

Report to: Planning Committee	
Planning Committee Date: 17th October 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/01880/OUT
Description:	Outline application with all matters reserved except access, for the erection of 74 affordable residential dwellings.
Location:	Land South of Springfields Braintree
Applicant:	First Oak Partnership Ltd, C/o Agent
Agent:	Mr Rory Baker, Frazer Halls Associates, Unit A3, East Gores Farm, Salmons Lane, Coggeshall, CO6 1RZ
Date Valid:	2nd August 2023
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application REFUSED for the reasons outlined within Section 6 of this Member Update Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2523, or by e-mail: neil.jones@braintree.gov.uk

1. UPDATE REPORT

1.1 This update relates to 4 issues:

- Typographical error in Paragraph 14.2.5
- Updated consultation response from ECC Highways – removal of objection
- Clarification on Housing Land Supply – Paragraph 11.2.5
- Communications from the Applicant to Committee Members

2. Typographical error in Paragraph 14.2.5

2.1 Unfortunately the word 'not' was missing from Paragraph 14.2.5. The paragraph should read as follows:

2.2 It is considered that it has been demonstrated that the site is **not** able to accommodate the number of dwellings proposed, in a form and layout that would be appropriate for this edge of town location. The proposals would result in overdevelopment that would result in poor amenity for both future and existing residents, contrary to Policies SP7, LPP1, LPP35 and LPP52 of the Adopted Local Plan. The latter two policies are consistent with the NPPF and can be afforded full weight; and overall, the harm that would be caused to this main issue is also considered to carry significant weight against the scheme.

3. Updated consultation response from ECC Highways – removal of objection

3.1 As set out in the original report, based on the information provided with the original application, ECC Highways registered a holding objection to the application on the basis that the curved design of the continuation of the spine road from the adjacent site may result in poor forward visibility for vehicles entering and exiting it.

3.2 The Applicant subsequently produced additional information to address these concerns and having reviewed that this additional information ECC Highways have provided an updated consultation response. Their holding objection has been withdrawn. The Highway Officer confirms that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to planning conditions and obligations. The recommended planning conditions require the submission of a construction management plan, provision of the site access road between Rayne Road and the development site prior to occupation of any dwellings, and provision of residential travel packs for all new occupiers. In addition, financial contributions are sought towards improvements at the Springwood Drive/Rayne Road/ Pods Brook Road roundabout and improvements to the Flitch Way, provision of a pedestrian/cycle link between the proposed site and the Flitch Way and pedestrian connection between the site and the PROW Braintree and Bocking Footpath 108.

- 3.3 As a result of the updated consultation response, Officers recommend to Members that the third reason for refusal is withdrawn.
- 3.4 For clarity, whilst the third reason for refusal is withdrawn, Officers remain firmly of the view that when considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is refused for the proposed development.

4. Clarification on Housing Land Supply – Paragraph 11.2.5

- 4.1 Members will note that in addition to the standard text that sets out the Council's current position in respect of housing land supply, and in particular the extent of the current shortfall in housing land supply it is stated that '*It is relevant that the shortfall is relatively modest and is expected soon to be eliminated*'. Whilst the Council do consider that the current extent of the shortfall to be relatively modest, some caution should be applied regarding the elimination of the shortfall. Whilst it is true that Officers are working with developers, landowners and other bodies including Homes England to eliminate the shortfall at the current time the Council do not have the evidence to demonstrate that the shortfall will be eliminated soon.

5. Communications from the Applicant to Committee Members

- 5.1 Members will have received an e-mail from the Applicant on 27th September from the Agent. The e-mail included a covering letter the planning agent; a letter from The Home Group; a proposed site layout plan; a Design Principles document; a Computer Generated Image (CGI) providing an aerial visualisation of the proposed development. As set out within the published report the Applicant's revised plans have not been accepted by the Council and do not form part of the consideration of this application.

6. RECOMMENDATION

- 6.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined below.

Reason 1

The proposed development is located outside of any settlement boundary. In such locations, only proposals that are compatible with and appropriate to the countryside will be permitted. The proposal is not one of those forms of development and therefore represents an encroachment into the countryside and an unacceptable form of urbanisation to the detriment of local landscape character. On this basis, the proposal is contrary to the National Planning Policy Framework, Policies SP1, SP3, SP7, LPP1,

LPP42 and LPP52 of the Adopted Braintree District Local Plan (2013-2033).

Reason 2

The Applicant has not demonstrated that they can satisfactorily accommodate 74 dwellings on the application site. The indicative proposals indicate that the proposal would represent an overdevelopment of the site and would give rise to harm to existing residents in Springfields by reason of the fact that the indicative masterplan Page 262 of 368 indicates that the properties which would back onto the properties in Springfields would have a back to back distance of approximately 22m and garden depths of less than 15m which falls below adopted standards. The proposal is therefore contrary to the NPPF, Policy LPP52 of the Adopted Braintree District Local Plan (2013-2033), and the Essex Design Guide.

Reason 3

Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- On site Affordable Housing
- A financial contribution towards outdoor sport and allotments
- Provision of onsite informal and amenity open space and an outdoor equipped play area plus ongoing maintenance
- A financial contribution for the NHS to ensure that the impacts of increased demand for services can be accounted for
- A financial contribution towards early years and childcare, primary education, secondary education, and library improvements
- A financial contribution towards the Springwood Drive/ Rayne Road/Pods Brook Road roundabout improvement scheme and towards Flich Way improvements
- Refuse vehicle access
- A financial HRA contribution
- Monitoring fees for each planning obligation.

These requirements would need to be secured through a S106 planning obligation. At the time of issuing this decision no agreement or unilateral undertaking had been agreed. In the absence of securing such planning obligations the proposal is contrary to Policies SP6, LPP31, LPP50 and LPP78 of the adopted Braintree District Local Plan (2013-2033), the Open Space Supplementary Planning Document (2009) and Essex County Council Developers' Guide to Infrastructure Contributions (2020).

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER