

PLANNING COMMITTEE AGENDA

Tuesday 8th June 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

*(Please note this meeting will be broadcast via the Councils YouTube Channel,
webcast and audio recorded) www.braintree.gov.uk*

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

Membership:-

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood,
Mrs S Wilson, Vacancy (*Substitutes who wish to observe the
meeting will be required to do so via the Council YouTube
Channel*).

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

Any Member who is unable to attend a meeting is able to appoint a
Substitute. Written notice must be given to the Governance and Members
Team no later than one hour before the start of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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, and then 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

Substitute Members: Only the named Substitutes on this agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

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

Public Attendance at Meeting: Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The Public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Councils YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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>. The Meeting will also be broadcast via the Council YouTube Channel.

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

1 Apologies for Absence**2 Declarations of Interest**

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 25th May 2021 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A Planning Applications

5a App. No. 21 00726 FUL – Land South of The Limes, GOSFIELD 6-41

5b App No. 21 00924 VAR – Former Broomhills Industrial Estate, Pods Brook Road, BRAINTREE 42-77

PART B Minor Planning Applications

There are no applications in Part B

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

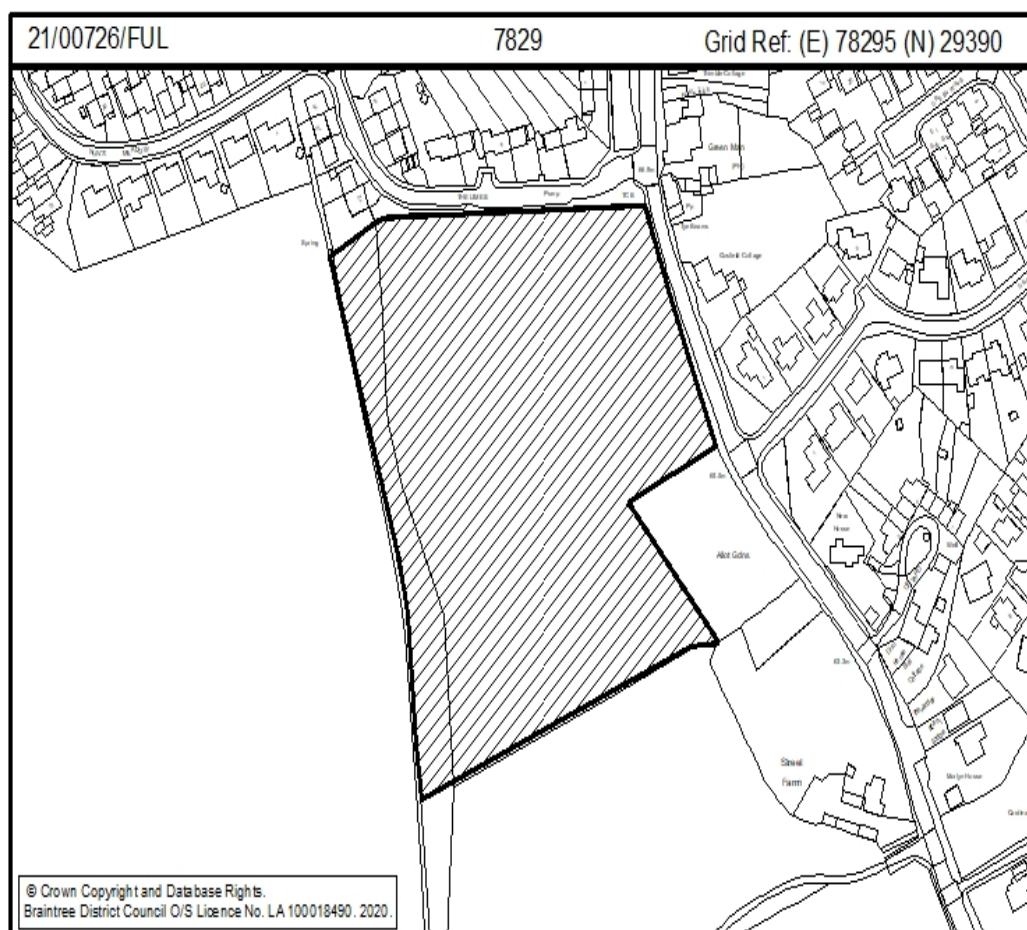
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 21/00726/FUL
DATE VALID: 03.03.21
APPLICANT: Chelsteen Homes
C/o Agent, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF
AGENT: Strutt & Parker
Miss Laura Dudley-Smith, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF
DESCRIPTION: Erection of 19 dwellings with associated access, parking, garaging, landscaping and amenity space
LOCATION: Land South Of, The Limes, Gosfield, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPEHX5BFJVM00>

SITE HISTORY

01/00919/FUL	Erection of a 10m mock telegraph pole encompassing dual omni antenna and metro street cabin at ground level	Refused	08.08.01
88/01753/P	Erection Of Sheltered Housing (19 Bungalows Plus Warden's Bungalow)	Refused	06.01.89
93/00742/FUL	Erection of meeting room for scout and guide group	Granted	14.10.93
99/01407/AGR	Erection of agricultural storage building	Permission not Required	15.10.99
17/00610/OUT	Outline planning application for up to 19 dwellings with associated access, parking, garaging, landscaping and amenity space	Granted with S106 Agreement	01.02.18
18/02007/FUL	17 dwellings with associated access, parking, garaging, landscaping and amenity space	Granted with S106 Agreement	22.06.20
83/01190/	Proposed vehicular access over green.	Withdrawn	11.07.84
88/02548/P	Erection Of Dwelling & Garage Together With Vehicular Access	Refused	16.02.89
89/02107/P	Construction Of Vehicular Access	Refused	04.12.89
90/00309/PFHN	Construction Of Vehicular Access	Granted	22.03.90
93/01031/FUL	Installation of garage door to front elevation, erection of extension to rear	Granted	14.09.93

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP53	Generators of Travel Demand
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
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP103	Parks and Gardens of Special Historic Interest
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation, as the application is categorised as a Major planning application.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises an area of uncultivated land to the south of The Limes, Gosfield. The total site area is approximately 2.0 hectares. To the east and north of the site is residential development, separated from the site by the A1017 and The Limes. To the west of the site is agricultural land.

The application site itself is bounded by the road at The Limes to the north and the A1017 - The Street to the east. The site is currently private land and there are therefore no existing formal public rights of access.

The application site lies partially within Gosfield Conservation Area which covers a significant portion of the village. The site includes a remnant of a formal avenue of lime trees which framed a long distance view towards Gosfield Hall to the north-west from the village. Though this visual link has been severed by twentieth century development the avenue remains legible and is an important fragment of a wider designed historic landscape which could be better revealed. The site is considered to make a valuable contribution to how we are able to experience and interpret the significance of three interrelated heritage assets; the Grade I Gosfield Hall, the Grade II Gosfield Hall Registered Park and Garden and the Gosfield Conservation Area.

The Grade II Listed Green Man public house and Gosfield Cottage are both opposite the site to the east and north east, along the A1017.

The application site lies in the countryside, adjacent to the village boundary of Gosfield, as designated in the Development Plan.

PROPOSAL

This application seeks full planning permission for the construction of 19no. dwellings with an associated access, parking, garaging, landscaping and amenity space.

The proposed layout remains largely the same as the scheme approved last year under reference 18/02007/FUL, with an additional house being inserted to the north east of the site to create a terrace of three units and a further detached house being inserted along the southern spine road.

The revised layout ensures that the small enclave of housing is cohesive in its design and that the dwellings relate both to the existing housing in The Limes

but also the dwellings, and in particular the nearby listed building known as the Gosfield Cottage, along The Street. The development fans out to the south of the site to allow views of the drainage feature and trees and fields beyond.

An ecological corridor would be retained along the western side of the site.

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

No objection is raised subject to a number of conditions being imposed.

BDC Environmental Health

No objection, conditions requested regarding hours of work, dust and mud control management scheme, no burning, no piling without the submission of a piling system report.

BDC Waste Services

The refuse and recycling collection point for plots 16 - 19 is situated outside number 16 on the Refuse Collection Plan however, when checking this, and also the Site Layout Plan, there is no designated space for the waste receptacles to be stored. It only shows them out on the private driveway, which will become a hindrance for residence wishing to use this driveway.

BDC Landscape Services

No objection, however requests the submission of a landscape management plan via a planning condition, along with other landscape related conditions.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

ECC Highways

No objection, suggests conditions regarding the submission of a Construction Management Plan, visibility splays and residential travel packs for new residents.

Essex Police

Comments made in relation to boundary treatments, lighting and physical security measures.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The imposition of an informative is requested.

The foul drainage from this development is in the catchment of Gosfield Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

This response has been based on the following submitted documents: Surface Water Drainage Strategy dated 14th September 2020 Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The applicant has not identified a discharge rate for the foul water pumping station. We therefore request a condition requiring on-site drainage strategy.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management.

Condition requested regarding on-site foul water drainage works.

ECC Suds

No objection, conditions suggested.

BDC Housing Research and Development

The proposed affordable unit and tenure mix illustrated in the table is proposed as part of the development and is supported because it is appropriate to address evidence of housing need.

Affordable Housing Unit Mix	No.	Affordable Rented	Shared Ownership
2 Bed House – 4 person	2	2 (Plots 1 & 2)	0

3 Bed House – 6 person	5	2 (Plots 3 & 4)	2 (Plots 17,18 & 19)
Total	7	4	3

Environment Agency

No comments received.

National Grid

No comments received.

Ramblers Association

No comments received.

Natural England

No comments.

ECC Specialist Archaeological Advice

No objection, subject to a number of conditions.

Essex Fire and Rescue

Comments made in relation to access for fire engines and Building Regulations.

PARISH / TOWN COUNCIL

Gosfield Parish Council

No response received.

REPRESENTATIONS

Four representations received making the following comments:

- Object to 21 dwellings on the site.
- Gosfield is already being enlarged to the north and is in danger of being overwhelmed.
- Development would result in extra traffic.
- Strain on existing services, such as the doctor's surgery.
- Harm to local wildlife and biodiversity
- New junction on the A1017 could result in an accident black spot
- There are far more suitable sites for this kind of development on the outskirts of local towns where the character of the area would not be

ruined, the very reason a large proportion of the residents of the village choose to live here.

- Concerns about the long term future of the existing lime trees on the site.
- Suggest a tree preservation order (TPO) is served
- Overdevelopment of the area and only 7 affordable houses

REPORT

Background

Outline planning permission was granted in February 2018 for up to 19no. dwellings with associated access, parking, garaging, landscaping and amenity space, under application reference 17/00610/OUT.

Full planning permission was granted in June 2020 for 17no. dwellings with associated access, parking, garaging, landscaping and amenity space under application reference 18/02007/FUL.

The site area of the current application is the same as the earlier applications, along with the highway access point on The Street.

Principle of Development

National Planning Policy Framework (NPPF)

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

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

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

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

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011) and the Braintree District Shared Strategic Section 1 Local Plan (2021).

The application site is located outside of a designated town boundary and as such is located on land identified as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

The application site is not proposed for allocation for development in the Section 2 Plan. The proposed development is therefore represents a departure from the Development Plan and is contrary to the Section 2 Plan, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

Notwithstanding the above, the principle of developing the application site for residential purposes has been established by the grant of outline planning permission for up to 19no. dwellings in 2018 pursuant to application reference 17/00610/OUT, and by the grant of a full planning permission in June 2020 for 17no. dwellings under application reference 18/02007/FUL. These permissions create a fall-back position for the site, however the merits of the current full application have to be considered.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is identified as an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Section 2 Plan classes the village as a 'third tier' village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church all within walking distance from the site.

The village is also served by a number of regular bus services that connect Gosfield with Halstead, Braintree, Witham, Cressing, Silver End, and Rivenhall.

These bus services are regular and generally provide the opportunity for residents to travel to larger centres by sustainable means. They also provide the opportunity for commuters to connect to rail services; although it is appreciated that this would not be suitable for all travellers.

Officers acknowledge that future occupiers are unlikely to seek employment within the village and undoubtedly there will be reliance on travel by car as not all needs can be met within the village. Officers consider that the use of a private car should be expected to some degree, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessarily suggest that a village does not provide the opportunity for its residents to access public transport, shop locally or utilise recreational activities within walking and/or cycling distance.

Accordingly, it is considered that the development of the site would increase reliance on travel by car as not all needs can be met in the village. This weighs against the proposal. However, as highlighted above, there is an extant outline planning permission for residential development on the site which must be given substantial weight when considering the principle of development on this site.

Design, Appearance and Layout

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

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section

2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.

During the life of the earlier application (Application Reference 18/02007/FUL) Officers and the applicant worked productively together to create layout that would sit comfortably within the street scene and within the context of the Conservation Area. To ensure this the partial avenue of Lime trees were retained and sit within a larger area of public open space. The retention of these trees were of paramount importance to Officers due to the positive impact they have on this part of the village and character and appearance of the Conservation Area.

Development of the southern section of the site now includes the area originally earmarked for the woodland, however the road way now opens up and allows the dwellings in this part to overlook the new drainage basin and area of open space.

Fronting onto the protected trees the dwelling styles reflect the simplicity of the existing dwellings in The Limes. The 2 pairs of semi-detached dwellings and a terrace of three dwellings have a modest appearance with an understated design.

The two dwellings proposed either side of the spine road, once it turns away from the trees, have been designed so that they turn the corner and have two active frontages. These two houses act as the 'gates' to the remainder of the development. Beyond this the house styles evolve and become more detailed with two storey projecting gables, small dormer windows, canopy porches and brick plinths.

The layout of the proposed 19.no dwellings remains largely unchanged from the principles of the layout approved last year. It is therefore considered that the dwellings and layout provide a scheme with architectural variation, yet overall is a cohesive scheme which has an appropriate rural character for this edge of village location.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more.

All of the proposed dwellings are provided with a sufficient amount of private garden space, and therefore accord with the minimum garden sizes from the Essex Design Guide. To ensure that these relationships between properties and the size of the garden spaces are maintained, it is recommended that a

condition removing permitted development rights for extensions is attached to any grant of consent.

Within the site, the relationship between the properties is acceptable in terms of back to back distances and arrangements. The outlook and amenity afforded each new dwelling is acceptable and complies with policies outlined above.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Each property is provided with the necessary amount of car parking spaces either within garages or surface spaces and the required number of additional visitor spaces are also provided, in accordance with the Essex County Council Vehicle Parking Standards 2009.

As outlined above, the site is located within the countryside and that this incursion onto the rural edge of Gosfield will cause a degree of harm to the character and appearance of this part of the Village, however the site already benefits from full planning permission for 17no. units. The layout of the site retains the existing avenue of lime trees and all of the existing hedgerow along the northern and eastern boundaries of the site which will act as screening and will soften the edges of the development.

The southern boundary of the site is marked by a line of poplar trees which will be retained. Along the western boundary site is an area of land that is to be retained as an 'ecology corridor' and will not be included in to the rear gardens belonging to Plots 11-14 and 17. A chain link fence is proposed along the rear boundary of these plots, which would allow for views from these gardens across the agricultural fields to the west. Furthermore it is considered that the use of this type of fencing will mitigate the impact of the proposal when viewed from the west and the distant PRoW.

The proposal complies with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan and Policy LPP55 of the Section 2 Plan.

Impact on Heritage Assets

Part of the site lies within the Gosfield Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act imposes a duty on local planning authorities for special attention to be paid to the desirability of preserving or enhancing the character and appearance of a designated Conservation Area.

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

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Policy RLP95 of the Adopted Local Plan states that built or other 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 and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings.

Policy RLP100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over development, design and use of adjoining land. This is echoed by Policy LPP60 of the Section 2 Plan.

Policy RLP103 of the Adopted Local Plan states inter alia that development will not be permitted, which would materially detract from the historic character, or setting, of Parks and Gardens of Special Historic Interest.

Policy LPP56 of the Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.

Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles, including protecting and enhancing assets of historical or natural value.

The Historic Building Consultant raises no objection to the increase in dwelling numbers from 17 to 19 however as the site partially falls within the Conservation Area, and proposes a new street scene facing into the Conservation Area, raised concern over some of the materials indicated on the submitted plans (Drawing 8984/23) commenting that the use of modern, industrialised materials would have no specific affinity to the local area and would have a detrimental impact on the Conservation Area and that their use would erode its character. Accordingly, the Historic Buildings Consultant has requests a number of conditions, if the application is approved, regarding the submission of material samples, large scale drawings of the windows, doors, fascia, cill and landscaping details.

It is therefore concluded that, subject to conditions, the application would have a neutral impact on the character and appearance of the Conservation Area and that the development would result in no harm to this designated heritage asset. Furthermore, it is not considered that the proposal would be harmful to the setting of the adjacent listed buildings.

The proposal therefore complies with the NPPF, Policies RLP95 and RLP100 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP56 of the Section 2 Plan.

Trees and Hedgerows

Policy RLP80 of the Adopted Local Plan states that where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy CS8 from the Core Strategy states that all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District.

Policy LPP71 from the Section 2 Plan states that in its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Furthermore where development is proposed close to existing features, it should be designed and located to ensure that the condition and future retention/management will not be prejudiced but enhanced where appropriate.

The application site contains the remnants of an avenue of Lime trees that marked the main entrance to Gosfield Hall. Given the historical nature of this landscape feature and the positive impact the group of trees have on the historical core of the village, this portion of the site lies in the Gosfield Conservation Area.

A key consideration of this the site is the preservation of this important landscape feature. The proposed layout would ensure that the trees are protected and they have become a focal feature of the development, for the benefit of existing and future residents and the wider Conservation Area.

Along the northern boundary of the site, the hedgerow and tree coverage will remain and the submitted visibility drawing for the access onto The Street indicates that a proportion of the hedgerow along this elevation will need to be removed to achieve the require visibility splays for the speed of the road (approximately 20 metres). A landscaping scheme is required to be submitted by condition and a robust planting scheme along this boundary to replace the small area of lost hedgerow will be essential.

In terms of tree removal, two trees, T5 and T6, and part of G1, will be removed. T5 and T6 are C category lime trees, T5 is much smaller than most of the lime avenue. Their removal is required as part of the internal road layout.

No objection is raised to the application by the Council's Landscape Officer. A number of specific landscaping conditions, including compliance with the arboricultural impact assessment are requested along with the inclusion of the open space into a management plan within the associated legal agreement.

Following the amendments to the proposal, it is considered that the application complies with Policy RLP80 of the Adopted Local Plan, Policy CS8 of the Core Strategy and Policy LPP71 of the Section 2 Plan.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The site is well distanced from nearby residential properties opposite the site in The Limes and on The Street and it is not considered that the proposed development would give rise to any unacceptable impact on the amenity of these neighbouring properties.

The proposal therefore complies with Policy RLP90 of the Adopted Local Plan, Policy LPP55 of the Section 2 Plan and the NPPF.

Highway Issues

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

A visibility splay drawing has been submitted in support of the application that demonstrates visibility splays for both new vehicular accesses and the Highways Authority is satisfied that these are acceptable in this location.

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

Vehicular access to the site was previously established by the outline planning permission pursuant to application reference 17/00610/OUT. The access proposed in this application is the same and therefore no objection is raised to the access by the Highways Authority.

The Highways Authority have requested conditions regarding the submission and approval of a construction management plan, provision of residential travel information packs for new residents and the provision of the visibility splays shown on the submitted plans.

It is recommended that these conditions are attached to any grant of consent.

During the life of the application, an additional waste receptacle area has been added to the private drive serving Plots 16-19, which satisfies the comments made by BDC Waste Services.

Ecology

The application has been supported by the document, 'Outline Ecological Assessment' (Eco-Planning UK Ltd, October 2016), 'Badger Survey' (Eco-Planning UK Ltd, March 2017), 'Revised Ecological Assessment' (Eco-Planning UK Ltd, October 2018), 'Revised Ecological Note' (Eco-Planning UK Ltd, September 2020) and relates to the likely impacts of development on protected & priority habitats and species, particularly badgers and bats, and identification of proportionate mitigation.

The Council's ecologist is satisfied that sufficient ecological information has been submitted to enable the application to be determined.

The report provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. A number of conditions are suggested with regards to biodiversity enhancements and compliance with the report and its recommendations. An area of land along the western side of the site has been identified for its biodiversity value and has been earmarked to be retained as a 'wildlife corridor'. This piece of land will be retained for this purpose with no public access. Its maintenance and protection will be secured by the proposed legal agreement.

Surface Water Drainage

Policies RLP67 and RLP69 of the Adopted Local Plan, Policy CS8 of the Core Strategy and Policies LPP78, LPP79 and LPP80 of the Section 2 Plan relate to flood risk and sustainable urban drainage systems.

The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy, which has been updated during the course of the application in response to comments made by Essex County Council as Lead Local Flood Authority.

The proposed drainage strategy will include an infiltration basin which will be located to the south of the site, along with porous paving to be used for the two private drives serving plots 1-4 and 17, 18 and 19. Furthermore porous paving will also be used for the driveways/private parking spaces that serve each dwelling.

Essex County Council is satisfied that adequate surface water drainage can be achieved and raises no objections. Conditions are recommended to be attached to any grant of consent.

Habitat Regulations Assessment (HRA / RAMS)

The application site is not located within a 'Zone of Influence' and therefore a Habitat Regulations Assessment is not required in this case.

PLANNING OBLIGATIONS

Policy SP6 of the Section 1 Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development, which could include transportation and travel, social Infrastructure, digital connectivity and water and waste water.

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

The following are identified as being those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant permission and the applicant has agreed to enter in to a S106 agreement in respect of these matters.

Affordable Housing

Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The

Council's Housing Enabling Officer is satisfied with the mix of type and tenure of affordable housing proposed.

Open Space

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

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

In terms of off-site financial contributions, the applicant has agreed the following contribution which is consistent with the Council's Open Space SPD:

- £35,933.98 towards the provision of a new skate ramp at the Recreation Ground, Church Road, Gosfield, Essex (To note: this contribution amount is based on 2020 figures. An update with regard to the 2021 figures will be presented at the Committee and may result in an amendment to the amount shown).

This contribution would be secured through the S106 Agreement.

The layout makes provision for open space within the development and the applicant has also agreed to include the area to the west of site as designated ecology land, which will act as a wildlife commuting corridor feature and a buffer zone for wildlife from the proposed development, particularly for badgers which are in an adjacent location.

A Management Company is also required to manage the on-site areas of public open space and ecology land.

PLANNING BALANCE AND CONCLUSION

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

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP95 and RLP100 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 195 and 196 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable

development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

Summary of Adverse Impacts

The adverse impacts and the weight that should be accorded to these factors are set out below:

Conflict with the Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside.

Whilst the development lies outside the village envelope and would therefore represent a departure from the Development Plan, the principle of developing the site has been established by the grant of both the previous outline and subsequent full planning applications for 19 and 17 dwellings respectively at the site and therefore a fall-back position exists. Limited weight is therefore attached to this conflict with the Development Plan.

Location and Access to Services and Facilities

Future residents of the development would have some access to local services and facilities, however it is considered that the development of the site would increase reliance on travel by car as not all needs can be met in the village. This weighs against the proposal. This is afforded moderate weight.

Loss of Hedgerow

The loss of a small section of the hedgerow along the site frontage onto The Street, to facilitate a safe vehicular access into the site, would give rise to some harm as it is considered that this would result in a change to the appearance of the site in this central village location. This harm is afforded moderate weight.

Harm to Designated Heritage Assets

Concern has been raised by the Historic Buildings Consultant that harm to the Conservation Area could arise from the use of inappropriate modern materials within the development. To mitigate this harm, a number of conditions are recommended. Subject to these concerns being addressed, the harm is afforded neutral weight.

Harm to the Character of the Landscape

Limited harm is identified to the character and appearance of the countryside, given the edge of settlement location of the application site. This harm is afforded moderate weight.

Summary of Public Benefits

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market and Affordable Housing

The development would facilitate the provision of 19no. new dwellings, comprising 12no. market houses and 7no. affordable houses. This is afforded moderate weight, given the scale of the development.

Economic and Social Benefits

The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. This is afforded significant weight.

Open Space & Ecology

A further benefit would be the provision of a policy compliant amount of public open space including the existing avenue of lime trees and the creation of an 'ecology corridor'. This is afforded significant weight.

Section 106 Obligations

The proposal would secure a number of Section 106 obligations, including the aforementioned provision of affordable housing, public open space and the ecology land to the west of the site. The Section 106 benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with local planning policy.

Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

- **Affordable Housing:** 7 units comprising tenure of 4 x Affordable Rent & 3 Shared Ownership.
- **Public Open Space:**
 - On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space.
 - Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
 - £35,933.98 (see note above with regard to figures) to the provision of a new skateboard ramp at the Recreation Ground, Church Road, Gosfield, Essex
- Ecology land to the west of the site to be protected and maintained in accordance with a maintenance plan.

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

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

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

APPROVED PLANS

Drainage Details	Plan Ref: 2282/E/1/1	Version: E
Block Plan	Plan Ref: 8984/02	Version: B
Site Layout	Plan Ref: 8984/03	Version: B
Site Plan	Plan Ref: 8984/04	Version: B
Height Parameters Plan	Plan Ref: 8984/20	Version: B
Parking Strategy	Plan Ref: 8984/21	Version: B
Refuse Information	Plan Ref: 8984/22	Version: B
Boundary Treatment	Plan Ref: 8984/24	Version: B
Garden Study	Plan Ref: 8984/25	Version: B
Garden Study	Plan Ref: 8984/26	Version: B
Public Open Space Details	Plan Ref: 8984/27	Version: B
Location Plan	Plan Ref: 8984/28	Version: B
House Types	Plan Ref: 8894 / 37 A	
Location Plan	Plan Ref: 8984 / 01 A	
House Types	Plan Ref: 8984 / 35 A	
House Types	Plan Ref: 8984 / 36 A	
House Types	Plan Ref: 8984 / 38 A	
House Types	Plan Ref: 8984 / 39 A	
House Types	Plan Ref: 8984 / 40 A	
House Types	Plan Ref: 8984 / 41 A	
House Types	Plan Ref: 8984 / 42 A	
House Types	Plan Ref: 8984 / 43 A	
House Types	Plan Ref: 8984 / 44 A	
House Types	Plan Ref: 8984 / 45 A	
House Types	Plan Ref: 8984 / 46 A	
House Types	Plan Ref: 8984 / 47 A	
House Types	Plan Ref: 8984 / 48 A	
House Types	Plan Ref: 8984 / 49 A	
House Types	Plan Ref: 8984 / 50 A	
House Types	Plan Ref: 8984 / 51 A	
House Types	Plan Ref: 8984 / 52 A	
House Types	Plan Ref: 8984 / 53 A	
House Types	Plan Ref: 8984 / 54 A	
House Types	Plan Ref: 8984 / 55 A	
House Types	Plan Ref: 8984 / 56 A	
House Types	Plan Ref: 8984 / 57 A	
House Types	Plan Ref: 8984 / 58 A	
House Types	Plan Ref: 8984 / 59 A	
House Types	Plan Ref: 8984 / 60 A	
House Types	Plan Ref: 8984 / 61 A	
Garage Details	Plan Ref: 8984 / 62	

- 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, except as follows:

- Materials Details Plan Ref: 8984/23 Version B, is not approved.

Reason

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

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

Reason

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

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

Reason

To ensure that the development does not prejudice the appearance of the locality and protects the residential amenity of occupiers.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 6 No development shall take place, including any ground works or demolition until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway and a dust and mud control management scheme.

Once approved the plan shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies February 2011.

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

Reason

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

- 8 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, watering and maintenance, colour and type of material for all hard surface areas and method of laying where appropriate. Details will be required with regards the management and maintenance of the proposed new lime tree located to the north of plot 5.

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

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

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

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

Reason

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

- 9 Prior to the implementation of the landscaping scheme pursuant to Condition 8, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the irrigation and maintenance of the landscaping scheme shall be carried out in accordance with these details.

Reason

To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 10 The development hereby approved shall be carried out in accordance with the recommendations with the Arboricultural Impact Assessment prepared by D F Clark 24th September 2020 (DFCP 3382-01 REV E)

Reason

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

- 11 No works, including the creation of trenches or culverts or the presence of pipes, shall commence on site until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Once agreed, these measures should be carried out in accordance with these details.

Reason

To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 12 Prior to the installation of any external lighting at the site, a lighting design

scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 13 Prior to occupation of the development hereby approved a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to the occupation of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

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

- 15 No occupation of the development shall take place until the following have been provided or completed:

a) The access from The Street shall be provided as shown in principle on the submitted documents and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. At its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m metres by 90 metres to the north and 2.4 metres by 90 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

b) the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policies DM1,

DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 16 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Discharge via infiltration for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 17 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 and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.

Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

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

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

Reason

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

Reason

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

- 20 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

In the interests of visual amenity.

- 21 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning

Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

- 22 No development shall take place, including any ground works or demolition until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway.

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies February 2011.

- 23 No above ground development shall commence unless and until additional drawings that show details of proposed new windows, doors, facia and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 24 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason

The site may be of archaeological interest.

- 25 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 24 above.

Reason

The site may be of archaeological interest.

- 26 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning

Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest.

INFORMATION TO APPLICANT

1 The Developer is encouraged to obtain a Secured by Design "Gold" award in relation to this development.

2 (1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water

Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the

Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

3 The above requirements should be imposed by way of negative planning conditions or planning obligations agreements as appropriate.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)

All highway related details should be agreed with the Highway Authority

4 GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

5 NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

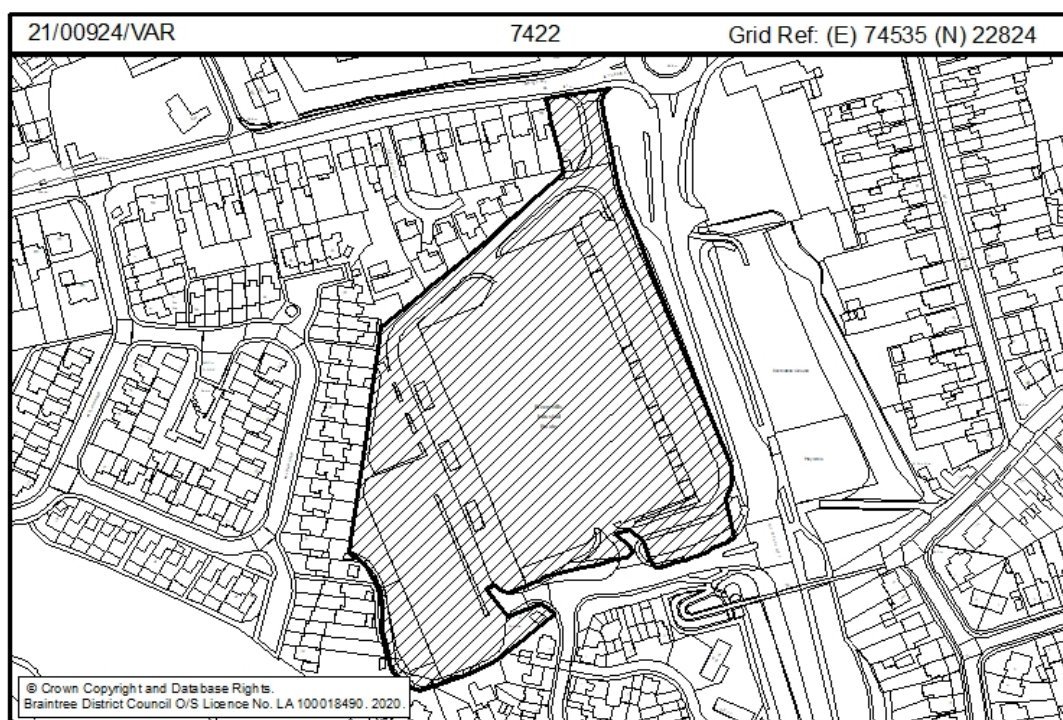
AGENDA ITEM NUMBER 5b

APPLICATION NO: 21/00924/VAR DATE: 26.03.21
VALID:
APPLICANT: Croudace Homes Ltd
C/o Agent, The Spirella Building, Bridge Road, Letchworth
Garden City, SG6 4ET, United Kingdom
AGENT: Croudace Homes Ltd
Mr Muninder Bahra, The Spirella Building, Bridge Road,
Letchworth Garden City, SG6 4ET, United Kingdom
DESCRIPTION: Variation of Condition 2 (Approved Plans), Condition 4
(Boundary Treatment), and Condition 27 (Access
Arrangement) of permission 18/02015/FUL granted
06.11.2020 for: Redevelopment of the site for 81 residential
dwellings, comprising 59 houses and 22 flats with
associated informal open space, landscaping, apartment
amenity space, car parking and other infrastructure.
Variation would allow for: Revised house designs for Plots 5
to 42 and Plots 61 to 81, including associated garages and
carports, and revised boundary treatment details.
LOCATION: Former Broomhills Industrial Estate, Pods Brook Road,
Braintree, Essex

For more information about this Application please contact:

Andrew Martin on:- 01376 551414 Ext. 2591

or by e-mail to: andrew.martin@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQDG8FBFK8800>

SITE HISTORY

14/00023/REF	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1), with ancillary customer restaurant and automatic teller machines, goods online service, surface level car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private	Appeal Dismissed	26.06.15
17/00053/NONDET	Demolition of all existing buildings on site and the erection of 107 residential dwellings comprising 67 houses, four maisonettes and 36 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.	Appeal Dismissed	10.05.18
11/60219/PAM	Regeneration of the site through the development of a new foodstore, together with the re-provision of a number of separate units to accommodate the existing B Uses on the site.		27.10.11
11/00009/SCR	Environmental Impact Assessment - Screening Opinion		07.12.11
12/01000/FUL	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1),	Refused then dismissed on appeal	27.11.13

	with ancillary customer restaurant and automatic teller machines, goods online service, surface level car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private		
17/00018/FUL	Demolition of all existing buildings on site and the erection of 107 residential dwellings comprising 67 houses, four maisonettes and 36 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.		06.10.17
17/00782/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 35-38 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/00783/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 19-34 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/00784/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 1-18 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/01402/FUL	Erection of 161 residential dwellings comprising 77 houses and 84 flats with associated informal open space, landscaping, apartment amenity space, car parking and other	Withdrawn	07.12.18

18/02015/FUL	infrastructure. Redevelopment of the site for 81 residential dwellings, comprising 59 houses and 22 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure	Granted with S106 Agreement	06.11.20
20/02110/DAC	Application for approval of details as reserved by conditions 14 & 15 of approved application 18/02015/FUL	Granted	29.03.21
21/70003/PPA	Variation of Condition 2 (Approved Plans), Condition 4 (Boundary Treatment), and Condition 27 (Access Arrangement) of permission 18/02015/FUL granted 06.11.2020 for: Redevelopment of the site for 81 residential dwellings, comprising 59 houses and 22 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure. Variation would allow for:- Revised house designs for Plots 5 to 42 and Plots 61 to 81, including associated garages and carports, and revised boundary treatment details.	Pending Consideration	
21/01063/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 8/16 (T1) and 15a/03 (T6) - Lift canopy of Maple (T1) a maximum of 5 metres and Reduce two branches from 1 Ash (T6) overhanging 9 Graynes Close back to the first fork in the branch	Granted	13.04.21
21/01339/DAC	Application for approval of details as reserved by condition 26 of approved application 18/02015/FUL	Pending Consideration	

21/01341/DAC	Application for approval of details as reserved by condition 19 of approved application 18/02015/FUL	Pending Consideration
21/01381/DAC	Application for approval of details as reserved by condition 17 of approved application 18/02015/FUL	Pending Consideration
21/01384/DAC	Application for approval of details as reserved by condition 18 of approved application 18/02015/FUL	Pending Consideration

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
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
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density

LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP64	Educational Establishments
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Other Material Considerations

Essex Design Guide – Design and Good Practice (2005)
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation, as the application is categorised as a Major planning application.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is the former Broomhills Industrial Estate on the west-side of Braintree, adjacent to Pod's Brook Road to the east; Rayne Road and Graynes Close to the north; Nayling Road to the west; and Guernsey Way, Fresian Close, and Jersey Way to the south. The site ceased operating for employment purposes some time ago and a number of the former industrial units have since been demolished.

The site has a gradient which generally falls from east to west and from north to south. As a consequence, the site is at a lower level than the residential properties within Graynes Close to the north of site, whilst it is at higher-level than residential properties within Nayling Road to the east and Fresian Close to the south. The site is also at a lower level than Pod's Brook Road to the east, albeit the extent of the levels difference varies along the eastern boundary.

Access to the public highway from the site is achieved via Guernsey Way which connects to Pod's Brook Road. In its present format there are two points of access off of Guernsey Way, one on the north-side of the road, and the other representing a continuation of the road to the west. The former access is referred to as the eastern access, whereas the latter access is referred to as the western access.

There are three individual trees on the site which are subject to a Tree Preservation Order (TPO). These trees comprise of two Ash trees adjacent to the southern boundary of No. 6 Graynes Close and a Norway Maple tree to the north of No. 2 Guernsey Way. In addition to the individual trees, there are four groups of trees within the site which are subject to a group TPO. These tree groups are distributed along the site's western, eastern, and northern boundaries.

Immediately to the south of the site is a Public Right of Way, footpath No.108, with a footbridge that crosses Pod's Brook Road to reach Clare Road. Pedestrian access to the Flitch Way is also achievable approximately 200 metres to the south of the site.

PROPOSAL

This Section 73 application seeks a minor material amendment to planning permission 18/02015/FUL which permitted the residential development of the site to provide 89 dwellings, in the form of 59 houses and 22 flats, with associated informal open space, landscaping, apartment amenity space car parking and other infrastructure.

Primarily, the current application seeks to vary the drawings approved under Condition 2 of planning permission 18/02015/FUL, for the purpose of facilitating alternative house types to those previously approved for Plots 5 to 42 and Plots 61 to 81. The flats on Plots 1 to 4 and Plots 43 to 60 would remain as approved under application reference 18/02015/FUL.

Notwithstanding the above, by virtue of the fact that Conditions 4 and 27 of the extant planning permission refer to site layout drawings that would be superseded as part of the proposed revision, it has also been necessary for the Applicant to vary Conditions 4 (Boundary Treatment) and 27 (Access Arrangement) of planning permission 18/02015/FUL, in order to regularise the wider implications of the house type changes sought.

It is therefore worth reiterating that no substantive changes are proposed to the previously approved boundary treatment strategy or access arrangement. These matters are simply included within the amendment on the basis that the revised house types proposed would result in a site layout that differs slightly from that originally approved due to the inclusion of revised house types with different forms. The Applicant has submitted a 'Dwelling Amendment Plan' to assist in highlighting the extent of the proposed revision.

The scheme before Members has also been the subject of productive pre-application and post-submission discussions between Officers and the Applicant, Croudace Homes, with the proposed development having evolved positively in response to the advice of Officers. These changes were of course related to the subject matter of the proposed variation, namely the detailed design of the house types, and have resulted in coherent street scenes and an overall development that meets a suitably high-standard of design. Officers even consider that the revised house type designs would represent an improvement over the house type designs previously permitted.

As aforementioned, no changes are proposed to the design and appearance of the flats approved under planning application reference 18/02015/FUL. The flats would therefore need to be delivered in accordance with the details approved under the original planning permission.

SUMMARY OF CONSULTATION RESPONSES

Two consultations have been completed during the course of the planning application. The second consultation was completed following receipt of revised drawings. In particular, a discrepancy on the boundary treatment plan was rectified to reflect the arrangement previously approved, whilst the fire appliance strategy was also updated to meet the latest requirements for emergency access.

Consultation responses received during the course of the planning application are summarised below.

Anglian Water

No response received.

BDC Ecology

Requested that the landscape strategy plan submitted be updated to reflect the approach submitted under application reference 18/02015/FUL.

BDC Environmental Health

No response received.

BDC Landscape Services

No response received.

BDC Waste Services

Recommended that written indemnity be sought that the Council will not be held accountable for any damage to the private driveways outside of Plots 80 to 81 caused by refuse collection vehicles. Also, BDC Waste Services have

suggested that the highway be constructed to an adoptable standard to prevent damage.

ECC Highways

Noted that the road layout and access proposed are as approved under application reference 18/02015/FUL. Concluded that the Highway Authority has no comments to make on the application.

Environment Agency

No response received.

Essex Fire and Rescue

Initially responded to highlight that the access for fire appliances to Plot 78 does not meet current standards. However, following the receipt of revised drawings demonstrating a suitable turning head for a fire appliance, this objection was subsequently removed.

Essex Police

Noted that the boundary treatment to the open space for the flats, Plots 43 to 60, is to be a 1.4 chain link fencing and 'ready hedge'. Recommended that the hedging is of a defensive, spiky, nature to provide an element of security. Suggested that in the short term the boundary would only be symbolic and that careful consideration will need to be given to lighting, as well as door and window security, to ensure that safety and security of the residents is not compromised.

ECC SUDS (Lead Local Flood Authority)

No comments to make on the application.

Natural England

No comments to make on the application.

PARISH / TOWN COUNCIL

N/A.

REPRESENTATIONS

The application was publicised by way of an advertisement in the Braintree & Witham Times. Four site notices were displayed within the vicinity of the application site and neighbour notification letters were sent to properties immediately adjacent to the site.

Four letters of representation have been received from local residents neither objecting to nor supporting the proposed development. The general comments are summarised as follows:

- Discrepancy between proposed plans with respect to how the eastern boundary of the site is to be treated. One drawing shows the retention of the existing hedge and another shows a close boarded fence.
- Existing hedge along the eastern boundary of the site has become overgrown causing damage to private property and posing a hazard.
- Queried whether trees along eastern boundary are to be retained.
- Existing hedge along sites eastern boundary provides natural privacy and its retention is desirable.
- Revised scheme represents an improvement over all previous proposals.
- Existing wall to the southern boundary of the site forms part of the boundary for the neighbouring property and it is unclear whether this would be retained.
- Raised ground towards the south-west corner of the site would result in a loss of privacy for neighbours within Fresian Close.
- Footprint for dwellings on Plots 6 and 7 seem to be larger and in closer proximity to existing properties within Nayling Road.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

The application site is previously developed land located within the Town Development Boundary of Braintree. Subsequently, the principle of development is generally considered to be acceptable in accordance with Policy SP6 of the Section 1 Plan, Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.

Nonetheless, the site is also allocated as a defined Employment Policy Area within the Adopted Local Plan. Policy RLP33 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused. However, it is notable that this allocation is not proposed for retention within the emerging Section 2 Plan, which instead incorporates the site as a draft allocation for residential development.

Furthermore, the site is no longer used for employment purposes, with the majority of the former industrial units having been demolished. As such, the site constitutes previously developed land. Policy SP3 of the Section 1 Plan explains that the re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travels. Paragraph 118 of the NPPF also explains that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degrade, derelict, contaminated or unstable land.

In addition to the above, the principle of the site's residential development has been firmly established through a grant of full planning permission for 81 dwellings, under planning application reference 18/02015/FUL. Therefore, whilst the proposed development would represent a departure from the Development Plan, the principle of the site's residential development would be in accordance with Section 2 Plan and has already been established under planning permission 18/02015/FUL. The re-development of the site would also represent an effective use of previously developed land, an important objective of sustainable development that is recognised by Policy SP3 of the Section 1 Plan, in addition to Chapter 11 of the NPPF.

5 Year Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

SITE ASSESSMENT

Location and Access to Services and Facilities

The NPPF encourages new homes in locations with good access to services, facilities, and employment opportunities, as this approach limits the need to travel, especially by car, and promotes a genuine choice of sustainable modes of transport. It is equally acknowledged that, as set out within Paragraph 103 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

As identified above, the application site comprises previously developed land located within the Town Development Boundary of Braintree. Braintree is identified as one of the main towns within the Settlement Hierarchy. The main towns are the locations which are most sustainable in the District and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible and sustainable location for new residential development which is a benefit that weighs in favour of the application.

Design, Layout, Scale & Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

It subsequently follows that, in accordance with Paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The above principles have more recently been elaborated upon within the National Design Guide (NDG) with a shift in emphasis towards the promotion of beauty. Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the long-standing, fundamental principles of good design are that it is; fit for purpose; durable; and brings delight.

Policy SP7 of the Section 1 Plan, Policies RLP3, RLP10, and RLP90 of the Adopted Local Plan, and Policies LPP37, LPP50 and LPP55 of the Section 2 Plan all reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or enhance the area's local distinctiveness.

The main purpose of this application is to vary planning permission 18/02015/FUL to allow for revised house types. Accordingly, the fundamental design principles of the previously approved development would be retained, including the highway layout; the mix and tenure of dwellings; the distribution of dwellings; the arrangement of open space; the boundary treatments; and the soft landscaping. Moreover, it is only the design of the dwellings to be provided in the form of houses that would be revised, with the flats on Plots 1 to 4 and Plots 43 to 60 remaining unchanged. Therefore, whilst the extent of the revision proposed is fairly limited in terms of its substance, nearly all of the previously approved drawings would be superseded to reflect the revised house types proposed.

During the course of the application, revised drawings were received in order to address some discrepancies in the submission, primarily those related to the treatment of the site's eastern boundary and the illustrative landscaping shown on the layout. Both of these details have essentially been updated to reflect the original planning permission, albeit the approval of a detailed landscaping scheme would continue to be secured by Condition 23.

Turning to the appearance of the house type designs, these have been the subject of much discussion between Officers and the Applicant, particularly at the pre-application stage of the planning process. The final scheme represents a coherent arrangement of street scenes comprised of well-designed, two-storey houses, excluding the flats on Plots 43 to 60, which would relate well to their context. Rhythm is firmly established through the use of high-quality materials and unifying characteristics, such as dual-pitched roofs and mono-pitch porch canopies, but equally visual interest is provided by punctuating the uniformity in strategic locations with architectural features of interest. For instance, changes in material finishes are used to terminate runs of houses and provide focal points on corner plots, whilst gable-ends, bay windows, brick-banding, and chimneys are all used to prevent uniformity from becoming repetitive monotony. Materials proposed include red facing brick, with differentiated red and yellow bricks for banding; hanging tiles; weather-boarding; and tiled and slate-style roofs. The garages and car ports proposed would also utilise materials and designs that respect the character and appearance of the proposed development.

It is also proposed that a number of the dwellings will be provided with photovoltaic panels. These photovoltaic panels will have an integrated design, sitting flush within the roof rather than protruding from roof-planes, so as to ensure they are subtle and do not detract from the aesthetic appearance of the street scenes. The inclusion of photovoltaic panels is a welcome addition that will contribute positively towards the sustainability of the proposed dwellings. A suitably worded condition has been recommended for

the purpose of securing the approval of the final locations and details of the photovoltaic panels.

Whilst the highway layout remains predominantly unchanged, a very minor revision has also been proposed to the turning head opposite Plots 78 and 79, in order to meet the latest requirements for access by a fire appliance. A simplified palette of highway surface materials is also proposed, utilising darker shades of grey for private driveways and tarmac for the highway. A lighter surface treatment is proposed for the shared parking area to serve larger block of flats. This arrangement reflects the character and locality of the application site and is therefore considered to be appropriate to the urban context.

As aforementioned, the mix and tenure of the proposed dwellings would remain the same as previously approved under planning application 18/02015/FUL. This means that no affordable housing is proposed. Notwithstanding this, having regard to the remit of this s.73 application, in addition to the conclusions of the viability appraisal that informed the extant planning permission, it is not considered reasonable or justifiable to seek affordable housing in this instance.

To conclude, the proposed development seeks to replace previously approved houses types on Plots 5 to 42 and Plots 61 to 81 with revised house types, whilst retaining the same overall layout; general highway arrangement; mix and tenure of dwellings; public open space; boundary treatments; and soft landscaping. Officers are firmly of the view that the revised house types proposed would create an attractive sense of place that responds positively to character and appearance of the locality.

Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy SP7 of the Section 1 Plan, Policies RLP3 and RLP90 of the Adopted Local Plan, and Policies LPP37 and LPP55 of the Section 2 Plan all emphasise the need to secure a high standard of residential amenity, both for the occupiers of existing neighbouring properties and the future occupants of new developments. The Council has also adopted the Essex Design Guide (EDG) as a supplementary planning document, which sets out a number of design requirements, including in relation to amenity space.

With regards to the residential amenity proposed for future occupants, the Applicant has confirmed by an annotation on the submitted 'Housing Mix Plan' that all of the dwellings proposed would meet the requirements of the Nationally Described Space Standards (NDSS). In addition, of the 59 houses proposed, 50% of the dwellings would be compliant with Building Regulations Part M Category 2, meaning they would be accessible and adaptable. Moreover, as the spatial arrangement of dwellings remains predominantly unchanged, back-to-back distances would continue to be in general accordance with the 25 metre back-to-back distance recommended within the

EDG. Gardens sizes and depths would similarly met or exceed the minimum standards set out within the EDG. Together these factors would ensure that future occupants would benefit from a high-standard of residential amenity.

In terms of neighbour amenity, it is again worth reaffirming that the layout and arrangement of dwellings has not changed to the extent that it would alter the relationship between proposed dwellings and existing, neighbouring properties. Sufficient separation distances would therefore be maintained between existing and proposed dwellings. Furthermore, whilst existing properties adjacent to the western boundary of the site, within Nayling Road, are at a lower level than the proposed dwellings, the existing hedgerow and trees along that boundary would be retained to provide privacy and visual screening. Initially, the proposed 'Boundary Treatment Plan' showed a new close board fence to the rear of Plots 1 to 14, leading to confusion as to whether the existing hedgerow and trees would be retained as shown on various other layout drawings, or whether the vegetation would be removed and replaced by a fence. The Applicant subsequently confirmed that it was not the intention to alter the previously approved arrangement, which sought to retain vegetation along the western boundary, and so a revised 'Boundary Treatment Plan' was submitted to address the discrepancy.

To summarise, the proposed residential amenity for existing and future occupiers would reflect what was previously approved under application reference 18/02015/FUL. What is more, in the absence of relevant details submitted with application 18/02015/FUL, it appears that the revised proposal seeks to deliver a higher proportion of the new dwellings as Part M Category 2 homes.

Highways

Paragraph 108 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Similarly, amongst other matters, Policy RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and Policy LPP55 of the Section 2 Plan, require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users.

The highway impacts of the proposed development were assessed under application reference 18/02105/FUL with the conclusion having been reached that there would be no adverse impact upon the highway network in terms of capacity or safety. However, a number of highway improvements, as well as the closure of the existing western access, were secured by way of conditions and a S.106 Agreement. In particular, the secured improvements to eastern

site access, alongside the closure of the western site access, were secured under Condition 27 of planning permission 18/02015/FUL. Pertinently, Condition 27 refers to the previously approved site layout drawing reference 23726A/11A, but this site layout drawing would be superseded by the revised site layout drawing DES/050/101/B as part of the proposed variation. As such, whilst there is no change proposed to the previously approved access arrangement, it was necessary to amend Condition 27 so that it refers to the revised layout drawing which shows the new house types. Hence, it is proposed to vary Condition 27 as part of this s.73 application.

As briefly mentioned in the above section on design, a very minor revision, commensurate to a non-material amendment, proposed to the highway layout is the re-engineering of the turning head opposite Plots 78 and 79. The detail of the revised turning head is specifically designed so that it can accommodate a manoeuvring fire appliance, for the purpose of facilitating emergency access to Plot 78, in accordance with the latest Building Regulation requirements.

Turning to the matter of parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). For a dwelling with two or more bedrooms the standards prescribe two spaces. Visitor parking is also required at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole. The proposed development would provide allocated and unallocated vehicle parking spaces in accordance with these standards. On-plot parking would be provided to the vast majority of the dwellings and will take various forms including driveway spaces, car ports, and garages. Parking courts would serve the flatted units on Plots 1 to 4 and Plots 43 to 60. It is acknowledged that the majority of the garages, except the garage proposed on Plot 32, do not meet the minimum internal dimensions of 7 metres by 3 metres, however, the dwellings with garages are still to be provided with at least two compliant driveway spaces. The 18 unallocated, visitor parking spaces proposed are considered to be distributed in an acceptable manner across the site.

With regards to promoting sustainable modes of transport, each dwelling will be provided with secure cycle parking facilities in accordance with the aforementioned adopted parking standards. For dwellings with a garage, this cycle parking will be provided integral to the garage, whereas for the remaining dwellings a secure shed will be provided within each of their rear gardens. The flats on Plots 43 to 60 would be provided with internal cycle storage and the flats on Plots 1 to 4 would be provided with a secure cycle shed. In addition, the Applicant has outlined that they will seek to provide electric vehicle charging points to all dwellings which have on-plot parking, so either in a garage, car port, or driveway space adjacent to the dwelling. Sufficient electric vehicle charging infrastructure would be in place to enable future occupants to upgrade to rapid charge speeds, but this would be a consumer choice. An additional condition has been recommended that requires the approval of the electric vehicle charging details prior to the

occupation of the development. The level of electric vehicle charging provision proposed by the Applicant is another factor which weighs very positively in favour of the proposed development when compared to the previous approval under application reference 18/02015/FUL.

Ecology & Trees

Paragraph 170 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees.

Policy CS8 of the Core Strategy establishes that all development proposals will, amongst other matters, ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geodiversity of the District. Additionally, Policy RLP81 of the Adopted Local Plan sets out that the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Furthermore, where a proposed development may have an impact on protected species, Policy RLP84 of the Adopted Local Plan goes on to explain that the developer will be required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan in place to ensure there is no harm to protected species and no net loss of priority species. These objectives are reflected under Policies LPP68 and LPP69 of the Section 2 Plan.

The relationship between the proposed development and existing trees on the site has not changed under this s.73 application when compared to the original planning permission. Consequently, six low-quality trees would be removed as part of the development, including several trees subject to a group Tree Preservation Order (TPO), reference 8/2016. However, Condition 23 of extant planning permission secured a detailed landscaping scheme, with the illustrative landscaping material submitted as part of application reference 18/02015/FUL having demonstrated how a robust planting scheme would be utilised to replace the loss of existing trees with a number of suitable, urban, native trees. In this way the proposed development would mitigate against the loss of existing trees and provide an overall enhancement to the amenity value of the site.

Moreover, the landscaping material submitted as part of application reference 18/02015/FUL illustrated how native trees, native hedgerows, and wildflower planting would be incorporated into the layout, enhancing street scenes, mitigating against the visual impact of parked cars, and augmenting the areas to be provided as public open space.

As part of this s.73 application, the site layout and landscape strategy drawings submitted have sought to reflect the landscaping proposed under the original planning permission, including the existing trees to be retained, as well as the planting of new trees, hedgerows, wildflowers, and ornamental

flower beds. Notwithstanding these plans, a detailed landscaping scheme would still be required under Condition 23 of the varied planning permission, meaning any minor differences between the landscaping plans original submitted under application 18/02015/FUL and those submitted under this s.73 application are not determinative. Effectively, the landscaping strategy shown on the revised plans is for illustrative purposes, thereby not detracting from the fact that a robust landscaping strategy will need to be approved via a discharge of condition application at a later date.

The group of trees subject to TPO towards the south-western corner of the site, reference 8/2016, would continue to be retained within the public realm and as part of the communal amenity space for the flats on Plots 1 to 4. It was previously concluded that, given the orientation of the site and the dual aspect of the flat building, these trees would not be unacceptably overshadowed by the proposed flats. It is also notable that the varied planning permission would still require the development to be carried out in full accordance with the Tree Survey and Arboricultural Impact Assessment, produced by Greengage and dated October 2018, as stipulated by Condition 24.

With regards to ecology, again no changes are proposed. The varied planning permission would continue to be bound by the requirements of Conditions 11, 12, and 13, which respectively relate to mitigation for bats; biodiversity sensitive lighting; and mitigation for nesting birds. Moreover, the details of the proposed ecological enhancements and ecological management plan have already been approved through an application for the approval of details reserved by Conditions 14 and 15 of planning permission 118/02015/FUL, reference number 20/02110/DAC.

In addition to the above, the Council's Ecologist has been consulted on the application and returned no objections, subject to a financial contribution being secured in accordance with the adopted Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy (RAMS), something that is addressed under the relevant heading below. The Council's Ecologist also made comments in respect of landscaping, however, as discussed above a detailed landscaping scheme is secured by Condition 23. Moreover, the comments relate to earlier iterations of the site layout and landscape strategy drawings, which were updated during the course of this application to reflect what had previously been illustrated under application reference 20/02015/FUL.

Other Matters

The matters of flood risk and surface water drainage, air quality, and land contamination were all satisfactorily addressed and assessed under the original planning permission and it is not intended to revisit these matters under this s.73 application. As with the other considerations discussed above, the varied planning permission would continue to be bound by the conditions and obligations secured under planning permission 18/02015/FUL.

Conditions

In light of the above assessment, it is recommended that Conditions 2, 4, and 27 be varied as follows:

- **Condition 2:** No change required to the wording of the condition, but the revised drawings for Plots 5 to 42 and Plots 61 to 81 should be approved, superseding the respective drawings approved under application 20/02015/FUL. Additionally, all previously approved, proposed site layout plans would be superseded by revised, proposed site layout plans, to reflect the form of the revised house types.
- **Condition 4:** Substitute the reference to previously approved drawing 23726A/13D for revised drawing DES/050/102/C. To be clear, this change does not alter the previously approved boundary treatment arrangement, it simply regularises the discrepancy that would otherwise materialise once drawing 23726A/13D has been superseded.
- **Condition 27:** Substitute the reference to previously approved drawing 23726A/11A for revised drawing DES/050/101/B. Once again, this change does not alter the previously approved access arrangement, it simply regularises the discrepancy that would otherwise materialise once drawing 23726A/11A has been superseded.

In addition to the above variations, Condition 8 has been amended to refer to “Class A of Part 2 of Schedule 2 of that Order”, rather than Class E as originally worded, on the basis that the condition seeks to remove permitted development rights for gates, fences, walls etc. under Class A, not electrical upstands for vehicle charging under Class E.

Conditions 14 and 15 have also been updated to require that the development only take place in full accordance with the approved details under discharge of condition application reference 20/02110/DAC.

Moreover, two additional conditions are recommended to secure the approval of details in relation to the solar panels and EV charging points proposed. These details would be secured under Conditions 28 and 29 respectively.

And lastly, applications for the approval of details reserved by Conditions 17, 18, 19, and 26 of planning permission 18/02015/FUL have recently been submitted and are currently pending determination. Should these discharge of condition applications be resolved prior to the Planning Committee meeting, Members will be updated on the night, as the relevant conditions would need to be updated to reflect any approved details.

Habitat Regulations Assessment (HRA / RAMS)

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards off site visitor management measures for

the Blackwater Estuary SPA & Ramsar site (£125.58 per dwelling). This contribution would be required prior to the commencement of development and would be secured through the deed of variation to the S106 Legal Agreement.

PLANNING OBLIGATIONS

A deed of variation is in the process of being completed to ensure that the S106 Agreement obligations and commitments secured under planning permission 18/02015/FUL are transferred to the varied consent. This deed will also incorporate an additional obligation requiring a financial contribution towards off-site visitor management measures at the Blackwater Estuary SPA/Ramsar site as set out above.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a designated development boundary where the principle of development is generally considered to be acceptable in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the

closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan and Policies RLP2 and RLP3 of the Adopted Local Plan.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential development within village envelopes and town development boundaries, where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. As with Policy RLP2, it is considered that the policy remains broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given more than moderate weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed

development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

Summary of Adverse Impacts

The adverse impacts and the weight that should be accorded to these factors are set out below:

Conflict with the Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP33 of the Adopted Local Plan, as the site is allocated as a defined Employment Policy Area. However, it is notable that this allocation is not proposed for retention within the emerging Section 2 Plan, which instead incorporates the site as a draft allocation for residential development. Furthermore, the site is no longer used for employment purposes, with the majority of the former industrial units having been demolished. Critically, the principle of the site's residential development has been firmly established through a grant of full planning permission for 81 dwellings, under planning application reference 18/02015/FUL. Therefore, whilst the proposed development would represent a departure from the Development Plan, the principle of the site's residential development would be in accordance with the Section 2 Plan and has already been established under planning permission 18/02015/FUL. Limited weight is therefore attached to this conflict with the Development Plan.

Other

There is a degree of social harm arising from the lack of affordable housing provision, however, neutral weight is afforded to this, as this was previously accepted with the extant planning permission.

It is not considered that any additional harm arises from this proposal to vary the house types previously approved when compared to the originally approved, extant planning permission.

Summary of Public Benefits

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market Housing

The application would deliver 89 dwellings, in the form of 59 houses and 22 flats, with associated informal open space, landscaping, apartment amenity space car parking and other infrastructure. The proposed house types are considered to represent a betterment over the previously approved house types. In addition, in the absence of relevant details submitted with application 18/02015/FUL, it appears that the revised proposal seeks to deliver a higher proportion of the new dwellings as Part M Category 2 homes. This is afforded moderate weight, given the scale of the development.

Previously Developed Land

The re-development of the site would also represent an effective use of previously developed land, an important objective of sustainable development that is recognised by Policy SP3 of the Section 1 Plan, in addition to Chapter 11 of the NPPF. The site is located on a key gateway into Braintree and therefore the redevelopment of the site would also enhance the character and appearance of the area. These factors are afforded significant weight.

Location and Access to Services and Facilities

The site is in an accessible and sustainable location for new residential development, within one of the main towns within the settlement hierarchy and therefore benefits from good access to services and facilities, which is a benefit that weighs in favour of the application. This is afforded significant weight.

Economic and Social Benefits

As identified with the original planning application, the development will undoubtedly bring economic benefits during the construction stage and after the occupation of the development. This is afforded significant weight.

Socially, whilst the site provides an appropriate mix of housing types, the site provides no affordable housing. However, neutral weight is afforded to this, as this was previously accepted with the extant planning permission.

Environmental Benefits

Additional benefits would arise from the incorporation of sustainability measures, namely solar panels and electric vehicle charging infrastructure. This is afforded significant weight.

Section 106 Obligations

A deed of variation is in the process of being completed to ensure that the S106 Agreement obligations and commitments secured under planning permission 18/02015/FUL are transferred to the varied consent. The Section 106 benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with local planning policy.

Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

It is therefore RECOMMENDED that subject to the Applicant entering into a deed of variation to ensure that the S106 Agreement obligations and commitments secured under planning permission 18/02015/FUL, in addition to a further obligation as follows:

- **HRA/RAMS** – Financial contribution of £10,171.98 (index linked) towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar.

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

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

APPROVED PLANS

Garage Details
Garage Details

Plan Ref: DES/000/233 1
Plan Ref: DES/000/234

House Types	Plan Ref: DES/050/200	
House Types	Plan Ref: DES/050/201	
House Types	Plan Ref: DES/050/202	Version: 1
House Types	Plan Ref: DES/050/203	Version: 1
House Types	Plan Ref: DES/050/204	Version: 1
House Types	Plan Ref: DES/050/205	Version: 1
House Types	Plan Ref: DES/050/206	Version: 1
House Types	Plan Ref: DES/050/207	Version: 1
House Types	Plan Ref: DES/050/209	
House Types	Plan Ref: DES/050/210	
House Types	Plan Ref: DES/050/211	
House Types	Plan Ref: DES/050/212	Version: 1
House Types	Plan Ref: DES/050/213	
House Types	Plan Ref: DES/050/214	
House Types	Plan Ref: DES/050/215	
House Types	Plan Ref: DES/050/216	Version: 1
House Types	Plan Ref: DES/050/217	
House Types	Plan Ref: DES/050/220	
House Types	Plan Ref: DES/050/221	
House Types	Plan Ref: DES/050/222	
House Types	Plan Ref: DES/050/223	
House Types	Plan Ref: DES/050/224	Version: 1
House Types	Plan Ref: DES/050/225	Version: 1
House Types	Plan Ref: DES/050/226	Version: 1
House Types	Plan Ref: DES/050/227	Version: 1
House Types	Plan Ref: DES/050/228	
House Types	Plan Ref: DES/050/229	Version: 1
House Types	Plan Ref: DES/050/230	Version: 1
House Types	Plan Ref: DES/050/231	Version: 1
House Types	Plan Ref: DES/050/232	Version: 1
Garage Details	Plan Ref: DES/050/235	Version: 1
Fire Strategy Plan	Plan Ref: DES/050/111	Version: A
Highway Plan	Plan Ref: SK007	
House Types	Plan Ref: 23726A/30	Version: B
House Types	Plan Ref: 23726A/50	Version: B
House Types	Plan Ref: 23726A/51	Version: B
House Types	Plan Ref: 23726A/52	Version: B
Location Plan	Plan Ref: 23726A/01	
House Types	Plan Ref: DES/050/208	Version: 2
House Types	Plan Ref: DES/050/218	Version: 1
House Types	Plan Ref: DES/050/219	Version: 1
Site Layout	Plan Ref: DES/050/101	Version: B
Boundary Treatment	Plan Ref: DES/050/102	Version: C
Parking Strategy	Plan Ref: DES/050/103	Version: B
Fire Strategy Plan	Plan Ref: DES/050/104	Version: B
Refuse Information	Plan Ref: DES/050/105	Version: B
Public Open Space Details	Plan Ref: DES/050/106	Version: B
Materials Details	Plan Ref: DES/050/107	Version: B
Other	Plan Ref: DES/050/108	Version: B
Materials Details	Plan Ref: DES/050/109	Version: B

House Types	Plan Ref: DES/050/110	Version: B
Street elevation	Plan Ref: DES/050/300	Version: B
Street elevation	Plan Ref: DES/050/301	Version: B
Street elevation	Plan Ref: DES/050/303	

- 1 The development hereby permitted shall begin not later than 6th November 2023.

Reason

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

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

Reason

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

- 3 No above ground development shall commence, unless and until samples of the materials to be used in the external finishes of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such.

Reason

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

- 4 Prior to the first occupation of each dwelling of the development hereby approved, all means of enclosure associated with that dwelling shall be undertaken in accordance with approved drawing DES/050/102/C.

Reason

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

- 5 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 any of the dwelling-houses, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions in the interests of residential and/or 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 a dwelling-house consisting of an alteration to its roof, as permitted by Class B of Part 1 of Schedule 2 of that Order shall be carried out on Plots 5 to 15 inclusive and Plots 17 and 18, without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future roof extensions in the interests of residential and/or visual amenity.

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no provision of any building or enclosure within the curtilage of the dwelling-house, as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out on Plots 5 and 6 without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future outbuildings in the interests of protected trees.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected or constructed, as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future gates, fences, walls or other means of enclosures in the interests of visual amenity.

- 9 The garages hereby permitted shall only be used for the parking of vehicles.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

- 10 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details and installed prior to the first occupation of the relevant building.

Reason

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

- 11 No demolition of any buildings with known bat roosts shall be undertaken, unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

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

- 12 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 13 No removal of hedgerows, trees or shrubs, or works to buildings, including demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before any works are undertaken and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local

planning authority.

Reason

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

- 14 The development shall only take place in full accordance with the ecological enhancements approved under Condition Discharge Application 20/02110/DAC.

Reason

In the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 15 The development shall only take place in full accordance with the detailed Ecological Management Plan for the site approved under Condition Discharge Application 20/02110/DAC.

Reason

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

- 16 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- o Detailed engineering drawings of each component of the drainage scheme;
 - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
 - o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 17 Prior to the commencement of development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater

during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

To ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site - If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction, there needs to be satisfactory storage of/disposal of surface water and groundwater, which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site.

- 18 Prior to the commencement of development, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and 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. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 19 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A site investigation scheme, based on the preliminary risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in the site investigation scheme (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements.

- 20 Prior to the first occupation of any part of the development hereby permitted, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management.

- 21 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements.

- 22 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework, EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements.

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

The soft planting shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development. 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. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Reason

In the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 24 Prior to the implementation of the landscaping scheme pursuant to Condition 23, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the irrigation and maintenance of the landscaping scheme shall be carried

out in accordance with these details.

Reason

To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 25 The development shall be carried out in accordance with the approved Tree Survey and Arboricultural Impact Assessment, by Greengage dated October 2018. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason

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

- 26 Prior to the first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason

To ensure adequate maintenance of open space and in the interests of amenity of the development.

- 27 Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved traffic construction management plan.

Reason

To protect highway efficiency of movement and safety.

- 28 Prior to the first occupation of the development, improvement to the Eastern site access from Guernsey Way and closure of the Western site access from Guernsey Way, as shown in principle on approved drawing DES/050/101/B, shall be undertaken.

Reason

To protect highway efficiency of movement and safety.

- 29 Prior to the above ground development of the dwellings hereby approved, the proposed locations and detailing of the photovoltaic roof panels 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 and shall thereafter be permanently retained as such.

Reason

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

- 30 Prior to the occupation of the dwellings hereby approved, details of the electric vehicle charging points to be provided for the dwellings with on-plot parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved details and shall thereafter be permanently retained as such.

Reason

In the interests of promoting more sustainable modes of transport.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER