

PLANNING COMMITTEE AGENDA

Tuesday, 11 October 2016 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:-

Vacancy	Councillor Lady Newton
Councillor K Bowers	Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
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 demse@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
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 demse@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 demse@braintree.gov.uk

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 27th September 2016 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Deferred Application - Application No. 16 00591 FUL - Land North-West of Constables Farm, Glemsford Road, FOXEARTH 5 - 15

6 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:-

6a Application No. 15 01372 FUL - Site at Tey Road, COGGESHALL 16 - 41

6b Application No. 16 00545 OUT - Land South of Stonepath Drive, HATFIELD PEVEREL 42 - 87

PART B

Minor Planning Applications:-

6c	Application No. 16 01360 FUL - 66 Grooms Lane, SILVER END	88 - 94
6d	Application No. 16 01406 FUL - 1 Duggers Lane, BRAINTREE	95 - 100

7 Urgent Business - Public Session

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

8 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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9 Urgent Business - Private Session

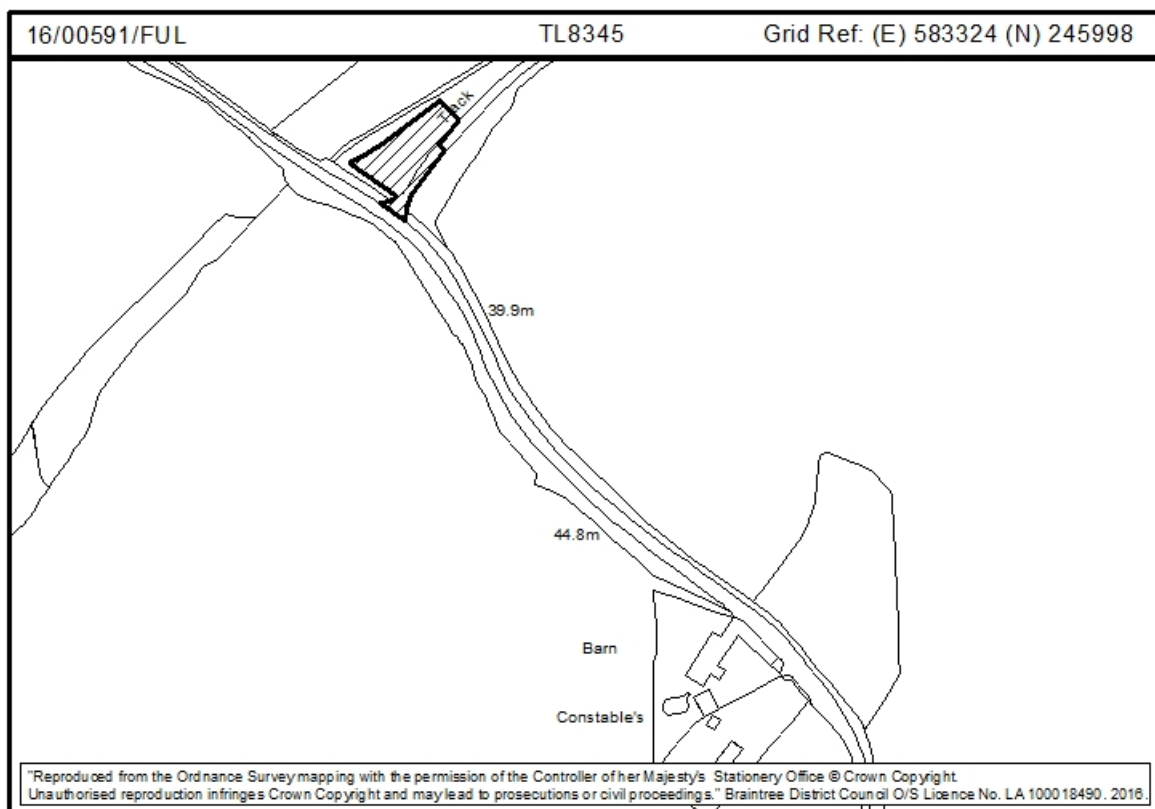
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5

DEFERRED ITEM

APPLICATION NO: 16/00591/FUL
DATE VALID: 13.05.16
APPLICANT: Mr Mark Prina
A Rocha UK, 1 St George Court, Impington, Cambridge,
Cambridgeshire, CB24 9AB
DESCRIPTION: Proposed improvements to existing access, resurfacing of
parking area and siting of a storage container in association
with the use of the land as a nature reserve
LOCATION: Land North West Of Constables Farm, Glemsford Road,
Foxearth, Essex

For more information about this Application please contact:
Katie Towner on:- 01376 551414 Ext.
or by e-mail to:



SITE HISTORY

N/A

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.

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 Draft Local Plan 2016.

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 Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP141	Informal Recreation Areas
RLP82	Sites of Special Scientific Interest

Draft Local Plan

SP1	Presumption in favour of sustainable development
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application was originally considered at Planning Committee on 21st June 2016 at the request of the Chairman/Vice Chairman. The Planning Committee deferred the decision in order for further information to be sought and provided from the applicant on the proposed operation of the Nature Reserve. This information has now been provided and thus the application is brought back to the Planning Committee for consideration. A revised Officer report and recommendation has been produced on the basis of the information provided and is set out below. The original report is appended for information.

SITE DESCRIPTION

The application site is located to the northern side Glensford Road, abutting the northern boundary of the Braintree District and the River Stour. There is no particular use associated with the site currently and it is not developed in any way. The site is bound and enclosed by mature planting around its perimeter. Glensford Road is a Protected Lane and a public footpath runs from Glensford Road in to the site and then diverts North West beyond the application site limits. A second public footpath crosses the site from east to west. The majority of the site is located within flood zones 2 and 3, although the area of the site which forms the main focus of this application is located

outside of the flood zone. The site is just south of the existing Site of Special Scientific Interest (SSSI) at Glemsford Pits.

To the west of the application site is a working fisheries. There is one residential property visible from the site, some 175m to the South East.

PROPOSAL

The application seeks permission for improvements to the access and resurfacing to create a parking area in association with the use of the site as a nature reserve. The applicant intends to manage the site in order to conserve dragonflies and damselflies already present and to ultimately achieve 'Site of Special Scientific Interest' status. It is the applicant's aim to have an on-site ranger and for people to be able to visit the site for recreation and/or educational purposes.

Currently visitors to the site who travel by car have to park at the bridge across the river Stour off the A1092 and walk to the site via the public footpath or alternatively they park along the road side. In association with the proposed use the application proposes a parking area at the front of the site for 8 vehicles and four bicycles. The car park surface is to be constructed of self-binding gravel of a sand and clay mix.

The application as originally submitted also proposed to incorporate a container, positioned behind the parking bays, as a temporary site office.

CONSULTATIONS

Foxearth and Liston Parish Council – No response received to date

Essex County Highways – No objections

BDC Environmental Health – No Objections

BDC Landscape Services – No Objections

Public Rights of Way (ECC) – No response received to date

Ramblers Associations – No response received to date

At the time of writing this report the consultation period was still ongoing. Any additional comments will be reported to the Committee.

REPRESENTATIONS

No representations have been received at the point of writing this report. Any representations received will be reported to the Committee.

REPORT

Principle of Development

The NPPF requires as a core principle for planning to recognise the intrinsic beauty of the countryside and to contribute to conserving and enhancing the natural environment.

Policy CS5 of the Core Strategy states that development outside town development boundaries and village envelopes will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape character, biodiversity and amenity of the countryside. The preamble to that policy highlights the economic benefits of rural tourism and it is considered that the use of land within the countryside for educational and leisure purposes may be acceptable subject to an assessment of its impact upon the character of the countryside.

Policies RLP82 and RLP83 of the Local Plan Review highlight the importance of protecting SSSI's and Local Nature Reserves and the preamble to those policies highlights that "The Council will support proposals that would increase the number, size and diversity of Local Nature Reserves and Wildlife Sites." Policy CS8 of the Core Strategy states that the restoration and enhancement of the natural environment should be encouraged through a variety of measures such as designating and protecting local nature reserves and local wildlife sites and the conservation and enhancement of SSSIs in accordance with the Wildlife and Countryside Act. Policy CS8 also requires development to 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.

It is considered that the use of the land as a nature reserve satisfies the above mentioned policies in principle and would be beneficial for the conservation and enhancement of local wildlife.

Previously Officers were concerned with the lack of information provided in respect of how the proposed use was intended to operate, especially in respect of the anticipated number of visitors, activities that will take place on site and additional infrastructure required. It is appreciated that the site already receives visits from members of the public, conservation groups and a University that conduct studies of the flora and fauna of the site on an annual basis. A log of all known visitor numbers both informal and planned has been kept since September 2015 and 176 people over 59 observed days were noted. This equates to approximately 3 people visiting the site per day on average. For planned events the numbers of visitors does increase, however no more than 19 people have been on site at one time to date. Although a more formal operation of the site may see an increased number of visitors, this is not expected to be significantly more than already attending the site and groups would be pre-arranged and managed. It is noted that there is no control currently over how many people visit the site.

The applicant has provided information on the day to day activities on site which will include a project manager being on site for one or two days per week for guiding pre-arranged visits, species recording, maintaining the footpaths and lone working on practical conservation tasks as part of the overall management plan for the reserve.

The applicant envisages that the site will be able to accommodate educational visits, in association with local schools, however the ability to provide this function will depend on what facilities will be required to enable this. The installation for example of a structure to house WC facilities would in itself require planning permission and thus the Local Planning Authority would retain control over future developments and thus to some extent the scope of use of the site.

To conclude, on the basis of the information submitted Officers now have a greater appreciation of how the site is intended to be managed and are satisfied that the applicant intends for the use to be low intensity, focusing on the conservation of dragonflies and damselflies. Officers are satisfied that although the site is likely to receive regular visitors, the number of people visiting at any one time is likely to be relatively low, such the amenity of the countryside and the protected lane would not be detrimentally affected. Officers do have some concerns with regards to the potential of the site/use to develop and the harm this could have in respect of required built development or an increase in visitors, however to make a judgement on this would be purely speculation at the current time and is not what is subject to the planning application under consideration. Furthermore as mentioned above the Local Planning Authority would retain control over any future development within the site. It would not be reasonable for the Local Planning Authority to place a condition on any grant of consent which restricts the number of visitors as this would be difficult to enforce and on the basis of the information provided would not be necessary in order to make the development acceptable.

At the previous Committee, Members were concerned with regards to coaches attending the site and the impact this would have on the protected lane in particular. Officers would advise against the use of a condition to prevent coaches attending the site as it is considered to go beyond the test of reasonableness. In order to justify that a condition was necessary and reasonable it would need to be demonstrated/evidenced that coaches attending the site would be harmful or unacceptable. In this case the applicant has stated that there is no intension for coaches to be allowed to access the site, and there is no restriction currently on coaches using Glemsford Road. It is also questionable as to whether it is reasonable to specifically control how people may travel to a site. Based on the information provided on the low intensity use of the site it is unlikely that the number of people needing a coach would be visiting the site at any one time. In addition if a coach did visit the site this is unlikely to occur frequently such to cause irrefutable harm to the protected lane. As such Officers do not consider that harm could be demonstrated such to justify the condition.

On the basis of the information provided it is Officer's opinion that it is reasonable that a designated car parking area be provided within the site to prevent any increase in adhoc parking along the highway. The acceptability of the proposed car parking and hard surfacing is addressed below.

Design, Appearance and Layout

Policies CS5 and CS8 of the Core Strategy seek to protect the countryside and natural environment from development that would be harmful.

The application proposes the laying of a hard surface to allow for parking within the site. A self-binding gravel surface has been proposed. The hardstanding will only extend 20m in to the site from the highway and will cover an area of 360m². Based on the information provided in respect of anticipated visitors and planned events at the site, it is considered reasonable that a car parking area is available within the site.

The hard surface will be a noticeable change to the appearance of the site, however it is considered justified in this case and the surfacing materials can be adequately controlled by condition so as to minimise the impact on the appearance of the countryside.

A container to be used for a site office was previously proposed however this has now been removed from the application.

It is proposed to keep the existing gates at the entrance in to the site, in order to control unauthorised use of the parking area. These gates will also prevent use of the car park when there are no planned visits to the site as is currently the case. The pedestrian access into the site by way of the public footpath will remain unchanged and unaffected by the proposed development. The Public Right of Way will need to remain open in accordance with Public Rights of Way legislation.

It is noted that the applicant refers to future plans for dipping platforms, a boardwalk, footpaths and information boards. All of these similar proposals, including the provision of additional ponds, will require the benefit of planning permission.

Impact on Neighbour Amenities

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

The site is distant from neighbouring properties. On the basis of the information submitted in relation the expected number of visitors and the daily activities that will take place on site it is not considered that the use would impinge upon the amenities of nearby properties.

Highway Issues

The Highways Authority has considered the additional information provided and as previously has raised no objections to the proposal.

Ecology

The application is now supported by an Ecology Survey. This survey concludes that the construction of the car parking area would not have a significant effect on any features of nature conservation value. The development of the proposed car park would result in the loss of tall herb vegetation which has no significance for nature conservation.

The survey does mention two unoccupied badger setts outside of the site and on the margins of the area of works for the car park. It has been advised by the Council's Landscapes Team that the nature of the construction of the car parking area is surface preparation and treatment which does not involve deep excavations. As such it is not necessary for any further survey to be undertaken. It is recommended that a condition is placed on any grant of consent which requires a further badger survey if the work is not commenced within 2 years of the date of the planning permission.

CONCLUSION

In conclusion the use of the site as a nature reserve, focusing predominantly on the conservation of dragonflies and damselflies accords in principle with policies RLP82 and RLP83 of the Local Plan Review and policy CS8 of the Core Strategy. Furthermore the proposed use could encourage rural tourism and provide educational opportunities, which the preamble to policy CS5 of the Core Strategy considers could be an appropriate use of land within the countryside.

Officers are satisfied that it is intended as a low intensity use aimed primarily at conservation of dragonflies and /damselflies. Given the additional information provided it is considered that the development proposed can operate without any detrimental impact to countryside, the protected lane, residential amenity and the highway.

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
Block Plan

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

Reason

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

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

Reason

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

- 3 No development shall commence before details of the proposed hard surfaced area, as shown on the approved Block Plan, to show the finished appearance (including colour), have been submitted to and approved in writing by the Local Planning Authority. Any such hardsurfacing shall be permeable.

Reason

In the interests of the visual amenity afforded to the countryside location.

- 4 There shall be no discharge of surface water onto the highway.

Reason

To prevent hazards caused by water flowing on to the highway and to avoid the formation of ice on the highway, in the interests of highway safety.

