/00325/FUL DATE: 20.02.18
 VALID:
 APPLICANT: Mr Peter Hogan
 Corner Cottage, Hedingham Road, Bulmer, CO10 7EF
 AGENT: Mr Peter Hogan
 Corner Cottage, Hedingham Road, Bulmer, CO10 7EF
 DESCRIPTION: Demolition of existing outbuilding and construction of new
 cartlodge
 LOCATION: 55 Little Yeldham Road, Little Yeldham, Essex, CO9 4QS

For more information about this Application please contact:
 Daniel White on:- 01376 551414 Ext. 2518
 or by e-mail to: daniel.white@braintree.gov.uk



SITE HISTORY

04/01058/FUL	Erection of one four bedroomed house	Granted	14.07.04
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Parish Council object to the application, contrary to Officer recommendation.

SITE DESCRIPTION

55 Little Yeldham Road is a detached dwelling, with outbuildings within its curtilage, situated in the Little Yeldham countryside just outside of the Little Yeldham Village Envelope, as defined in the current Braintree District Local Plan Review.

PROPOSAL

The proposal is for the demolition of an existing outbuilding and construction of a new cartlodge. The existing outbuilding that is to be demolished is situated to the East of the main dwelling, directly in front of large barn. The proposal is looking to erect the new cartlodge slightly to the left of the existing outbuilding and with a large proportion of the proposed cartlodge overlapping the footprint of the existing outbuilding.

The existing outbuilding is constructed from a brown weatherboard with wooden windows and with the roof finished in tin. The existing outbuilding as shown within the application drawings is 3m in width by 9.4m in length, however there is an extended part of the outbuilding which is not shown on the proposed site plan and would make the existing total width of the building approximately 4.5m in width.

The proposed cartlodge would be constructed from red facing brickwork and timber weatherboard, with the windows being timber framed and the roof would be finished in red pantiles to match the existing dwelling. The proposed cartlodge would be 6.1m deep by 10m wide and 6.5m in height to the ridge.

CONSULTATIONS

Little Yeldham Parish Council

Initially Little Yeldham Parish Council had initial concerns with the replacement cartlodge being taller and larger than the existing building it would replace. They also had concerns with the dorm windows on the cartlodge, and if minded to allow dormer windows then a condition should be imposed requiring both buildings to remain in the same ownership.

Following revised plans Little Yeldham Parish Council had further comments to make regarding the replacement cartlodge being taller and would have a larger footprint than the existing building. The omission of the dormer windows was noted but they believed that there should be no windows in storage areas.

The points raised by Little Yeldham Parish Council are noted and will be elaborated upon in the section below.

REPRESENTATIONS

Two representations were received from a neighbouring property in which they made the following comments:

- Windows are not required in a storage area
- In line with previous planning decisions for this type of building, a condition should be added to ensure that the first floor of the cart lodge is used for storage purposes only and not used for living accommodation;

- The roof line of the proposed cart lodge is higher than the building it is replacing and it is also higher than the existing outbuilding behind, which is remaining.

The points raised by a neighbouring property are noted and will be elaborated upon in the section below.

REPORT

Principle of Development

In accordance with Local Plan Policy RLP2, all new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. In accordance with Core Strategy Policy CS5, 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 RLP18 of the Local Plan Review would apply to the proposal and allows for an extension of a habitable permanent dwelling in the countryside. This is subject to the siting, design and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling. Extensions are required to be subordinate to the existing dwelling in terms of bulk, height, width and position. Policy RLP56 would also apply to the proposal and ensures that all development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.

In accordance with Policy RLP90 of the Local Plan Review, the Council seeks a good standard of layout and design in all developments large and small. The layout, height, mass and overall elevational design of buildings shall be in harmony with the character and appearance of the surrounding area including their form and scale. Core Strategy Policy CS9 would also apply to the proposal and seeks to promote and secure a good standard of design and layout in all new development.

The proposal is considered acceptable in principle. The above mentioned policies and all other material considerations are addressed below.

Design, Appearance and Layout

It is noted that this application follows a pre-application enquiry, for a very similar proposal in which it was acknowledged that the design of the proposed cart lodge had some overly domestic characteristics, with a door and window on the eastern elevation and a dormer window at first floor level which are not characteristic in this rural setting.

Initially plans were submitted which were very similar to those submitted in the pre-application, which as previously stated appeared overly domestic in its design with dormer windows at first floor level. The Case Officer discussed their concerns with the architect and it was agreed that the dormer windows should be omitted, which would give the cartlodge less of a domestic appearance.

Revised plans have been submitted in which the dormer windows on the front elevation have been omitted. The cartlodge is designed with two open bays on the eastern elevation with a small window and door beside them providing access into the store room. The proposal would have quite a tall pitched roof, finished in red pantiles to match the existing dwelling. The roof would have two roof lights inserted into the eastern elevation as well as a small window in the southern elevation, to provide the applicant with additional storage space in the roof as well providing some natural day light in the loft area.

It is considered that the proposal is of a good standard of design would not materially alter the character and appearance of the street scene as it would largely be obscured from view by the existing well established landscaping. It is also considered that the proposal would be in harmony with the character and appearance of both the existing barn and the main dwelling in terms of its form and scale.

It is noted that the proposed cartlodge is larger in its size and scale than the existing outbuilding it would replace. However, it is considered that the proposed new cartlodge would be subordinate in terms of its bulk, height, width and position to the main dwelling. The overall elevational appearance of the cartlodge would be in harmony with the character and appearance of the main dwelling and the adjacent outbuilding. It would clearly read as a subsidiary outbuilding with storage space above and would not compete visually with the adjacent barn or with the house in terms of its size and scale.

It is therefore considered that the demolition of the existing outbuilding and construction of new cartlodge would be acceptable and accords with Local Plan Policies RLP2, RLP18, and RLP90 of the Local Plan Review, and Policies CS5 and CS9 of the Core Strategy.

Impact on Neighbour Amenity

Policy RLP90 from the Braintree Local Plan Review ensures, inter alia, that development doesn't have an unacceptable impact on the amenity of any nearby residential properties.

Due to the siting of the cartlodge being set back from the road, together with the fairly isolated location of the site itself, with the nearest neighbour being over 65m away to the East (12 Leather Lane) and over 100m to the West (56 Little Yeldham Road) it is considered that the proposal would not have an impact on any neighbouring residential amenities.

Highway Issues

Local Plan Policy RLP56 seeks to ensure that all development is provided with off-street vehicle parking in accordance with the Council's Adopted Parking Standards. The proposed carport would not meet the size requirements as set out in the Council's Adopted Parking Standards for garages. However, it does meet the car parking bay size requirement of 2.9m x 5.5m. There is plentiful space within the site for off street car parking, according with the aforementioned Policies.

CONCLUSION

It is considered that the demolition of the existing outbuilding and construction of new cartlodge, would be acceptable and in accordance with the aforementioned policies, and 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

Proposed Plans	Plan Ref: Location Plan
Planning Statement	
Proposed Plans	Plan Ref: Floor Plans and Elevations

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

Reason

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

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

Reason

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

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

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding

development.

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

Reason

In order that the Local Planning Authority may exercise control over any other proposed use of the development, in the interests of the countryside location.

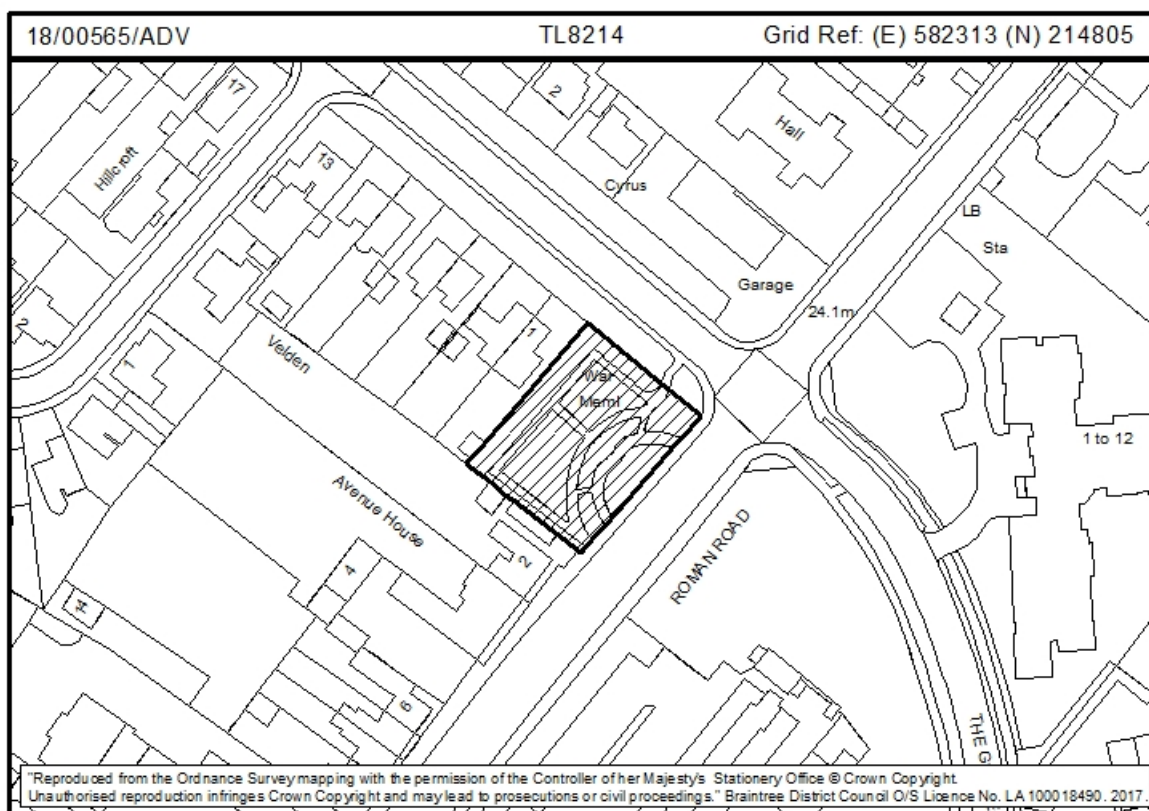
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION 18/00565/ADV DATE 13.04.18
NO: VALID:
APPLICANT: Braintree District Council
Mr Steven Wilson, 4 Lakes Industrial Park, Lakes Road,
Lower Chapel Hill, Braintree, Essex, CM7 3RU
DESCRIPTION: Erection of flagpole
LOCATION: War Memorial Gardens, Newland Street, Witham, Essex

For more information about this Application please contact:
Ellie Scott on:- 01376 551414 Ext.
or by e-mail to: ellie.scott@braintree.gov.uk



SITE HISTORY

04/00743/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - Fell 3 cypress trees and 1 sorbus	Granted	02.06.04
10/00091/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Face back branch growth on 2 Silver Birch to provide 2m clearance	Granted	11.06.10

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 Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP95	Preservation and Enhancement of Conservation Areas
RLP90	Layout and Design of Development
RLP107	Outdoor Advertisements
RLP108	Fascias and Signs in Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP56	Conservation Areas
LPP58	Shop Fronts, Fascias and Signs in Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, because the applicant is Braintree District Council.

SITE DESCRIPTION

The application site is the War Memorial Gardens, located on Newland Street, in Witham. The gardens are in a prominent location within the Witham Conservation Area.

PROPOSAL

The proposal is for an erection of a flagpole to commemorate the end of World War One. The flagpole is proposed to be 9.145 metres high and have a flag size of 1.6 metres by 2.44 metres. The flag is proposed to be a Union Jack/ St Georges Cross.

CONSULTATIONS:

ECC Highways: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Historic Building Consultant: The erection of a flagpole is not in principle objectionable, given that it is a relatively small intrusion and is part of the paraphernalia usually associated with a war memorial. However, the flagpole proposed does appear to be of unpainted metal, which I believe would be unnecessarily visually jarring. I therefore would not object to the application from a conservation perspective, provided that an condition could be attached which required the flagpole to be painted white.

REPRESENTATIONS

A site notice was displayed adjacent to the War Memorial Gardens for a period of 21 days. No representations were received.

REPORT

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

Design and Appearance

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

In terms of impact on amenity, Regulation 3 of Advertising Regulations 2007 under Sub section 3.-(2) (a) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policies RLP107 and RLP108 of the adopted Local Plan and Policy LPP58 of the Draft Local Plan permits outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising, the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located, there is not a proliferation of advertisements on the building/site, issues of public safety, including traffic safety have been taken into account. Additionally particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

In this case the War Memorial Gardens where the flagpole is proposed is located in the Witham Conservation Area and therefore it is considered that the impact of the proposal in this location would be a significant factor when assessing its impact on amenity. The proposal would be a very small intrusion and is the type of paraphernalia usually associated with a war memorial as confirmed in comments by the Historic Buildings Consultant. It is therefore considered that the proposal is acceptable and compliant with the above mentioned policies. The Historic Buildings Consultant has asked however, that the flagpole is painted white to be in more keeping with the Conservation Area. To address this, a condition has been recommended to be included on the decision notice.

Public Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by Policy RLP107 which outlines that public safety, including traffic safety, will be accorded a high priority in decision making.

The proposed flagpole is proposed to be located near the centre of the War Memorial Garden and therefore it is not considered that the flagpole would obstruct visibility splays or vehicle movement. ECC Highways have raised no objection to the proposal.

CONCLUSION

It is considered that the works comply with Policies RLP107 and RLP108 of the adopted Local Plan and Policy LPP58 of the draft Local Plan and therefore it is considered that this application should be granted.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Location Plan
Photograph

- 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 granted 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 use, the flagpole should be painted white and permanently retained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area

TESSA LAMBERT
DEVELOPMENT MANAGER