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

Reason

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

- 6 If the development hereby permitted has not commenced within 2 years of the date of this permission a badger survey shall be undertaken and the details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval prior to the commencement of development.

Should the results of the survey indicate that badgers are present within or within close proximity to the application site, then details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement to minimise the adverse effects of the development on

protected species

(b) a scheme of translocation to be submitted if necessary

(c) A programme of timing for the works referred to in a) and b) above

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Reason

To safeguard and protect badgers that could be present on the site when construction commences and to ensure all impacts resulting from development are taken in to account and mitigated. It will be necessary for this information to be supplied and agreed prior to the commencement of development otherwise there would be danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking to re- enacting that Order, with or without modification) no gates, fences, walls or other means of enclosure shall be erected.

Reason

In the interests of the visual amenity afforded to this countryside location.

- 8 No outdoor storage shall take place within the site whatsoever.

Reason

In the interests of the appearance of the surrounding countryside.

INFORMATION TO APPLICANT

- 1 The applicant is made aware that future development proposals, such as (but not limited to) dipping platforms, boardwalks and information boards will require the benefit of planning permission.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the

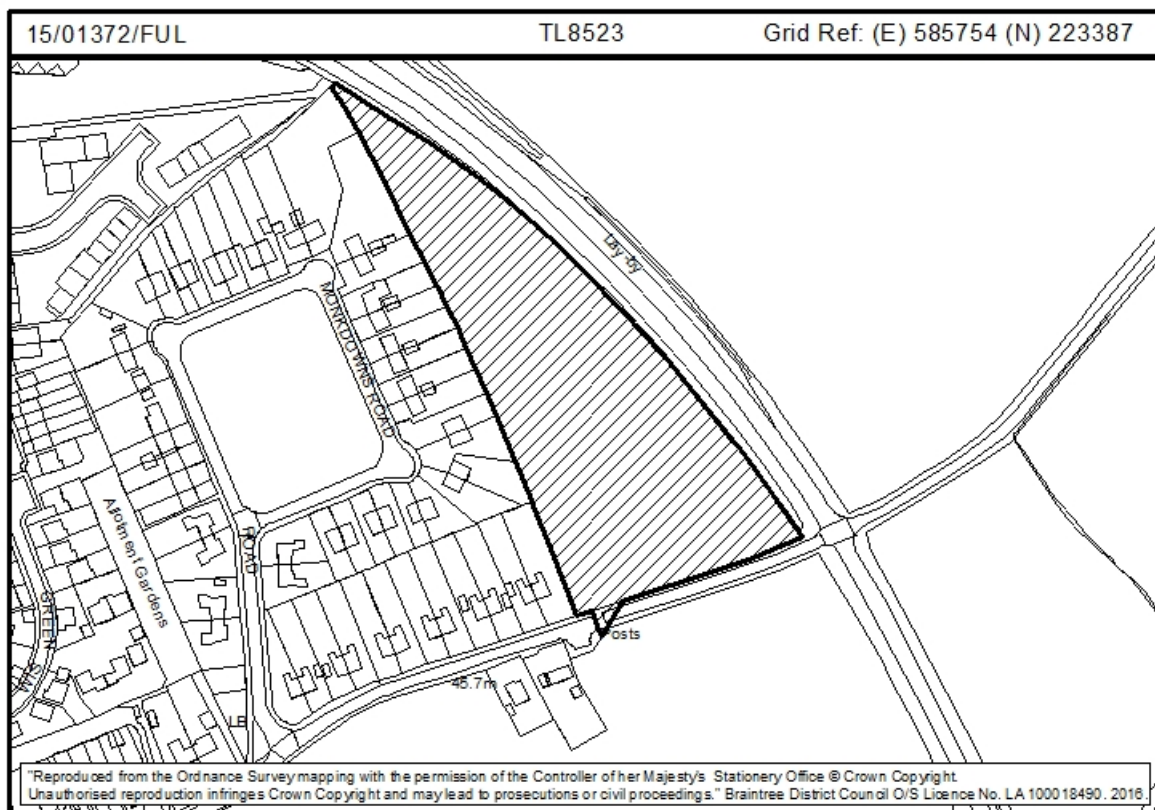
foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01372/FUL DATE: 01.12.15
 VALID:
 APPLICANT: Mr R Ramsay
 The Trustees Of The Marks Hall Estate, Estate Office,
 Marks Hall Estate, Coggeshall, Essex, CO6 1TG
 AGENT: Mr M Bowen
 Melville Dunbar Associates, The Mill House, Kings Acre,
 Coggeshall, Essex, CO6 1NY
 DESCRIPTION: Erection of 11 no. dwellings, estate roads, footpaths,
 garages, car spaces, foul and surface water drainage and
 landscaping
 LOCATION: Site At, Tey Road, Coggeshall, Essex

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



SITE HISTORY

85/01507/P/BTE/OT/B	Proposed residential development (erection of 38 dwelling houses)	Granted with S52 Agreement	02.05.86
85/01508/P/BTE/OT/B	Erection of: 1) light industrial units; 2) warehousing; 3) craft homes; 4) petrol service station; 5) offices; 6) social club	Granted with S52 Agreement	02.05.86

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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 Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
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
RLP138	Provision of Open Space in New Housing Developments

Supplementary Planning Guidance

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

Other Guidance

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

Draft Local Plan June 2016

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP44	Provision for Open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

The application site is located outside the Coggeshall Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is allocated for development in the Emerging Draft Local Plan.

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

SITE DESCRIPTION

The application site is located immediately adjacent to but beyond the north eastern Village Envelope of Coggeshall. It is broadly triangular in shape and measures approximately 1.46 hectares, consisting of agricultural land in the form of a paddock with associated hedging/treed boundaries. The site is bounded to the west by existing residential dwellings on Monkdowns Road and to the east by the A120. To the south a public bridleway abuts the boundary, beyond which lies further agricultural land.

In terms of gradient, the site is relatively level, falling marginally by approximately 5 metres from north to south.

Vehicular access to the site is currently achieved via a gated farm access which leads onto the footpath which abuts the site's southern boundary which in turn is accessed from the A120.

PROPOSAL

The applicant seeks Full Planning Permission for the erection of 11 dwellings with associated estate roads, footpaths, garages, parking spaces, foul and surface water drainage and landscaping. The application was originally linked to a separate planning application made by the same applicant for the erection of 5 dwellings at Tilkey Road, Coggeshall (15/01373/FUL). The applicant proposed that the current application at Tey Road was to provide

affordable housing for both schemes, however the scheme at Tilkey Road has now been appealed on the grounds of non-determination and the current scheme at Tey Road, which makes its own affordable housing provision, is no longer a linked application.

The originally submitted scheme was revised during the course of the application in response to the Officer's initial concerns in relation to noise from the A120. The revised scheme replaced 6 semi-detached properties with a single flatted block.

A proposed vehicular and pedestrian access point would provide a new access to the site from Tey Road, on the site's south eastern boundary. Five detached dwellings would be positioned on the western side of the site, with the remaining 6 dwellings being located in a flatted block positioned further to the east. A central spine road would provide vehicular access into the heart of the development and a substantial landscaped buffer would occupy the eastern and northern areas of the site.

In terms of dwelling heights, the 5 detached dwellings would be positioned in line, with the 3 central units being single storey and the end units each being 2 storey. The flatted block would be 2 storey.

The application is supported by a suite of documents which include, in addition to the proposed plans:

- Lighting Assessment
- Ecology Report
- Planning Statement
- Noise Assessment
- Transport Statement
- Design and Access Statement
- Landscaping Layout
- Surface Water drainage Strategy
- Air Quality Assessment

CONSULTATIONS

Highways England

No objection.

Essex County Council Highways

No objection subject to: extension of Tey Road to provide access to the development site as shown on submitted drawings; provision of a footway along northern side of Tey Road between where the existing footway terminates and Colne Road to provide access to development site as shown in principle on submitted drawings; dropped kerbs and tactile paving at the Tey Road/Monkdowns Road junction; Residential Travel Information Packs and provision of Construction Management Plan.

NHS England

No objection. No contribution required.

Essex County Council Rights of Way Officer

No objection. The length of the bridleway crossed by the site access road which is proposed for adoption will be subsumed under the higher rights of the adopted highway. No further action will be required.

Historic Environment Officer, Specialist Archaeological Advice (Essex County Council)

No objection subject to a condition requiring a programme of archaeological work prior to the commencement of development.

BDC Engineers

No objection subject to the use of a SUDs scheme.

Lead Local Flood Authority (Essex County council SUDs)

No objection subject to conditions relating to the provision of a detailed surface water drainage scheme prior to the commencement of development and conditions relating to surface water run off during construction and the submission for approval of a SUDs maintenance programme.

BDC Landscape Officer

No objection. Landscape condition required and also a condition requiring details of a lighting scheme to ensure the impact of new lighting on foraging bats is acceptable.

BDC Environmental Health

No objection to the revised scheme. Provision of a 4m barrier, sealed windows to facades directed to the A120 and provision of flatted block as a screen to the area closest to the A120 results in acceptable noise levels just being met. Must be recognised that there is uncertainty with the estimation of internal noise levels, however internal levels can usually be achieved by window insulation and ventilation systems where necessary, albeit that windows must be sealed. Recommended that a full rigorous calculation of internal noise levels is completed once the final specifications of window insulation and ventilation systems and layout and room sizes are available.

It will also be necessary to provide a full specification for the acoustic fencing and details of how the bund and fencing will be maintained. Conditions relating to the provision of a land contamination assessment, restricted hours

of working during construction and the submission for approval of a dust control scheme are also requested.

BDC Housing Research and Development

No objection. 40% affordable provision required in the form of 4 of the 2 bed flats.

Parish Council

Objection. Parish Council have no objection to the housing development but vehicle and pedestrian access via Tey Road and the junction with Colne Road need to be addressed by the developer to deal with additional traffic during construction and following completion of the development. Lower end of Tey Road is extremely narrow and has no footpath causing conflict between pedestrians, bicycles and cars. Traffic entering and exiting Tey Road from Colne Road has restricted views and increased traffic will present a very real hazard. This point was made in the Parish Council's submission to the BDC Local Plan.

Earls Colne Parish Council

Support the Trust's plans for generating funds to improve facilities on the Marks Hall Estate. Marks Hall is located outside the Parish of Earls Colne however it offers a valuable resource to our residents and we are especially aware of the good facilities it offers for the elderly and disabled. Any additional funding the Trust is able to access would inevitably enhance the facilities on offer and ensure sustainability into the future.

REPRESENTATIONS

Objections – 18 letters of objection have been received. The main material and non-material reasons of objection stated are set out below:

- Lack of sheltered and secure cycle storage
- Tey Road - single track with no footpath; can't cope with existing traffic; used by children as route to school and elderly people as route to the shops; any increase in traffic would be dangerous
- Do not consider pedestrian path could be constructed alongside single track section of Tey Road
- Braintree Council's Policy was to keep green space between the A120 and the village. Granting this application would set a precedent.
- Construction traffic will cause congestion and problems for emergency vehicle access to Tey Road and may cause damage to residents parked vehicles
- Construction traffic using single track Tey Road would be dangerous and noisy for local residents, children, dog walkers
- Blind junction where Tey road joins Colne Road
- Buildings will block morning sunlight to existing dwellings

- Lack of primary school capacity in village – children already have to go to surrounding villages
- Colne Road A120 junction is an accident blackspot and can't cope with any increase in traffic
- Junction visibility is inadequate
- Local amenities can't cope including doctors, shops, pre-schools, sewerage system and village parking. Village unable to support any additional residents
- Other applications refused due to poor road access along Tey Road
- Lack of consultation
- Lack of local knowledge
- Unless dwellings will be for shared ownership government has stopped any grant funding to affordable (rented) housing
- Loss of privacy/overlooking to 12 Monkdowns Road
- Obtrusive and loss of privacy to 20 Monkdowns Road
- Noise impact upon existing adjacent residents from new occupants
- Dirt and dust impact upon adjacent residents during construction
- Plot too close to no.43 Tey Road – loss of privacy
- High Gables has driveway access to Tey Road – cannot see how a path could be created crossing my drive while still allowing proper access to my driveway. Access to my drive already constrained by narrowness of Tey Road
- Site access too close to 43 Tey Road and concerned that we will be hit by cars entering development when reversing out of our driveway
- Site access exits onto bridleway well used by cyclist, pedestrians and horse riders
- Will set precedent for building outside village envelope
- Concerned about noise levels in affordable dwellings from A120 and proximity of all dwellings to A120
- Proposed access width looks unachievable
- Development of a substantial scale for its location
- Widening of Tey Road will cause noise, dust and disruption for residents
- Loss of mature hedgerow required to widen Tey Road
- Development in close proximity to the green at Monkdowns which is a protected conservation area
- Pollution assessment should take place for Plot 6
- Removal of section of ancient hedgerow for proposed access required
- Derelict buildings in the village should be restored first

Support – 3 letters of support were received. The main material and non-material reasons for support stated are set out below:

- Concerned that Marks Hall Trust is being treated like a greedy developer when in fact it runs a superb amenity for the wider area. Parish and District Council should support it. Village envelope should not be set in stone. Developing small pockets of land to support an amenity for the whole area should be supported

- Coggeshall must find its share of new housing and these two modest projects should be supported. Support Trust's use of assets to provide cash to invest in its facilities which so many residents of Coggeshall value
- Support principle of small scale development but can see some issues of detail regarding loss of privacy to existing residents and road junction configuration. Suggest changing some of houses to bungalows

Principle of Development

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

The Council is currently working on a new Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and is the subject of public consultation between the 27th June and 19th August 2016. In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Local Plans 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 currently affords some, limited weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was working on a Site Allocation and Development Management Plan (the ADMP). This Plan was subject to extensive public consultation in 2013 and 2014. This document was not 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 new Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements of the Local Plan.

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

“That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the North-West of Braintree - off Panfield Lane;
- Land to the West of the A131 at Great Notley (entirely employment-related);
- Land to the South-West of Witham - off Hatfield Road;
- Land to the North-East of Witham (in Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in-line with government policy as set-out in the NPPF.

5 Year Housing Land Supply

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed needs for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at 28th September 2016 is, that its forecast supply for the period 2016 - 2021 is 4.25 years and for the period 2017 - 2022 4.25 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’*. This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted’*.

It is therefore necessary, in accordance with the requirements of the NPPF to assess the specific merits of the application site in detail to allow an

evaluation of it to be made in terms of its potential to accommodate the proposed development in a sustainable manner.

Site Assessment

Draft Local Plan Allocation

The application site has been considered through the Local Plan process as part of a larger site identified as COGG181. The application site itself was considered a sustainable location for development and was recommended, without the remainder of COGG181 (which consisted of two large parcels of land located to the north of Coggeshall) or allocation for residential development by Officers. This recommendation was taken forward by the Local Plan Sub Committee at their meeting of 9th May 2016. The site is therefore currently identified for allocation for residential development in the draft Local Plan which is an important material consideration in the determination of the current planning application.

In terms of its physical context, the site is located immediately adjacent to (but outside) the Village Envelope of Coggeshall and is situated in the countryside. Coggeshall is identified in the adopted Core Strategy as a key service village, one of six within the District. Key service villages sit below the main towns of the District but above other villages within the settlement hierarchy, and are defined within the Core Strategy as *'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*. The designation of Coggeshall as a key service village has been carried forward into the draft Local Plan.

It is therefore accepted that at the strategic level the village of Coggeshall is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding rural area, in common with the other key service villages. The application site is identified as and allocated for a sustainable residential development in the draft Local Plan to facilitate new housing at Coggeshall, which is a material consideration in the determination of the current application. However, given the draft status of the allocation and of the emerging Local Plan, this can only be given limited weight in the determination of the current application, and a full assessment of the proposal against the requirements of the NPPF must still be carried out.

Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 56) that 'good design is a key aspect of sustainable development' and that (para 58) developments should 'function well and add to the overall character of the

area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping’.

The applicant proposes to erect 11 dwellings on the site, which measures approximately 1.46ha, giving a gross density of approximately 7.5 dwellings per hectare. This density is considered acceptable, given the edge of settlement location and the need to retain a landscape and noise buffer between the new dwellings and the A120. The dwelling mix would consist of 6no. 2 bed flats, 2no. 3 bed houses and 3no. 4 bed houses.

In terms of general layout, 5 detached dwellings would be positioned along the western side of the site and a block of 6 flats on the south-eastern side. The detached dwellings are all provided with ample gardens which easily exceed the requirements of the Essex Design Guide. In addition, their general position and orientation is considered acceptable in layout terms. The 6 flats would be contained within a 2 storey L-shaped building with a private walled amenity area which again exceeds the requirements of the Essex Design Guide.

The design of the 5 detached dwellings would vary, with the two end plots (north and south) being two storey and the remainder single storey. Both are of a high quality in terms of design and materials. The two storey dwellings would measure 8 metres in height with first floor accommodation set into the roof. They are of a traditional Essex cottage design with a mixture of render and boarding, a red brick plinth and chimney and a pantile roof.

The single storey dwellings are similar in character measuring 5.6 metres in height and employing a mixture of boarding and red brickwork for facing materials with clay roof tiles and brick chimneys. Both dwelling types would use timber painted window frames.

The proposed flatted block would be a two storey structure with a stepped roof line reaching a maximum of 9.95 metres in height. Facing materials are a mix of red brick and render. Roof materials are not specified and a condition is recommended to ensure samples would be provided to the Council for consideration. The design of the block is considered acceptable and is in keeping with the proposed houses.

In terms of hard landscape treatment, the submitted plans show a mixture of brindle blockwork and light and grey blockwork, following an initial tarmac section of roadway. Overall the development is considered to be of a high quality design.

Ecology and Landscape

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

granted for development which would have an adverse impact upon protected species.

The majority of the application site consists of grazing land which is of relatively low ecological value although there are a number of established trees and hedges on the site boundary. A short section of hedgerow would need to be removed to facilitate the proposed site access however the applicant proposes to create a native tree coppice along the eastern side of the site.

The applicant submitted an Ecology Survey in support of the application which has been reviewed by the Council's Landscape Officer. The survey did not find any protected species present on the site but makes the following recommendations:

- Updated Badger survey to be completed 3 months prior to commencement of construction;
- Tree protection measures required for existing trees and hedges along the site boundary, in particular the mature Oak tree located adjacent to site's western boundary;
- Lighting scheme to be tailored to ensure bat foraging corridors are not affected;
- Site clearance works to be undertaken outside of nesting bird season;
- Enhancement measures including bat and bird boxes, log piles and the planting of native fruit trees.

It is recommended that these matters can be covered by conditions.

With regard to landscape impact, Core Strategy Policy CS8 *Natural Environment and Biodiversity* states that '*development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment*'. The Council's 2006 Landscape Character Assessment covers the application site as part of a much larger area of land identified as Landscape Setting Area C1 which has a medium capacity for accommodating development. This area was not assessed further under the more finely grained 2015 Coggeshall Settlement Fringes Landscape Study due to its higher overall potential to accommodate development.

The application site itself is a well contained, relatively level land parcel which is not readily visible from the wider landscape area. In addition, the scheme includes significant tree planting which would further reduce the landscape impact of the development. The Council's Landscape Officer has no objection to the proposal and Officers do not consider that there is an objection to the proposed residential development on the grounds of landscape impact.

Highways

The applicant proposes to create a new vehicular and pedestrian access to the site from Tey Road, requiring the removal of a small section of the existing hedgerow on the site's southern boundary to allow the extension of Tey Road to provide access into the site. A pedestrian footway would also be provided adjacent to this vehicular access, linking directly to the existing footway located adjacent to Tey Road.

Essex County Council have been consulted and have no objection to the proposed access arrangements. The applicant originally proposed other works to the highway, as set out in the Transport Statement submitted in support of the application. This included the provision of a pedestrian footway at the western end of Tey Road, where Tey Road meets Colne Road and works to the Tey Road/Colne Road junction to improve visibility which is currently sub-standard. The Highway Authority have advised that works to the Tey Road/Colne Road junction are not required to mitigate the impact of the proposal, which they do not consider will have a severe impact at the junction.

The Highway Authority have also requested that the developer is to provide dropped kerbs and tactile paving at the Tey Road/Monkdowns Road junction and Residential Travel information Packs for residents of the proposed dwellings. These requirements have been included in the s106 Heads of Terms set out below.

With regard to parking, the Essex Parking Standards (2009) require 2 spaces per 2 bed dwelling with 0.25 visitor spaces per dwelling. The site layout provides 2 spaces for each of the detached dwellings, with each property also benefiting from a garage. 12 spaces are provided for the flatted block and two visitor spaces are positioned close to the site's entrance with another visitor space positioned opposite Plot 3. Parking provision is therefore considered acceptable.

In terms of its physical location, the site is well positioned for access to Coggeshall, with its associated key service village facilities and public transport links to the wider area. A pedestrian link would be provided, linking the site to the existing footway along Tey Road. The nearest bus stop is located on Colne Road, approximately 340 metres from the application site and Coggeshall Village Centre lies just under 1 kilometre away. Officers therefore consider the site's location on the edge of this key service village to be sustainable with good access to services and facilities.

Impact Upon Neighbour Amenity

The site is bounded to the west by existing residential development at Monkdowns Road. The Essex Design guide requires a back to back distance of 25 metres between new and existing two storey properties and the scheme complies with this requirement.

The greatest impact would be upon the occupants of no.43 Tey Road. Plot 1 sits adjacent to no.43 in an angled relationship which is neither back to back nor back to side. The new dwelling would be positioned approximately 10 metres from the shared boundary but would be orientated towards the bottom half of the existing dwelling's rear garden. Given the orientation of the dwelling it is not therefore considered that there would be any significant detrimental impact upon the amenity of the occupiers of this existing dwelling which would justify a refusal of planning permission. It is recommended that as a precaution, a condition is attached to any permission granted removing permitted development rights for roof extensions and alterations to Plot 1 to allow a further assessment of any such development to be made by the Local Planning Authority.

Other Matters

Noise

The applicant revised the scheme during the course of the application to address Officer's initial concerns in relation to noise from the A120. The revised scheme provides a flatted block with shielded private amenity space located on the opposite side of the building to the A120. The internal floorplan of the flatted block also shows dual aspect units, each with an aspect onto the shielded private amenity area.

The applicant submitted a Noise Report in support of the application. This was reviewed by the Council's Environmental Health Team who have no objection to the revised layout. The scheme requires the provision of a 4 metre high earth bund and acoustic fence combination to be erected along the site's eastern boundary. This would need to be incorporated within the development's soft landscaping scheme to ensure that its visual impact was acceptable, although the existing established hedge line along the site's boundary with the A120 is substantial. Sealed windows with mechanical ventilation would also be required to the A120 facing elevations of the dwellings. It is recommended that a condition is used requiring a full rigorous calculation of internal noise levels to be completed and approved once the final specification of window insulation and ventilation systems and layout and room sizes are available.

It will also be necessary to provide a full specification for the acoustic fencing and details of how the bund and fencing will be maintained. With these measures in place the development is considered acceptable with regard to noise impact.

Archaeology

The application site lies along a historic route connecting the historic town of Coggeshall to Great Tey, with Coggeshall having evidence of settlement from the Mesolithic period onwards. Essex County Council (Place Services) have no objection to the proposal, subject to a condition requiring the securing of the implementation of a programme of archaeological work in accordance with

a written scheme of investigation submitted to and approved by the Local Planning Authority prior to the commencement of any development.

Construction Activity

Conditions relating to the provision of a land contamination assessment, restricted hours of working during construction and the submission for approval of a dust control scheme are recommended.

Air Quality

The applicant submitted an Air Quality Assessment in support of the application, in relation to the A120. The Council's Environmental Health Team has reviewed the report along with additional supporting information submitted and have no objection in relation to air quality.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant proposes to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface run-off water from the proposed development with a dry storage pond being located in the southern area of the site.

The Lead Local Flood Authority (Essex County Council) has no objection to the applicant's proposed drainage strategy, subject to the imposition of standard conditions relating to the details of the drainage scheme.

Section 106

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

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas. Affordable housing is housing that is social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market.

The applicant has proposed that 4 of the 2 bed flats contained within the flatted block are allocated for affordable housing with 4 units equating to 36.36% of the total 11 units proposed in the development.

The Council's Housing Research and Development Team are in agreement with the proposed affordable housing provision strategy with the provision of 2no. 4 bed 2 person flats.

Open Space

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

For the proposed development, in accordance with the Council's standard open space contributions formulae a financial contribution of £19,923.55 toward the off-site provision of, or improvements to publically accessible open space is required. On site provision cannot be made due to the size and constraints of the site. These contributions would be secured through the S106 Agreement and allocated to identified project(s) contained within the Open Spaces Area Action Plan in consultation with the Parish Council.

Landscape/Noise Buffer

The proposed site layout includes a landscape/noise buffer along the eastern side of the site, adjacent to the A120 which the applicant proposes to maintain as a nature reserve. A Management Plan for this area of the site is required to ensure its long term maintenance.

Highways and Transport

The Highway Authority has advised that a footway is to be provided along the northern side of Tey Road, at its western end where it meets Colne Road with the width of the footway to remain flexible given the difference in ground levels. Dropped kerbs and tactile paving is also to be provided by the developer at the Tey Road/Monkdowns Road junction and Residential Travel Information Packs are also required for future occupants of the development, to include six one day travel vouchers for use with the relevant public transport operator.

CONCLUSION

The application site sits immediately adjacent to the Village Envelope of Coggeshall, a key service village which is identified as a sustainable location for new development in both the adopted and emerging Local Plans. There are no objections to the proposal from statutory consultees.

The application site is currently allocated for residential development in the emerging draft Local Plan. Notwithstanding this, and given the draft status of the allocation Officers have assessed the specific merits of the site in accordance with the requirements of the NPPF, to establish its potential to accommodate the proposed development in a sustainable manner.

Officers consider that the proposed development could be accommodated without significant adverse impacts on the wider landscape and that the adverse impacts of the proposal are limited, primarily to the loss of a greenfield site. The applicant has submitted a suite of documents which demonstrate that the site is free of any constraints to residential development which cannot be resolved by way of conditions or a Section 106 Agreement.

Having assessed the specific merits of the site and the public benefits in the form of new market and affordable housing which the proposal would bring against the Council's policies and the requirements of the NPPF, it is considered that the proposed development would be sustainable and accordingly it is recommended that this application is approved.

RECOMMENDATION

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

- **Affordable Housing:** Provision of 4 units specified as the 4no. 2 bed flats located on the southern arm of the flatted block; affordable rented tenure; units to be compliant with standards acceptable to Homes and Communities Agency at point of construction; two ground floor flats to be compatible with Lifetime Homes Standards.
- **Public Open Space:** (financial contribution of £19,923.55 toward public open space provision to be allocated to identified project(s) contained within the Open Spaces Area Action Plan in consultation with the Parish Council.
- **Landscape/Noise Buffer:** Management Plan required to secure the long term maintenance of the area of the site positioned adjacent to the A120 which will act as a landscape/noise buffer and is detailed on the submitted plans as being a nature reserve.
- **Highways:** provision of a footway along the northern side of Tey Road, at its western end where it meets Colne Road and provision of dropped kerbs and tactile paving at the Tey Road/Monkdowns Road junction. Details to be agreed with the Local Planning Authority prior to the commencement of development and works to be completed prior to occupation of the first dwelling. Provision of Travel Information Packs for future occupants of the development, to include six one day travel vouchers for use with the relevant public transport operator.

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the

application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Proposed Plans	Plan Ref: 1478-P005	
Proposed Plans	Plan Ref: 1478-P006	
Proposed Plans	Plan Ref: 1478-P007	
Proposed Plans	Plan Ref: 1478-P008	
Proposed Plans	Plan Ref: 1478-P009	
Proposed Plans	Plan Ref: 1478-P010	
Proposed Plans	Plan Ref: 1478-P011	
Proposed Plans	Plan Ref: 1478-P012	
Proposed Plans	Plan Ref: 1478-P013	
Proposed Plans	Plan Ref: 1478-P014	
Garage Details	Plan Ref: 1478-P015	
Section	Plan Ref: 1478-P018	
Topographical Survey	Plan Ref: NOV 2015	
Location Plan	Plan Ref: 1478-LOC	Version: REV A
Planning Layout	Plan Ref: 1478-P001	Version: REV C
Proposed Floor Plan	Plan Ref: 1478-P020	Version: REV C
Proposed Floor Plan	Plan Ref: 1478-P019	Version: REV C
Proposed Site Plan	Plan Ref: 1478-P001	Version: REV B
Landscaping	Plan Ref: 1478-P002	Version: REV C
Proposed Elevations	Plan Ref: 1478-P021	Version: REV A
Planning Layout	Plan Ref: 1478-P003	Version: REV A
Drainage Plan	Plan Ref: 2176/E/1	
Planning Layout	Plan Ref: 1478-P004	Version: REV A

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

Reason

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

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

Reason

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

- 3 Prior to the first occupation of the development the proposed access shall be implemented as shown on drawings 1478-P002 REV C and 1478 - P001 REV B.

Reason

To ensure the access is constructed to an acceptable standard and in the interests of highway safety.

- 4 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 that the development does not prejudice the appearance of the locality.

- 5 Prior to 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 maintained as such.

Reason

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

- 6 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house located on Plot 1 consisting of an addition or alteration to its roof, as permitted by Classes B and C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To allow the Council to assess the impact of any such development upon the amenities and privacy of the occupiers of 43 Tey Road.

- 7 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed

in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

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

- 8 There shall be no vehicular movements to, from, or within the premises outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

- 9 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.

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- 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 and in the interests of highway safety. The Statement is required prior to the commencement of development to ensure safeguards/mitigation measures are in place before work commences on site.

- 11 Prior to first occupation of the development hereby approved a specification and details of the acoustic fencing and associated bund to be erected along the eastern boundary of the site shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the fence and the bund and details of a maintenance plan for both. The fence and bund as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such in accordance with the approved maintenance plan.

Reason

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

- 12 Prior to the commencement of above ground construction of the development hereby approved details of a full calculation of internal noise levels for the proposed dwellings shall be submitted to and approved by

the Local Planning Authority to include the final specification of window insulation and ventilation systems.

Reason

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

- 13 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
- Limiting discharge rates to 4.6l/s for all storm events up to an including the 1 in 100 year event plus climate change
 - Provide sufficient storage to manage water on the site for the 1 in 100 year event plus climate change
 - Sufficiently treat run off from all elements of the development in line with the drainage strategy dated 21 June 2016

Reason

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

- 14 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented as approved.

Reason

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

- 15 Prior to the commencement of above ground construction the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. The

development shall be carried out and managed in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the Surface water drainage system to function as intended and to ensure mitigation against flood risk. The details are required prior to the commencement of development to ensure that the maintenance arrangements are agreed before any drainage works begin.

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

Reason

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

- 17 No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

The site may be of archaeological interest. The works are required prior to the commencement of development to ensure that measures are in place to protect/record archaeology on the site before development takes place.

- 18 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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 unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out

before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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

Reason

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

- 19 Development shall not be commenced 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.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges and to ensure that protection measures are in place before work starts on site.

- 20 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed during the development.

- 21 Within 3 months of the start of construction a further survey of the application site shall be carried out to establish whether there is any new evidence of badger activity on the site within 30 metres of the proposed development areas.

Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within one month of the completion of the survey.

Should the results of the survey indicate that badgers are present within 30 metres of the proposed development areas, then development shall cease and details of the following shall be submitted to and approved in writing by the local planning authority prior to the re-commencement of development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on the identified badgers;
- (b) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Reason

In order to assess whether there is new evidence of badger activity in the locality.

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

Reason

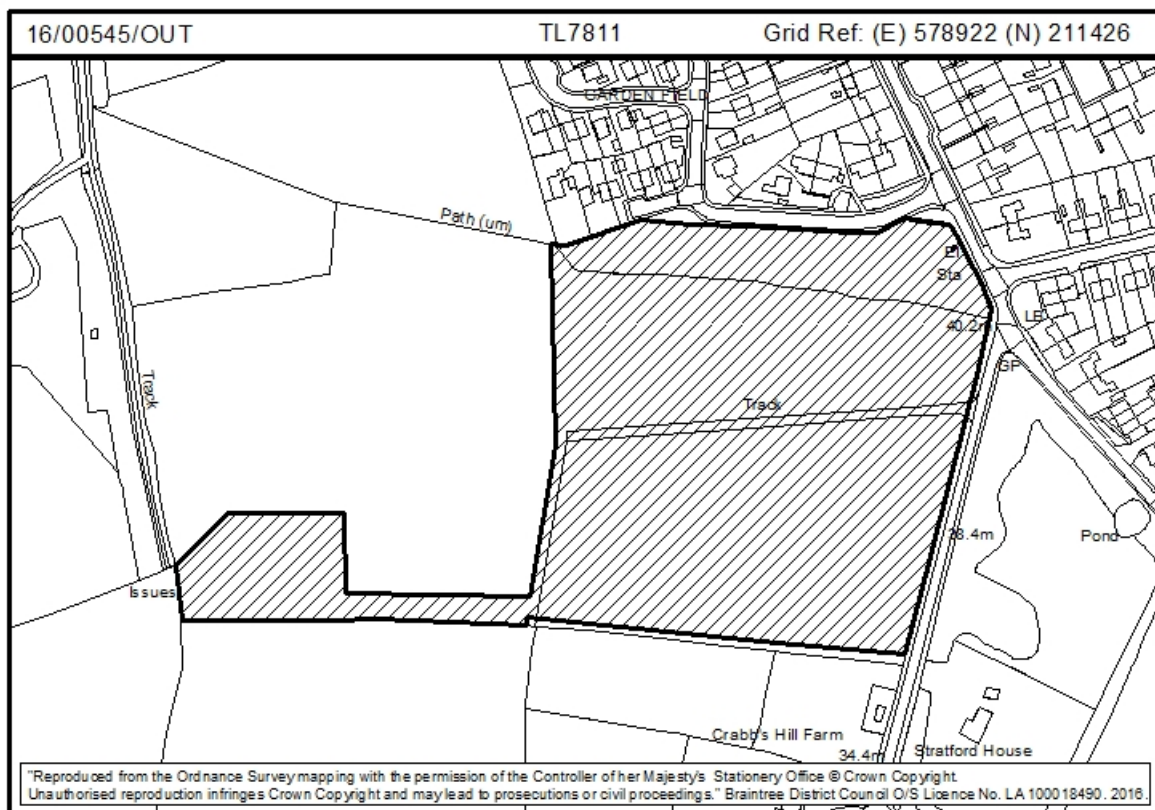
In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/00545/OUT DATE: 31.03.16
 VALID:
 APPLICANT: Gladman Developments Limited
 Gladman House, Alexandria Way, Congleton, Cheshire,
 CW12 1LB
 DESCRIPTION: Outline planning permission for up to 80 dwellings
 (including up to 40% affordable housing), introduction of
 structural planting and landscaping, informal public open
 space and children's play area, surface water flood
 mitigation and attenuation, primary vehicular access off
 Stone Path Drive and associated ancillary works. All
 matters to be reserved with the exception of the site access.
 LOCATION: Land South Of, Stonepath Drive, Hatfield Peverel, Essex

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



SITE HISTORY

05/01108/OUT	Proposed residential development of 29 starter homes	Withdrawn	25.07.05
05/02313/OUT	Erection of 19 no. 2 bed houses, 8 no. 2 bed flats and 16 no. 1 bed flats as affordable housing	Refused	14.02.06
06/00250/T56	Re-site one KX100 style telephone kiosk	No Objections Raised	21.03.06
16/00443/FUL	Change of use of land for the keeping of horses and for the erection of a stable block with associated hardstanding, fencing and access track	Withdrawn	09.05.16

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.

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 Draft Local Plan 2016.

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 Development Framework Core Strategy

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 Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
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
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP38	Protected Lanes
LPP42	Built and Historic Environment
LPP43	Health and Wellbeing Impact Assessment
LPP44	Provision for open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of use to Heritage Assets and their Settings
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

Supplementary Planning Guidance

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

Other Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

The application site is located outside the Hatfield Peverel Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is not allocated for development in the Emerging Draft Local Plan.

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

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the south-western Village Envelope of Hatfield Peverel.

It measures approximately 4.57 hectares, the majority of which is agricultural land. The main portion of the site consists of a single field which, with the exception of the northern most portion (which constitutes an area of grassland meadow) is currently being cultivated for crops. The site also extends into a second adjoining field which again contains crops.

The site is bounded to the north by Stonepath Drive and to the east by Church Road and Crabbs Hill. To the South lies Crabbs Hill Farm and further agricultural land and to the east agricultural land. The William Boosey Public

House lies to the north-west of the site and Hatfield Place lies to the west. Both are Grade 2* Listed Buildings.

The northern boundary is delineated by a chain-link type fence with a number of adjacent trees. The eastern boundary consists of a particularly strong tree and hedge line and the southern boundary also consists of an established tree and hedge line. The western site boundary is partly delineated by a tree and hedge line and partly by a low level field boundary. Where the site projects into the adjacent field the northern boundary is arbitrary with no natural demarcation on the ground.

Vehicular access to the site is currently achieved via a gated farm access leading from Crabbs Hill. There is also a footpath which crosses the site from east to west, being accessed from Church Road/Crabbs Hill Lane.

In terms of gradient, the site as a whole falls by approximately 10 metres from its north-eastern to its south-western periphery. The main area of the site, consisting of the single agricultural field falls from north to south by approximately 5 metres.

PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except for access, for up to 80 dwellings with associated infrastructure and landscaping.

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

The proposed vehicular and pedestrian access point would provide access to the site from Stonepath Drive, on the site's northern boundary. A secondary emergency access point is proposed from Crabbs Hill Lane, where it meets Church Road however for the purposes of determining the current application this is for illustrative purposes only. Besides access all other matters regarding the proposed development (appearance; landscaping; layout and scale) are Reserved Matters.

The applicant has submitted a site location plan and a proposed access drawing for full consideration. An illustrative Development Framework Plan has also been submitted to demonstrate one way in which the site might accommodate the quantum of development proposed. The Framework Plan identifies the developable area of the site, areas of public open space and structural landscaping, proposed children's play area, proposed internal footpaths and a drainage basin. An illustrative site Masterplan based upon this Framework Plan is contained within the planning submission.

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

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement (including illustrative Masterplan)
- Transport Assessment
- Framework Travel Plan
- Foul Drainage Analysis
- Flood Risk Assessment and Drainage Strategy
- Utilities Statement
- Contaminated Land Assessment
- Landscape and Visual Appraisal
- Ecology Report
- Arboricultural Impact Assessment
- Archaeological Assessment
- Heritage Statement
- Air Quality Assessment
- Noise Assessment
- Sustainability Assessment
- Socio-Economic Sustainability Assessment

CONSULTATIONS

BDC Environmental Health

No objection subject to a condition relating to indoor and outdoor noise levels which will require the submission of a further noise report at the detailed design stage. Contaminated Land Report is acceptable subject to a standard contaminated land condition. Standard conditions relating to hours of construction, piling, submission of a dust and mud control scheme and external lighting scheme also required.

BDC Landscape

No objection.

Landscape - site is relatively well-enclosed with established boundary features. Greatest visual impact will be to properties on Stonepath Drive where the scale and nature of the change from open views to residential development will be the most dramatic and irreversible. View from the public footpath that traverses the site will also change from the attractive prospect currently offered across an open field-scape to one of houses and more formal landscaped open space. The visual impact to users of Crabbs Hill as they approach the main settlement is partially masked by the established vegetation. Character is also clearly determined by the seasonal impact of the foliage and the magnitude of the impact will be greater in winter months. Landscape Analysis Study of Hatfield Peverel commissioned by the Council in 2015 evaluated the site area (as part of the larger land parcel 2c) as having a medium landscape capacity to absorb development stating that *'the well-defined hedgerow structure relating to pre-18th and 18th-19th Century field enclosures provides relatively good visual containment to the Parcel in the*

wider landscape. The parcel has good links to the settlement fringe with visual and physical associations with neighbouring residential streets....the analysis identifies there is good scope to provide mitigation to proposed development that is in keeping with the existing landscape pattern'.

Ecology – arable field and area of semi-improved grassland have a typically low biodiversity value. Site boundary features provide valuable opportunities for nesting birds and some potential for roosting bats. Opportunity for applicant to improve biodiversity levels on the site with a suitably designed SUDs scheme that integrates well with the landscaping of the public open space within the development. Recommendations made in the applicant's Ecology Report should be implemented as part of the development. Submission by local residents makes a number of points in relation to biodiversity. Document makes reference to '*107 tabulated species identified by local residents in and around the site from 2013-2016*'. These comments are noted but notwithstanding this it is reasonable to maintain that the biodiversity value of the land is low. There may be the need for a more detailed assessment particularly with regard to a survey for roosting bats which should be a condition of any future planning permission.

Trees – masterplan for the site should ensure there is sufficient space provided for the mature oaks located along the Crabbs Hill boundary to ensure that there is no conflict with future householders. Open space provision along this boundary and for the other margins should be greater than the nominal root protection area to reflect this.

BDC Housing Research and Development

No objection. 40% affordable housing required. Details of the mix would be subject to a reserved matters application.

Recommend that a 70/30 tenure mix (rent over shared ownership) is secured. The affordable homes are required to be clustered in two areas of the site, with an accessibility requirement for 25% of ground floor flats and all 3 bedroom houses to meet Lifetime Homes equivalent Part M 2 of Building Regulations. All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction.

In addition, if the scheme is to be delivered in two phases then 50% of the affordable housing is to be delivered in each phase.

BDC Engineers

Nothing further to add to the ECC Flood and Water Management consultation response.

ECC Historic Environment Officer (Archaeology)

No objection subject to conditions relating to the securing of a programme of archaeological evaluation in accordance with a Written Scheme of Investigation to be approved by the Local Planning Authority.

ECC Public Rights of Way Officer

Footpath 43 (Hatfield Peverel) crosses the site. Footpath 43 is an extremely well-used local asset. The developer may need to make an application to divert this footpath during the construction of the development to allow safe passage of users. The footpath must otherwise be kept open at all times and any damage caused by construction vehicles repaired to the satisfaction of the Highways Authority. The Highway Authority would accept no liability in relation to the maintenance of recreational footpaths proposed by the developer.

ECC Economic Growth and Development (Education)

No objection. Sufficient early years and childcare places exist within the development ward to accommodate children generated by this development. With regard to primary school provision Hatfield Peverel Infant School, Hatfield Peverel St Andrews Junior School and Terling Primary School do not have the capacity to expand so it is difficult to envisage how the pupils that would be generated by the development could be accommodated at the schools within this forecast planning group. The next nearest option is Witham and the Lodge Farm development where a site has been identified for a new primary school. Prior to the implementation of the revised Community Infrastructure Levy Regulations on 6th April 2015 a developer contribution toward additional primary school places in Witham would have been sought. However, the pooling of contributions is now limited to 5 separate planning obligations. No contribution is therefore requested as the scale of development is comparatively small.

No school transport contribution is required however the developer should ensure that safe and direct walking/cycling routes are available to the nearest schools.

ECC Flood and Water Management

No objection. Consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. Request conditions requiring a detailed surface water drainage strategy to be submitted at the Reserved Matters stage.

Historic England

Consider that the setting of Hatfield Place may be eroded by the development. Applicant's Heritage Statement includes views towards the house but not views of the site from the house and are shown with summer rather than winter vegetation. Relatively little information submitted to provide an assessment of the overall massing and height of the development as it would be seen within the setting of Hatfield Place. Concept of landmark buildings, if characterised by additional height, might contribute to visual intrusion.

Consider that further work is required to enable the planning authority to assess the degree to which the proposals might cause harm to the significance of the designated heritage asset. Whilst this harm is likely to be less than substantial, the full impacts of the proposal must be clear, so as to enable any harm to its significance to be assessed and weighed against the public benefits of the proposal.

Advise that Braintree DC determine the application in accordance with advice given by Essex County Council's Historic Buildings Advisor, taking into account our advice, the applicant's submission and the planning balance.

ECC Historic Buildings Advisor

No objection. The element of the site which projects to the south-west is in closer proximity to Hatfield Place and is substantially more sensitive. This may dictate the scale and density of the development of this section of the site but does not preclude the general principle of developing the site within the red line boundary.

In response to the comments made by Historic England regarding lack of information included within the application and concerns over the potential impact on the setting of Hatfield Place a second site visit was completed. Remain confident in the original assessment made, the intervening topology, distance and heavy vegetation which mark the historic boundary of the land closely associated with the listed building means that the application site could be developed without an impact on views of and from the listed building. To safeguard this it would be beneficial to agree a maximum building height for the proposed development and suggest that 2 storeys would seem appropriate.

ECC Highways

No objection. Site visits were undertaken and the concerns of the local residents were noted. Safety records were checked with Essex Highways Road Safety Team. Commuter parking was noted on Stonepath Drive and a condition is required to address this. Conditions relating to visibility splays, the upgrading of the bus stops on The Street, East of Church Road, adjacent to The Swan; provision of parking on site and no discharge of surface water onto

the Highway are required. The emergency access onto Crabbs Hill is not required in highway terms.

Highways England

No objection.

NHS

No objection. Existing GP Practice does not have the capacity to accommodate the additional growth resulting from the development. The development would have an impact on healthcare provision in the area and its implications, if unmitigated would be unsustainable. The development must therefore provide appropriate levels of mitigation. The development would give rise to a need for improvement at the Laurels Surgery by way of extension, refurbishment or reconfiguration. A developer contribution of £26,340 will therefore be required.

Ramblers Association

Landscape and Visual Assessment notes the negative impact effect the development will have on the open and country aspect of Footpath 43. Site has clear desire line paths on it which are obviously well used but current legal line of Footpath 43 isn't always identified on the plans. Footpath 43 isn't shown on the proposed access drawing. Request that proposed access drawing is updated to show position of Footpath 43 where it would cross the site access. Also request that sight lines are shown with respect to proposed vehicular crossroads.

Secondary emergency vehicular access will exit onto Crabbs Hill. Unclear if this will be a gated/locked access and drawing does not show Footpath 43 and sightlines. Provision of a safe non-vehicular route from the south/centre/east side of the site across Church Road to Remembrance Avenue would enhance local footpath links.

Anglian Water

No objection. Development would be in the catchment of Witham Water Recycling Centre which has capacity for foul drainage. Sewerage system at present has capacity for the development flows.

Hatfield Peverel Parish Council

Objection. Increased traffic, inadequate schooling and medical facilities would make the development unsustainable. There are alternative sites which can be considered and the potential offer of a brownfield site which will be available for development when Arla Dairy closes.

The application site is very important to the environment. Stonepath Meadow is a natural nature reserve with a diverse amount of flora and fauna. There are

many different bird species. Development would remove this very important area and undoubtedly affect air quality and the well-being of the community.

REPRESENTATIONS

Objections were received from 102 residential addresses with some objectors submitting several letters during the course of the application. In addition, a second person from 8 of these addresses submitted a second, independent objection letter.

The main material and non-material reasons of objection stated are set out below:

Infrastructure in the area inadequate to sustain further development

- Doctors, dentists, schools, library at capacity
- Anglian Water at capacity
- Additional strain on refuse collection capacity
- Question if electricity companies have spare capacity
- Limited railway capacity

Highway/access problems:

- Impact upon local junctions
- Use of narrow country lane Crabbs Hill as an emergency access is unsuitable
- Increased congestion
- Impact of increased traffic flow on existing residents
- Existing road network cannot cope and certainly no scope for further increase in traffic
- Large future developments at Maldon/Boreham will worsen situation
- Highway safety concerns
- Area already suffers from parking problems, particularly commuter parking on Stonepath Drive
- A12 traffic already diverts through village when A12 is closed. The development will worsen the situation
- New residents will have to travel to secondary school by road causing further traffic congestion
- Concern regarding site access and use of local road network by construction vehicles
- Majority of new residents will have to drive to work putting further pressure on existing road network

Impact upon wildlife/ecology/landscape

- Loss of tranquility
- Landscape impact – area previously designated an Area of Great Landscape Value
- Land is Green Belt
- Light pollution will result from the development
- Increase in pollution from extra traffic congestion
- Will lead to further development of surrounding fields

- Loss of ancient Oak Trees
- Meadows are used for children's education purposes (wildlife/nature etc)
- Loss of or damage to the footpath (ancient flagstone path after which meadow is named)
- Destruction of traditional field patterns
- Development of the site would contravene adopted Core Strategy Policy CS8 ('Natural Environment and Biodiversity')
- Loss of greenfield site
- Site exits may require unacceptable tree felling
- Proposal is contrary to adopted Local Plan Policies RLP2 (Town Development Boundaries and Village Envelopes); RLP78 (Protection of Countryside); RLP79 (Special Landscape Areas); RLP86 (River Corridors); RLP88 (Agricultural Land)
- Church Road and Stonepath Drive already flood – development will worsen this
- Loss of best grade agricultural land
- Development will worsen air pollution
- Would result in increase in noise pollution for existing residents
- NPPF Paragraph 119 may apply and states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned or determined.

Alternative sites

- Arla Dairy Brownfield site should be developed first
- Closure of Arla Dairy will cause re-location of staff and will result in available housing
- Site rejected by Parish Council
- Larger sites at Witham and Wethersfield should be developed where infrastructure can support development or be created
- Other sites such as Sorrells Field and land next to the Vineyards are available
- Site is not allocated for development in Local Plan or Neighbourhood Plan
- Loss of site HATF/4 to Witham's housing numbers seems counter productive

General points

- Planning application is misleading and inaccurate in its content
- Only limited demand for extra property in village
- Site used for recreational purposes (including dog walking, walkers/visitors, runners)
- Loss of views
- Proposed housing will look out of place in village setting
- There is housing available for young people in the area if their expectations are realistic
- The Council should not approve this development for the purpose of bolstering their finances

- Previous planning applications have been rejected and nothing material has changed. Application at Gleneagles Way refused recently on grounds of failure to mitigate increased pressure on key infrastructure within village, advice of County Council that there is insufficient primary school and early years capacity within village and that residents would be likely to have to travel to Witham for these facilities by private car and that the development would present a more visually abrupt and harsh edge to the settlement which would harm the character of the area
- Detrimental affect to outlook of existing residents and character of area
- Proposal would be of no benefit to the existing village
- No chronic shortage of property in the village – disagree with Gladman's assessment
- Site located outside Village Envelope
- Concurrent application for erection of stables is confusing to residents and is an unfair tactic
- Value of existing residents houses will suffer
- Development would be located in close proximity to Care Home on Crabbs Hill and may be detrimental to residents. Access to the care home for emergency vehicles could also be affected
- Some BDC Councillors have made comments in Essex Chronicle and elsewhere supporting this site for development which is prejudicial to the planning system
- Proposed children's play area adjacent to Church Road/Stonepath Drive isn't safe due to volume of traffic using these roads
- Will turn village into a building site for years to come
- Neighbourhood Development Plan is at an advanced stage and approval of the development by BDC would be unethical under the Localism Act 2011
- Last remaining open space in the heart of the village
- Object to reference in press to this as a 'Dementia Village'. For example local houses have recently been purchased by young couples and young families
- Question whether hydraulic modelling has been completed by the applicant to demonstrate that proposed balancing pond will not exacerbate further flooding downstream to satisfaction of Environment Agency
- Stonepath Drive and Church Road have recently been subject to serious flooding
- Development represents a step closer to villages of Boreham and Hatfield Peverel being joined into one huge village
- Clarity on how many new homes the village is expected to take would be helpful and would assist the village to identify sites. Request that sites with planning permission which aren't identified in call for sites be taken into account when calculating this figure
- Sportsman Lane is situated to south of site and is a protected lane – extra traffic will have a detrimental impact upon it
- Proposed density would be out of keeping with existing area
- Concerned that developer will reduce the percentage of affordable housing required to maximise profit
- Concern at lack of detail in the application plans

- Draft Heads of Terms cannot be considered as recompense for the problems this development will cause
- Development will locate people closer to the sewerage treatment works which gives off odours during summer
- Application is just a profit making exercise for Gladman who have no knowledge of the local area
- Essex Air Ambulance use the site as a landing site for their helicopter
- Requirement for ground floor flats to meet Part M Cat 2 of Building regulations should be 100% not 25%
- Garden communities would be a better alternative to meeting the required housing numbers in the District
- The use of Stonepath Meadows as a Country Park would be the best use for the land
- Site is located close to a major Roman Road , is of special archaeological significance and should be left undisturbed
- With the land already allocated in the village for development and with the likelihood of Arla Dairy being allocated too the development of Stonepath Drive would represent overdevelopment of the village
- Developers carried out very little consultation with Parish Council/community
- Applicant's red line boundary extends unacceptably into the view of the Grade II* Hatfield Place. Support the ECC Historic Buildings advisors concerns in relation to this
- Poor public consultation by the developer
- This development is not required to meeting housing target
- Concerns regarding even short term dust impact upon elderly residents of BUPA Care Home on Crabbs Hill
- Loss of historic stone footpath which crosses the site and is part of the village's heritage

Stoney Path Meadow Residents Action Group

Resident's formed a local group to object to the proposed development. The Group submitted a supplementary objection document which covered a wide range of issues including planning policy; housing supply; healthcare; flooding; landscape impact; ecology and the applicant's planning submission, adding further detail to the above resident's objections. An objection was also lodged on the grounds of the loss of best and most versatile agricultural land. A Road Safety Assessment Paper and a Wildlife Assessment Paper, both undertaken by local residents were also submitted with objection against the current planning application and a copy of the group's objection paper against the proposed Local Plan allocation of the site for residential development which was previously submitted to members of the Local Plan Sub-Committee was also re-submitted.

Objections were also received from the following Parish and District Councillors:

Councillor Bebb (Ward Member)

BDC Local Plan Committee have not allocated this site for inclusion in the Local Plan as 1) This is a cherished local recreational amenity, arguably the most attractive part of the village, rich in wildlife and with attractive vistas sloping down to the river. 2) It is outside the village development boundary. 3) There is a more appropriate brownfield site adjacent to the village railway station (Arla Dairy which is closing) becoming available shortly, and for which a planning application is in train and has capacity to provide more than the number of homes proposed in this application.

Councillor Wallace (Parish Councillor)

The Arla Dairy site was put forward in the latest call for sites for consideration for allocation for residential/commercial development. The only other brownfield site within the Parish was granted outline permission for 9 dwellings in August. There is no need for development on the meadow at Stonepath Drive.

The Hatfield Peverel Neighbourhood Development Plan (NDP) is currently out for public consultation. Current planning application at Stonepath Drive clearly does not conform to the emerging NDP and the Parish Council ask Planning Officers and Councillors to take this into consideration.

Councillor Priestly (Parish Councillor, NDP Chairman)

Draw attention to advanced stage of the Hatfield Peverel Neighbourhood Development Plan and the submissions by the Parish Council to the BDC Local Plan. The need in Hatfield Peverel is for housing for young people who will look after their parents and aged relatives but who are otherwise forced to leave the village for cheaper housing elsewhere. Older residents are forced to leave to find more appropriate housing (bungalows). Current policy of providing affordable housing has a preference for outsiders rather than supporting our local communities.

Suggest that requirement for ground floor flats to meet Part M Cat 2 of Building Regulations should be 100% rather than 25% to reflect the need for bungalows (ground floor flats being the closest accommodation to a bungalow). The need for accommodation for older residents is presented in the emerging Neighbourhood plan, particularly the Housing Needs Assessment carried out by RCCE.

Air Ambulance also uses the site as a strategic emergency landing site.

Request that development proposal is rejected.

Councillor Louis (District Councillor at time of submission)

Site is outside village envelope and isn't allocated for development in the Local Plan. Would set precedent across the District. With land already allocated and Arla site likely to be allocated in the near future this would be overdevelopment.

Proposal would adversely affect character of village and isn't in keeping with recently completed and lodged Neighbourhood Plan. NHS England have stated that the GP Practice doesn't have capacity for the additional growth resulting from the development. GP service has already been reduced following reduction in GP's budget by NHS England. ECC have said there is insufficient capacity at the schools in the village and that children would need to walk to the new school on the Lodge Farm development in Witham.

Site entrance has a history of flooding. ECC believe that site is of archaeological potential given its proximity to the old Roman Road. No consultation response from Natural England on ecological impact and developers report is at odds with local residents report. This is a much loved and used piece of Essex countryside.

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

As set out at the beginning of this report, the Council is currently working on a new 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. In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Local Plans 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 currently affords some, limited weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was working on a Site Allocation and Development Management Plan (the ADMP). This Plan was subject to extensive public consultation in 2013 and 2014. This document was not 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 new Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements of the Local Plan.

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

“That the broad spatial strategy for the District should concentrate development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the North-West of Braintree - off Panfield Lane;
- Land to the West of the A131 at Great Notley (entirely employment-related);
- Land to the South-West of Witham - off Hatfield Road;
- Land to the North-East of Witham (in Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in-line with government policy as set-out in the NPPF.

5 Year Housing Land Supply

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing “...that meets the full

objectively assessed needs for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at 28th September 2016 is, therefore, that its forecast supply for the period 2016 - 2021 is 4.25 years and for the period 2017 - 2022 4.25 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’*. This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted’*.

It is therefore necessary, in accordance with the requirements of the NPPF to assess the specific merits of the application site in detail to allow an evaluation of it to be made in terms of its potential to accommodate the proposed development in a sustainable manner.

Neighbourhood Development Plan

Hatfield Peverel’s Neighbourhood Area was designated in March 2015. At the time of writing the draft Neighbourhood Plan is out for public consultation under Regulation 14 of the Town and Country Planning Act, with the consultation ending on 30th September. The application site is not proposed for designation for residential development under the emerging Neighbourhood Plan and draft Policy HPE6 identifies the view from Stonepath Drive across the application site to Baddow Ridge as an important view to be protected. However, the Neighbourhood Plan is at an early stage in its preparation and can therefore be given only limited weight in the consideration of the current planning application, which must be assessed against the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF.

Site Assessment

Draft Local Plan Assessment

The application site is located immediately adjacent to but outside the Village Envelope of Hatfield Peverel and is situated in the countryside. Hatfield Peverel is identified in the adopted Core Strategy as a key service village, one of six within the District. Key service villages sit below the main towns but above other Villages within the settlement hierarchy, and are defined within the Core Strategy as *‘large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities,*

local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'. The designation of Hatfield Peverel as a key service village has been carried forward into the draft Local Plan.

It is therefore accepted that at the strategic level the village of Hatfield Peverel is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding rural area, in common with the other key service villages.

Historically the application site has been considered through the Local Plan process. It formed part of a larger parcel of land identified as Site HATF314 which was recently considered for a draft allocation for residential development and informal open space. The site was recommended for allocation by Officers and was viewed as a sustainable location for new housing but the recommendation was not taken forward by the Local Plan Sub Committee at their meeting of 25th May 2016.

Design, Appearance and Layout

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

The current application is an outline application with all matters reserved except access. The applicant has submitted a site location plan and an illustrative Development Framework Plan, the latter demonstrating one way in which the site might be developed. An illustrative site Masterplan is also included within the Design and Access Statement. A detailed access drawing has also been submitted which identifies the proposed main vehicular access onto Stonepath Drive and a secondary emergency access onto Crabbs Hill Lane/Church Road.

It is proposed that up to 80 dwellings would be erected on the site which measures a total of approximately 4.57 hectares, giving a gross density of approximately 17.5 dwellings per hectare based on a development of the full 80 dwellings. The illustrative Development Framework Plan provides further detail on how the site could accommodate, in accordance with adopted Core Strategy Policy CS10 areas of open space, structural landscaping and drainage features. The resultant developable area would be 2.73ha, giving a net density of approximately 29.3 dwellings per hectare and leaving a total of approximately 1.84ha of land outside the identified developable area, to serve primarily as open space, structural landscaping and SUDS provision.

The applicant has also submitted an illustrative site Masterplan which is contained within the Design and Access Statement and is based upon the Development Framework Plan. The Masterplan is based upon 4 character areas, identified as the Stonepath Drive green frontage; main street; secondary roads and green edge. Higher density units are located centrally within the site around a focal square with lower density outward facing units creating a softer outward facing edge to the development.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered acceptable and is in keeping with both the site's location on the edge of a key service village and with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.

Landscape

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

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 has been produced in addition to the 2006 Landscape Character Assessment and evaluates smaller more specific areas of land than the 2006 assessment. The application site is identified as part of land parcel 2c in the 2015 analysis and is assessed as having a medium landscape capacity to accommodate development (sites being rated from low; medium-low; medium; medium-high and high in category).

The assessment found that *'the well-defined hedgerow structure relating to pre-18th and 18th-19th century field enclosures provides relatively good visual containment to the Parcel in the wider landscape. The Parcel has good links to the settlement fringe with visual and physical associations with neighbouring streets'*. Good scope to provide mitigation to proposed development is identified including strengthening and retaining the existing hedgerow structure where necessary to break up the massing of any proposed development.

In terms of the adopted Local Plan, the site is not covered by any particular landscape designation. Some residents have identified the fact that the site, as part of a large tract of land located to the south of Hatfield Peverel was previously identified as being in a Special Landscape Area. This designation, which previously applied to large areas of land across the District was superseded in September 2011 by Core Strategy Policy CS8 (*Natural Environment and Biodiversity*) which was adopted in 2011. Policy CS8 relies on the landscape character assessments set out in the 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015. The latter is finely grained

to the point where it deals with specific land parcels, in this case Land Parcel 2c discussed above.

Having made their own assessment of the site, and having considered both the applicant's Landscape and Visual Impact Assessment (LVIA) submitted in support of the application and the Council's own Landscape Capacity Analysis study of the site, Officers do not consider that there is an objection to the proposed residential development on the grounds of landscape impact.

The illustrative Draft Framework Plan demonstrates how the site could accommodate the proposed quantum of development whilst incorporating a landscape buffer around the periphery of the site, allowing the retention and bolstering of existing tree and hedge lines and the provision of areas of strategic landscaping and open space. The illustrative site Masterplan provides further detail, giving an example of how a site layout could allow higher density development to be positioned centrally within the developable area, with lower density outward facing dwellings creating a softer, greener edge to the scheme. A condition limiting the height of the proposed dwellings to 2 storeys is recommended in relation to heritage impact but would also assist with further minimising any landscape impact.

Ecology

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

The site consists partly of agricultural crop land and partly of semi-improved grassland both of which are of relatively low ecological value. There are also a number of established trees and hedges on the site boundary.

The applicant submitted an Ecological Appraisal in support of the application incorporating a desk study, extended Phase 1 Habitat Survey and Preliminary Protected Species Survey which has been reviewed by the Council's Landscape Officer. All existing trees and hedges on the site would be retained with the exception of a short section of hawthorn and blackthorn hedgerow which would need to be removed to construct the proposed emergency access and a single low quality Ash tree removed to facilitate the main vehicular access from Stonepath Drive

The report found that 5 trees within the site boundary hedgerows provide low potential for roosting bats. All would be retained under the proposed development. Six ponds were found to be located offsite but within 500m of the site boundary and the report recommends that these are assessed for their potential to support Great Crested Newts. This is required by way of condition as a precaution although the Council's Landscape Officer does not

consider that the application site provides a suitable habitat for Great Crested Newts and the applicant's Ecology Appraisal did not find an aquatic habitat present on the site to provide suitable breeding habitat. Very limited suitable habitat for reptiles was found to be present however the trees and hedgerows were found to provide suitable nesting and foraging habitat for birds and commuting and foraging habitat for bats. A sensitive external lighting scheme is identified as being required to ensure no adverse impacts upon the local bat population and any vegetation clearance would need to occur outside of the bird breeding season.

In terms of the wider context the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA) and Ramsar Sites are located approximately 7.3km south east of the site. The Long Wood Complex Local Wildlife Site is also positioned approximately 0.53km south west of the application site boundary. The ditch located along the site's southern boundary is connected to further ditch systems which feed into the River Ter. The report identifies the need to ensure that surface water pollution from both construction and operation of the site needs to be avoided to prevent adverse effects on the SAC. The use of SUDs is identified as a method of controlling this.

Overall, mitigation and enhancement measures are identified in the form of additional tree planting, the development of a drainage pond located at the site's south-western periphery and the inclusion of open space within the development with appropriate management. To increase the availability of bat roosts and bird nesting areas within the site Bat and Bird Boxes are suggested with 10% of new dwellings having bat and bird boxes incorporated into their design. The Report also states that the detailed design of the proposed biodiversity enhancements, and their subsequent management following the completion of development, should be guided by a Biodiversity Management Plan for the site. A condition is recommended to secure this.

Local Residents have objected on the grounds of the impact upon and loss of wildlife habitat. The Stoneypath Meadow Residents Action Group submitted their own Wildlife Assessment Report (May 2016), completed by residents. The report states that a wide range of species, including some protected species have been seen on the site, and a wildlife species log is included. Both the resident's report and the applicant's Ecology Appraisal have been reviewed in detail by the Council's Landscape Officer, who has also visited the site. The Landscape Officer states that whilst resident's comments in their report are noted, the applicant has submitted a formal Ecology Report (incorporating a desk study, extended Phase 1 Habitat Survey and Preliminary Protected Species Survey) and it remains reasonable to maintain that the biodiversity value of the land, which consists of arable field and semi-improved grassland is low. Site boundary features provide valuable opportunities for nesting birds and some potential for roosting bats. A bat roosting survey is recommended by way of condition.

Impact on Neighbour Amenity

To the north, west and east the application site does not abut the boundary of any existing residential properties. To the south is located Crabbs Hill Farm, with a paddock abutting the application site and providing a buffer between the Farm's immediate residential curtilage and the site. The illustrative Development Framework Plan and the illustrative Masterplan indicate how a landscape buffer could also be retained within the application site, further increasing the distance between the developable area of the site and Crabbs Hill Farm.

In terms of outlook, the existing dwellings which front onto Stonepath Drive and Church Road, with an orientation toward the application site would be most affected. The illustrative Development Framework and Masterplan show how a substantial area of open space could be retained at the front of the site and a landscape buffer on the eastern side of the site. The distances between new and existing dwellings would be well in excess of those required by the Essex Design Guide and Officers do not consider that there are any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development.

Many objections have been received on the grounds of the loss of the existing view from Stonepath Drive out over the application site and to the wider countryside beyond. However, in planning terms there is no ability to protect an existing view such as this and it is not a material planning consideration. It is acknowledged that the development of the site would change the character of the street scene of Stonepath Drive, however with an appropriate landscaping scheme and with a requirement for open space to be incorporated within the site layout, Officers consider that a detailed layout could be designed which achieved an appropriate relationship with the existing street and which would not be out of keeping with the character of the developed area of Stonepath Drive.

Highway Issues

The applicant seeks full permission for the proposed access point to the site from Stonepath Drive. The vehicular access would measure 5.5 metres in width with an adjacent 2.0 metre wide footpath to each side which would link in to the existing footpath on Stonepath Drive.

The submitted drawing demonstrates to the satisfaction of the Highway Authority that the access can be safely achieved with adequate visibility splays. The applicant also proposes an emergency access to the site from Crabbs Hill. The Highway Authority have stated that this is not specifically required and as such they have not requested that it is secured as part of any planning permission granted. In addition, the applicant has stated that this emergency access is for illustrative purposes only. This proposed emergency access is not therefore for formal consideration or approval.

Many objections were received from local residents on highway grounds. However, Essex County Council Highways, as the Highway Authority has stated that their assessment of the site considered access and safety; capacity; the opportunities for sustainable transport and mitigation measures. Site visits were undertaken, the concerns of local residents were noted and safety records checked with the Essex Highways Road Safety Team. Commuter parking was noted on Stonepath Drive and a condition requested to address this with the developer being required to pay for the necessary Traffic Regulation Orders together with the provision of the associated signing and lining to prevent parking in the vicinity of the site.

A condition was also requested to require the upgrade of bus stops on The Street, East of Church Road, in the vicinity of The Swan with the provision of pole and timetable information and real time passenger information on the southern side of The Street and the provision of real time passenger information within the shelter on the northern side of The Street. In addition conditions requiring the provision of Travel Information Packs for sustainable transport; electric vehicle charging points to be incorporated within all garages; the submission for approval of a Construction Management Plan to address highway matters such as construction vehicle access; site deliveries and parking provision for site operatives were also requested. The requirements for the bus stop upgrades and Travel Information Packs have been incorporated into the S106 Agreement Heads of Terms and the Traffic Regulation Order and associated works required by way of condition.

The applicant's Transport Assessment identifies the requirements of the Essex County Council Parking Standards (2009) as being the relevant standard for on-site parking provision. Officers consider that the proposed quantum of development could accommodate a layout which meets the required parking standards. It is recommended that this level of provision is required by way of planning condition for the purpose of clarity.

Due to the proximity of the site to the A12, Highways England were also consulted. They have no objection to the proposal.

In terms of its physical location, Hatfield Peverel Railway Station, which runs to London Liverpool Street via Chelmsford at a rate of 3 services per hour during peak periods, is located approximately 1km from the application site and is accessible via public footpaths adjacent to the highway. Rail travel is recognised as a sustainable mode of transport and the proximity of the application site to the rail station is an important and material consideration when assessing the sustainability of the proposed development to which Officers give significant weight.

With regard to bus services, the site is situated in close proximity to The Street, along which there are a number of bus stops which are on routes which have a regular service. The closest of these are located in the vicinity of The Swan Public House and the William Boosey Public House respectively and are positioned approximately 450m and 500m from the application site entrance, in opposite directions along The Street. These bus stops provide

regular links to Chelmsford, Colchester and Maldon (approximately 2 services per hour to Chelmsford and Colchester and 6 daily services to Maldon Monday to Friday; 2 services per hour to Chelmsford/Colchester on Saturdays with 5 daily services to Maldon on Saturdays and 7 daily services to Chelmsford/Colchester on Sundays) in addition to providing school only services.

Hatfield Peverel itself is a key service village and provides a wide range of facilities and services which are easily accessible from the application site by foot or bicycle. These include for example a library; recreational ground; Doctors and Dentists Surgeries; Pharmacy; Nursery; several Pubs; a church; two food stores, an Indian takeaway and Infant and Junior Schools.

Overall, it is therefore considered that the site is positioned in a sustainable location with good pedestrian and cycle access to the services and facilities of Hatfield Peverel and good public transport links to the larger settlements of the District and beyond.

Heritage

Hatfield Place is positioned to the west of the application site and The William Boosey Public House lies to the north-west. Both are Grade 2* Listed Buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority is required, as set out at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Both Historic England and the Essex County Council's Historic Buildings Advisor have been consulted in relation to the current planning application.

The Essex County Council's Historic Buildings Advisor has no objection to the application but has identified that the element of the site which projects to the south-west and contains the SUDs drainage basin on the illustrative Development Framework Plan is in closer proximity to Hatfield Place and is substantially more sensitive. This may dictate the scale and density of the development of this section of the site but does not preclude the general principle of developing the site within the red line boundary. The scale and density of development to be located in this area of the site would be determined at the Reserved Matters Stage and the impact upon Hatfield Place would be assessed in detail at this stage.

Historic England identified concerns in relation to the level of information submitted with the application with the lack of views toward the site from Hatfield Place noted, in addition to summer rather than winter vegetation being present. Concern was also raised over the concept of landmark buildings, with a lack of information relating to the massing and height of the proposed development being highlighted. Although Historic England stated that any harm caused by the development is likely to be less than substantial, they advised that further work was necessary to assess the degree to which

the proposals might cause harm to the designated heritage asset. Heritage England also stated that the application should be determined in accordance with the advice given by Essex County Council's Historic Buildings Advisor.

In response to the specific concerns raised by Historic England, a second site visit was completed by the Essex County Council's Historic Buildings Advisor, including viewing the application site from the grounds of Hatfield Place. The Essex County Council's Historic Buildings Advisor remains confident in the original assessment he completed, stating that the intervening topology, distance and heavy vegetation which mark the historic boundary of the land closely associated with the listed building means that the application site could be developed without an impact on views of and from the listed building. To safeguard this it would be beneficial to agree a maximum building height for the proposed development and it is suggested that 2 storeys would seem appropriate. A condition has therefore been recommended which limits the proposed dwellings to 2 storeys.

The NPPF states at paragraph 133 that where a development will lead to substantial harm to or total loss of significance of a designated heritage asset, planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. At paragraph 134 the NPPF states that where a development 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. Overall, Officers do not consider that any harm caused to the significance of Hatfield Place as a heritage asset would be substantial and furthermore that no specific harm has been identified. The public benefits of the proposed development are substantial and include the provision of a large number of market and affordable housing to meet the current housing need shortage within the District.

There is a protected lane (Sportsmans Lane) located to the south of the application site which leads from Crabbs Hill to Nounsley. Adopted Policy RLP87 seeks to protect Protected Lanes and to prevent developments which would result in a material increase in the amount of traffic using them. The proposed primary site access leads onto the wider road network via Stonepath Drive which in turn leads onto Church Road. It is not considered that the development would result in any significant material increase in traffic using Sportsman's Lane which is not immediately accessible from the site to the extent that it would justify a refusal of planning permission.

Other Matters

Archaeology

The applicant submitted a desk-based archaeological assessment of the site which finds that the site is located close to a major Roman Road and on a gravel geology and has moderate archaeological potential for prehistoric and Roman archaeology. Essex County Council Place Services (Archaeology) has no objection to the application, subject to the imposition of 4 conditions

relating to the securing of a programme of archaeological evaluation of the site to the satisfaction of the Local Planning Authority.

Construction Activity

The Council's Environmental Services Team have been consulted regarding the proposed development and have no objection subject to a number of conditions which include, in relation to construction activity, conditions to control hours of working, details relating to any piling to be carried out on site and submission of a dust and mud control scheme for approval.

Air Quality

In relation to air quality the Council's Environmental Services Team have advised that the applicant's Air Quality Report indicates that there will not be a significant percentage deterioration of air quality due to the development nor will future occupiers be subject to harmful pollutant levels.

Noise

With regard to noise, the Council's Environmental Services Team has no objection but recommend a condition to require the submission of a further noise report at the Reserved Matters stage to ensure that internal and external noise levels are acceptable once a detailed design and layout has been proposed.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and propose to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface run-off water from the proposed development with a detention basin located at the south western periphery of the site.

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

Agricultural land

The application site is located partly on Grade 2 (best and most versatile) and partly on Grade 3 (rated as 'good to moderate') Agricultural land and its development would result in the permanent loss of this land. However, the site measures only 4.57ha and Officers do not consider this to constitute a significant loss in the wider context of the District.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts.

Section 106

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

Affordable Housing

The applicant submitted an Affordable Housing Statement in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 80 dwellings this equates to 32 dwellings.

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas.

The application site is located in the countryside adjacent to the village of Hatfield Peverel where the provision of 40% affordable housing accords with the requirements of Policy CS2.

The Council's Strategic Housing Team recommend that a 70/30 tenure mix (affordable rented over shared ownership) is secured. The affordable homes are required to be clustered in two areas of the site, with an accessibility requirement for 25% of ground floor flats and all 3 bedroom houses to meet Lifetime Homes equivalent Part M 2 of Building Regulations. All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction.

In addition, if the scheme is to be delivered in two phases then 50% of the affordable housing is to be delivered in each phase.

This is an outline application where design and layout are reserved matters. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the types of affordable housing that is required to meet local need. It is recommended that the S106 Agreement specify that an Affordable Housing Strategy be submitted (as part of a site wide housing strategy to cover phasing and market housing mix) to the Council for approval prior to the submission of the first application for Reserved Matters.

Healthcare

NHS England advise that the proposed development would be likely to have an impact on the services of 1 main GP Practice (The Laurels Surgery) and its branch surgery (Sidney House) operating in the vicinity of the application site. The existing GP Surgery does not have the capacity to accommodate the additional growth resulting from the development. The proposed development will therefore give rise to a need for additional healthcare provision.

A financial contribution of £26,340 is therefore required and would form a proportion of the funding required to improve capacity by way of extension, refurbishment or reconfiguration at The Laurels surgery.

Open Space

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site with a financial contribution towards the provision of off-site outdoor sports facilities and allotments.

The parameter plan identifies a developable area of 2.73 hectares and an undeveloped area of 1.84 hectares. It is recommended that the S106 Agreement specify that a Locally Equipped Play Area (LEAP) is provided on the site which for a development of 80 dwellings would be required to be a minimum of 0.04ha. It would also specify that the remaining areas of informal open space would be provided across the site as a whole but would exclude any structural landscaping or SUDS water features. It is also recommended that the S106 Agreement requires the submission of a Landscape Strategy to agree the detail of open space provision on the site prior to the submission of the first application for Reserved Matters.

In terms of off-site contributions, the Open Space SPD requires a financial contribution of approximately £73,126 toward the off-site provision of, or improvements to existing outdoor sports facilities and the provision of allotments. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

Highways and Transport

The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. These works consist of upgrades to bus stops on The Street, East of Church Road in the vicinity of The Swan, specifically; the provision of pole and timetable information and real time passenger information on the southern side of The Street and the provision of real time passenger information within the shelter on the northern side of The Street.

Residential Travel Information Packs are to be provided by the Developer for future occupants of the development, to include six one day travel vouchers for use with the relevant local public transport operator.

CONCLUSION

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

In terms of economic and social sustainability, the development would bring significant public benefits including a substantial number of both market and affordable houses, the provision of public open space and children's play space on site, financial contributions towards the off-site provision of outdoor sports facilities and the upgrading of existing bus stops on The Street. It would also generate a significant number of construction jobs during the build phase in addition to providing new residents to Hatfield Peverel to provide further support for existing services and facilities.

Environmentally, the site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape. The site is capable of providing strategic landscaping and public open space in accordance with Braintree District Council's adopted policy requirements. It is well positioned for access to the facilities of Hatfield Peverel, which is designated as a key service village in the adopted Local Plan and proposed to retain this designation in the emerging Local Plan. Officers therefore consider the site's location to be sustainable.

The site is not proposed for allocation in the emerging Hatfield Peverel Neighbourhood Plan and its development would result in the loss of a view which the draft Neighbourhood Plan identifies as being important. However, the Neighbourhood Plan is at an early stage in its preparation and can therefore be given only limited weight.

The heritage impacts of the proposal have been assessed and it is not considered that the development would lead to substantial harm to the significance of either Hatfield Place or the William Boosey Public House as heritage assets and furthermore no specific harm to either has been identified.

Importantly, the development would make a substantial contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement. The adverse impacts of the proposed development are limited and would include the loss of greenfield (agricultural and semi-improved grass) land, a limited detrimental impact upon adjacent Heritage assets and a limited landscape and ecological impact with associated social impacts. There are however no objections from any statutory consultees and Officers consider that the significant benefits of the proposal outweigh any adverse impacts.

Having assessed the specific merits of the site and the public benefits which the proposal would bring against the Council's policies and the requirements of the NPPF, both individually and as a whole, Officers consider that the proposed development would be sustainable and accordingly recommend that this application is approved.

RECOMMENDATION

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

- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rented over shared ownership); clustered in two areas of the site; for a 2 phase development 50% to be delivered in each phase; delivered without reliance on public subsidy; with an accessibility requirement for 25% of ground floor flats and all 3 bedroom houses to meet Lifetime Homes equivalent Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.
- **Site Wide Housing and Phasing Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan).
- **Health** (financial contribution of £26,340. Trigger point for payment being the completion of the 40th dwelling).
- **Public Open Space** (financial contribution toward outdoor sports provision and allotments to be calculated in accordance with Policy CS10 and the

Council's Open Spaces SPD. Trigger point for payment being prior to commencement of development.

((It is agreed between both parties that the definition of commencement to be included within the S106 Agreement is as follows:

'the Commencement of Development' means the commencement of any material operation (as defined in the 1990 Act section 56(4)) forming part of the Development other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements)).

Provision of Locally Equipped Area of Play (LEAP) on site at 0.04 hectares for a development of 80 dwellings (or otherwise calculated in accordance with the requirements of Policy CS10 for a lesser number of dwellings). Provision of informal open space calculated in accordance with the requirements of Policy CS10 to be provided across the site as a whole but to exclude strategic landscaping or SUDS water features. Management of on-site open space and LEAP to be transferred to a Management Company. Submission and approval of Landscape Strategy required prior to submission of first Reserved Matters application).

- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Upgrading of bus stops** (two stops located on The Street, East of Church Road in the vicinity of The Swan. Provision of pole and timetable information and real time passenger information on the southern side of The Street and provision of real time passenger information within the shelter on the northern side of the street. Trigger point being prior to occupation of 40th dwelling and details to be agreed in writing with the Local Planning Authority). Financial cap of £40,000 to be placed on the contribution.

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans, with the exception of the proposed emergency access as shown on drawing A095687 – SK01 REV B which is not for approval under this planning application.

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

APPROVED PLANS

Location Plan	Plan Ref: 7015-L-04	Version: B
Access Details	Plan Ref: A095687 SK01	Version: REV B
Tree Plan	Plan Ref: 7015-A-03	Version: REV A

1 Details of the:-

- (a) scale, appearance and layout of the building(s); and the
- (b) 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.

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 80 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above (with the exception of the proposed emergency access as shown on drawing A095687 - SK01 REV B which is not approved under this planning permission) and broad compliance with the illustrative Development Framework Plan 3615-L-02 REV H.

Reason

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

- 3 No Reserved Matters application shall be submitted until a site wide strategy for the following has been submitted and approved in writing by the local planning authority:
 - details of a parking strategy for the development;
 - details of a lighting strategy for the development;
 - details of a waste management strategy for the development.

Reserved Matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved strategy.

Reason

The particulars submitted are insufficient for consideration of the details mentioned.

- 4 Prior to the first occupation of the development the primary access shall be implemented as shown on drawing A095687 - SK01 REV B.

Reason

To ensure the access is constructed to an acceptable standard and in the interests of highway safety.

- 5 Prior to occupation of any dwelling, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

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

- 6 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 setting of the Grade 2* listed Hatfield Place.

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

Reason

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

- 8 Any Reserved Matters application relating to scale or layout shall be accompanied by a Noise Report demonstrating that the indoor ambient noise levels for the proposed dwellings will comply with the requirements of Table 4 of BS 8233 Guidance on Sound Insulation and Noise Reduction for Buildings (2014) and that the upper guideline noise level of 55Db(a) will be achieved for outside amenity space such as gardens and patios.

Reason

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

- 9 Any Reserved Matters application relating to landscaping shall be accompanied by a Biodiversity Management Plan for the site which shall set out the site wide strategy for enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed. The development shall be implemented in accordance with the approved Management Plan.

Reason

To ensure that the biodiversity of the site is enhanced and effectively managed following the completion of the development.

- 10 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works for each phase of the development. 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 unless otherwise agreed in writing by the local planning authority.

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

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the relevant building which it serves.

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

Reason

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

- 11 No development shall commence, including any groundworks, 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.

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.

12 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 to include a minimum of 4 blue badge bays plus 4% of total capacity; and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

13 There shall be no discharge of surface water onto the highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety.

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

Reason

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

- 15 No vehicular movements relating to the construction of the development to, from or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

In the interests of the amenity of residents of the locality.

- 16 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

In the interests of the amenity of residents of the locality.

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

Reason

In the interests of the amenity of residents of the locality.

- 18 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by

competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

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

- 19 No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. A mitigation strategy detailing the excavation/preservation

strategy shall be submitted to the local planning authority following completion of this work.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological works is required prior to the commencement of development to ensure that any archaeological on the site is recorded before construction works start.

- 20 No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason

To enable full investigation and recording of this site of archaeological importance. The completion of the archaeological fieldwork is required prior to the commencement of development on those areas containing archaeological deposits to ensure that any archaeological on the site is recorded before construction works start.

- 21 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within 6 months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

Reason

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

- 22 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation. In particular the scheme should provide for the following mitigation measures outlined in the Flood Risk Assessment:
- a) Control all the surface water run-off generated within the development for all events up to and including the 1 in 100 year event plus 40% climate change.
 - b) In the event of using attenuation SUDs (infiltration basin soakaway) as a means of controlling run-off from the development, the design criteria should be based on limiting the discharge (overflow after all infiltration) from the basin/pond to the 1 in 1 greenfield rate for all events up to and including the 1 in 100 plus 40% climate change.

- c) Run-off management within the site must prioritise the use of SUDs both as a means of water conveyance and to provide source control, water quality treatment and bio-diversity enhancement.
- d) Provide evidence of water quality treatment from the development using the risk based approach as outlined in the CIRIA SUDs manual C753.
- e) Provide a plan showing the final exceedance flow paths, these should be away from any buildings.
- f) Provide details of the adoption and routine maintenance of the SUDs features including the maintenance of the outfall to the ditch downstream of the pond/basin.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with timing/phasing arrangements embodied within the scheme, or within any other periods as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SUDs features over the lifetime of the development, to reduce the risk of flooding from overloading the surface water pipe network and to mitigate environmental damage caused by run-off during a rainfall event. The Surface Water Drainage Scheme is required prior to the commencement of development as the initial ground works may impact upon it.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that measures to maintain the surface water drainage system are in place before works commence on the site.

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

Reason

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

- 25 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained (as identified on the Tree Retention Plan 7015-A-03 REV A dated March 2016) on the site and the trees located outside but adjacent to the site boundary 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.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

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

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

Reason

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

- 27 All electrical and telephone services to the development shall be run underground.

Reason

In the interests of visual amenity.

- 28 All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 29 Prior to installation of any meter cupboards on the dwellings details of the location, design and materials for the relevant phase of the development shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

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

Reason

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

- 31 No above ground works shall commence in the relevant phase of the development until details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 32 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed during the development.

- 33 Prior to the commencement of above ground construction of the relevant phase of the development details of a scheme for the provision of nest and roost sites for birds and bats shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so retained.

Reason

In order to ensure that appropriate provision is made for birds and bats on the site.

- 34 Development shall not be commenced until a further survey of the application site has been carried out to establish the presence of any roosting bats species which could be affected by the proposed development. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within 8 months of the completion of the survey.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;
- (b) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Reason

In order to assess whether there are roosting bats in the locality. The survey is required prior to the commencement of development to ensure that if required, an appropriate mitigation strategy is put in place before works commence on site.

- 35 Prior to the commencement of development and in accordance with the recommendations and methodology set out within the Ecology Appraisal completed by FPCR Environment and Design Ltd, dated March 2016 a further survey for Great Crested Newts shall be undertaken of all suitable ponds within 500 metres of the application site.

Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within 8 months of the completion of the survey and a mitigation/compensation scheme, if

required shall be provided for approval prior to the commencement of development. Mitigation/compensation works shall be carried out in accordance with the approved scheme.

Reason

In order to ensure that if required, mitigation/compensation measures are put in place to ensure that Great Crested Newts in the locality are safeguarded. The survey and any necessary scheme of mitigation/compensation is required prior to the commencement of development to ensure that safeguards are in place before work starts on site.

- 36 Prior to the commencement of above ground construction a scheme for the necessary Traffic Regulation Orders, together with provision of associated signage and lining to prevent parking in the vicinity of the proposed primary vehicle access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full by the developer, in accordance with the approved details prior to the first use of the proposed main access by vehicular traffic.

Reason

To prevent parking in the visibility splays of the proposed access in the interests of highway safety.

INFORMATION TO APPLICANT

- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 2 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath/bridleway/byway no.43 (Hatfield Peverel) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interest of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs

associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

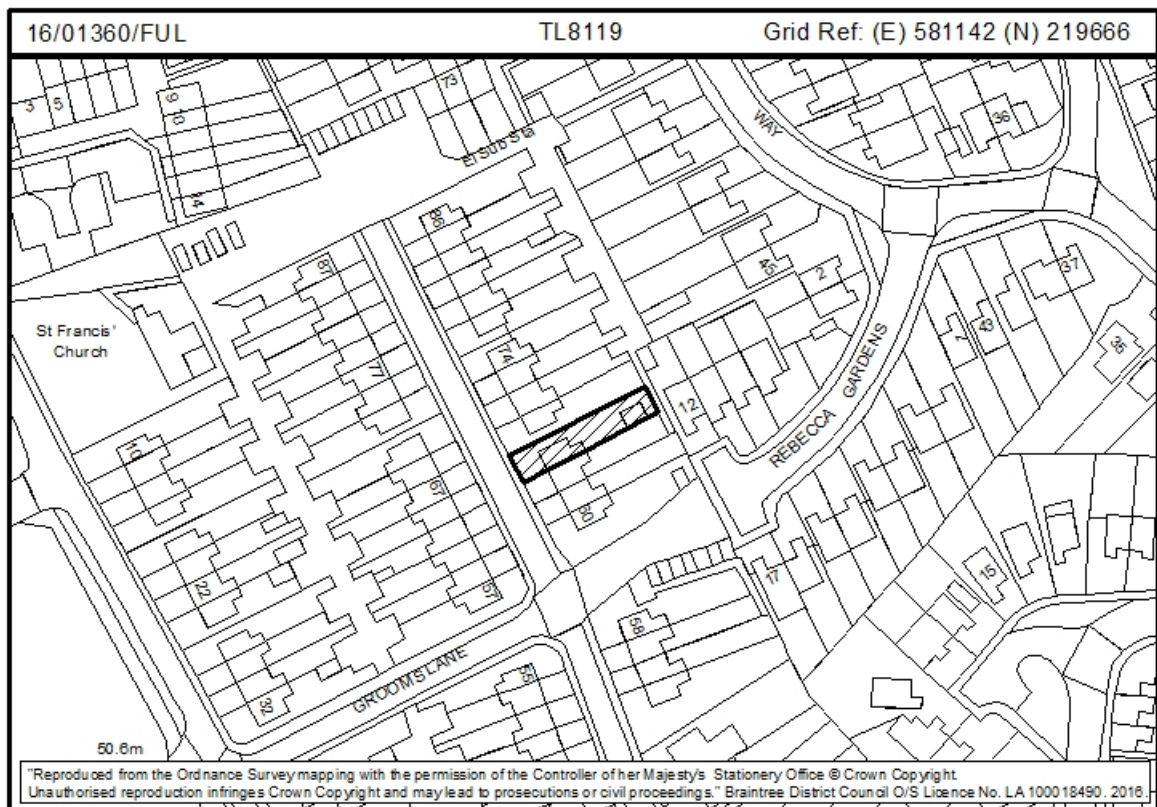
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority, with details to be agreed prior to the commencement of works.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01360/FUL DATE: 12.08.16
 VALID:
 APPLICANT: Mr Gopi Venkatesh
 66 Grooms Lane, Silver End, Essex, CM8 3SQ,
 AGENT: Mr Meridian
 Chase Farm Estate, Hyde Chase, Woodham Mortimer,
 Essex, CM9 6TN
 DESCRIPTION: Proposed replacement of 4 steel Crittall windows to white
 aluminium to match existing design
 LOCATION: 66 Grooms Lane, Silver End, Essex, CM8 3SQ

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

00/01701/FUL	Erection of two storey rear extension	Granted	14.12.00
03/00790/FUL	Erection of rear conservatory	Granted	27.06.03
98/01570/FUL	Retention of existing wooden picket front boundary fence together with privet hedge	Refused	03.12.98

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.

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 Draft Local Plan 2016.

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 Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

New Local Plan – Draft Consultation

SP5 Place Shaping Principal
LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42 Built and Historic Environment
LPP47 Preservation and Enhancement of Conservation Area, and Demolition within Conservation Areas

Supplementary Planning Guidance

Silver End Conservation Area Guide

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

SITE DESCRIPTION

66 Grooms Lane is a two storey dwelling house located within the original garden village founded by Crittall Window Company which is a designated Conservation Area, which is also subject to an Article 4 Direction

PROPOSAL

The application seeks to replace 4 no. existing Crittall windows with white aluminium windows. The windows to be replaced are the proposed lounge window on the ground floor, the front bedroom window, the front bedroom side window and the landing window, all of which are located on the first floor. The

original drawings submitted with the application failed to provide detailed information to support the proposal. Subsequently, additional details have been submitted by the agent, providing detailed drawings of the section and elevation of the proposed windows.

CONSULTATIONS

Historic Building Consultant initially raised no objection to the proposal in principle, but requested more detailed information. The Historic Building Consultant commented that the windows proposed have been approved for use elsewhere within the Conservation Area. Therefore, it is considered that the proposed windows would be acceptable for use within the Conservation Area. Since the submission of the detailed drawings, the Historic Building Consultant has responded by stating that he is supportive of the proposal.

REPRESENTATIONS

Parish Council – Objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End Conservation Area Guide; that the property is in a Conservation Area and the application requires a Design and Access Statement

A site notice was displayed at the front of the property but no representations from neighbouring properties have been received.

REPORT

Principle of Development

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 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.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” Braintree District Local Plan Review Policy RLP95 states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting or historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon the character and appearance of the Conservation Area and amenity considerations.

Design, Appearance and Layout

The property lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. This means the replacement of windows, which would normally constitute 'permitted development' under Schedule 2, Part of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), requires consent in this instance. The Silver End Conservation Guide (1999) gives details of appropriate window designs and materials within this area and is a material consideration in the determination of this application.

It is recognised that the proposed window design differ from those adopted in the Silver End Conservation Guide, however, as referenced above, the replacement windows have been approved elsewhere within the Conservation Area. Any replacement windows must provide the best visual match possible in order to ensure the character of the building is maintained. The proposed window section shows a thickness of 24mm which is considered to be acceptable and reflects consents granted in recent years for replacement windows. The principle of replacing Crittall windows with windows of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Buildings Consultant has raised no objections to the proposal from a heritage perspective. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area.

Impact on Neighbour Amenities

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no representations have been received from neighbouring properties in connection with this proposal.

Other Issues

It is noted in the response from the Parish Council, that a Design and Access Statement is required for this application. As part of the validation requirements, a Design and Access statement is not required for an application for this nature. A Design and Access statement is only required if a property is a listed building or for a development of 10 or more dwellings. A property which is located within a Conservation Area no longer requires a Design and Access statement, when submitting a planning application.

Conclusion

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Photograph

Manufacturing Details

Additional Plan	Plan Ref: 001	Version: Front Room Window
Additional Plan	Plan Ref: 002	Version: Front Bedroom Window
Additional Plan	Plan Ref: 003	Version: Front Bedroom Side Window
Additional Plan	Plan Ref: 004	Version: Landing Window

- 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

To ensure that the development does not prejudice the appearance of the Conservation Area.

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

Reason

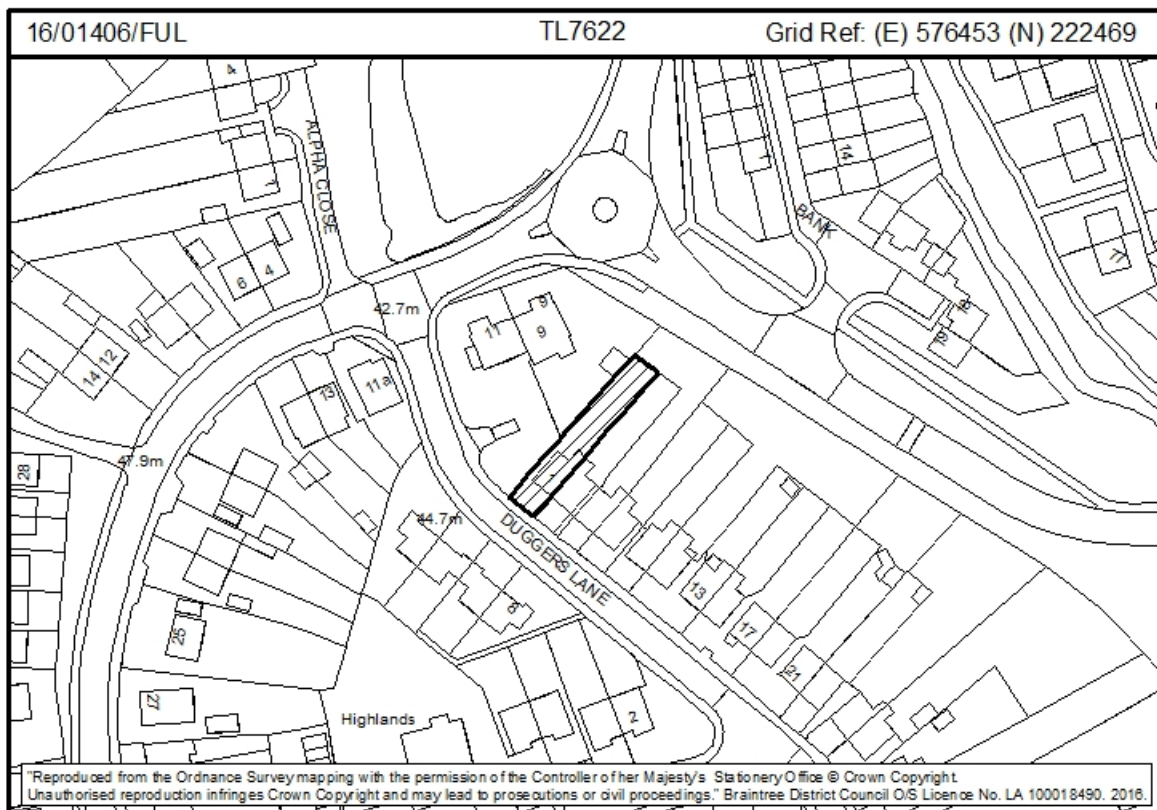
To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01406/FUL DATE: 12.08.16
 VALID:
 APPLICANT: Mr Hurst & Ms Wigley
 1 Duggers Lane, Braintree, Essex, CM7 1BB
 AGENT: Stephen Waud
 23 Stafford Crescent, Braintree, Essex, CM7 9PS
 DESCRIPTION: Erection of single storey side lean-to extension
 LOCATION: 1 Duggers Lane, Braintree, Essex, CM7 1BB

For more information about this Application please contact:
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557
 or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

None.

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.

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 Draft Local Plan 2016.

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 Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
SP5 Space Shaping Principle
SP6 Spatial Strategy for North Essex
LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because one of the applicants is a member of staff.

SITE DESCRIPTION

No.1 is an end of terrace, c. late 1930s dwelling located within the Braintree town development boundary. It is not within a Conservation Area or subject to any listing. Duggers Lane rises towards the south east when travelling away from its junction with Skitts Hill, with the adjacent properties to the northwest (9 and 11 Skitts Hill) sitting lower than No.1. There is a close boarded fence approximately 1800mm in height along the north western boundary that screens the flank wall to some extent due to the lie of the land. The house sits towards the southern end of a fairly long plot that slopes down to the northeast. Off-street parking is provided in the front curtilage. A strip of land approximately 3 metres in width runs between the flank wall of the house and the boundary fence. There is a fence and gate separating this area from the driveway. There is a rendered single storey extension at the rear, and a dormer on the rear roof slope. There is a mix of brick and render finishes evident along the terrace, under clay tiles roofs.

PROPOSAL

A single-storey lean-to extension is proposed to abut the flank wall and will run the length of the same. The extension will be approximately 1.9 metres wide x 8.7 metres long by 3 metres tall where the roof adjoins the flank wall. The eaves are approximately 2 metres high. The additional footprint is

approximately 16.5 square metres. The extension will provide a larger hall and a covered area from the front to the rear of the house that can be used without needing to walk through the reception rooms. The space will be lit by a number of roof lights. The internal layout of the rooms will be altered to provide an open plan kitchen/dining area to the middle/rear of the property. It is also proposed to re-tile the roof of the existing rear extension with slate, and to clad the rear extension to match the proposed side extension.

CONSULTATIONS

None.

REPRESENTATIONS

None.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity. There is therefore no objection in principle to an appropriately designed extension in this location.

Design, Appearance and Layout

The adopted development plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in RLP17. Namely, there should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling. Likewise RLP90 seeks a high standard of layout and design in all developments, large and small in the district.

The scale of the extension is considered to be subordinate to the host and sufficient private amenity space will remain (in excess of 50 square metres). The existing house is finished in brick, with render to the single storey rear extension and rear roof dormer, and clay tiles on the roofs. It is proposed to re-tile the rear extension and tile the side extension in natural slate tiles due to the pitch of the roof. The use of slate for single storey additions to dwellings is not uncommon and is considered to be acceptable in this case.

Brick and render are the materials predominantly in use on the terrace. It is proposed to clad the side and rear extensions in natural timber vertical cladding. It is considered that the use of brick or render would be more in

keeping with the host and the terrace. It is also considered that if the timber cladding is allowed to weather down it could result in the appearance of something akin to a lean-to shed along the side of the building. This matter has been discussed with the applicant. However, the applicant was minded to proceed with the determination of the proposal as submitted. A further compromise was suggested that the front elevation be finished in brick, this being the most visible elevation in the street scene, the applicant however wishes to use the timber cladding on all elevations.

In this case taking into account the position of the side extension and the fairly limited visibility of the same, on balance it is concluded that the proposal would not have a detrimental impact upon the character and appearance of the host dwelling or the street scene and as such while it is considered that the extension could be considered as an unsympathetic addition to the host dwelling in respect of the choice of cladding, it would not be so detrimental to warrant the refusal of planning permission.

Impact on Neighbour Amenity

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

Highway Issues

No changes are proposed to the existing access and parking arrangements. It is considered therefore that there are no highways impacts associated with the proposal.

CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: PA-160222-01
Proposed Plans	Plan Ref: PA-160222-03

- 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 submitted application form.

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER